



Council Agenda Report

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Tyler Eaton, Associate planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: March 9, 2022 Meeting date: March 28, 2022

Subject: Initiate Amendments to Malibu Municipal Code Chapter 17.41 (Malibu Dark Sky)

RECOMMENDED ACTION: 1) Adopt Resolution No. 22-08 initiating an amendment to Malibu Municipal Code (MMC) Chapter 17.41 (Malibu Dark Sky); and 2) Direct staff to schedule a Planning Commission hearing to consider amendments to MMC Chapter 17.41.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action. However, in connection with the Fiscal Year (FY) 2021-22 Mid-Year Budget Amendments, Council approved funding for consultant services to support the associated public outreach and permit requirements. In addition, for FY 2022-23, additional funding will be required for implementation, including evaluation of and potential capital improvements to City facilities.

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

DISCUSSION: On February 28, 2022, the City Council directed staff to come back with a resolution initiating a zoning text amendment to the Dark Sky Ordinance (MMC Chapter 17.41). Per Council's direction, the amendment will include language recommended by the City's Dark Sky consultant, James Benya, which proposes to move the light trespass boundary line for commercial properties, including service stations, abutting the public right-of-way. The amendment will help commercial properties comply with the Dark Sky Ordinance without the need for deviations from the ordinance while still achieving the goal of the ordinance.

Recommendation

Staff is recommending the following actions:

- 1) Initiate a zoning text amendment to revise the Dark Sky Ordinance; and

2) Direct staff to schedule a Planning Commission hearing. Following the Planning Commission recommendation, the amendments will be presented to City Council for adoption.

ATTACHMENT: Resolution No. 22-08

RESOLUTION NO. 22-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
INITIATING AMENDMENTS TO MALIBU MUNICIPAL CODE
CHAPTER 17.41 (MALIBU DARK SKY)

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

SECTION 1. Initiation.

Pursuant to Malibu Municipal Code (MMC) Chapter 17.74, the City Council hereby initiates amendments to MMC Chapter 17.41 (Malibu Dark Sky) and directs staff to schedule a Planning Commission public hearing.

SECTION 2. 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 reject the amendment. 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 3. Certification.

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

PASSED, APPROVED AND ADOPTED this 28th day of MARCH 2022.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

JOHN COTTI, Interim City Attorney