

ORDINANCE NO. 346

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING REVISIONS TO LOCAL COASTAL PROGRAM AMENDMENT NO. 06-003 TO INCLUDE LAND USE AND DEVELOPMENT STANDARDS AND INCORPORATING THE COASTAL COMMISSION SUGGESTED MODIFICATIONS FOR A TOWN CENTER OVERLAY DISTRICT (MALIBU LA PAZ RANCH, LLC)

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 (CCC).
- B. On November 24, 2008, the City Council adopted Ordinance No. 329, adopting an amendment of the Malibu LCP LIP and corollary zoning text and zoning map amendments and directing staff to submit Local Coastal Program Amendment (LCPA) No. 06-003 to the CCC for certification.
- C. On December 31, 2008, the LCPA was submitted to the CCC. On January 12, 2009, the submittal, identified by the CCC as MAL-MAJ-3-08 (La Paz Ranch Project), was reviewed by Commission staff and determined to be complete.
- D. At the April 9, 2009 CCC hearing, the Commission extended the deadline to act on MAL-MAJ-3-08 for a period of one year.
- E. On March 10, 2010, the CCC conditionally certified MAL-MAJ-3-08 (LCPA No. 06-003) subject to modifications as set forth in the Resolution of Certification adopted by the CCC on March 10, 2010. The modifications are non-substantive in nature and within the scope of the previously approved amendment. The modifications are incorporated into Section 3, Part C (Applicability) to add specific site regulations, and adding Part D (Development Agreement) to Local Implementation Plan (LIP) Section 3.4.3 (Town Center Overlay - Custom Development Criteria -Commercial) and adding a map showing the boundaries of the Town Center Overlay District (Exhibit A – Town Center Overlay District).
- F. On March 16, 2010, the City received said Resolution of Certification.
- G. On April 1, 2010, a one-quarter page public hearing notice for a City Council meeting to be held on April 12, 2010 was published in a newspaper of general circulation within the City. In addition, the notice was mailed to interested parties, pertinent agencies, and to all property owners and occupants within a 500 foot radius of the subject property.
- H. On April 12, 2010, the City Council held a duly noticed public hearing.

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 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. The EIR was certified on November 10, 2008.

Section 3. Local Coastal Program Local Implementation Plan Amendments.

LCP Amendment No. 06-003 is hereby augmented to include the modifications noted below to Chapter 3 (Zoning Designations and Permitted Uses), Subsection 3.4.3 (Town Center Overlay District).

- a) Subsection C. Applicability is hereby amended to add the following language at the end of the last paragraph.

The following special site-specific regulations shall also apply to the subject Overlay:

1. *Los Angeles County Waterworks District No. 29*

Development of any parcel within the Overlay area shall demonstrate that Los Angeles County Waterworks District 29 has reviewed and approved the potable water supply for the proposed development, including water requirements for fire suppression.

2. *California Department of Transportation (CalTrans)*

Development of any parcel within the Overlay area shall demonstrate that CalTrans has reviewed the proposed traffic and circulation plans and mitigation measures.

- b) A new subsection entitled *D. Development Agreement* is hereby added to read as follows and the following subsection are renumbered.

Pursuant to a Development Agreement between the property owner and the City of Malibu, the allowable Floor to Area Ratio (FAR) is increased from 0.15 to 0.20 for the following public benefits: 1) 2.3 acres to be conveyed to the City of Malibu for the purpose of a City Hall or municipal use; 2) \$500,000 contribution to the City Hall or municipal use Infrastructure Construction Fund associated with development of the 2.3-acre parcel; 3) a pedestrian and bike path from City Hall throughout the project

connecting to Civic Center Way; 4) Offer-to-Dedicate a public trail easement fronting along Civic Center Way (segment of the planned Malibu Pacific Trail/Coastal Slope Trail); and 5) conceptual architectural plans for the City Hall.

c) The Exhibits in the LIP are hereby amended to include a map of Town Center Overlay District. The map is attached as Exhibit A to this Ordinance.

d) Any amendments to the Land Use Map authorized by Resolution No. 08-52 and Ordinance No. 329 are hereby rescinded.

Section 4. 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 (which includes a DA and associated development standards for the DA .20 Project described above as required by LIP Section 3.8.5), and the addition of a LIP Town Center Overlay District map 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 5. Approval of Local Coastal Program Amendment No. 06-003.

A. Pursuant to the California Coastal Commission's Administrative Regulations Section 13544.5, the LCP amendment certification shall not be deemed final and effective until all of the following occur: 1) the City Council: a) acknowledges receipt of the Commission's resolution of certification, including any terms or modifications suggested for final certification; b) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and c) agrees to issue coastal development permits for the total area included in the certified Local Coastal Program; 2) the Executive Director determines in writing that the City's action is legally adequate to satisfy any specific requirements set forth in the Commission's certification order and the Director reports the determination to the Commission at its next regularly scheduled meeting; 3) if the Director finds that the City's action does not conform to the Commission's order, the Commission shall review the City action as if it were a resubmittal; and 4) notice of the certification shall be filed with the Secretary of the Resources Agency for posting and inspection.

