



Council Agenda Report

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: September 15, 2021 Meeting date: September 27, 2021

Subject: Initiate Amendments to Ordinance No. 456 to Extend Temporary Parking in the City's Chili Cook-Off Site for the Farmers Market

RECOMMENDED ACTION: 1) Adopt Resolution No. 21-55 initiating an amendment to Malibu Municipal Code (MMC) Chapter 17.68.040 (Temporary Uses Requiring Permit) to extend temporary parking for the Farmers Market; and 2) Direct the Planning Commission to schedule a public hearing to consider amendments to MMC Chapter 17.68.040.

WORK PLAN: This was included as Item #4h in the Adopted Work Plan for Fiscal Year 2021-2022.

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

DISCUSSION: The proposed zoning text amendment (ZTA) pertains to temporarily displaced surface parking associated with the Farmers Market. On April 8, 2019, the City Council authorized the use of the City's Chili Cook-Off property (23575 Civic Center Way) for displaced parking associated with the Sunday Farmers Market operated by Cornucopia Foundation. The Farmers Market operates on the County of Los Angeles Civic Center property where the new Santa Monica College campus is under construction. Some of the parking normally used by Farmers Market patrons has been displaced by the construction activities.

In order for the Farmers Market to utilize the Chili Cook-off property as temporary parking during construction of the college building, ZTA No. 19-003 was approved with the adoption of Ordinance No. 456 on December 9, 2019. The ordinance added an appropriate use to the list of uses that can be permitted with a Temporary Use Permit in MMC Section 17.68.040.

Ordinance No. 456 included a sunset provision for the temporary parking which states “This provision shall expire the earlier of the issuance of a Certificate of Occupancy for Santa Monica College or on January 1, 2022.” However, the construction is expected to continue beyond January 1, 2022.¹ As such, staff is recommending that the language be amended to extend the January 1, 2022 deadline to January 1, 2024 to prevent the loss of parking for the Farmers Market.

In order to amend the Zoning Ordinance (MMC Title 17), the City Council must adopt a resolution of intention (see MMC Section 17.74.040). The resolution gives notice that the City Council will consider a particular change and directs the Planning Commission to hold a public hearing (also required by the MMC) and to make a recommendation.

Proposed Zoning Text Amendment

Section 17.68.040 of the MMC is amended to read as follows:

L. Off-site surface parking on a vacant commercially zoned lot for the Farmers Market within 350 feet of the Farmers Market to replace required parking displaced by construction. The dates for this use shall not count against the maximum 60 calendar days within one calendar year for which a site can be used for temporary uses. This provision shall expire the earlier of the issuance of a Certificate of Occupancy for Santa Monica College or on January 1, 20224.

Recommendation

Staff is recommending the following actions:

- 1) initiate a zoning text amendment to change the expiration date for the temporary use of off-site parking by the Farmers Market;
- 2) direct the Planning Commission to hold a public hearing on the proposed amendment. Based on the Planning Commission’s recommendation, the amendments will then be presented to the City Council for adoption.

ATTACHMENT: Resolution No. 21-55

¹ Staff contacted the property owner and tenant regarding the current construction schedule; however neither were available for comment by the date this report was prepared.

RESOLUTION NO. 21-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU INITIATING AN AMENDMENT TO MALIBU MUNICIPAL CODE CHAPTER 17.68.040 (TEMPORARY USES REQUIRING PERMIT) TO EXTEND TEMPORARY PARKING FOR THE FARMERS MARKET

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

SECTION 1. Recitals.

A. On December 9, 2019, the City Council adopted Ordinance No. 456 amending Malibu Municipal Code (MMC) Title 17 (Zoning) to ensure the local Farmers Market can continue to serve the public during the construction of the Santa Monica College Malibu campus by allowing parking for the market to be located off-site on the city owned Chili Cook-Off property.

B. Ordinance No. 456 specified dates by which the provision allowing temporary use of the Chili Cook-Off property for off-site Farmers Market parking would expire.

C. Construction of the Santa Monica College has been delayed due to the ongoing COVID-19 emergency and other extenuating factors. Furthermore, the construction delay will continue to displace necessary Farmers Market parking, and amending the MMC to extend the time period for which the City can approve relocated required parking will allow for the continued operation of the Farmers Market.

SECTION 2. Initiation.

Pursuant MMC Chapter 17.74, the City Council hereby initiates an amendment update the expiration date related to the temporarily displaced Farmers Market in Malibu Municipal Code (MMC) Chapter 17.68.040 (Temporary Uses Requiring Permit).

SECTION 3. Planning Commission Hearing.

The Planning Commission is hereby directed to conduct a duly noticed public hearing in accordance with MMC Chapter 17.74. Following the public hearing, the Planning Commission shall recommend to the City Council whether it should approve, modify, or deny the proposed amendments. The Planning Commission's recommendation shall be made by resolution carried by the affirmative vote of not less than the majority of the entire Planning Commission.

SECTION 4. Certification.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 27th day of September 2021.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk

APPROVED AS TO FORM:
THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney