

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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W21a

DATE: April 18, 2013

TO: Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
John Ainsworth, Senior Deputy Director
Denise Venegas, Coastal Program Analyst

SUBJECT: City of Malibu LCP Amendment No. 2-11-A (Institutional Zone Development Standards): Executive Director's determination that action by the City of Malibu, acknowledging receipt, acceptance, and agreement with the Commission's certification with suggested modifications is legally adequate. This determination will be reported to the Commission at the May 8, 2013 meeting in San Rafael.

On February 7, 2013, the Commission approved Local Coastal Program Amendment No. 2-11-A with suggested modifications. The subject amendment dealt with changes to the City's Land Use Plan and Local Implementation Plan to amend the Institutional Zone District's development standards, permitted and conditionally permitted uses, and related provisions.

On March 25, 2013, the City Council adopted Ordinance No. 373 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. 2-11-A and accepting and agreeing to all modifications suggested by the Commission. The document was transmitted to Commission staff on April 9, 2013.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Malibu acknowledging receipt and acceptance of, and agreement with the Commission's certification of the above referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the City's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment 2-11-A, as certified by the Commission on February 7, 2013, as contained in the adopted Ordinance No. 373 of March 25, 2013, and find that the City's action and notification procedures for appealable development are legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.

ORDINANCE NO. 373

AN ORDINANCE OF THE CITY OF MALIBU TO AMEND THE INSTITUTIONAL ZONE DEVELOPMENT STANDARDS, PERMITTED AND CONDITIONALLY PERMITTED USES AND OTHER RELATED SECTIONS IN THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE, REPEALING ORDINANCE NO. 359, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION (CCC) RESOLUTION OF CERTIFICATION FOR LOCAL COASTAL PROGRAM AMENDMENT (LCPA) NO. 10-001 WITH SUGGESTED MODIFICATIONS AND ADOPTING REVISIONS TO LCPA NO. 10-001 AND ZONING TEXT AMENDMENT (ZTA) NO. 10-002 TO INCORPORATE THE CCC SUGGESTED MODIFICATIONS TO INCLUDE AMENDMENTS TO LOCAL COASTAL PROGRAM (LCP) LOCAL IMPLEMENTATION PLAN (LIP) TABLE B (PERMITTED USES); SECTION 3.3.N.3 (ZONING DISTRICTS; INSTITUTIONAL); SECTION 3.9 (INSTITUTIONAL DEVELOPMENT STANDARDS); AND SECTION 13.27.1(A) (SITE PLAN REVIEW); AND MALIBU MUNICIPAL CODE (M.M.C.) SECTION 17.34.010 (INSTITUTIONAL DISTRICT, PURPOSE), 17.34.040(B) (INSTITUTIONAL DISTRICT, LOT DEVELOPMENT CRITERIA); 17.34.020 (INSTITUTIONAL DISTRICT, PERMITTED USES); SECTION 17.34.030 (INSTITUTIONAL DISTRICT, CONDITIONALLY PERMITTED USES); SECTION 17.40.110 (INSTITUTIONAL DEVELOPMENT STANDARDS); AND SECTION 17.62.040(A) (SITE PLAN REVIEW)

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

Section 1. Recitals.

A. On October 12, 2009, the City Council directed staff to begin preparation of a comprehensive amendment package for permitted and conditionally permitted uses and accompanying development standards for the Institutional zone.

B. On November 9, 2009, in compliance with Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 19.2.1(A) and Malibu Municipal Code (M.M.C.) Section 17.74.020(B), the City Council adopted City Council Resolution No. 09-59, initiating changes to the LCP and M.M.C. regarding Institutional zone development standards, permitted and conditionally permitted uses. The City Council directed the Planning Commission to schedule a public hearing regarding the amendment package.

C. On November 10, 2009, a draft amendment package was presented to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) for review and recommendation. ZORACES recommended staff to return with a revised version of the amendment package that was exclusive to adding outdoor lights at public high schools as a conditionally permitted use within the Institutional zone. All remaining updates to Institutional zone development standards, permitted and conditionally permitted uses were recommended to

be removed and to proceed under a subsequent amendment package. Accordingly, the public high school lights amendment proceeded separately under Local Coastal Program Amendment (LCPA) No. 09-004 and Zoning Text Amendment (ZTA) No. 09-006, and was submitted to the California Coastal Commission (CCC) on April 20, 2010 for review and certification. The subject amendment package includes the remaining updates to the Institutional zone development standards and uses initiated under City Council Resolution No. 09-59.

