



# Commission Agenda Report

Planning Commission  
Meeting  
05-15-23  
**Item  
5.A.**

To: Chair Smith and Members of the Planning Commission

Prepared by: Alisanne Meyers, Planning Technician

Approved by: Richard Mollica, Planning Director

Date prepared: May 4, 2023 Meeting date: May 15, 2023

Subject: Conditional Use Permit No 23-002 – An application to allow a temporary tow yard on weekends and holidays from May 27, 2023 - September 4, 2023 at the Malibu Middle and High School campus

Location: 30215 Morning View Drive, not within the appealable coastal zone

APNs: 4469-017-900 and 4469-018-903

Owner: Santa Monica-Malibu Unified School District

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 23-29 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Conditional Use Permit (CUP) No. 23-002 to permit a temporary short-term tow yard in the lower parking lot of the Malibu Middle and High School (MMHS) campus to store impounded vehicles from 8:00 AM to 7:00 PM on weekends and holidays from Memorial Day weekend through Labor Day weekend of 2023 in the Institutional Zoning District at 30215 Morning View Drive. (APNS: 4469-017-900 and 4469-018-903) (Santa Monica-Malibu Unified School District).

**DISCUSSION:** 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 Malibu Municipal Code (MMC), and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the recommended project is consistent with the MMC.

## ***Coastal Development Permit (CDP) Exemption***

The subject parcel is partially within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification

Permit and Appeal Jurisdiction Map of the City of Malibu, but the proposed use is not located in the appealable part of the site. The LCP Local Implementation Plan (LIP) Section 13.4 provides a coastal development permit exemption for certain projects which do not involve a risk of adverse environmental impact. The proposed conditional use permit will not allow for any permanent development and is consistent with LIP Section 13.4.3, "Exemption for Other Improvements." Additionally, the associated temporary structures such as the fencing and kiosk are not listed among the classes of development in LIP Section 13.4.3(B) for which a coastal development permit exemption does not apply.

## **Project Background and Description**

On March 27, 2023, the City of Malibu Public Safety Department staff submitted a request pursuant to MMC Chapter 17.66 to conditionally permit a temporary tow yard in the lower parking lot of the MMHS campus that will be operated by a Los Angeles County Sheriff Department (LASD) towing operator. The tow yard will be confined to the upper portion of the lower lot and will hold up to 31 impounded vehicles. Each day by 7:00 pm, all unclaimed vehicles will be transferred to an out-of-town location, ensuring no vehicles are held on the lot overnight. Operations are limited to weekends and holidays between May 27, 2023 and September 4, 2023 to meet the increased need for towing during the peak summer beach season. There will always be an operator on site and three drivers working during operating hours.

The City is processing this application at the request of the Public Safety Commission, who determined the necessity of a local tow yard during summer months when parking violations increase in frequency and impact public safety. During the 2022 summer season, 361 vehicles were impounded in the City and numbers this year are expected to be similar (Attachment 3 - November 14, 2022 City Council Agenda Report). Illegally parked cars threaten the public welfare and are a fire hazard. Parking violations which could result in a vehicle being impounded include:

- Abandoned Vehicle on Roadway
- Blocking Emergency Access
- Expired Registration
- Parking Within 15 Feet of a Fire Hydrant
- Parking in a Fire Lane
- Parking in a No Parking Anytime Area
- Obstructing Emergency Access Routes
- Obstructing A Roadway/Lane
- Parking in Front of Driveway
- Parking in Front of a Fire Station
- Private/Public Illegal Parking
- Parking in a Temporary No Parking Area
- Failure to Obey Signs, Curbs, or Markings

The Los Angeles County Sheriff's Department (LASD) contracts with towing companies for the removal and processing of vehicles impounded due to violations of local codes, however, the closest tow yards to Malibu are located on the valley side of the Santa

Monica Mountains. Due to this geographical constraint, tow trucks collecting unlawfully parked vehicles are unavailable to the City of Malibu, which prevents the effective enforcement of parking citations. A local temporary tow yard will increase the regulation of parking to serve residents and the public interest.

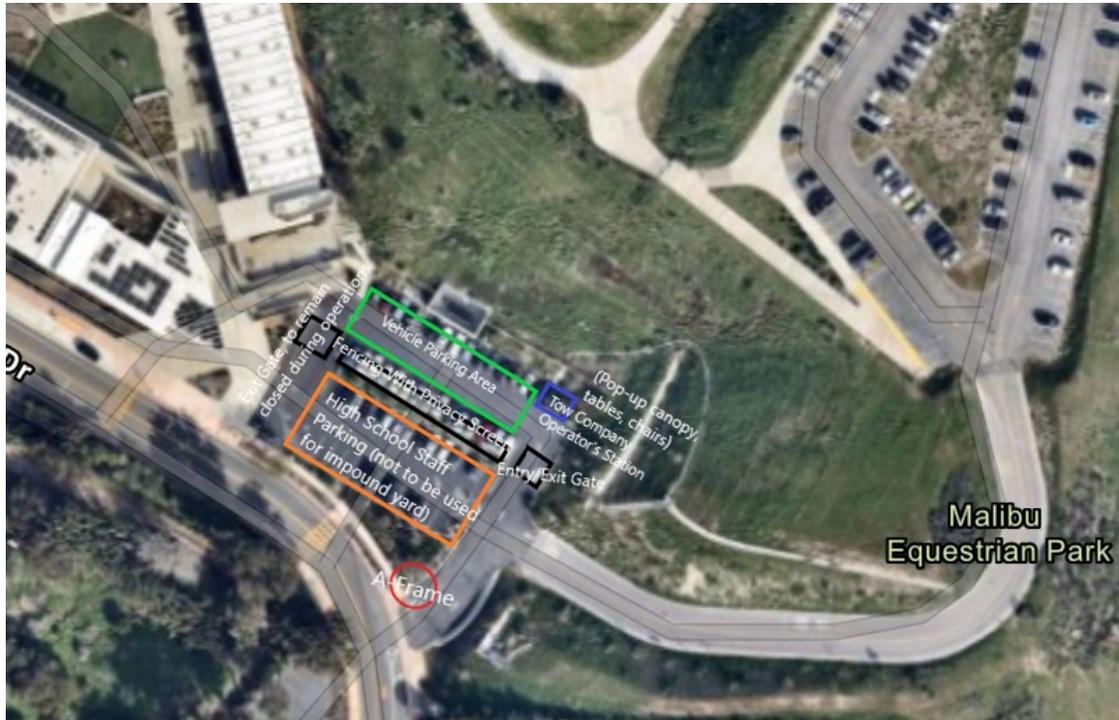
During the February 3, 2021 Regular Public Safety Commission meeting, potential locations for a temporary tow yard within City limits were discussed. Since the highest amount of parking violations are concentrated around Point Dume and Zuma Beach, it was decided that the tow yard should be located close to those areas.

