

Malibu City Council
Zoning Ordinance Revisions and
Code Enforcement Subcommittee (ZORACES)
Special Meeting Agenda

Tuesday, September 27, 2016

4:00 P.M.

City Hall – Zuma Room
23825 Stuart Ranch Road

Mayor Pro Tem Skylar Peak
Councilmember Laura Rosenthal

Call to Order

Approval of Agenda

Report on Posting of the Agenda – September 23, 2016

Public Comment *This is the time for the public to comment on any items not appearing on this agenda. Each public speaker shall be allowed up to three (3) minutes for comments. The Subcommittee may not discuss or act on any matter not specifically identified on this agenda, pursuant to the Ralph M. Brown Act.*

Discussion Items

1. Zoning Text Amendment No. 16-002 to Allow Valet Parking Lots Serving Hotels, Motels, and Bed and Breakfast Inns Located in the CV-1 and CV-2 Zoning Districts (continued from August 9, 2016)

Recommended action: Consider the analysis presented by staff in response to input received at the August 9, 2016 ZORACES meeting regarding the proposed amendments to the Malibu Municipal Code (MMC) allowing the use of valet parking lots for hotels, motels, and bed and breakfast inns located in the Commercial Visitor Serving-One (CV-1) and Commercial Visitor Serving-Two (CV-2) zoning districts.

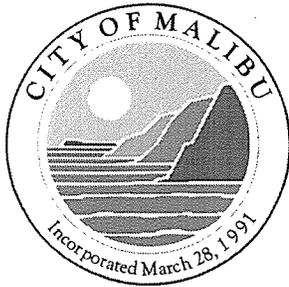
Staff contact: Contract Planner Janowicz, 310-456-2489, ext. 345

Adjournment

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated September 23, 2016.



Mary Linden, Executive Assistant



Zoning Ordinance
Revisions & Code
Enforcement
Subcommittee Meeting
09-27-16

Item 1

Zoning Ordinance Revisions and Code Enforcement Subcommittee Agenda Report

To: Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) Members Peak and Rosenthal

Prepared by: Jasch Janowicz, Contract Planner

Approved by: Bonnie Blue, Planning Director *a.j. for*

Date prepared: September 22, 2016 **Meeting date:** September 27, 2016

Subject: Zoning Text Amendment No. 16-002 to Allow Valet Parking Lots Serving Hotels, Motels, and Bed and Breakfast Inns Located in the CV-1 and CV-2 Zoning Districts (Continued from August 9, 2016)

RECOMMENDED ACTION: Consider the analysis presented by staff in response to input received at the August 9, 2016 ZORACES meeting regarding the proposed amendments to the Malibu Municipal Code (MMC) allowing the use of valet parking lots for hotels, motels, and bed and breakfast inns located in the Commercial Visitor Serving-One (CV-1) and Commercial Visitor Serving-Two (CV-2) zoning districts.

DISCUSSION: On August 9, 2016, staff presented to ZORACES a preliminary proposal to amend the City's existing zoning code to allow the establishment of offsite valet parking lots to serve hotels, motels, and bed and breakfast inns located in the CV-1 and CV-2 zoning districts.

After staff's presentation, members of the general public, followed by ZORACES, were given the opportunity to comment on the proposed zone text amendment. ZORACES members reiterated the comments made by members of the public and recommended staff complete additional research.

Provided below is staff's analysis responding to requests from the Subcommittee. Each ZORACES comment is provided in *italics*, followed by staff's response. The text of the updated ordinance begins on page 4 of this report.

Item 1. Consider increasing the allowable distance separating the offsite valet parking lot from the proposed offsite valet parking lot. Limiting the offsite lots to within 1,000 feet may be too limiting. Provide a summary of the approach taken in other jurisdictions.

Staff completed a review of offsite and valet parking regulations adopted for other cities in Southern California. In summary, offsite parking lots (non-valet) are typically required to be within a specific distance from the primary use they are intended to serve. The distances range from directly adjacent to the proposed use to within 750 feet of the primary use. In contrast, the establishment of offsite valet parking lots or shared parking “districts” typically do not have locational constraints but require discretionary approval of a conditional use permit and preparation of a parking study/program. Therefore, staff recommends eliminating the currently proposed locational limitation for offsite valet parking within 1,000 feet of the primary use if a valet shuttle operational plan is provided. The unique operational aspects of locating an offsite parking lot further from the use it is intended to serve would be addressed as part of the valet shuttle operational plan. For consideration, revisions to the zoning text amendment have been included in MMC Section 17.48.080(B)(1)(d).