D. On June 22, 2010, the amendment package was presented to ZORACES for review and recommendation prior to scheduling for Planning Commission review.

E. On August 26, 2010, a one-quarter page Notice of Planning Commission Public Hearing and Notice of Availability for LCP Documents was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners within the Institutional zone; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

F. On September 21, 2010, the Planning Commission held a duly noticed public hearing on LCPA No. 10-001, ZTA No. 10-002, and General Plan Amendment (GPA) No. 10-001, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. At that meeting, the Planning Commission directed staff to return with recommended changes to the amendment package.

G. On November 11, 2010, a one-quarter page Notice of Planning Commission Public Hearing and Notice of Availability for LCP Documents was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners within the Institutional zone; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

H. On December 7, 2010, the Planning Commission continued the item to the February 1, 2011 meeting and requested additional notification be made to homeowner's associations in the City.

I. On February 1, 2011, the Planning Commission held a duly noticed public hearing on LCPA No. 10-001, ZTA No. 10-002, and GPA No. 10-001, at which time the Planning Commission reviewed and considered the agenda report, written reports, public testimony, and other information on the record. At that meeting, the Planning Commission directed staff directed staff to prepare a resolution, as amended, recommending that the City Council approve the updated institutional development standards and uses.

J. On March 1, 2011, the Planning Commission adopted Planning Commission Resolution No. 11-16 recommending that the City Council approve the amendment which updated institutional development standards and uses.

K. On April 28, 2011, pursuant to LIP Section 19.3 and M.M.C. Chapter 17.74, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners within the Institutional zone; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC indicating that the City Council would hold a public hearing on May 23, 2011 to consider amendments to the LCP, M.M.C. and General Plan.

L. On May 23, 2011, the City 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 adopted Resolution No. 11-23, approving related amendments to the LCP Land Use Plan (LUP) and the General Plan Land Use Element, and introduced on first reading Ordinance No. 359 adopting amendments to the LIP and M.M.C.

M. On June 13, 2011, the City Council adopted Ordinance No. 359 adopting LCPA No. 10-001 and ZTA No. 10-002.

N. On August 19, 2011, the LCPA was submitted to the CCC. On April 4, 2012, the submittal, identified by the CCC as MAL-MAJ-2-11-A (Institutional Zone Development Standards), was reviewed by CCC staff and determined to be complete.

O. On February 7, 2013, the CCC conditionally certified MAL-MAJ-2-11-A (LCPA No. 10-001) subject to seven modifications as set forth in the CCC Resolution of Certification adopted on February 7, 2013. The seven modifications are within the same scope as LCPA No. 10-001; however, provide additional protection for visual resources, coastal resources, and cumulative impacts in the City. The modifications would result in corollary amendments to ZTA No. 10-002 as approved by the City Council on June 13, 2011.

P. On February 26, 2013, the City received said Resolution of Certification, dated February 26, 2013.

Q. On March 14, 2013, a Notice of City Council Public Hearing to be held on March 25, 2013 was published in a newspaper of general circulation within the City and was mailed to all interested parties; regional, state and federal agencies affected by the amendments; local libraries and media; and the CCC.

R. On March 25, 2013, the City Council held a duly noticed public hearing.

Section 2. Environmental Review.

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCPA. This ordinance is for an amendment to the LCP,

which must be certified by the CCC before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary ZTA to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

Section 3. Local Coastal Program Amendment No. 10-001, Amendments to the Local Implementation Plan, as Modified by the California Coastal Commission.