Since the facility use agreement with the Santa Monica-Malibu Unified School District (SMMUSD) wasn't finalized in time for the peak season in 2022, Malibu City Council passed Urgency Ordinance No. 499U on May 9, 2022 to authorize the City-owned lot at Heathercliff and Pacific Coast Highway for a temporary tow yard use under a temporary use permit for the duration of that summer. That ordinance, and TUP 22-018, expired on October 3, 2022.

At its September 7, 2022, meeting, the Public Safety Commission discussed options regarding an impound yard for the summer months. After a lengthy discussion and reflection on past efforts, the Commission voted in favor of forming an Impound Yard Ad Hoc committee to explore sites for a permanent impound yard and a temporary impound yard for the summer of 2023.

The lower parking lot of MMHS was selected as the location for a temporary yard for the summer of 2023 because of its proximity to Morning View Drive, which will prevent truck traffic from infiltrating the campus and residential neighborhoods north of the campus. The proposed application for the summer of 2023 will allow for the operation of a short-term tow yard on the lower lot of MMHS, capable of storing up to 31 vehicles, from 8:00 AM to 7:00 PM on weekends and holidays from Memorial Day through Labor Day, operated by a LASD approved towing company. Using the lower lot for the tow yard will prevent heavy truck traffic from infiltrating the campus, which hosts occasional sporting and recreational events during the summer. The lower lot spans two parcels (APNs: 4469-017-900 and 4469-018-903).

**Figure 1: Site Plan**



Source: Malibu Public Safety Commission

## Previous Approvals

Below is a list of previous approvals and pending applications for the subject property within the past 10 years:

- On March 18, 2013, the City of Malibu approved CDP No. 10-004 and associated entitlements for the redevelopment of portions of the MMHS campus, including the interior renovation of Building E. The application was appealed to the CCC.
- On April 15, 2016, the CCC approved CDP No. A-MAL-13-030 to redevelop portions of the MMHS campus, including the interior renovation of Building E.
- Rather than renovate Building E due to existing conditions, it was determined that the building would be replaced. The CCC amended CDP No. A-MAL-13-030 to include the replacement of the building; however, a local approval was still needed.
- On May 15, 2016, the City of Malibu approved Administrative Plan Review (APR) No. 17-022 to demolish a one-story classroom (Building E).
- On July 10, 2020, the City of Malibu approved APR No. 20-019 to demolish Building D.

- On August 12, 2021, the City of Malibu approved APR No. 21-031 to demolish Building G.
- On December 17, 2021, SMMUSD submitted an application for a specific plan to redevelop portions of MMHS Campus along with a coastal development permit for Phase 1 of the Specific Plan, which includes abatement and demolition of the school facilities associated with the former Juan Cabrillo Elementary School (JCES), construction of a new two-story high school building, a lot merger, new parking areas, Environmentally Sensitive Habitat Area (ESHA) restoration, and associated development. The CDP application is still pending.
- On July 11, 2022, the City Council certified the adequacy of the EIR and approved Local Coastal Program Amendment (LCPA) No. 21-002 to implement the Specific Plan.
- On July 18, 2022, the City of Malibu approved CDP No. 22-034 to demolish the former JCES to expedite the abatement and removal of hazardous materials found onsite.
- On October 3, 2022, the City of Malibu submitted LCPA No. 21-002 to the CCC for processing. The LCPA is still pending with the CCC.
- On November 21, 2022, the City of Malibu approved Over-the-Counter (OC) No. 22-031 for a new charging station at the MMHS parking lot.