Item 2. Provide a summary of the valet parking space dimensions required in other cities with offsite valet parking programs. ZORACES expressed a desire to potentially require full size parking spaces (9 feet x 20 feet) within all valet parking spots.

Staff completed a review of valet parking space size standards, which are summarized in Table 1 (Attachment 1). Some cities allow valet parking areas to have reduced parking space sizes, tandem parking spaces, or other parking configurations designed to maximize the efficiency of parking lot operations. These alternative parking space dimensions and/or configurations require review and approval on a case-by-case basis as part of a conditional use permit (or an equivalent level of discretionary review). Alternatively, some cities require compliance with the standard parking space dimensions for both onsite and offsite valet parking operations. The rationale for requiring compliance with standard parking space dimensions in valet parking lots is to minimize damage to vehicles when doors are opened and closed. Staff recommends maintaining the currently proposed minimum parking space size requirements for offsite valet parking lots (7.5 feet by 15 feet) and including additional text to require that 50 percent of valet parking spaces be designed consistent with the City of Malibu’s standard parking space dimension of 9 feet x 20 feet. For consideration, revisions to the zoning text amendment have been included in MMC Section 17.48.080(E)(3).

Item 3. Provide a summary of any pre-existing public parking restrictions applicable to properties located in and around the Malibu Beach Inn property (22761 PCH, 22821 PCH, 22809 PCH, 22917 PCH), which may create conflicts with the Coastal Commission mandate of maintaining public access to the coast.

Staff obtained a copy of the coastal development permit conditions of approval for the property located at 22761 Pacific Coast Highway (Permit No. 5-89-013 – Attachment 2). This property contains a commercial office building with 114 subterranean parking spaces. A special condition applies to this property, which required the review and approval of a parking management program to allow maximum feasible public use of the parking lot for beach parking on weekends and holidays. Staff is aware that this requirement to provide public beach parking within existing parking lots during non-peak hour usage may exist on other properties within the CV-1 and CV-2 zoning districts. Therefore, additional zoning text amendment text has been added to MMC Section 17.48.080(E)(6) requiring the submittal of previously approved coastal development permits and all associated conditions of approval for each offsite valet parking lot location (including any existing restrictions and/or legal agreements for public beach parking). In addition, the text requires all existing public beach parking to be maintained as part of any offsite valet parking lot application.

Item 4. Summarize any existing standards for prioritizing the long-term users of hospitality uses within offsite valet lots.

Specific standards requiring the prioritization of offsite valet parking spaces for long-term hotel patrons have not been adopted in nearby cities. Nevertheless, it is recommended that offsite valet parking spaces be prioritized for overnight guests of the hospitality uses in order to minimize vehicle trips to and from the offsite valet parking lot. For consideration, revisions to the zoning text amendment have been included in MMC Section 17.48.080(H). In addition, MMC Section 17.66.090 gives the Planning Commission or Planning Director the ability to include additional conditions to address the operational aspects of the offsite parking lot and the use it is intended to serve, which could include the reservation of a certain number of offsite valet parking spaces for overnight guests of the hospitality uses.

Item 5. Summarize opportunities for using permeable paving within the offsite valet parking lots.

The City of Santa Monica actively promotes the use of permeable paving as part of its transportation development standards in order to minimize the introduction of pollutants into stormwater. There are a number of permeable paving products available for use as part of parking lot design. These include, but are not limited to, grass pavers, geoblock, porous concrete, grasscrete, and porous asphalt. MMC

Section 17.48.080(E)(1) of the proposed zone text amendment language currently requires the use of permeable paving when it can be designed with a comparable load-carrying capacity and durability as asphaltic or cement concrete paving. In addition, MMC Section 17.66.090 gives the Planning Commission or Planning Director the ability to include additional conditions regarding the surfacing of parking areas and driveways. Fire Department review and approval would also be required as a condition of approval for the installation of pervious surfaces within driveways and/or access aisles.

Item 6. Research parking conflicts currently occurring between potential Nobu Restaurant offsite valet and surrounding uses.

In addition to the request made by ZORACES, at its September 19, 2016 meeting, the Planning Commission also asked Planning Department staff to prepare a report documenting parking compliance of Nobu Restaurant and Soho House. Once this report has been prepared, it will be made available to ZORACES.

