

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

Tuesday, June 28, 2011, 9:00 a.m. Malibu City Hall – Council Chambers 23825 Stuart Ranch Road

Mayor John Sibert Councilmember Jefferson Wagner

Call to Order

Approval of Agenda

Public Comment

This is the time for members of the public to comment on any items not appearing on this agenda. Each public speaker shall be allowed up to 3 minutes each 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. Growing and Sustaining Local Community-Serving Business

Staff recommendation: 1) Review options discussed at the June 2, 2011 ZORACES town hall meeting; and 2) craft recommendations to the City Council for the August 1, 2011 City Council meeting.

Staff contact: Associate Planner Smith, 310-456-2489, ext.336

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 this 22nd day of June 2011

Mary Linden, Executive Assistant



Zoning Ordinance Revisions & Code Enforcement Subcommittee Meeting 06/28/11

Item 1

Zoning Ordinance Revisions and Code Enforcement Subcommittee Agenda Report

To:

Zoning Ordinance Revision and Code Enforcement

Subcommittee (ZORACES) Members Sibert and Wagner

Prepared by:

Joseph Smith, AICP, Associate Planner

Reviewed by:

Joyce Parker-Bozylinski, AICP, Planning Manager

Approved by:

Victor Peterson, Community Development Director-

Date prepared:

June 21, 2011

Meeting date: June 28, 2011

Subject:

Growing and Sustaining Local Community Serving Business

<u>RECOMMENDED ACTION</u>: 1) Review options discussed at the June 2, 2011 ZORACES town hall meeting; and 2) craft recommendations to the City Council for the August 1, 2011 City Council meeting.

<u>DISCUSSION</u>: The purpose of the town hall meeting was to gather input from community residents, businesses, and associations in response to the community's commercial needs and the City's changing character. Approximately 100 attendees participated in the discussion and provided valuable feedback on the issues raised. Several ideas were provided within four approaches intended to explore alternate methods of achieving a feasible outcome.

City Actions / Policies	City Council takes the lead using actions and existing policies
Incentives	City Council and the business community take the lead to craft an incentive program
Ordinances	 City Council takes the lead and creates new or modified legislation
Community-Driven	Residents and the business community take the lead to maintain local community-serving businesses

Each of the approaches requires the involvement of one or more lead entities; however, the community's involvement is essential to the success of any approach taken.

Based on the community's feedback, five primary goals were highlighted throughout the course of the meeting and are summarized below. These goals establish the foundation for the options presented in the report and Attachment 1.

PRESERVE

• the City's unique natural and rural character as envisioned by the City's General Plan

ENSURE

• a broad commercial mix is available that services the needs of the community and visitors

ENCOURAGE

 the establishment and continued operation of small neighborhood and community serving businesses

EXPLORE

 regulations for businesses that are required to maintain a standardized ('formula') array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized feature

PROVIDE

 development incentives and streamlined processes for commercial development that serves the community

Additionally, any options chosen for implementation must be in conformance with the City's guiding language, as applicable. Otherwise, the options should be avoided, or amendments to the guiding documents should be considered.

General Plan

Vision Statement:

Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations.

Mission Statement:

Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare.

Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons,

hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

Malibu will gradually recycle areas of deteriorated commercial development that detract from the public benefits or deteriorate the public values of its natural, cultural and rural resources.

Malibu will provide passive, coastal-dependent and resource-dependent visitor-serving recreational opportunities (at proper times, places and manners) that remain subordinate to their natural, cultural and rural setting, and which are consistent with the fragility of the natural resources of the area, the proximity of the access to residential uses, the need to protect the privacy of property owners, the aesthetic values of the area, and the capacity of the area to sustain particular levels of use.

Land Use Element: Policy 4.4.1

The City shall encourage establishment and continued operation of small neighborhood and community serving businesses.

Land Use Element: Policy 4.4.2

The City shall limit commercial uses to neighborhood serving uses in the Las Flores, Point Dume and Trancas commercial areas.

Land Use Element: Policy 4.1.2

The City shall encourage redesign and adaptive reuse of existing structures.