### **Property Setting and Surrounding Land Uses**

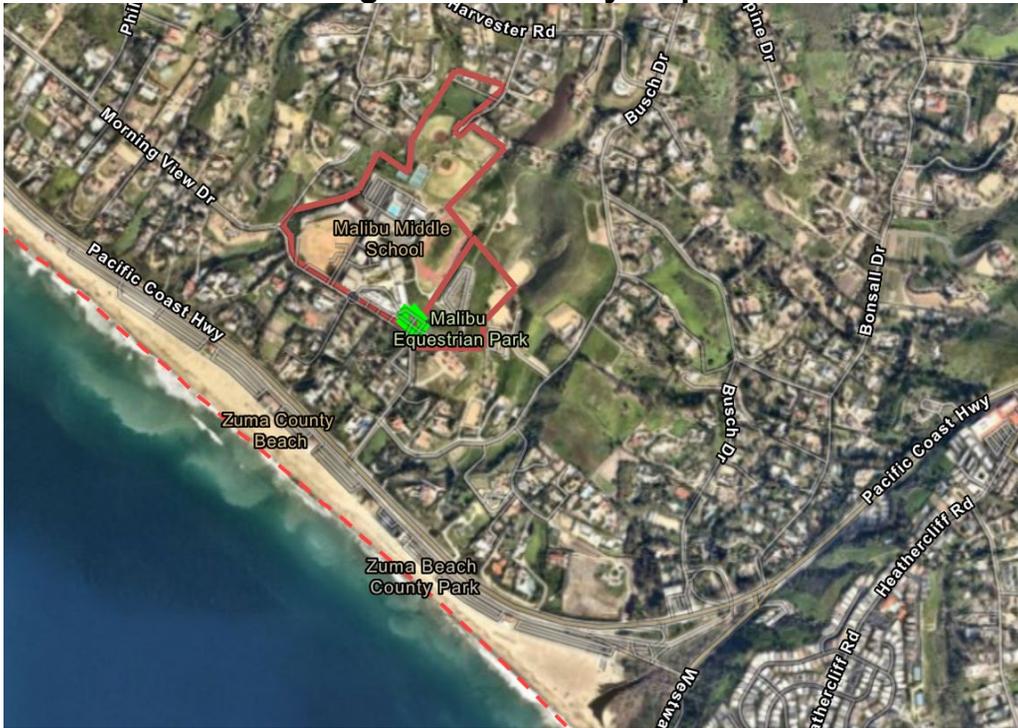
Surrounding land uses in the general vicinity of the campus include properties that are zoned Rural Residential (RR). These parcels are primarily developed with large homes on lots that range between one to two acres in size. Immediately adjacent to the proposed tow yard site to the west is the recently completed Malibu Middle School classroom building, while the Malibu Equestrian Center leases the District-owned property located to the east of the campus. The entirety of the District-owned property, including the existing campus and the equestrian center, is zoned for institutional uses. To the south, across Morning View Drive, is the Malibu United Methodist Church and Nursery School. Zuma Beach and the Pacific Coast Highway are located approximately 1,000 feet and 1,500 feet south of the proposed project site, respectively. Figure 2 shows the location of the subject parcels outlined in red and the approximate location of the parking lot proposed for the temporary tow yard outlined in green.

Figure 2 – Aerial Photograph



Source: ArcGIS 2023

**Figure 3 – Vicinity Map**



Source: ArcGIS 2023

Hours of Operation

The tow yard will operate from 8:00 a.m. to 7:00 p.m. on weekends and holidays from Memorial Day weekend through Labor Day weekend of 2023. Peak use of the MMHS campus occurs during the academic year from September to June. The proposed tow yard is not expected to intensify or conflict with the current middle and high school operations because it will operate on the weekends during the summer months when use of campus is significantly reduced.

**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. 23-002 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 17.34.030, towing and automobile storage is a conditionally permitted use in the Institutional (I) zone. The proposed use will not intensify or conflict with the MMHS operations currently permitted onsite. The project includes the temporary placement of a canopy, gates, 12-foot-high fencing outside the setback, and a table and

chairs with no outdoor lighting or permanent development proposed. The project has been designed and 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 17.34.010, the I zone is intended to accommodate public and quasi-public uses in the city. These uses include emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks, and recreational and governmental facilities. The tow yard serves the Malibu community by increasing the efficacy of parking enforcement for the benefit of the public. The proposed use will occur within an existing paved parking lot that will be sparingly used on summer weekends and holidays.

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

The proposed tow yard will operate on an existing paved parking lot that serves the MMHS staff and will be minimally used during the summer months. The proposed project has been reviewed by the appropriate City and County agencies, including the Los Angeles County Fire Department and LASD. Installation of the temporary fencing and kiosk will comply with all building/safety code requirements.

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

The proposed tow yard will be located on the MMHS campus where the peak use occurs during the academic year from September to June. As stated earlier, the tow yard will operate on the weekends during the summer months when the use of campus facilities is significantly reduced. Since the tow yard parking lot is located near Morning View Drive, traffic and circulation impacts on campus will be minimized.

Surrounding parcels are zoned Institutional or RR-2. The City of Malibu operates an equestrian center located on a plateau approximately 1,000 feet east of the proposed tow yard location. The tow yard operation is not expected to disturb the surrounding residential and equestrian areas since the entrance to the tow yard takes direct access from Morning View Drive with the limited capacity to store 31 impounded vehicles. The project will be conditioned to be compliant with Malibu's Noise Ordinance MMC Section 8.24.

*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 tow yard includes the temporary storage of impounded cars in the existing MMHS campus parking lot within the I zone. As stated earlier, the proposed use is compatible with the existing land uses onsite and in the surrounding residential area

because the use of the campus and the existing lot is significantly reduced during the summer months, does not include permanent development, and has limited operating hours. The proposed use is temporary and is not anticipated to impact future land uses within the I zone.

*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.*

There will always be an operator on-site during tow yard hours and up to three drivers per shift. No connections to the existing wastewater treatment system are proposed. No significant impacts on city services are anticipated as the goal of the use is to facilitate the City's Public Safety services. 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 the portion of the lot for tow yard operations will be secured by temporary non-mechanized gates and fencing to separate the proposed use from staff parking areas. The gates will remain open during weekdays when the tow yard is not in use for school district staff to access additional parking areas. The placement of temporary gates or fencing will not obstruct onsite traffic and circulation.

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

The temporary tow yard is a conditionally permitted use in the I zoning district. The proposed project will not change the nature of the existing permitted use. The General Plan defines the I zone as accommodating public and quasi-public uses and facilities in the City. The I zoning district allows uses that are permitted and/or conditionally permitted including but not limited to the following: emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks and recreational facilities, and governmental facilities including police and fire stations. The district establishes standards which ensure that the types of uses and development pattern maintain compatibility with nearby and adjacent residential areas.

The General Plan includes the following policy measures related to the operation of a tow yard:

**Safety (S) Policy 1.3.1:** The City shall strive to ensure uses within Malibu's Planning Area are consistent with the safety, health and welfare of the Malibu community.

**S Implementation Measure 59:** Work with the appropriate jurisdictions to ensure that highways, roads, bike paths, foot paths, and trails are free of avoidable hazards.

**S Policy 3.1.6:** The City shall provide effective and efficient law enforcement protection services.

**S Implementation Measure 92:** Periodically evaluate Los Angeles County Sheriff's services and service criteria to ensure that the City continues to receive adequate law enforcement services.