PROPOSED AMENDMENTS: In response to the items discussed above, additional text has been incorporated into MMC Section 17.48.050 in ~~strikeout~~/underline format to highlight changes from the August 9, 2016 draft ordinance.

Title 17 ZONING

Chapter 17.48 OFF-STREET PARKING AND LOADING REQUIREMENTS

17.48.080 VALET PARKING FOR HOSPITALITY USES.

A. Applicability. This section applies only to onsite and offsite valet parking for hospitality uses consisting of hotels, motels and bed and breakfast inns in the CV-1 and CV-2 districts. No valet parking shall be provided for such uses except pursuant to a conditional use permit in compliance with this section. Valet parking lots approved by conditional use permit under this section may be developed and operated subject to the requirements of this section in lieu of being subject to the requirements of Section 17.48.050. Nothing in this section shall reduce the number of parking spaces otherwise required under Title 17 of this Code. Parking spaces shall be counted only towards the parking requirements of a single property; no provision of this section shall be interpreted to allow a parking space to be used to satisfy the parking requirements of more than one property or use.

B. Location.

1. Required parking facilities shall be on the same lot as the structure they are intended to serve, except that with proper legal agreement, an offsite valet lot that complies with the following standards may be approved.
 - a. The term “offsite valet lot” shall mean an off-street parking area which is not on the same lot as the structure the parking is intended to serve, and which is approved for valet parking use in accordance with this section.
 - b. Proper legal agreement means an agreement approved by the City Attorney which assures continued availability of the offsite valet lot as required under this paragraph. Such agreement may include a parking easement, lease of the offsite valet lot with a term no less than ten years (including option terms), or a covenant recorded against the offsite valet lot providing parking for so long as the onsite use requires.
 - c. The offsite valet lot shall be within 300 feet from the use it is required to serve measured along a legal and safe pedestrian path from the offsite valet lot to the nearest entrance of the building or use for which the parking is required; or
 - d. The offsite valet lot shall be ~~within 1,000 feet~~ allowed to exceed 300 feet from the use it is required to serve measured from the closest point of vehicular access along the path of vehicular access subject to the requirements of Section 17.48.080(K).
 - e. Offsite valet lots described in (B)(1)(d) shall be used for storage of automobiles parked and retrieved by valet parking staff only, not by the public, tenants, employees, guests, invitees or customers of the hospitality use which it serves, and valet parking staff shall only access the lot via an approved shuttle system. If the offsite valet lot is approved under B(1)(d), then the conditions of approval shall prohibit valet staff from traveling between the onsite use and the offsite valet lot via means other than the approved vehicle shuttle system and shall include a valet operations plan.
2. Except for established legal nonconforming situations, the onsite and offsite valet parking spaces may not be located in required front or street side yard setbacks.
3. An offsite valet lot shall be located entirely within a CC, CV-1, or CV-2 zoning district. Other lawful uses may be conducted on the same lot as an offsite valet lot if the uses sharing the lot are compatible and have

adequate parking, provided that an offsite valet lot shall not be approved within the parking lot of a shopping center.¹

4. The approval shall be conditioned upon compliance with the valet operations plan submitted by the applicant under paragraph (K)(4) below and a shuttle system designed to insure safe passage of vehicles and valet attendants between locations (if the offsite valet lot is approved under (B)(1)(d)).

C. Offsite and Onsite Valet Parking Lot Access. There shall be a minimum ten (10) foot wide, three-inch thick, asphaltic or cement concrete, paved, vehicular access way from a public street or alley to off-street parking facilities.

D. Offsite and Onsite Valet Parking Lot Screening and Landscaping. As part of the conditional use permit approval for any valet parking use under this section, landscaping and screening conditions shall be required to be consistent with General Plan LU Policy 4.1.7, LU Implementation Measure 28, and Section 17.66.080(E) of this Code.

E. Offsite and Onsite Valet Parking Lot Layout and Paving.

1. All parking areas shall be surfaced with asphaltic or cement concrete paving which is at least three inches thick or permeable paving of comparable load-carrying capacity and durability.