Land Use Element: Implementation 71

Permit minor modifications to development standards to accommodate renovation and adaptive reuse of existing commercial / retail buildings.

Local Coastal Program Land Use Plan

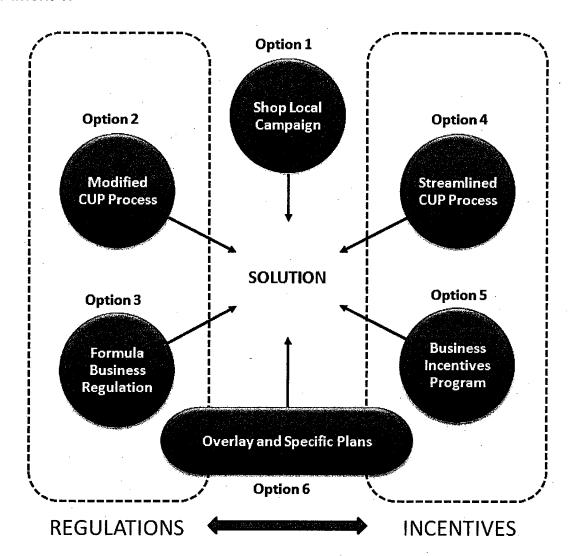
Policy 5.9:

New commercial development shall be designed to minimize conflicts with adjacent residential uses, including preserving the character and integrity of the adjacent residential areas. Commercial development shall be designed to avoid intrusive traffic circulation and light and glare.

Policy 5.12:

Visitor serving retail uses shall be permitted in all commercial zones in the City. Visitor serving retail uses shall fit the character and scale of the surrounding community.

Five options were compiled based on feedback provided at the town hall meeting. A sixth option was prepared by staff that is the most thorough and comprehensive in scope. Some options provide more emphasis on sustaining local community serving business, while others focus on preserving Malibu's unique character from a changing commercial environment. The options are categorized between regulations and incentives in the following chart. The solution could be achieved by a single option or package of options. Each option is discussed in detail in Attachment 1.



BACKGROUND SUMMARY:

On October 14, 2008, ZORACES reviewed a draft formula retail ordinance. Based on input on ordinance language and guidelines, staff was to prepare a draft ordinance for the Planning Commission and City Council. Several public comments were received. ZORACES recommended the item be sent to City Council for consideration for placement on the April 2010 ballot.

On July 27, 2009, the City Council decided not to place the issue of creating a formula retail ordinance on the April 2010 ballot, tabled the item, and gave new direction to staff. The City Council requested ZORACES revisit the issue to assess its feasibility, consider restructuring the draft ordinance, and explain how it would protect local businesses in Malibu. When complete, the City Council indicated they wanted to see a new take on how to preserve Malibu and local business.

On October 13, 2009, ZORACES asked staff to consider new approaches for encouraging local businesses and diversification in existing and new commercial centers. ZORACES requested staff brainstorm with the Malibu Chamber and business community.

Between November 2009 and March 2010, staff worked with the Chamber of Commerce. Staff received several suggestions from the Chamber regarding ways the City could provide incentives for local business. These suggestions transformed into the idea of creating a "Local Business Incentives Program" in lieu of new regulations on formula retail. Staff's research and the Chamber's suggestions were streamlined into a template to create a draft program. The foundation of the program was intended to be worked out in the Chamber's standing business development committee (the Economic Collaborative Taskforce, aka, the Workforce Task Group) with staff's assistance as needed. An ordinance would then be prepared for the City Council's review (per the City Council's July 27, 2009 direction).

On October 27, 2010, a report was provided to the City Council on two items: 1) the status of the formula retail issue (as indicated in the above chronology); and 2) a recommendation to dissolve the City's Economic Advisory Committee (originally formed to implement measures of the 2007 Malibu Economic Services Study) since the Chamber's Economic Collaborative Taskforce took on this task at Council's recommendation in September 2008. The City Council: 1) received and filed the status report on the formula retail ordinance issue; and 2) directed staff to bring back an item to the City Council to re-establish the City's Economic Advisory Committee and re-determine the Committee's goals and workload (for reference, see Attachment 3 regarding the 2007 Malibu Economic Services Study).

On May 9, 2011, the City Council discussed whether to direct staff to prepare a formula retail ordinance. At that meeting, the City Council directed ZORACES to hold community meetings in order to obtain community input as part a broad range plan for fostering local community serving business in the City and report back to the City Council at the August 1, 2011 meeting.

On June 2, 2011, ZORACES conducted a special town hall meeting to gather input from community residents and businesses in order to find a course of action for growing and sustaining local community serving business in Malibu. The meeting obtained input from various stakeholders in the community including residents, businesses, associations, and City staff and decision makers. ZORACES members

scheduled a follow up ZORACES meeting on June 28, 2011 to craft recommendations to the City Council in preparation of the August 1, 2011 City Council meeting.

STAFF FOLLOW UP: Staff requests the Subcommittee to consider the options presented in the report, receive additional community feedback, and craft recommendations to the City Council for the August 1, 2011 City Council meeting.

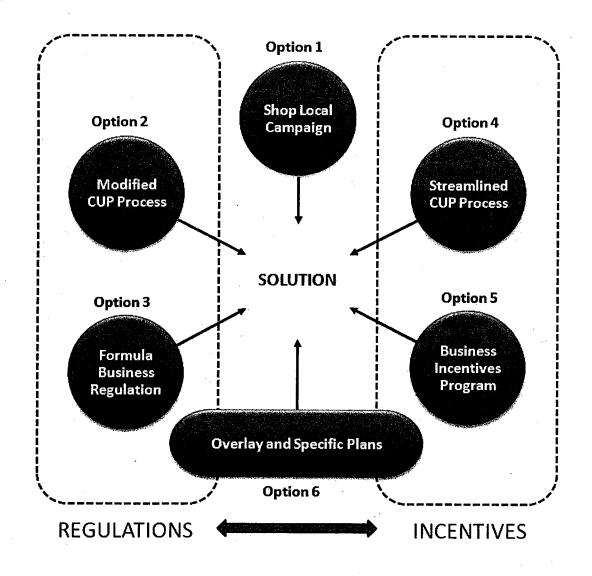
ATTACHMENTS:

- 1. Analysis of six options for consideration:
 - Option 1: Shop Local Campaign
 - Option 2: Modified Conditional Use Permit (CUP) Process
 - Option 3: Formula Business Regulation
 - Option 4: Streamlined CUP Process
 - Option 5: Business Incentives Program
 - Option 6: Overlay Zones and Specific Plans
- 2. Correspondence received since June 2, 2011
- 3. Malibu Economic Services Study (2007). This item is not attached. It is available to review and download at the following link: http://www.malibucity.org/download/index.cfm/fuseaction/download/cid/195

ANALYSIS OF SIX OPTIONS FOR CONSIDERATION

Option 1: Shop Local Campaign Option 2: Modified CUP Process

Option 3: Formula Business Regulation
Option 4: Streamlined CUP Process
Option 5: Business Incentives Program
Option 6: Overlay Zones and Specific Plans



Option 1:

Shop Local Campaign

Timeframe:

Immediate

Type:

Neither classified as regulatory or incentive-based (for purposes

of the codes)

Focus:

Any participating business could benefit from a shop local campaign. This option is generally not limited to local community serving businesses, nor emphasizes preserving Malibu's unique sharester from a shareing communical anxionance.

character from a changing commercial environment.

Lead(s):

Chamber of Commerce, residents, business community, and/or

Codes:

City

No codes are affected

CEQA:

Not required

Brief:

A Shop Local Campaign is a cause oriented and community based grassroots effort to achieve the following: 1) raising public awareness about the benefits of buying locally; 2) inspiring people to take action via a website or social media outlet; and 3) spreading the idea that the community, as a whole, can keep the local economy strong and local community serving businesses in operation. The loss of "mom and pop shops" can result in the local community, private sector, and/or the City to create marketing campaigns for local products and local retailers. These campaigns share resources to promote the "shop local" message and are often a venue for merchants to meet and discuss best practices.

