



Council Agenda Report

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

Prepared by: Lisa Soghor, Assistant City Manager

Approved by: Reva Feldman, City Manager

Date prepared: July 3, 2019

Meeting date: July 8, 2019

Subject: Timing for Public Hearing for Proposed Ordinance on Total Development Square Footage (TDSF) Citywide

RECOMMENDED ACTION: 1) Provide direction to staff on scheduling a Public Hearing to discuss a Proposed Ordinance on TDSF Citywide; and if necessary, 2) Reprioritize the Work Plan for Fiscal Year 2019-2020.

FISCAL IMPACT: There is no direct fiscal impact associated with the recommended action. Significant staff resources will be needed to complete the ordinance and present a report to the Council.

WORK PLAN: On June 24, 2019, the Council adopted the Fiscal Year (FY) 2019-2020 Work Plan. As part of the Work Plan, the Council established priorities for the Planning Department and set the proposed TDSF ordinance as the third priority for the department. The direction provided by Council was for the Planning Department to utilize contract staff to draft an ordinance for presentation to Planning Commission followed by Council in the first quarter of FY 2019-2020.

DISCUSSION: On August 28, 2017, the Council discussed the neighborhood character findings for residential coastal development permits (CDPs) requesting site plan review or minor modification and directed staff to return with an analysis of how many of the last 20 approved Planning projects maximized their TDSF, information on “mansionsionization,” and legislative background on the neighborhood standards provision of Malibu Municipal Code (MMC) Section 17.40.040(A)(16) and how the neighborhood character findings came to be in the Malibu Local Coastal Program (LCP).

On November 13, 2017, the Council and Planning Commission held a joint meeting to discuss neighborhood character findings for residential CDPs requesting a site plan

review or minor modification permit. Direction was provided to staff to bring back an item to the Council on options for a policy interpreting the neighborhood character finding required for site plan reviews and minor modifications and including an option that references the neighborhood standards criteria detailed in LIP Chapter 3.6.

On February 25, 2019, the Council received a report on options for addressing the neighborhood character finding and the Planning Commission and Council's concerns about house size. Council directed staff to: 1) prepare an ordinance to go before the Planning Commission, bypassing the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES), that alters the maximum TDSF down to 8,500 square feet; and 2) develop language that would allow use of 75% of the TDSF unless the average of the neighborhood allowed use of up to, but not to more than, the new maximum TDSF allowed for the lot size. Since that Council meeting, staff has conducted research and analysis on how to accomplish Council's goal of a two-tiered system for TDSF that would result in smaller homes and developed several options for consideration.

On July 1, 2019, the Planning Commission discussed a proposed TDSF ordinance and received over four hours of public testimony. Additionally, the Planning Commission received over 150 pieces of correspondence on the proposed ordinance. The Planning Commission recommended in a 3-2 vote that the following ordinance be presented to Council for consideration: recommending that the Council approve Zoning Text Amendment No. 19-001, an amendment to Title 17 (Zoning) of the Malibu Municipal Code reducing the amount of total TDSF that can be constructed citywide that (a) keeps the TDSF curve (limit) the same as it currently exists for properties up to at least one acre; (b) applies to all residentially zoned properties except for multi-family zoning districts; (c) sets the TDSF curve maximum at 8,500 square feet; (d) for lots larger than one acre, includes a separate additional curve (limit) that restricts the size of the primary house so that at the maximum end of the curve where the overall TDSF limit is 8,500 square feet the primary house limit would be no more than approximately 75 to 80 percent of the maximum TDSF, with the curve tapering back to the one acre lot size where the maximum house size would equal the maximum TDSF; and (e) sets the maximum TDSF for beachfront lots at 8,500 square feet (Citywide).

The Council direction in the Adopted FY 2019-2020 Work Plan was for the proposed TDSF ordinance to be presented to the Council in the first quarter of FY 2019-2020 or prior to October 1, 2019. On July 1, 2019, over 300 people attended the Planning Commission meeting. Given the amount of interest by the community in the proposed ordinance, staff anticipates the Council hearing will generate the same or greater number of residents desiring an opportunity to address the Council on this matter as appeared before the Planning Commission. Consequently, preparing for the public hearing will require more logistical planning than usual. City staff will need to be

prepared to process the high volume of correspondence associated with this item as well, suggesting that plenty of advance notice of the hearing would be helpful.

In order to adhere to the timeline established in the Work Plan and present the proposed ordinance to the Council during the first quarter of the Fiscal Year, staff is seeking direction from the Council on a date for the Public Hearing and how to prioritize the other tasks in the Work Plan.

ATTACHMENTS: None.