

**CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-13**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU
RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT
AMENDMENT NO. 15-004, ADDING SECTION 17.48.070 (PARKING LOT SAFETY
STANDARDS) TO CHAPTER 17.48 (OFF STREET PARKING AND LOADING
REQUIREMENTS) OF THE MALIBU MUNICIPAL CODE TO ESTABLISH NEW
DEVELOPMENT STANDARDS FOR NEW AND EXISTING PARKING LOTS
CITYWIDE**

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

Section 1. Recitals.

- A. On November 9, 2015, the City Council adopted Resolution No. 15-67 to: 1) initiate Zoning Text Amendment (ZTA) No. 15-004 to add language in Title 17 (Zoning) of the Malibu Municipal Code (MMC), to establish parking lot safety standards; and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA, and provide a recommendation to the Council whether to approve, modify, or reject the amendment.
- B. On December 14, 2015, the Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) met to discuss the proposed amendments to the MMC and recommended that staff prepare an ordinance that, at a minimum, accomplishes the following goals and objectives: 1) Parking areas adjacent to outdoor pedestrian seating areas should be within the scope of what would be regulated; 2) all parking stalls, existing and proposed, that are adjacent to outdoor pedestrian seating areas, shall provide vehicle impact protection devices in order to prevent automobiles from encroaching into these pedestrian areas; 3) all approved vehicle impact protection devices should meet the ASTM-F3016 performance standard for low-speed crash impact resistance; 3) the ordinance should be drafted so that property owners may have discretion as to what type of protective devices might be employed so long as the device manufacturer or the applicant's structural engineer and the City can confirm that the ASTM performance standard can be met; 4) the ordinance should apply to existing as well as proposed parking lots and should have an amortization schedule providing owners of existing parking lots ample time to bring their properties into conformance with the provisions of this ordinance.
- C. On January 7, 2016, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu.
- D. On February 1, 2016, the Planning Commission held a duly noticed public hearing on ZTA No. 15-004, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

Section 2. Environmental Review.

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

Section 3. Zoning Text Amendment Findings.

Pursuant to MMC section 17.74.040, the Planning Commission hereby makes the following findings and recommends to the City Council that the MMC be amended as stated in Section 4 of this ordinance.

- A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement and preserve Malibu's natural and cultural resources.
- B. The Planning Commission held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

Section 4. Zoning Text Amendment No. 15-004.

Section 17.48.070, "Parking Lot Safety Standards", is hereby added to Chapter 17.48 (Off Street Parking and Loading Requirements) of Title 17 (Zoning) of the MMC to read as follows:

17.48.070. Parking Lot Safety Standards

A. Definitions. Notwithstanding the provisions of Section [17.02.060](#) of this Title, for the purposes of this chapter, the following words and phrases are defined as follows:

“Outdoor Pedestrian Seating Area” means any area where outdoor seating for dining, resting, or other purposes of congregation, is provided for shopping center employees or patrons. Outdoor Pedestrian Seating Areas shall include areas such as fountains and concrete benches or sculpture which may not be intended for outdoor seating purposes but which are or foreseeably will be utilized for purposes of seating or congregation.

“Vehicle Impact Protection Device” means a device that is designed, engineered, and sited so as to effectively separate areas of pedestrian and vehicular travel and prevent automobiles from encroaching into areas which are solely intended for pedestrian use and travel; vehicle impact protection devices may be comprised of either bollards or barriers.

“Bollard” means a vertical post designed and used to obstruct the passage of motor vehicles and separate pedestrian and vehicular traffic.

“Barrier” means an object, natural or man-made, other than a bollard, which is used to obstruct the

passage of motor vehicles and separate pedestrian and vehicular traffic.

B. **Vehicle Impact Protection Devices Required.** Vehicle impact protection devices, as defined in this section, shall be required adjacent to parking spaces that are angled between thirty (30) to ninety (90) degrees relative to any adjacent outdoor pedestrian seating area.

C. **Exemptions.** The installation of vehicle impact protection devices shall not be required in the locations specified in (B) above if:

1. The parking spaces that require vehicle impact protection devices are reconfigured or restriped to eliminate front-end parking angled between thirty (30) to ninety (90) degrees relative to the adjacent outdoor pedestrian seating area;

2. The outdoor pedestrian seating area is permanently removed or relocated so that it is no longer adjacent to parking spaces that are angled between thirty (30) to ninety (90) degrees relative to the adjacent outdoor pedestrian seating area.