The campaign can be led by community residents, local businesses, commercial property owners, the Chamber of Commerce, or the City. The campaign can provide 'give-aways' to shoppers in the form of clothing, bags, discount cards, and gift certificates. Monthly competition incentives can be created for the top businesses that were supported by the community.

Additional:

The Chamber of Commerce currently has a shop local program called "Malibu Secrets." Additional campaign ideas designed to

encourage the continued operation of small neighborhood and community serving businesses can be implemented by commercial property owners. However, any participating business could benefit from the campaign. This option is generally not limited to local community serving business.

The City could participate by providing a commitment of resources as set by the City Council. Note that Implementation Measure 85 of the General Plan Land Use Element directs the City to "Support the Chamber of Commerce's Shop Malibu campaign and other public information programs designed to support local businesses and contractors."

Option 2:

Modified Conditional Use Permit Process

Timeframe: 1 to 1.5 years

Type: Regulatory – enacted through an ordinance of the City Council

Focus: Provides more emphasis on preserving Malibu's unique character from a changing commercial environment than sustaining local

community serving business.

Lead(s): City

Codes: Malibu Municipal Code – Title 17 (Zoning)*

*Note that amendments to the General Plan may be appropriate if the existing policy statements do not provide an adequate level of guidance for new regulatory measures within the Zoning Code. Assess the existing policy statements to determine if an adequate level of guidance is provided. Otherwise, consider amending the General Plan to clarify the City's intended goals. For example, "Create a diverse commercial base with a unique personality comprised of a mix of businesses ranging from small to medium to large and from local to regional to national." Amendments to the General Plan are enacted through a resolution of the City

Council.

CEQA: Required – level of environmental review to be determined through an Initial Study process. CEQA review can either be

completed by staff or an outside consultant contracted with the

City.

Brief: Modifying the conditional use permit (CUP) process would increase the regulation of some commercial uses in order to

preserve and protect Malibu's rural character and the integrity of adjacent residential neighborhoods. However, note that most business uses within the City do not currently require a CUP to operate and would not be affected by this option. Allowed uses change by commercial zone and are either permitted "by right" (meaning no CUP is required) or they require a CUP to evaluate potential effects on the surrounding environment. For example, the City's least intensive commercial zone is Commercial

Neighborhood (CN). Within the CN zone, several uses are permitted by right including examples such as cleaners/laundry, pharmacies, food markets, mailing services, bakeries (no seating), beauty salons, banks, hardware stores, book stores. nurseries, health clubs, and dance studios. As such, retail clothing stores and nurseries would not be addressed by this option. Uses requiring a CUP and affected by this option include examples such as restaurants, liquor stores, day care facilities, religious institutions. neighborhood recreation veterinarian hospitals, and galleries. Additional by right and conditionally permitted uses are provided within the Community Commercial (CC) and Commercial Visitor Serving (CV) zones.

Modifying the CUP process can take many forms, so it is important to identify the primary objectives sought by this option. Some examples of this option may include, but are not limited to the following:

- 1. Retain the existing CUP process pursuant to M.M.C. §17.66 with modifications to the standard CUP findings in §17.66.080. Findings could be expanded to consider how: 1) "The proposed use promotes and maintains a healthy balance between local community serving uses and visitor serving uses;" or 2) "The proposed use will maintain a balanced mix of uses which serves the needs of both local and non-local populations."
- 2. Require a level of use diversification within new and existing commercial centers by: 1) establishing numerical limits on specific uses identified as overabundant or detracting from a healthy balance between local community serving and visitor serving uses (limits can be set citywide or adjusted by neighborhood); or 2) requiring spacing requirements to prevent the clustering of uses identified as overabundant or detracting from a healthy balance between local community serving and visitor serving uses (e.g., "x" type uses shall be at least

"x" feet from a similar use). For example, the total number of restaurants at a shopping center can be limited to two and be required to have a minimum of 200 feet of linear distance between the two.