The Malibu General Plan is a policy document that contains policy measures; the specific development standards for implementing these policy measures are in the MMC. As stated earlier, the proposed tow yard is necessary to address the increased demand for towing during the summer months. Vehicles are towed for multiple reasons, which include blocking access to emergency services and the obstruction of circulation patterns and access to private property. The proposed tow yard will further the above mentioned safety policies and is consistent with the General Plan because it is necessary to maintain public health and safety.

*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 tow yard by the City's Public Safety Commission for the purpose of safely towing vehicles during the peak summer season in Malibu. 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 the addition of a use at an existing, developed property. No new development is proposed. The project will result in no new impacts 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 Temporary Use of 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 April 20, 2023, and mailed the notice to all property owners and occupants within a 500-foot radius of both subject properties (Attachment 5).

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

SUMMARY: As stated in this report, based on the materials submitted the findings can be made in support of the CUP given the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 23-29.

ATTACHMENTS:

1. Planning Commission Resolution No. 23-29
2. Project Plans
3. November 14, 2022 Council Agenda Report
4. Department Review Sheets
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 23-29

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. 23-002 TO PERMIT A TEMPORARY SHORT-TERM TOW YARD IN THE LOWER PARKING LOT OF THE MALIBU MIDDLE AND HIGH SCHOOL CAMPUS TO STORE IMPOUNDED VEHICLES FROM 8:00 AM TO 7:00 PM ON WEEKENDS AND HOLIDAYS FROM MEMORIAL DAY WEEKEND THROUGH LABOR DAY WEEKEND OF 2023 IN THE INSTITUTIONAL ZONING DISTRICT AT 30215 MORNING VIEW DRIVE (APNS: 4469-017-900 AND 4469-018-903) (SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT)

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

SECTION 1. Recitals.

A. On March 27, 2023, the City of Malibu Public Safety Department submitted Conditional Use Permit (CUP) No. 23-002 for the establishment of a temporary tow yard at the subject parcels to increase the efficacy of parking enforcement over the summer high season in the City of Malibu.

B. On April 6, the application was deemed complete.

C. On April 20, 2023, 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.

D. On May 15, 2023, 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 Temporary Use of 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. 23-002.

1. Pursuant to MMC Section 17.34.030, towing and automobile storage is a conditionally permitted use in the Institutional (I) zone. The proposed use will not intensify or conflict with the MMHS operations currently permitted onsite. The project includes the temporary placement of a canopy, gates, 12-foot-high fencing, and a table and chairs with no outdoor lighting or permanent development proposed. The project has been designed and conditioned to comply with all applicable provisions of the MMC.

2. Pursuant to MMC Section 17.34.010, the I zone is intended to accommodate public and quasi-public uses in the city. These uses include emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks, and recreational and governmental facilities. The tow yard serves the Malibu community by increasing the efficacy of parking enforcement for the benefit of the public. The proposed use will occur within an existing paved parking lot that will be sparingly used on summer weekends and holidays.

3. The proposed tow yard will operate on an existing paved parking lot that serves the MMHS staff and will be minimally used during the summer months. The proposed project has been reviewed by the appropriate City and County agencies, including the Los Angeles County Fire Department and LASD. Installation of the temporary fencing and kiosk will comply with all building/safety code requirements.

4. The proposed tow yard will be located on the MMHS campus where the peak use occurs during the academic year from September to June. As stated earlier, the tow yard will operate on the weekends during the summer months when the use of campus facilities is significantly reduced. Since the tow yard parking lot is located near Morning View Drive, traffic and circulation impacts on campus will be minimized.

Surrounding parcels are zoned Institutional or RR-2. The City of Malibu operates an equestrian center located on a plateau approximately 1,000 feet east of the proposed tow yard location. The tow yard operation is not expected to disturb the surrounding residential and equestrian areas since the entrance to the tow yard takes direct access from Morning View Drive with the limited capacity to store 31 impounded vehicles. The project will be conditioned to be compliant with Malibu's Noise Ordinance MMC Section 8.24.

5. The proposed tow yard includes the temporary storage of impounded cars in the existing MMHS campus parking lot within the I zone. As stated earlier, the proposed use is compatible with the existing land uses onsite and in the surrounding residential area because the use of the campus and the existing lot is significantly reduced during the summer months, does not include permanent development, and has limited operating hours. The proposed use is temporary and is not anticipated to impact future land uses within the I zone.

6. There will always be an operator on-site during tow yard hours and up to three drivers working a shift. No connections to the existing wastewater treatment system are proposed. No significant impacts on city services are anticipated as the goal of the use is to facilitate the City's Public Services. Therefore, the proposed project will not affect solar access or impact existing public and private views.

7. The entrance to the portion of the lot for tow yard operations will be secured by temporary non-mechanized gates and fencing to separate the proposed use from staff parking

areas. The gates will remain open during weekdays when the tow yard is not in use for staff to access additional parking areas. The placement of temporary gates or fencing will not obstruct onsite traffic and circulation.

8. The temporary tow yard is a conditionally permitted use in the I zoning district. The proposed project will not change the nature of the existing permitted use. The General Plan defines the I zone as accommodating public and quasi-public uses and facilities in the City. The I zoning district allows uses that are permitted and/or conditionally permitted including but not limited to the following: emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks and recreational facilities, and governmental facilities including police and fire stations. The district establishes standards which ensure that the types of uses and development pattern maintain compatibility with nearby and adjacent residential areas.

The General Plan includes the following policy measures related to the operation of a tow yard:

**Safety (S) Policy 1.3.1:** The City shall strive to ensure uses within Malibu's Planning Area are consistent with the safety, health and welfare of the Malibu community.

**S Implementation Measure 59:** Work with the appropriate jurisdictions to ensure that highways, roads, bike paths, foot paths, and trails are free of avoidable hazards.