B. The City Council acknowledges receipt of the California Coastal Commission's modifications to LCPA No. 06-003. The City Council further accepts and agrees to the modified language suggested by the California Coastal Commission pertaining to the Local Implementation Plan and approves revisions to LCP Amendment No. 06-003 without further changes.

C. The City of Malibu agrees to issue coastal development permits for the total area included in the certified LCP.

D. The proposed amendments to the Local Coastal Program Local Implementation Plan meet the requirements of, and are in conformance with the policies and requirements of Chapter 3 of the California Coastal Act to the extent necessary to achieve the basic State goals specified in Public Resources Code Section 30001.

Section 6. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit a copy of this Ordinance to the Commission per Title 14, California Code of Regulations Section 13544.5(a).

Section 7. Certification.

The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 10th day of May 2010.



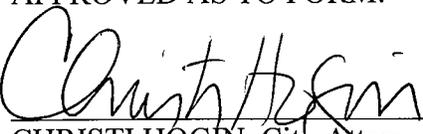
JEFFERSON WAGNER, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

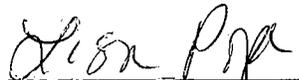
APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 346 was passed and adopted at the regular City Council meeting of May 10, 2010, by the following vote:

AYES: 5 Councilmembers: Conley Ulich, La Monte, Rosenthal, Sibert, Wagner
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)

Town Center Overlay District

Ordinance No. 346
Page 6 of 6

Harbor Vista Drive

Parcel B

Parcel C

Parcel A

Cross Creek Road

Civic Center Way

Cross Creek Road

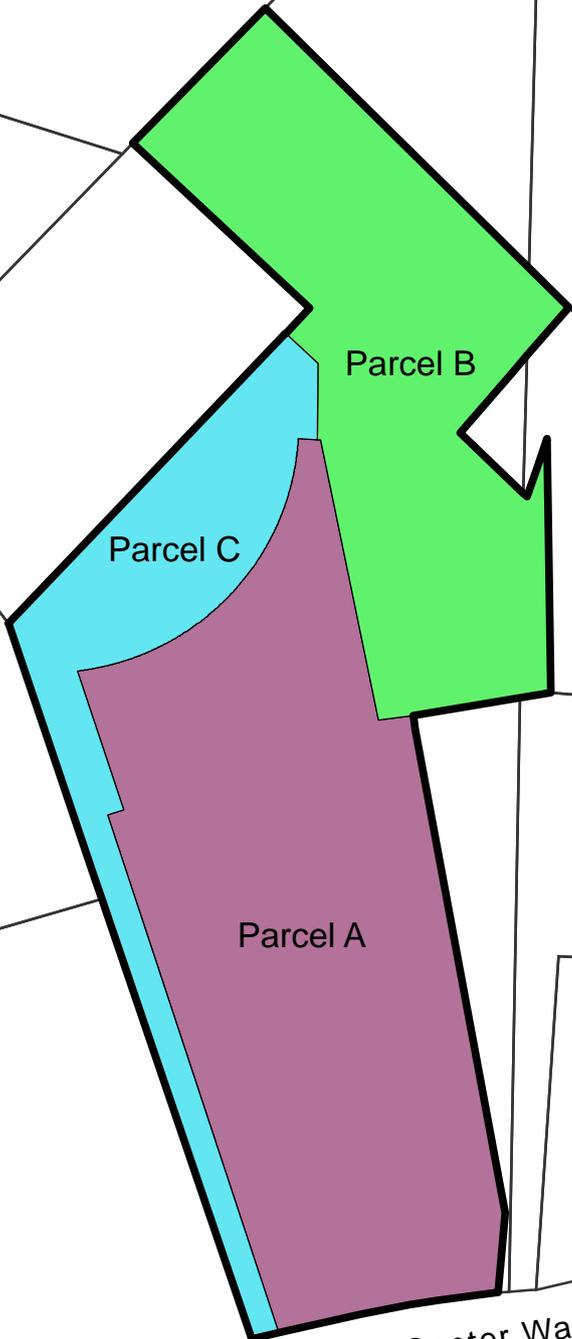
City of Malibu

EXHIBIT A



Town Center Overlay District

Harbor Vista Drive



Parcel B

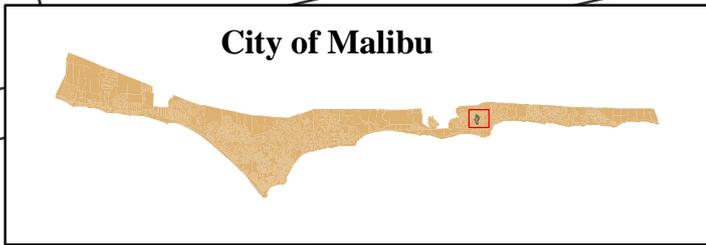
Parcel C

Parcel A

Cross Creek Road

Civic Center Way

Cross Creek Road



City of Malibu

EXHIBIT A