3. In the opinion of the building official, adequate grade separation exists between the parking lot and the outdoor pedestrian seating area requiring protection; however, in no event shall the grade separation be less than thirty-six (36) inches, nor shall the area of grade separation be comprised of a non-vertical wall, a ramp or stairs.

D. **Exceptions.** This section shall not apply to bollards or barriers which are voluntarily installed and maintained and which are not required by subsection (B.) above.

E. **Performance Standard.** All vehicle impact protection devices shall be engineered and determined to be in compliance with the low-speed vehicle impact testing standards prescribed by ASTM F3016. Compliance with ASTM F3016 shall be confirmed and certified by a bollard manufacturer or structural engineer and reviewed for conformance by the building official.

F. **Specifications for Vehicle Impact Protection Devices.** Vehicle impact protection devices may take the form of bollards, concrete or steel planter boxes, or other barriers, as provided below:

1. **Location.** Vehicle Impact Protection Devices shall be located between the building parking space and the outdoor pedestrian seating area to be protected.

2. **Spacing.**

a. **Bollards shall:**

i. Be spaced so that two (2) bollards are provided for each parking space required to have the device.

ii. Be centered within the width of the parking space and spaced between forty-eight (48) inches and fifty-four (54) inches apart from one another as measured from the outer perimeter of each bollard.

b. **Barriers shall:**

i. Be designed and located so as to provide protection that is equivalent or superior

to that provided by bollards. Barriers shall not have openings or gaps that exceed fifty-four (54) inches in width; alternatively, barriers may be located or designed in such a manner as to assure adequate protection for the adjacent outdoor pedestrian seating area that is to be protected (Example: Staggered barriers located between a parking space and an outdoor pedestrian seating area).

- ii. Be set with the top of the barrier not less than three (3) feet in height as measured from adjacent finished grade along the perimeter of the barrier.

3. Design.

a. Bollards shall be set with the top of the device not less than three (3) feet and not greater than four (4) feet in height as measured from finished grade adjacent to the perimeter of the bollard.

b. Barriers shall be set with the top of the device not less than three (3) feet in height as measured from finished grade adjacent to the perimeter of the barrier.

c. All vehicle impact protection devices shall be:

i. Vertical relative to grade.

ii. Stainless steel, earth tone colored, black, grey, bronze, a concrete finish or another color determined to be appropriate by the Planning Commission or Planning Director, as applicable. Yellow, orange, or red vehicle impact protection devices shall not be allowed unless strictly required for safety purposes by the Fire Code or other state or federal law.

4. Installation and Maintenance. All vehicle impact protection devices shall be:

a. Maintained, to prevent visible rust, corrosion or damage. Use and replacement of protective or decorative sleeves as bollard covers shall be allowed consistent with all provisions in this section.

b. Installed in a manner consistent with building code requirements.

G. Sign Poles Located Within or Adjacent to Parking Spaces. Any sign pole which is taller than thirty-six (36) inches in height and which is located within five feet of any parking space that is angled between thirty (30) to ninety (90) degrees relative to any adjacent pedestrian area of congregation or travel, shall be mounted on a pole that is mounted or affixed to a vehicle impact protection device. The bollard, pole and sign shall be centered within the parking stall in which it is located or adjacent to.

H. Conflicts with other Laws. In the event the terms of this section or its application to a particular parking lot would cause a parking lot not to comply with a provision of federal or state law or another provision of the Municipal Code, the provisions of this section shall be applied in a manner intended to carry out the provisions of both federal and state law, other provisions of this code and the requirements of this section to the maximum extent feasible. When there is an irreconcilable conflict between the provisions of this section and the provisions of federal or state law or the provisions of this code, the provisions of federal or state law or the other provisions of this code shall prevail over the provisions contained in this section only to the extent necessary to avoid a violation of those other laws or code provisions.

I. Minor Adjustments. The Planning Commission may approve minor modifications to the vehicle impact protection standards contained in this section to accommodate for the location of above-ground or

underground utilities or other existing or planned features of the development, provided the modifications achieve protections which are functionally equivalent to those intended by this section; the Planning Director shall have the same discretion and authority to modify the vehicle impact protection standards herein for administrative permit applications.

J. Amortization Period. Notwithstanding the provisions in Chapter 17.60 (Nonconforming Structures and Uses) of this Title and (H) of this section, a property owner shall be provided eighteen (18) months from the effective date of this ordinance to comply with the requirements of this section 17.48.070.

Section 5. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 1st day of February, 2016

ROOHI STACK, Planning Commission Chair

ATTEST:

KATLEEN STECKO, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-13 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 1st day of February 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHLEEN STECKO, Recording Secretary