**S Policy 3.1.6:** The City shall provide effective and efficient law enforcement protection services.

**S Implementation Measure 92:** Periodically evaluate Los Angeles County Sheriff's services and service criteria to ensure that the City continues to receive adequate law enforcement services.

The Malibu General Plan is a policy document that contains policy measures; the specific development standards for implementing these policy measures are in the MMC. As stated earlier, the proposed tow yard is necessary to address the increased demand for towing during the summer months. Vehicles are towed for multiple reasons, which include blocking access to emergency services and the obstruction of circulation patterns and access to private property. The proposed tow yard is consistent with the General Plan because it is necessary to maintain public health and safety.

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 tow yard by the City's Public Safety Commission for the purpose of safely towing vehicles during the peak summer season in Malibu. 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 the addition of a use at an existing, developed property. No new

development is proposed. The project will result in 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. 23-002 subject to the following conditions.

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 temporary short-term tow yard on the lower parking lot of Malibu Middle and High School campus to store up to 31 impounded vehicles from 8:00 AM to 7:00 PM on weekends and holidays from Memorial Day weekend through Labor Day weekend of 2023.

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

- a) Temporary fencing and non-mechanized gates to separate towing operations from high school staff parking
  - b) Kiosk and table and chairs for site operator
  - c) Temporary a-frame signage
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 **April 6, 2023**. 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 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 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.

6. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
7. 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.
8. 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.
9. 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 or the placement of temporary structures.
10. The property owner shall comply with all provisions of the MMC and LIP.

*Site Specific Conditions*

11. The temporary tow yard requires a temporary use permit for any operations outside of the times set forth in this application – weekends and holidays from 8:00 am to 7:00 pm, May 27 – September 4, 2023.
12. All noise shall be subject to the MMC Section 8.24 Noise Ordinance. Violation of the Noise Ordinance shall be cause for revocation of the permit and may result in denial of any Temporary Use Permits requested for the subject property in the future. If any agent of the City requests that the noise level be reduced, applicant shall ensure immediate compliance.
13. Drip pans will be placed under leaky vehicles to prevent liquid from discharging onto the parking lot surface.
14. The temporary tow yard shall be operated solely by the City of Malibu Public Safety Department and its partners.
15. “No smoking” signs shall be posted at the entrance of the parking lot that shall be approved by the Planning Director.
16. Any vehicles remaining in the tow yard will be taken off site at the end of each day by 7:00 pm.
17. No exterior lighting is permitted. Any exterior lighting would require additional planning review to comply with all provisions of the Malibu Dark Sky Ordinance and be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view.

18. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.
19. An operator shall be onsite at all times.
20. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right-of-way without required prior approval and permits from the City of Malibu Public Works Department. Any issued Public Works permits shall be maintained on site and presented on request of any City employee or agent prior to installation of any new sign.
21. No signs shall be placed in the Caltrans right of way unless all required encroachment permits are first obtained from Caltrans. No signs shall be placed in the public right of way without required City of Malibu encroachment permits.
22. All signs and temporary improvements placed in conjunction with the conditionally permitted use shall be removed by no later than 8:00 pm on September 5, 2023.
23. Applicant shall ensure that traffic does not back up from the site onto Morning View Drive and shall ensure that vehicular sounds do not disturb the peace of residents or tenants in the surrounding area.
24. 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.
25. The project site shall be left clean and free of litter and debris. The premises shall be returned to their pre-existing conditions. All generated recyclables, trash, and associated litter must be picked up and removed by termination of the conditional use permit.

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

PASSED, APPROVED AND ADOPTED this 15<sup>h</sup> day of May 2023.

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DENNIS R. SMITH Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

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 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall or by calling (310) 456-2489, extension 275.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 23-29 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 15<sup>th</sup> day of May 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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REBECCA EVANS, Recording Secretary

School

Morning View Dr

Exit Gate, to remain closed during operation

Fencing with Privacy Screen

High School Staff parking (not to be used for impound yard)

A-Frame

Vehicle Parking Area

(Pop-up canopy, tables, chairs)  
Tow Company  
Operator's Station

Entry/Exit Gate

Malibu Equestrian Park



# Council Agenda Report

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

Prepared by: Richard Mollica, Planning Director

Approved by: Steve McClary, City Manager

Date prepared: October 25, 2022 Meeting date: November 14, 2022

Subject: Report on the Use of the Temporary Day-Use Impound Yard

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**RECOMMENDED ACTION:** Receive and file a report on the use of the Temporary Day-Use Impound Yard.

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

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023.

**DISCUSSION:** In April 2022, the Council directed staff to prepare an Urgency Ordinance to allow for a temporary sheriff sanctioned day-use impound yard at the City-owned property at 29136 Pacific Coast Highway (PCH). On May 9, 2022, the City Council adopted Urgency Ordinance No. 499U to allow for a temporary sheriff sanctioned day-use impound yard used exclusively for daytime storage of towed cars at a City-owned lot located at 29136 PCH.

## **Background**

At its March 5, 2022, meeting, the Public Safety Commission discussed options regarding a temporary day-use impound yard for the summer months. After a lengthy discussion and reflection on past efforts, the Commission voted in favor of recommending to the City Council that the undeveloped property at Heathercliff and PCH be used as a temporary site.

On April 25, 2022, the Council discussed the Public Safety Commission's recommendation and directed staff to prepare an Urgency Ordinance to allow for a

temporary day-use impound yard at the City-owned lot at Heathercliff and PCH (29136 Pacific Coast Highway).

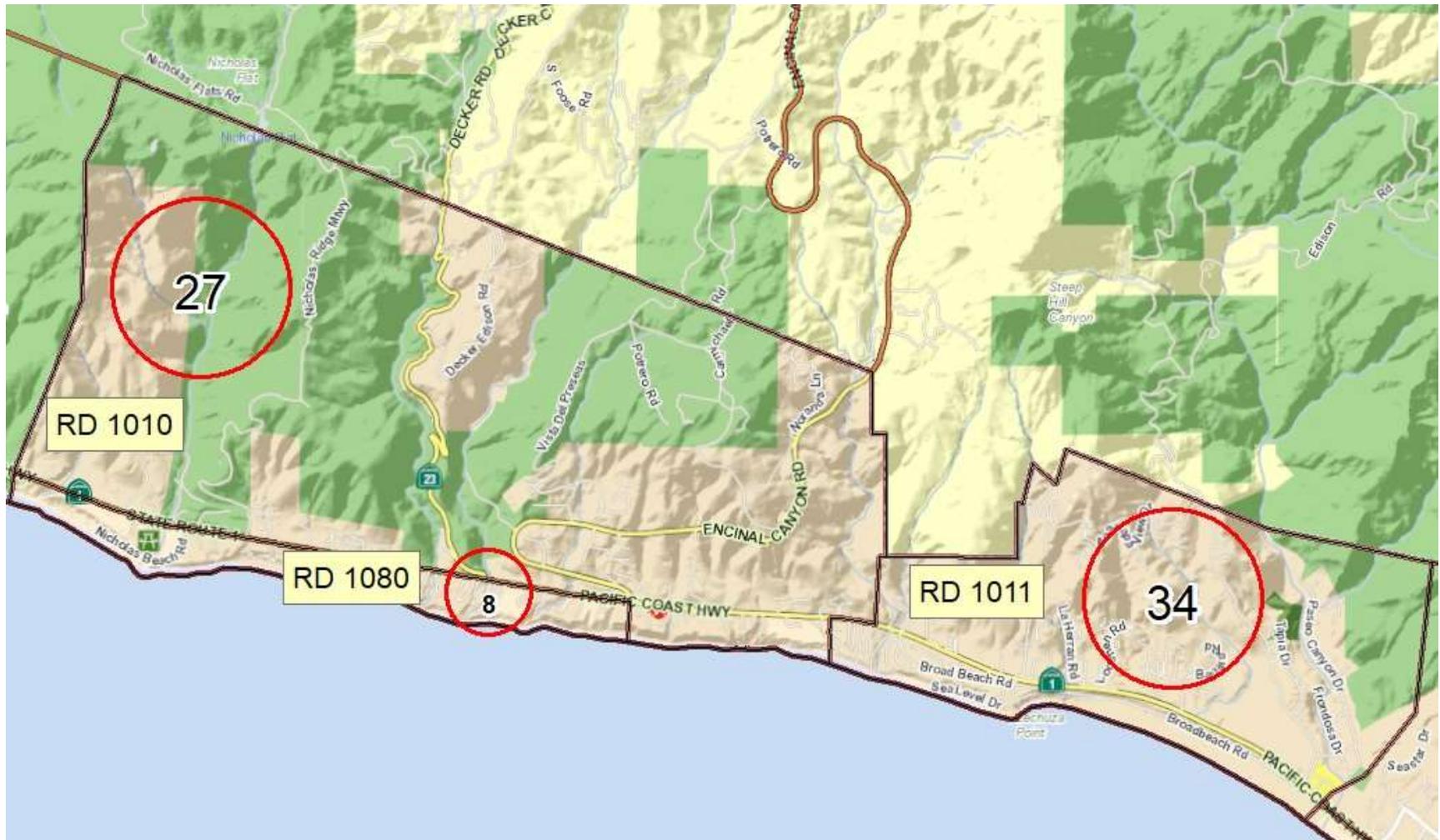
On May 9, 2022, the Council adopted Urgency Ordinance No. 499U to allow for a temporary day-use sheriff sanctioned impound yard used exclusively for daytime storage of towed cars at a City-owned lot located at 29136 PCH. As required by Urgency Ordinance No. 499U, a Temporary Use Permit (TUP) No. 22-018 was issued on May 25, 2022, to allow for the temporary impound yard to operate from June 18, 2022, to October 3, 2022. As permitted, the temporary impound yard operated during the daytime hours only. Unretrieved vehicles were removed from the site by 7:00 PM daily and transferred to an out-of-town location.