3. Conduct a comprehensive overhaul of the existing CUP process pursuant to M.M.C. §17.66 by separating the allowable commercial uses and CUP findings for different areas of the City. For example, the CUP process could be separated into two categories: 1) Civic Center and PCH Corridor (west of Las Flores and east of Malibu Canyon); and 2) the neighborhood commercial areas of Las Flores, Point Dume, and Trancas Canyon.

Additional:

Optional. The City can modify existing permitted and conditionally permitted uses within each commercial zone to refine the list of uses permitted by-right, with a CUP, or prohibited altogether. However, these modifications can result in additional burdens on local community serving business uses currently allowed by right. This alternate option would require an amendment to the M.M.C. as well as amendments to the City's Local Coastal Program. CEQA review would not be required; however, this expanded option would likely add an additional year to the timeframe to allow for review and certification by the California Coastal Commission (CCC).

Option 3:

Formula Business Regulation

Timeframe:

1 to 1.5 years

Type:

Regulatory – enacted through an ordinance of the City Council

Focus:

Provides a shared emphasis on preserving Malibu's unique character from a changing commercial environment and sustaining local community serving business.

Lead(s):

City

Codes:

Malibu Municipal Code – Title 17 (Zoning)*

*Note that amendments to the General Plan may be appropriate if the existing policy statements do not provide an adequate level of guidance for new regulatory measures within the Zoning Code. Assess the existing policy statements to determine if an adequate level of guidance is provided. Otherwise, consider amending the General Plan to clarify the City's intended goals. For example, "Create a diverse commercial base with a unique personality comprised of a mix of businesses ranging from small to medium to large and from local to regional to national." Amendments to the General Plan are enacted through a resolution of the City Council.

CEQA:

Required – level of environmental review to be determined through an Initial Study process. CEQA review can either be completed by staff or an outside consultant contracted with the City.

Brief:

Generally, formula businesses are required to maintain a standardized ('formula') array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized feature. Regulations specific to formula businesses could be integrated into the CUP process in M.M.C. §17.66 and would be designed to limit specified commercial uses in order to preserve and protect Malibu's rural character and the integrity of adjacent residential neighborhoods. The location of these regulations within Title 17

(Zoning) of the M.M.C. would need to be confirmed with the City Attorney's office prior to its creation.

Several components must be specified and defined in order to achieve the intended consequences in the short and long terms, and avoid any unintended consequences resulting from the regulations.

The following components should be considered as part of any formula business regulation:

Purpose:

Formula business regulation must originate from and implement policies within the General Plan. It should focus on maintaining the City's distinctive community character. Its primary purpose should provide for an economically viable and diverse commercial base that is consistent with the ambiance of the City. The commercial base should be comprised of a mix of businesses ranging from small to medium to large and from local to regional to national. As previously noted under *Codes* above if adequate policies do not exist in the General Plan, amendments should be considered prior to the creation of these regulations.

Extent:

The City needs to define what constitutes a "formula business" and then specify which uses will be affected by the regulations (e.g., general hotels. retail. restaurants. banks, personal services, grocery, pharmacy, etc.). Consideration should be given to any unintended burdens placed on local, regional, and national-based businesses resulting from formula definitions and regulations. The regulations should address procedural requirements for new formula businesses and the expansion, replacement, and/or significant remodel of existing formula businesses.

Process:

There are several options for regulating formula business. For example, the City could add a subsection within the CUP process under M.M.C.

§17.66 that is applicable to new and existing formula businesses (as defined). The subsection could include approval criteria, design and location standards, additional findings (in addition to the standard CUP findings), and procedural requirements.

The regulations should include a stated purpose such as "Maintaining Malibu's unique rural character, the diversity and vitality of the City's commercial districts, and the quality of life of Malibu's residents." Approval criteria and design and location standards can include limitations on maximum square footage, linear street frontage, the number of similar uses, and/or proximity of similar uses to each other. Qualifications should be provided for which businesses the regulations apply to and whether it is intended for all new and/or existing formula businesses undergoing an expansion (e.g., increase of "x" sq. ft.), a substantial remodel (e.g. affecting 'x' percentage), or full replacement.