2. Parking stalls that will be available for self-parking and/or retrieval by individuals other than valet parking staff shall be at least nine feet by twenty (20) feet minimum, except that up to twenty (20) percent of these stalls may be compact spaces at least eight feet by fifteen (15) feet, six (6) inches. Stalls shall be marked with lines or indicated with special paving materials. No tandem or stacked parking shall be allowed for these stalls. The access lanes shall be clearly defined and shall include directional arrows to guide internal movement traffic. Any valet-only parking portion of the lot shall be clearly delineated and separate from any self-parking area. Self-parking shall not be allowed in a valet area, and valet parking shall not be allowed in a self-parking area of the lot.

3. Offsite valet parking areas that will be accessed only by valet parking staff shall provide a minimum usable parking lot surface per vehicle, excluding drive aisles, of 180 square feet (9 feet x 20 feet) for 50% of the parking area and a minimum of 112.5 square feet (7.5 feet by 15 feet) of useable parking lot surface per vehicle, excluding drive aisles, for the remaining 50% of the parking area. Striping or stall markings shall not be required for these areas. Tandem and stacked parking shall be allowed

¹ Note that a formal definition of a shopping center may need to be created in order to ensure compliance with this standard.

in these areas by valet parking staff in any arrangement, provided that no more than two other parked vehicles need to be moved in order to extract any parked vehicle. The valet parking portion of the lot shall be clearly delineated and separate from any self-parking area. Self-parking shall not be allowed in a valet area, and valet parking shall not be allowed in a self-parking area of the lot.

4. Prior to conditional use permit approval, proposals for offsite and onsite valet lots shall be reviewed and approved by the Fire Department for sufficient emergency access and the Public Works Department for approval of stacking location, circulation and operation. Any required emergency access lanes identified by the Fire Department shall not be used to hold, park or store vehicles or otherwise blocked or impeded by valet operations.

5. Offsite and onsite valet lots shall be designed so that provision is made, to the satisfaction of the director, for the accommodation of vans, motorcycles, and bicycles.

6. Offsite valet lots shall be designed so that no impacts to previously existing conditions requiring the designation of public beach parking would occur as a result of offsite valet parking. All previously approved coastal development permits and all associated conditions of approval for each offsite valet parking lot location (including any existing restrictions and/or legal agreements for public beach parking) shall be submitted as part of a complete application.

F. Licensing. Valet operations conducted entirely on the lot containing the hotel/motel/inn may be conducted by staff of the hotel/motel/inn. Valet operations that include an offsite valet lot shall be conducted only by a business licensed to provide valet services under Section 5.04.010 of this Code, which has incorporated by reference Chapter 7.86 of the Los Angeles County Business License Ordinance.

G. Lighting. Lighting, where provided to illuminate an offsite and/or onsite valet parking area, shall be hooded and so arranged and controlled so as to minimize the impact on highway traffic, adjacent street traffic, and adjacent properties. Lighting shall conform to all other applicable lighting standards under this Code.

H. Usability. The required off-street parking facilities and driveways shall not be used for any purpose other than as defined by this chapter. No owner or tenant shall lease, rent or otherwise make them available for any other purpose. To the maximum extent feasible, the parking spaces provided within offsite valet parking lots shall be prioritized for overnight guests of the hospitality uses.

I. Enforcement. Violations of this section, or of other conditions of a conditional use permit issued pursuant hereto, are subject to penalties and actions including, but not limited to, those defined in Chapters 1.10, 17.04, and 17.66 of this Code.

J. Temporary Alternative Parking. In the event that an offsite valet lot approved and used pursuant to this section subsequently becomes unavailable, in part or in whole, due to natural disaster, termination of the legal agreement, or other cause, the director is authorized to administratively approve temporary alternative measures to allow the primary use served by the offsite valet lot to continue operating in whole or in part for a period of up to 120 days from the date the offsite valet lot became unavailable in part or in whole. The temporary alternative measures may include, among others, partial closure or limitations on the primary use, temporary use of alternative parking locations approved by the director, or a temporary reduction in required parking.

K. Application. In addition to any other applicable requirements of Chapter 17.66, an application for a conditional use permit for valet parking under this section shall include:

1. Legible plans drawn to a scale of one inch equals 20, 30, 40 or 50 feet showing:

a. All buildings, parking lot layouts, streets and fire hydrants within 150 feet of where valet parking operations will take place.

b. The location of self-parking spaces and valet parking lots, including drive aisles, and depicting vehicle stacking of valet lots at full capacity. The plans shall include dimensions and area calculations sufficient to demonstrate compliance with the requirements of this section.

c. The location of customer drop-off, customer pick-up, and short-term holding spaces (if any).