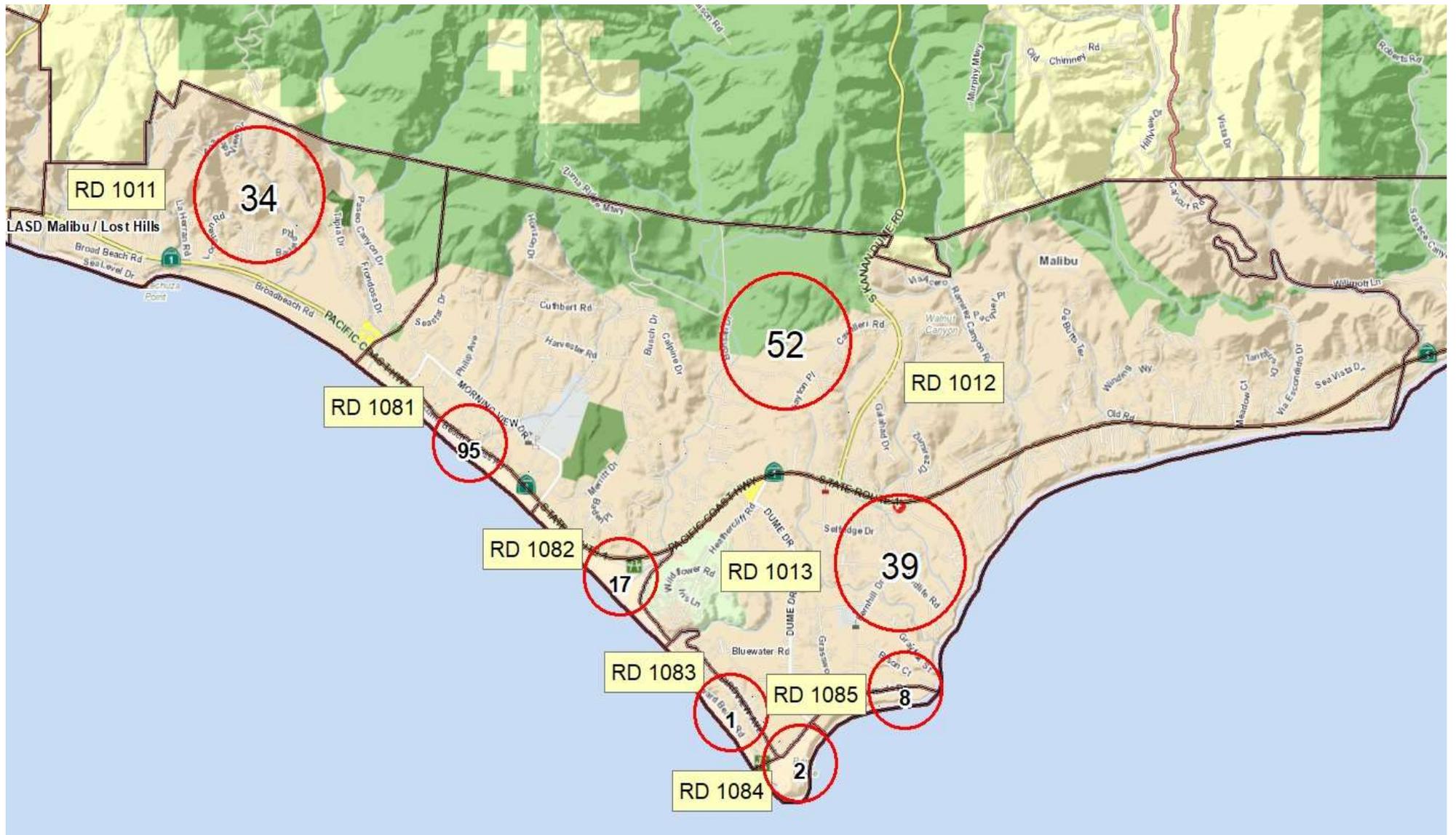
Although the temporary impound yard was scheduled to be utilized through October 3, 2022, operations ceased on September 5, 2022 once the Los Angeles County Sheriff Department's Beach Team was no longer active. A total of 361 vehicles were towed to the temporary day-use impound yard between June 18 through September 5, 2022. During this period, 30 vehicles were left unclaimed by the time operations ceased at 7:00 PM and transferred to the out-of-own location, ensuring that no vehicles were left overnight on the property. The highest recorded number of vehicles towed were on holiday weekends, including Fourth of July weekend and Labor Day weekend. The total number of vehicles towed is included as Attachment 1. The Attachment references the dates "May 30 to September 5, 2022," which reflects the period of operation of Los Angeles County Sheriff Department's Beach team. However, the total number of vehicles towed is reflective of the temporary impound yard operation between June 18 through September 5, 2022.

Staff is now working on a plan for next summer. While the high school was not an option for a temporary impound yard this past summer, a Santa Monica-Malibu Unified School District (SMUSD) representative recently indicated that the upper parking lot at the high school should be available for this use next summer. Staff has prepared a proposal for a temporary impound yard and submitted it to SMUSD on October 21, 2022 and is waiting for confirmation.

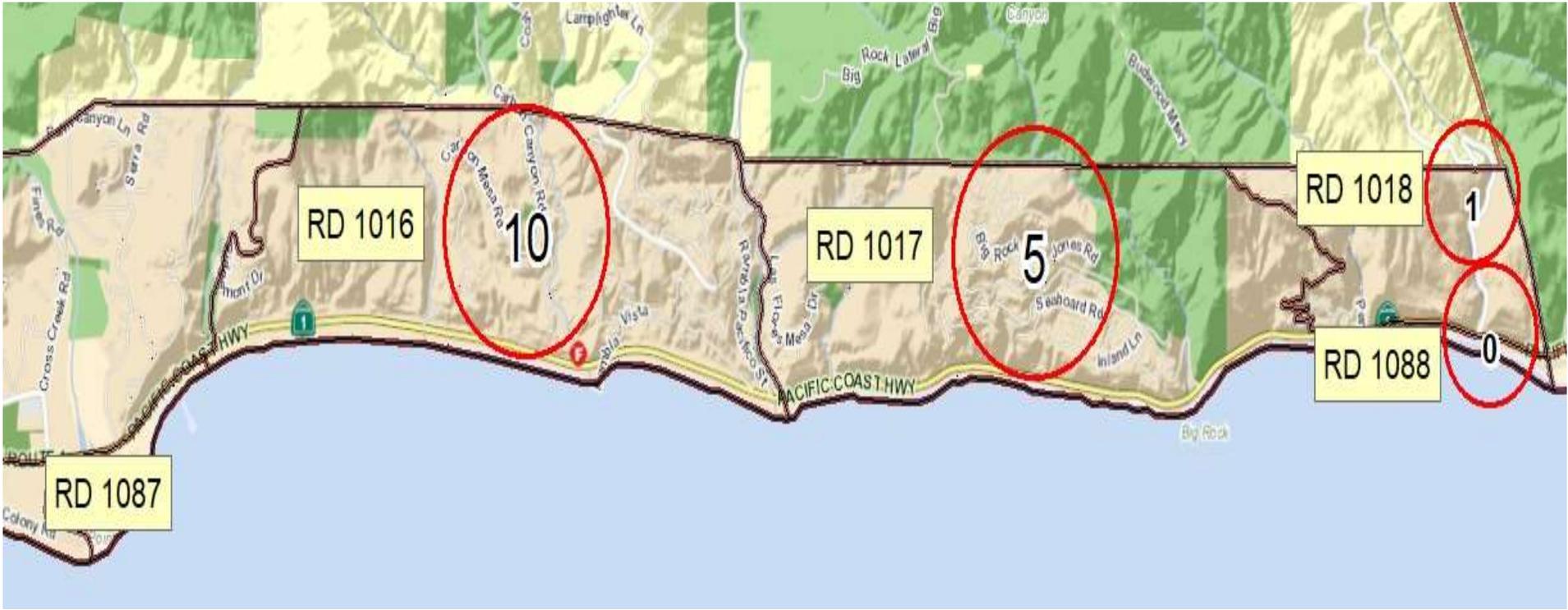
ATTACHMENTS: Temporary Day-Use Impound Yard Storage Numbers