Findings could require an analysis by staff and the City's decision makers of the businesses' compatibility with existing surroundings and community character. The analysis can include objective and subjective methods for determination. Other findings could include assessing the businesses' contribution to an appropriate balance of local, regional, or national-based businesses within the community, and/or an appropriate balance of small, medium, and large businesses.

Similar to Option 2 (Modified CUP Regulations), the City could create a comprehensive subsection within the CUP process under M.M.C. §17.66 that separates formula business regulations by the varying neighborhoods they're located within. For example, regulations for formula businesses could only be applied to the commercial neighborhood areas of Las Flores, Point Dume,

and Trancas Canyon. Civic Center and the PCH Corridor (west of Las Flores and east of Malibu Canyon) would remain subject to the standard CUP process and not include additional regulations for formula businesses. Alternatively, if formula business regulations are desired within the Civic Center and PCH Corridor areas as well, different applicability and standards could be applied.

Additional:

Staff's review of literature on this subject indicates that regulating formula business should be aimed at creating a healthy mix of commercial uses rather than a straight-forward prohibition on national chain business. Additionally, formula regulations should be designated to key areas where commercial diversity is needed to retain a vibrant mix of uses and maintain the area's character. rather than being applied uniformly across the City. It is crucial to avoid imposing different regulations on businesses considered to be interstate as opposed to intrastate. In other words, avoid legislating regulations that serve local business interests by preventing competition from national chains. Uniform regulations and processes should be applied for any business that meets the definition of a formula business (i.e., the opening of a new formula business or the expansion of an existing formula business by more than "x" square feet is subject to "x" process and "x" limitations). In other words, if a business is defined as a formula business, the City should not have different standards depending on the nature of that business (e.g., if it is owned or managed by a local resident versus a regional or national corporation).

If this option is selected, staff would confirm potential legal issues associated with regulating formula business with the City Attorney's office.

Option 4:

Streamlined Conditional Use Permit Process

Timeframe:

1 year

Type:

Incentive - enacted through an ordinance of the City Council

Focus:

Provides more emphasis on sustaining local community serving business. However, this option is not limited to local community serving businesses, nor emphasizes preserving Malibu's unique character from a changing commercial environment.

Lead(s):

City and Chamber of Commerce

Codes:

Malibu Municipal Code – Title 17 (Zoning)

CEQA:

Required for an amendment to the M.M.C. – level of environmental review to be determined through an Initial Study process. CEQA review can either be completed by staff or an outside consultant contracted with the City.

Brief:

Streamlining the CUP process could encourage the opening of new businesses by reducing the requirements and review process placed on business owners. This option could benefit the establishment and continued operation of neighborhood and community serving businesses within the City. However, this option is not limited to local community serving business and would benefit any business use subject to the CUP process.

Modifications could be made to the CUP process in M.M.C. §17.66 by reducing application requirements, such as the required market analysis, and streamlining the required findings to facilitate review of the permit. In addition, the City could explore incentives outside of the M.M.C. by reducing permitting costs and/or providing an expedited review process. Staff could work with the Chamber of Commerce to identify areas for streamlining prior to the crafting of an ordinance.

Additional:

Note that most business uses within the City do not currently require a CUP to operate and would not be affected by this option. Allowed uses change by commercial zone and are either permitted "by right" (meaning no CUP is required) or they require

a CUP to evaluate potential effects on the surrounding environment. For example, the City's least intensive commercial zone is Commercial Neighborhood (CN). Within the CN zone, several uses are permitted by right including examples such as cleaners/laundry, pharmacies, food markets, mailing services, bakeries (no seating), beauty salons, banks, hardware stores, book stores, nurseries, health clubs, and dance studios. As such, retail clothing stores and nurseries would not be addressed by this option. Uses requiring a CUP and affected by this option include examples such as restaurants, liquor stores, day care facilities, religious institutions, neighborhood recreation facilities, veterinarian hospitals, and galleries. Additional by right and conditionally permitted uses are provided within the Community Commercial (CC) and Commercial Visitor Serving (CV) zones.