LCPA No. 10-001 includes amendments to the LIP and Table B (Permitted Uses) – an exhibit of LIP Chapter 3 (Zoning Designations and Permitted Uses) and corollary amendments to Title 17 (Zoning) of the M.M.C. Corollary amendments to the M.M.C. are identified in Section 6 of this ordinance. Related amendments to the LUP are included in Resolution No. 11-23. Consistent with the CCC's February 7, 2013 conditional certification of MAL-MAJ-2-11-A (LCPA No. 10-001), the City Council hereby amends the LIP as follows:

A. Add the following definitions to LIP Section 2.1 (Definitions) to read as follows:

COMMERCIAL DEVELOPMENT - any development on private land that is not heavy industrial, institutional, or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes. For purposes of compliance with Chapter 17 of the LIP (Water Quality Protection Ordinance) only, "commercial development" shall include institutional development.

HEALTH CARE FACILITIES - any facility, place, or building maintained and operated to provide medical care. Health care facilities include but are not limited to hospitals, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the State of California Health and Human Services Agency. Health care facilities do not include residential care facilities for the elderly.

INSTITUTIONAL DEVELOPMENT - any development on public or private land that is intended for public and quasi-public uses and facilities such as emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks and recreational facilities, and governmental facilities including police and fire stations.

B. Amend LIP Section 3.3(N)(1) (Zoning Districts, Institutional Zone, Purpose) to read as follows:

The I District accommodates public and quasi-public uses and facilities in the City. This District includes emergency communications and services, libraries, museums, maintenance yards, educational, (private and public) and religious institutions, community centers, parks, and recreational and governmental facilities.

C. Amend LIP Section 3.3(N)(3)(b) (Zoning Districts, Institutional Zone, Lot Development Criteria) to read as follows, and delete LIP Sections 3.3(N)(3)(b)(i through iii):

In addition to the regulations contained in this Chapter, all uses in the I District shall be subject to the applicable standards specified in the Malibu LIP.

D. Amend LIP Section 3.5.3(A) (General Development Standards, Fences and Walls) to read as follows:

A. Fences and Walls. Fences and walls may be erected and maintained in required yards subject to the requirements specified herein:

1. Front Yards: Fences and walls within a required front yard shall not exceed a height of 42 inches with the exception of open/permeable, non-view-obscuring fencing which may extend to a maximum height of 6 feet. Fencing on Institutionally-zoned parcels may extend to a maximum height of 8 feet if the portion above 42 inches is constructed of open/permeable, non-view-obscuring material.

2. Corner Side Yards: Fences and walls within a required corner side yard shall not exceed 42 inches in height where closer than 5 feet to the right-of-way line, nor exceed 6 feet in height where 5 feet or more from said right-of-way line. Fencing on Institutionally-zoned parcels may extend to a maximum height of 8 feet if the portion above 42 inches is constructed of open/permeable, non-view-obscuring material.

3. Interior Side and Rear Yards: Fences, walls and hedges forming a barrier and serving the same purpose as a fence or wall within a required interior side or rear yard shall not exceed 6 feet in height; provided, however, that on the street or highway side of a corner lot such hedge, fence or wall shall be subject to the same requirements as for a corner side yard. Fencing on Institutionally-zoned parcels may extend to a maximum height of 8 feet if the portion above 42 inches is constructed of open/permeable, non-view-obscuring material.

E. Renumber LIP Sections 3.9 through 3.14 as follows, and replace all references to Sections 3.9 through 3.14 with updated references to the renumbered sections below, as necessary:

- LIP §3.11 Development Standards for Special Uses
- LIP §3.12 Landscaping and Fuel Modification
- LIP §3.13 Agricultural Use and Confined Animal Facilities
- LIP §3.14 Parking Regulations
- LIP §3.15 Signs
- LIP §3.16 Wireless Telecommunications Antennae and Facilities

F. Add a new section heading under LIP Section 3.9 and amend the section to read as follows:

3.9 INSTITUTIONAL DEVELOPMENT STANDARDS

A. All institutional development shall be subject to the following development standards:

1. Height.

a. Structures shall not exceed a maximum height of 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys, rooftop antenna, and light standards. The maximum height of the structure may be increased up to 28 feet for a flat or pitched roof if approved through a site plan review pursuant to Section 13.27 of the Malibu LIP.

b. Flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries may be increased up to a maximum of 35 feet if approved through a site plan review pursuant to Section 13.27 of the Malibu LIP. Roof-mounted mechanical equipment shall be integrated into the roof design, screened, and may project no more than two feet higher than the structure roof height (screens included) if approved through a site plan review pursuant to Section 13.27 of the Malibu LIP.

c. In no event shall the maximum number of stories above grade be greater than two.

d. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Sections 4.6.2 and 6.5.G.

