

ORDINANCE NO. 329

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 06-003 TO INCLUDE LAND USE AND DEVELOPMENT STANDARDS FOR A TOWN CENTER OVERLAY DISTRICT, AMENDING THE LAND USE MAP AND MAKE COROLLARY AMENDMENTS TO THE ZONING MAP AND ZONING CODE

THE CITY COUNCIL OF THE CITY OF MALIBU DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

A. The history of this Local Coastal Program (LCP) amendment is set forth in the recitals of Resolution No. 08-52, in which the City Council approved the Development Agreement and Coastal Development Permit and associated entitlements, subject to certification by the Coastal Commission.

B. At the November 10, 2008, public hearing, the Council heard and considered the evidence and information provided in support of and in opposition to the application, public testimony of all interested persons and the recommendations of the Planning Commission and the Environmental Review Board.

Section 2. Environmental Review.

Pursuant to Public Resources Code Sections 21080.5 and 21080.9, the City is not required to undertake a complete California Environmental Quality Act (CEQA) analysis in connection with proposed amendments to a certified local coastal program, as those amendments are of no force or effect unless and until they are ultimately certified by the California Coastal Commission pursuant to its certified regulatory program. Nevertheless, and without waiving the applicable statutory exemption, staff prepared an Environmental Impact Report (EIR) in connection with the project which includes an analysis of Local Coastal Program Amendment (LCPA) No. 06-003.

Section 3. Local Coastal Program Amendment No. 06-003.

LCP Amendment No. 06-003 includes an amendment to the certified Local Coastal Program Local Implementation Plan, Land Use Map, and corollary amendments to the General Plan and the Zoning Code and Zoning Map. Amendments to the LIP are identified in Section 4 of this ordinance and changes to the LUP are identified in City Council Resolution No. 08-52.

Section 4. Local Coastal Program Local Implementation Plan Amendments.

A. Chapter 3 (Zoning Designations and Permitted Uses) is hereby amended to include Subsection 3.4.3 (Town Center Overlay District) as follows:

Chapter 3.4.3 – CUSTOM DEVELOPMENT CRITERIA (COMMERCIAL)

A. Purpose.

The Overlay meets the intent of LUP Policy 5.17 to provide specific development criteria for parcels within the Civic Center Area. These include land use designations and permitted uses; maximum density and intensity standards, including floor area ratios for commercial use not to exceed the maximum floor area ratio currently allowed pursuant to the LUP where public benefits and amenities are provided as part of the project; development standards, including heights, lot coverage, setbacks, and open space requirements; and provisions for shared or consolidated parking areas.

B. Description of Area Subject to LIP Section 3.4.3.

The provisions of this chapter shall apply to the 15.2 acre site currently identified as Los Angeles County Assessor Parcel Numbers 4458-022-023 and 4458-022-024. The site, currently addressed as 3700 La Paz Lane, is surrounded by a largely undeveloped hillside to the northwest, a single-family residence to the northeast, vacant land directly to the east, commercial uses the future Malibu Legacy Park site across Civic Center Way to the south and the Los Angeles County government building complex to the west as indicated on the Overlay Map.

C. Applicability.

These implementing measures establish the specific uses and development standards for the commercial development of the site. The Overlay will help guide development toward a “town center” that is geographically centrally located, that provides interdependent uses thereby minimizing trips and enhances the existing civic center uses and permanently establishes a City Hall in the Civic Center.

Where any policy or standard provided in this chapter conflicts with any other policy or standard contained in the City’s General Plan, Zoning Code or other City-adopted plan, resolution or ordinance not included in the LCP, and it is not possible for the development to comply with both the Town Center Overlay and other plan, resolution or ordinance, the policies, standards or provisions contained herein shall govern.

**D. Development Standards.****Town Center Overlay District****1. La Paz Site: Parcel A**

The following uses and design standards are applicable to the parcel referred to in the La Paz Development Agreement and Zoning Map as "Parcel A Post Lot Line Adjustment."

**a. Permitted Uses.** The following uses and structures are permitted within Town Center Overlay District, Parcel A:

- i. All uses permitted within the Community Commercial zoning district
- ii. Post offices operated by the Federal Government
- iii. Offices
- iv. Medical offices
- v. Onsite or offsite wastewater treatment facilities
- vi. Parks and playgrounds
- vii. Special events for public congregation or entertainment, which are temporary in nature
- viii. Other uses determined by the planning director to be of a similar nature to uses permitted in this district.