2. A table of information showing the proposed number of parking spaces onsite and offsite, for self-parking and valet.

3. A narrative description and plan for valet operations, and, if the offsite valet lot utilizes (B)(1)(d) above, a valet shuttle operation plan, prepared by a licensed traffic engineer in consultation with experienced valet parking operators including:

- a. circulation routes;
- b. vehicle staging patterns;
- c. hours of valet operation;

- d. minimum staffing levels by day and time;
- e. the name, address and telephone contact for the hotel operator or manager and all contract valet parking operators to be used;
- f. proof of liability insurance;
- g. proof of applicable business license or equivalent City of Malibu registration; and
- h. specifications for any proposed permanent, temporary or directional signage associated with the proposed valet operation.

4. If a reduction in the number of spaces required by this Chapter is proposed due to shared parking or another provision of this Chapter, the application shall include a parking demand study prepared by a licensed traffic engineer that demonstrates that the off-street parking provided would be adequate to meet parking demand.

STAFF FOLLOW-UP: Staff requests that ZORACES provide comments and recommendations on the proposed zoning text amendment. Staff will update the draft amendment language and either prepare the ordinance for Planning Commission consideration or return to the Subcommittee for additional comments.

ENVIRONMENTAL REVIEW: Staff is reviewing options for compliance with the California Environmental Quality Act.

ATTACHMENTS:

1. Summary of valet parking standards in other cities
2. Example of a Coastal Development Permit requiring public beach parking

Table 1. Summary of Off-Site and Valet Parking Standards

Municipality	Valet or Off-Site Parking Standard	Valet Parking Space Size?
City of Beverly Hills	<p>Off-site parking in non-residential zones can be provided as long as the parking facilities are within 750 feet of primary use.</p> <p>Valet parking is permitted without locational limitations via a conditional use permit (CUP).</p>	Tandem and compact parking spaces permitted as part of valet parking programs. Tandem spaces must measure at least 9 ft. x 17 ft. and compact spaces 7.5 ft. by 17 ft.
City of Brentwood	<p>Off-site parking can be provided as long as the parking facilities are within 300 feet of the use.</p> <p>Valet parking is permitted without locational limitations via a valet parking permit.</p>	Tandem parking as well as reduced parking space size is permitted via CUP.
City of Covina	<p>Off-site parking can be provided as long as the parking facilities are within 300 feet of the use.</p> <p>Valet parking is permitted without locational limitations via a valet parking permit.</p>	No specific valet parking space sizes are specified.
City of Dana Point	<p>Off-site (valet) parking can be provided as long as the parking facilities are:</p> <ul style="list-style-type: none"> • On a non-adjacent lot on the same block as the lot supporting the use the parking facilities serve, provided that the non-adjacent lot is under the same ownership • Joint use facilities must be within 300 feet of the uses they are intending to serve 	Standard parking space dimensions are required. Outdoor spaces must measure 9 ft. x 18 ft. Spaces in side a parking garage must measure 10 ft. x 20 ft.
City of Encinitas	<p>Off-site parking for joint use can be provided on an adjacent site.</p> <p>Joint use parking facilities can be established within a reasonable distance subject to review and approval of parking study. Valet parking is permitted upon approval of a minor use permit.</p>	Standard parking space dimensions are required. Regular spaces must measure 8.5 ft. x 18 ft. Tandem and enclosed spaces shall measure 8.5 ft. x 19 ft.
City of Huntington Beach	<p>Off-site parking facilities can be established on lot adjacent to the use it is intended to serve. Note that the parking facilities provided by the formation of a parking district or parking authority are not subject to locational restrictions. Valet parking can be established upon approval of a condition use permit.</p>	<p>A minimum parking space dimension of 9 ft. x 19 ft. is required.</p> <p>Tandem spaces are permitted in Mixed Use-Transit Center District for up to 20% of the required parking.</p>
City of Laguna Beach	<p>Valet areas can be established without any locational limitation. However, a CUP is required along with approval of a comprehensive parking plan/program.</p> <p>Off-site parking lots (non-valet) must be within 600 feet of the use it is intending to serve.</p>	Parking space dimensions must be proposed as part of valet parking operations subject to approval of conditional use permit.
City of Pasadena	<p>Valet areas can be established without any locational limitation. A permit is required from the Public Works Department. Valet parking</p>	Compact parking spaces are not allowed but tandem and triple stacked parking spaces are

Municipality	Valet or Off-Site Parking Standard	Valet Parking Space Size?
	<p>operations are permitted as a special privilege and not as a matter of right and are considered temporary, nonpermanent and for a nonexclusive use of the specific location.</p>	<p>allowed upon approval of a minor conditional use permit. Minimum dimensions are 8.5 ft. x 18 ft. for non-parallel spaces and 8 ft. x 25 ft. for parallel spaces.</p>
<p>City of Santa Monica</p>	<p>Off-site parking can be provided as long as the parking facilities are:</p> <ul style="list-style-type: none"> • Residential Uses. Any off-site parking facility shall be located within 250 feet along a pedestrian route of the unit or use served. • Nonresidential Uses. Any off-site parking facility shall be located within 400 feet along a pedestrian route of the principal entrance containing the use(s) for which the parking is required and all parking spaces are located within 1,000 feet of the perimeter of the parcel or building site. <p>Valet areas can be established without any locational limitation. A permit is required from the Transportation Management Division.</p> <p>Valet parking operations are permitted as a special privilege and not as a matter of right and are considered temporary, nonpermanent and for a nonexclusive use of the specific location.</p>	<p>The City's standard parking space dimension of 8.5 ft. x 18 ft. must be utilized for valet operations.</p>

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
115 WEST BROADWAY, SUITE 380
MALIBU BEACH, CA 90802
(213) 590-5071

Page 1 of 3
Date: July 31, 1989
Permit No. 5-89-013



COASTAL DEVELOPMENT PERMIT

On February 9, 1989, the California Coastal Commission granted to

MICHAEL KATZ ENTERPRISES, INC.

this permit subject to the attached Standard and Special conditions, for development consisting of

Addition of a 15,700 sq. ft. second story addition to an existing commercial building and construction of a new 10,360 sq. ft. commercial building with 114 new subterranean parking spaces and approximately 6,826 cubic yards of grading.

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 22761 Pacific Coast Highway; Malibu, CA

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: 

Title: Staff Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date 1/29/90


Signature of Permittee

COASTAL DEVELOPMENT PERMIT

Page 2 of 3
Permit No. 5-89-013

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Parking Management Program

Prior to transmittal of permit, applicant shall submit for review and approval of the Executive Director, a parking management program designed to allow maximum feasible public use of the parking lot for beach parking, on weekends and holidays. If a fee is charged for such parking, the fee shall not exceed that charged in nearby county beach parking lots. The program shall include the provision of appropriate signs, informing the public of the availability of such parking.

2. Malibu Beach Access Fund

Prior to transmittal of permit, applicant shall submit, for the review and approval of the Executive Director, evidence of participation in a fund for public access improvement in Malibu as required by Policy 54 of the certified Malibu/Santa Monica Mountains Land Use Plan. To participate in the fund, the applicant shall contribute the sum of \$1.50 for each square foot(gross) of new construction which is not visitor serving (excluding parking). The Executive Director shall determine on a case-by-case basis which uses are considered visitor-serving.

The recipient of this fund shall be the Los Angeles County Department of Beaches and Harbors or any other public agency or non-profit group that has demonstrated to the satisfaction of the Executive Director that it is capable of utilizing the funds to construct, improve and maintain new public beach access facilities within the Malibu area of Los Angeles County. The Executive Director may approve either of the following methods of participation in the fund:

- (a) A payment which has been made to the County of Los Angeles and accepted by the County for the expressly stated purpose of this condition or;
- (b) The purchase of an interest bearing letter of credit or other instrument approved by the Executive Director to be released by the Executive Director to the County of Los Angeles or other public agency approved by the Executive Director for the expressly stated purpose of this condition.

3. Geology

(a) Addendum to Geology Report

Prior to transmittal of permit the applicant shall submit for review and approval by the Executive Director, an addendum to the Preliminary Geologic and Soils Engineering Exploration report prepared by Kovacs-Ryer and Associates, Inc., April 16, 1984, which specifically addresses the currently proposed development.

(b) Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic and Soils Report, dated 4/16/88 by Kovacs-Byers and Associates, Inc., and the subsequent addendum regarding the proposed development shall be incorporated into all final design and construction including grading, foundations and drainage, and all plans must be reviewed and approved by the consultant prior to commencement of development. Prior to commencement of development, the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction plans.