



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, Interim City Manager

Date prepared: December 17, 2021 Meeting date: January 10, 2022

Subject: Second Reading and Adoption of Ordinance No. 496

RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 496, adopting Zoning Text Amendment No. 21-003 amending Malibu Municipal Code Chapter 17.41 (Malibu Dark Sky) to extend the compliance periods for development within the commercial, residential, and institutional zoning districts to October 15, 2022 and finding the action exempt from the California Environmental Quality Act.

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

WORK PLAN: This item was included as item 5.h in the adopted Work Plan for Fiscal Year 2021-2022.

DISCUSSION: On December 13, 2021, the Council introduced on first reading Ordinance No. 496.

ATTACHMENT: Ordinance No. 496

ORDINANCE NO. 496

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING ZONING TEXT AMENDMENT NO. 21-003 AMENDING MALIBU MUNICIPAL CODE CHAPTER 17.41 (MALIBU DARK SKY) TO EXTEND THE COMPLIANCE PERIODS FOR DEVELOPMENT WITHIN THE COMMERCIAL, RESIDENTIAL, AND INSTITUTIONAL ZONING DISTRICTS AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On September 27, 2021, the City Council adopted Resolution No. 21-55: 1) initiating a Zoning Text Amendment (ZTA) to extend the compliance periods for commercial, residential, and institutional development included in MMC Chapter 17.41 to October 15, 2022; and 2) directing 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 October 7, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu.

C. On November 1, 2021, the Planning Commission held a duly noticed public hearing on the subject ZTA, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and adopted Resolution No. 21-73 recommending the City Council adopt the proposed ZTA, as amended, and recommended the City Council consider the following recommendations: 1) that a program educating the public about the implementation of the Dark Sky Ordinance program be funded and implemented immediately; and 2) The Dark Sky Ordinance be amended to be exempt from City Council Policy No. 43.

D. On November 4, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold public hearing to consider the proposed amendment.

SECTION 2. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 3. Findings for Malibu Municipal Code Amendment.

Pursuant to MMC Section 17.74.040, the City Council hereby makes the following findings:

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan and is designed to facilitate compliance with Ordinance No. 434 which was adopted to protect and promote public health, safety, welfare, quality of life and the ability to view the night sky in alignment with the City's goals of preserving coastal resources and maintaining its unique rural character.

B. The City Council 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. Amendments.

MMC Section 17.41.100(B) Subsections 2 and 3 are amended to read as follows:

2. Outdoor lighting in commercial zones, including, but not limited to, CN, CC, CV, CG, RVP, and RD zoning districts shall comply by October 15, 2022.
3. Outdoor lighting in all remaining zones, including, but not limited to, SF, MF, MFBF, RR, PD, MH, and I zoning districts shall comply by October 15, 2022.

SECTION 5. Certification.

The City Clerk shall certify the passage and adoption of this Ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2021.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.