**b. Prohibited Uses.** The following uses are specifically prohibited:

- i. Fast food restaurants with drive-thru facilities
- ii. Liquor stores (stand alone)
- iii. Adult book stores
- iv. Hazardous waste facilities
- v. Gas stations

**c. Conditionally Permitted Uses:** The following uses may be permitted subject to obtaining a Conditional Use Permit in accordance with the requirements of the City's Zoning Code:

- i. Restaurants
- ii. Cocktail lounges, ancillary to restaurant use
- iii. Cultural and artistic uses (museums, galleries, and performing arts studios)
- iv. Live entertainment scheduled to occur after 7:00 p.m. – Live entertainment scheduled prior to 7:00 p.m. shall require a Temporary Use Permit
- iv. Nursery schools and day care facilities
- v. Veterinary hospitals
- vi. Churches, temples, mosques and other places of worship
- vii. Hand car washing and detailing

- viii. Wireless telecommunications antennae and facilities  
 ix. Emergency communication and service facilities

d. Development Standards

Maximum Floor Area Ratio (F.A.R)	.20 cumulative maximum F.A.R. for Parcels A, B, and C
Minimum Front Yard Setback	10% of average lot depth
Minimum Rear Yard Setback	15% of average lot depth
Minimum Side Yard Setback	10% of average lot width
Minimum Side Yard Setback (Cumulative)	25% of avg lot width
Maximum Building Height	32' from finished grade for Buildings 5 and 6; 28' from finished grade for all other buildings
Minimum Onsite Landscaping	35% of cumulative lot area for Parcels A, B, and C
Minimum Onsite Open Space	17% of cumulative lot area for Parcels A, B, and C
Maximum Grading	2,000 cubic yards of grading per acre excluding all exempt and remedial grading
Parking Requirements	1 space/ 250 square feet of office 1 space/ 200 square feet of retail/ restaurant – shopping center
Parking Location	Entire site and subterranean. Compact spaces permitted in accordance with existing code requirements. Shared parking permitted in accordance with LIP Section 3.12.4.
Monument Sign and General Sign Requirements	<p>Monument Signs shall be permitted in accordance with the Provisions of Section 3.13.6. of the LIP with the following modifications made to the provisions of that Section:</p> <p>The provisions of LIP Section 3.13.6.A.7 shall not apply.</p> <p>Monument Signs shall be permitted up to a maximum of 48 square feet excluding the base area supporting the sign. One monument sign shall be permitted for every parcel of land that exceeds 2 acres in size. There shall be no setback requirements</p>

	<p>from rights of way or property lines for monument signs.</p> <p>Address Monument signs shall be permitted up to a maximum of 16 square feet excluding the base. One address monument sign shall be permitted for every parcel of land that exceeds 2 acres in size. There shall be no setbacks required from rights of way or property lines for monument signs.</p>
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## 2. La Paz Site: Parcel B

The following uses and design standards are applicable to the parcel referred to in the La Paz Development Agreement and Zoning Map as "Parcel B Post Lot Line Adjustment."

### a. Permitted Uses. The following uses and structures are permitted within Town Center Overlay District, Parcel B:

- i. All uses permitted within the Community Commercial zoning district
- ii. Post offices operated by the Federal Government
- iii. Offices
- iv. Medical offices
- v. Onsite or offsite wastewater treatment facilities
- vi. Other uses determined by the planning director to be of a similar nature to uses permitted in this district.

### b. Prohibited Uses. The following uses are specifically prohibited:

- i. Fast food restaurants with drive-thru facilities
- ii. Liquor stores (stand alone)
- iii. Adult book stores
- vi. Hazardous waste facilities
- vii. Gas stations

### c. Conditionally Permitted Uses: The following uses may be permitted subject to obtaining a Conditional Use Permit in accordance with the requirements of the City's Zoning Code:

- i. Cultural and artistic uses, such as museums, galleries, and performing arts
- ii. Live entertainment that occurs after 7:00 p.m. – Live entertainment scheduled prior to 7:00 p.m. shall require a Temporary Use Permit
- iii. Nursery schools and day care facilities
- iv. Veterinary hospitals

- v. Churches, temples, mosques and other places of worship
- vi. Hand car washing and detailing
- vii. Wireless telecommunications antennae and facilities
- viii. Emergency communication and service facilities
- ix. Parks and playgrounds
- x. Special events for public congregation or entertainment, which are temporary in nature