# MALIBU/LOST HILLS STATION – Tows by RD in City of Malibu May 30, 2022 to September 5, 2022











# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650  
[www.malibucity.org](http://www.malibucity.org)

## CONDITIONAL USE PERMIT REFERRAL SHEET

TO: Los Angeles County Sheriff - Malibu Lost Hills Station

FROM: City of Malibu Planning Department

DATE: 03/27/2023

PROJECT NUMBER: CUP 23-002

JOB ADDRESS: 30215 MORNING VIEW DR

APPLICANT / CONTACT: Luis Flores, lflores@malibucity.org

APPLICANT ADDRESS: 23825 Stuart Ranch Rd, Malibu, CA 90265

APPLICANT PHONE #: (310) 456-2489 ext. 236

APPLICANT FAX #:

PROJECT DESCRIPTION: Temporary tow yard on weekends from May 27 - September 4

This Approval Form (including detailed project description and plans) will be forwarded to:

<sup>(RETIRED)</sup>  
Deputy ~~John Peck~~ **BRIAN KNOTT**  
27050 Agoura Road, Calabasas, CA 91302  
(818) 878-1808 ~~5559~~ Fax (818) 880-5209

~~Hours: Monday - Thursday 9:00 a.m. - 5:00 p.m.~~

BKNOTT@LASD.ORG

Planning Staff to send review packet to mrwoodar@lasd.org. (RETIRED)

Separate applications and fees may be required by the Sheriff's Department. A CUP will not be issued until this form, signed by an authorized member of this agency, has been returned to the City of Malibu. Any conditions imposed by this agency will be included in the CUP.

Approved  Denied (reasons below) Conditions imposed:  No  Yes (see below)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>Deputy KNOTT</u>	<u>3/28/23</u>
NAME	DATE
	<u>DSB</u>
SIGNATURE	TITLE



# FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department

FROM: City of Malibu Planning Department

DATE: 03/27/2023

PROJECT NUMBER: CUP 23-002

JOB ADDRESS: 30215 MORNING VIEW DR & APN: 4469-018-903

APPLICANT / CONTACT: Luis Flores, lflores@malibucity.org

APPLICANT ADDRESS: 23825 Stuart Ranch Rd. Malibu, CA 90265

APPLICANT PHONE #:

APPLICANT FAX #:

PROJECT DESCRIPTION: Temporary tow yard on weekends from May 27 - September 4

TO: Malibu Planning Department and/or Applicant

FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

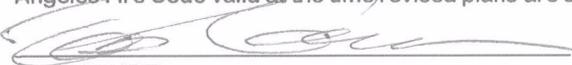
The project DOES require Fire Department Plan Review and Developer Fee payment	_____
The project DOES NOT require Fire Department Plan Review	_____
The required fire flow for this project is _____ gallons per minute at 20 pounds per square inch for a 1 hour duration. (Provide flow information from the water dept.)	_____
The project is required to have an interior automatic fire sprinkler system.	_____
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	_____

Conditions below marked "not approved" shall be corrected on the site plan and resubmitted for Fire Department approval.

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	<input checked="" type="checkbox"/>	_____
Required and/or proposed Fire Department Vehicular Turnaround	<input checked="" type="checkbox"/>	_____
Required 5 foot wide Fire Department Walking Access (including grade %)	<input checked="" type="checkbox"/>	_____
Width of proposed driveway/access roadway gates	<input checked="" type="checkbox"/>	_____

\*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

\*\*Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

 \_\_\_\_\_ DATE: 3-29-23

Additional requirements/conditions may be imposed upon review of complete architectural plans.  
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter:  
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday - Thursday between 7:00 AM and 11:00 AM



City Of Malibu  
 23825 Stuart Ranch Road  
 Malibu, CA 90265  
 Phone (310) 456-2489  
 www.malibucity.org

**PLANNING DEPARTMENT**  
**NOTICE OF PUBLIC HEARING**



**NOTICE OF PUBLIC HEARING**

The Malibu Planning Commission will hold a public hearing on **Monday, May 15, 2023, at 6:30 p.m.** for the project identified below which will be held via teleconference only in order to reduce the risk of spreading COVID-19 pursuant to AB 361.

**CONDITIONAL USE PERMIT NO. 23-002** - An application to permit a temporary, short-term tow yard use on the lower parking lot of the Malibu Middle and High School campus to store impounded vehicles from 8 am to 7 pm on weekends and holidays from Memorial Day weekend through Labor Day weekend of 2023, including temporary gates, fencing, signage, kiosk and portable restroom; no outdoor lighting is included in this application

**LOCATION / APN / ZONING:** 30215 Morning View Dr / 4469-017-900 / Institutional (I)  
**APPLICANT / OWNER(S):** City of Malibu / Santa Monica-Malibu Unified School District  
**APPEALABLE TO:** City Council  
**ENVIRONMENTAL REVIEW:** Categorical Exemption CEQA Guidelines Section 15304(e)  
**APPLICATION FILED:** March 2, 2023  
**CASE PLANNER:** Alisanne Meyers, Planning Technician, Ameyers@malibucity.org  
 (310) 456-2489, ext. 264

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 or by contacting the Case Planner. 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. To view or sign up to speak during the meeting, visit [www.malibucity.org/virtualmeeting](http://www.malibucity.org/virtualmeeting).

**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](http://www.malibucity.org/planningforms) or in person at City Hall, or by calling (310) 456-2489, extension 245.

RICHARD MOLLICA, Planning Director

Date: April 20, 2023