Option 5:

Business Incentives Program

Timeframe: 2-3 years

Type: Incentive – enacted through an ordinance of the City Council

Focus: Provides more emphasis on sustaining local community serving

business than preserving Malibu's unique character from a

changing commercial environment

Lead(s): City and Chamber of Commerce

Codes: Local Coastal Program (LCP) Local Implementation Plan (LIP)

Malibu Municipal Code – Title 17 (Zoning)

CEQA: Not required for LIP, or if amendments to the M.M.C. match the

LIP

Brief: A business incentives program could offer commercial property

owners incentives for providing: 1) dedicated tenant space; 2) leasing priority; and/or 3) reduced rents for small neighborhood and community serving businesses. The program could benefit under-represented business uses within the City and businesses that directly support and enhance the community. Benefits to commercial property owners could include increases in floor area ratio (FAR), and/or permit fee reductions and rebates provided by the City. In addition, a collaborative fund could be established with the Chamber of Commerce to help generate small neighborhood and community serving businesses. Funding mechanisms and program details would need to be determined.

Regarding increases in FAR, the City could incorporate one additional "guideline" for use within LIP §3.8(A)(5)(f) to allow an increase in the maximum FAR for new or existing commercial development. This LIP section currently authorizes the City Council to approve additional FAR up to the maximum allowed for the respective zoning district for commercial development (except within the Civic Center area) where "public benefits and amenities" are provided in connection with a project. In determining if additional FAR should be allowed, the City Council uses one of the three existing guidelines for reference. Once a

public benefit or amenity is offered as part of a project, an applicant would enter into a Development Agreement with the City as part of a condition of approval on the project and demonstrate conformance with one of the existing guidelines. The following three guidelines are used by the City Council to evaluate the significance of the proposed "public benefits and amenities": 1) Increase in Land Value Model; 2) Avoided Cost of Development Model; and 3) Increase in Total Project Value Model.

As part of a business incentives program, a fourth guideline could be added to LIP §3.8(A)(5)(f) along the lines of a Neighborhood and Community Serving Business Model. The specifics would need to be defined and outlined, but essentially, a new or existing commercial center would agree to provide dedicated tenant space, leasing priority, and/or reduced rents for small neighborhood and community serving businesses in exchange for an increase in their allowable FAR. Restrictions could be placed on the property's title to run with the land, thereby affecting all future property owners as well. If selected, the desired components of this program would be confirmed with the City Attorney's office prior to their creation.

Option 6:

Overlay Zones and Specific Plans

Timeframe:

2-3 years

Type:

Can increase or decrease the development and use potential -

enacted through an ordinance of the City Council

Focus:

Can provide for a shared emphasis on preserving Malibu's unique character from a changing commercial environment and sustaining local community serving business, or emphasize one

over the other

Lead(s):

City and Chamber of Commerce

Codes:

Local Coastal Program (LCP) Local Implementation Plan (LIP)

Malibu Municipal Code - Title 17 (Zoning)

CEQA:

Not required for LIP, or if amendments to the M.M.C. match the

LIP

Brief:

As a more complete and thorough approach, the City can create overlay zones and specific plans for one or more commercial areas in the City that could incorporate any of the previously discussed options (Nos. 2 through 5). However, the preparation of overlay zones and specific plans requires a lengthier timeframe and would need funding.

Overlay zones can be prepared and superimposed over base commercial zoning districts in targeted areas of the City in order to increase or decrease development requirements for those areas. An overlay zone is essentially a "special district" which addresses particular land use circumstances in the designated area. Permitted and conditionally permitted uses in the underlying commercial zone would not change; however, they would be subject to the overlay zone regulations instead of the standard commercial zone regulations (e.g., open space and landscaping, height and height projections, setbacks, parking requirements and layout dimensions, etc.). Several residential overlay zones exist within the City and range from increasing the development potential above the standard residential zone regulations (e.g.,