d. Development Standards

Average Lot Width (minimum required)	238 feet
Average Lot Depth (minimum required)	500 feet
Maximum Floor Area Ratio (F.A.R)	.20 cumulative maximum F.A.R. for Parcels A, B, and C
Minimum Front Yard Setback	20% of average lot depth
Minimum Rear Yard Setback	15% of average lot depth
Minimum Side Yard Setback	10% of average lot width
Minimum Side Yard Setback (Cumulative)	25% of average lot width
Maximum Building Height	28 feet from finished grade
Maximum Perimeter Wall Height	10 feet from average grade
Minimum Onsite Landscaping	35% of cumulative lot area for Parcels A, B, and C
Minimum Onsite Open Space	17% of cumulative lot area for Parcels A, B, and C
Maximum Grading	2,500 cubic yards per acre excluding all exempt and remedial grading
Parking Requirements	1 space/250 square feet. of office 1 space/200 square feet of retail/ restaurant – shopping center
Parking Location	Entire site and subterranean. Compact spaces permitted in accordance with existing code requirements. Shared parking permitted in accordance with LIP Section 3.12.4.
Monument Sign	Monument Signs shall be permitted in accordance with the Provisions of Section 3.13.6. of the LIP with the following modifications made to the provisions of that Section:  The provisions of LIP Section 3.13.6.A.7 shall not apply.

	<p>Monument Signs shall be permitted up to a maximum of 48 square feet excluding the base area supporting the sign. One monument sign shall be permitted for every parcel of land that exceeds 2 acres in size. There shall be no setback requirements from rights of way or property lines for monument signs.</p> <p>Address Monument signs shall be permitted up to a maximum of 16 square feet excluding the base. One address monument sign shall be permitted for every parcel of land that exceeds 2 acres in size. There shall be no setbacks required from rights of way or property lines for monument signs.</p>
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3. La Paz Site: Parcel C

The following uses and design standards are applicable to the parcel referred to in the La Paz Development Agreement and Zoning Map as “Parcel C Post Lot Line Adjustment”:

a. Permitted Uses. The following uses and structures are permitted within Town Center Overlay District, Parcel C:

- i. All uses permitted within the Community Commercial zoning district
- ii. Post offices operated by the Federal Government
- iii. Offices
- iv. Medical offices
- v. Onsite or offsite wastewater treatment facilities
- vi. Community centers
- vii. Parks and playgrounds
- viii. Special events for public congregation or entertainment, which are temporary in nature
- ix. Other uses determined by the planning director to be of a similar nature to uses permitted in this district.

b. Prohibited Uses. The following uses are specifically prohibited:

- i. Fast food restaurants with drive-thru facilities
- ii. Liquor stores (stand alone)
- iii. Adult book Stores
- iv. Hazardous waste facilities

## v. Gas stations

c. Conditionally Permitted Uses: The following uses may be permitted subject to obtaining a Conditional Use Permit in accordance with the requirements of the City's Zoning Ordinance:

- i. Restaurants
- ii. Cocktail lounges, ancillary to restaurant use
- iii. Cultural and artistic uses, such as museums, galleries, and performing arts studios
- iv. Live entertainment that occurs after 7:00 p.m. – Live entertainment scheduled prior to 7:00 p.m. shall require a Temporary Use Permit
- iv. Nursery schools and day care facilities
- v. Veterinary hospitals
- vi. Churches, temples, mosques and other places of worship
- vii. Hand car washing and detailing
- viii. Wireless telecommunications antennae and facilities
- ix. Emergency communication and service facilities

## d. Development Standards

Minimum Lot Size	2.3 acres
Average Lot Width (minimum required)	350 feet
Average Lot Depth (minimum required)	141 feet
Maximum Floor Area Ratio (F.A.R)	.20 cumulative max F.A.R. for Parcels A, B, and C
Minimum Front Yard Setback	10% of average lot depth
Minimum Rear Yard Setback	9% of average lot depth.
Minimum Side Yard Setback	10% of average lot width.
Minimum Side Yard Setback (Cumulative)	25% of average lot width
Maximum Building Height	28 feet from finished grade
Minimum Onsite Landscaping	35% of cumulative lot area for Parcels A, B, and C
Minimum Onsite Open Space	17% of cumulative lot area for Parcels A, B, and C
Maximum Grading	3,000 cubic yards per acre excluding all exempt and remedial grading.
Structures Sited on Slopes	Structures may be sited on slopes as great as, but no greater than, 1:1
Parking Requirements	Government facility/offices (1 space/250 square feet)

	Council Chamber is a reciprocal/conjunctive use, no additional parking required
Parking Location	Entire site and subterranean. Compact spaces permitted in accordance with existing code requirements. Shared parking permitted in accordance with the Zoning Code.
Monument Sign	<p>Monument Signs shall be permitted in accordance with the Provisions of Section 3.13.6. of the LIP with the following modifications made to the provisions of that Section:</p> <p>The provisions of LIP Section 3.13.6.A.7 shall not apply.</p> <p>Monument Signs shall be permitted up to a maximum of 48 square feet excluding the base area supporting the sign. One monument sign shall be permitted for every parcel of land that exceeds 2 acres in size. There shall be no setback requirements from rights of way or property lines for monument signs.</p> <p>Address Monument signs shall be permitted up to a maximum of 16 square feet excluding the base. One address monument sign shall be permitted for every parcel of land that exceeds 2 acres in size. There shall be no setbacks required from rights of way or property lines for monument signs.</p>

Section 5. Local Coastal Program Amendment Findings.

In order to amend the LCP, the City Council must make the finding listed below.

*Finding A. The text amendment to the Land Use Plan and Land Use Implementation Plan is consistent with Chapter 3 of the Coastal Act.*

Chapter 3 of the Coastal Act states that any new development must not impede or adversely impact public access to the beach, must protect marine resources and scenic views, and must not significantly disrupt environmentally sensitive habitat areas.

The City Council hereby finds that the proposed LCP text amendment (which includes a DA and associated development standards for the DA .20 Project described above as required by LIP Section 3.8.5), does not impede public access to the beach or coastal resources in any way or disrupt environmentally sensitive habitat areas as the related proposed development is located inland in the commercially zoned Civic Center Area on a site that is not designated as Environmentally Sensitive Habitat Area. Therefore, the overall text amendment is consistent with Chapter 3 of the Coastal Act.

Section 6. Zoning Text Amendment No. 07-002.

Subject to the contingency of Section 11, Malibu Municipal Code (M.M.C.) Title 17 (Zoning), Section 42.020 (Overlay Districts), is hereby amended to include Subsection 17.42.020.J (Town Center Overlay) and associated development standards as prescribed in Section 4 with the corollary numerical changes in M.M.C.

Section 7. Finding for Zoning Text Amendment.

The City Council hereby finds that the Zoning Text amendment is necessary for the proposed LCP amendment and recommends that the City Council approve zoning text amendment only if it approves the LCP amendment and on the condition that the zoning text amendment only take effect if the LCP amendment is certified by the California Coastal Commission. Pursuant to M.M.C. Section 17.74.040, the City Council further finds that the subject zoning text amendments are consistent with the objectives, policies, and general land uses in the General Plan, as amended by the LCP amendment. The zoning text amendments will allow the text of the M.M.C. to be amended consistent with the amended LCP and is only corollary of that action.

Section 8. Zoning Map Amendment No. 07-002.

Subject to the contingency of Section 11, the City of Malibu Zoning Map is hereby amended to include the Town Center Overlay over the parcels currently zoned Community Commercial and identified as Assessor Parcel Numbers 4458-022-023 and 4458-022-024.

Section 9. Finding for Zoning Text and Zoning Map Amendment.

The City Council hereby finds that the zoning map amendment is necessary for the proposed LCP amendment and recommends that the City Council approve the zoning map amendment only if it approves the LCP amendment and on the condition that the zoning map amendment only take effect if the LCP amendment is certified by the California Coastal Commission. Pursuant to M.M.C. Section 17.74.050(E), the City Council further finds that the zoning map amendment is consistent with the objectives, policies and general land uses in the General Plan,

as amended by the LCP amendment. The zoning map amendments will allow the M.M.C. to be amended and be consistent with the amended LCP zoning map and is only a corollary of that action.

Section 10. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit DA No. 07-001 and LCPA No. 07-001 to the California Coastal Commission for certification, in conformance with the submittal requirements specified in California Code of Regulation, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 7 and Chapter 6, Article 2 and Code of Regulations Section 13551, et. seq.

Section 11. Effectiveness.

The LCP amendments, zoning code amendments and zoning map amendments approved in this ordinance shall become effective only upon certification by the California Coastal Commission of these amendments to the LCP.

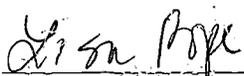
Section 12. Certification.

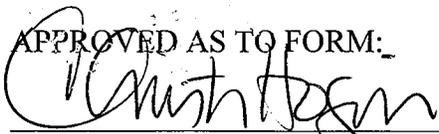
The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 24<sup>th</sup> day of November 2008.

  
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PAMELA CONLEY ULICH, Mayor

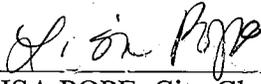
ATTEST:

  
\_\_\_\_\_  
LISA FOPE, City clerk  
(seal)

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 329 was passed and adopted at the regular City Council meeting of November 24, 2008, by the following vote:

AYES:	4	Councilmembers:	Sibert, Barovsky, Stern, Conley Ulich
NOES:	1	Councilmember:	Wagner
ABSTAIN:	0		
ABSENT:	0		



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LISA POPE, City Clerk  
(seal)