2. Yards/Setbacks.

a. Front yard setbacks shall be 10 feet from the street easement.

b. Side yard setbacks shall be 5 feet; however, when an institutional use is adjacent to a residentially-zoned parcel(s) along a side yard, the setback shall be increased to 10% of the lot width or 10 feet, whichever is greater.

c. Rear yard setbacks shall be 5 feet; however, when an institutional use is adjacent to a residentially-zoned parcel(s) along the rear yard, the setback shall be increased to 15% of the lot depth or 15 feet, whichever is greater.

3. Site Development Criteria. All proposed institutional construction shall comply with the following site development standards:

a. Structure Size. The gross floor area of all buildings on a given parcel shall be limited to a maximum Floor Area Ratio (FAR) of 0.15, or 15% of the lot area (excluding slopes equal to or greater than 1:1 and street easements). Additional gross floor area may be approved by the City Council, up to the maximum allowed for the parcel under the Land Use Plan, where additional significant public benefits and amenities are provided as part of the project.

b. Landscaping and Site Permeability. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.14.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces.

B. Determinations regarding lot widths and depths for irregularly shaped parcels, permitted driveway paths, building area and FAR, infill lots and yards shall be made by the Planning Manager, consistent with all applicable certified Local Coastal Program policies and development standards.

G. Add a new section heading under LIP Section 3.10 to read as follows:

3.10 RESERVED

H. Amend LIP Section 3.12.5(A)(2) (Parking, Development Standards, Location) to read as follows:

2. The required parking spaces may be located in interior side and rear setbacks. Except for schools and public safety facilities, no parking space, either required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise.

I. Amend LIP Section 8.3(B) (Grading, Development Standards) to read as follows:

B. Maximum Quantity of Grading. Notwithstanding any other provisions of the Malibu LIP, grading per lot of residential development, per acre of commercial development, or per acre of institutional development (total cut and fill) is limited to 1,000 cubic yards as follows.

J. Amend LIP Section 13.27.1(A) (Site Plan Review, Applicability) to add the following:

8. For institutional development, height increases over the base district maximum of 18 feet up to a maximum of thirty-five 35 feet in height for flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries where consistent with all applicable certified Local Coastal Program policies and development standards. Roof-mounted mechanical equipment shall be integrated into the roof design, screened, and may project no more than two feet higher than the structure roof height (screens included).

K. Amend LIP Table B (Permitted Uses) to make the following modifications within columns as indicated, together with additional footnotes. All other portions of Table B shall remain unaffected.

USE	RR	SE	MF	MFBE	MIR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
AUTOMOTIVE RELATED USES																
Towing and automobile storage	CUP	.	CUP	.	.

USE	RR	SE	MF	MFBE	MIR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RECREATION AND LEISURE																
Parks, beaches, and playgrounds	CUP	CUP	CUP	CUP	.	P	.	CUP	CUP	CUP	CUP	CUP	P	CUP	P	.
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	.	.	.	.	.	A	.	.	CUP	CUP ⁹	CUP ⁹	CUP	P	P ¹⁴	P	.

USE	RR	SF	MF	MEBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Helipad sites	CUP	.	.	.	.	.	.	.	.	.	.	.	.	CUP ¹²	.	.
Farmers' markets operated by a non-profit charitable organization	CUP	.	.
Government facilities, including police and fire stations	.	.	CUP	.	.	.	.	P	P	P ⁴	P ⁴	P	.	P	.	.
Residential care facilities for the elderly	CUP	CUP	CUP ⁴	CUP ⁴	.	CUP ¹³	.	.
Research institutions	CUP	.	.	.	.

USE	RR	SF	MF	MEBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
AGRICULTURAL/ANIMAL-RELATED																
Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals, provided that such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock es yard or mmercial ing	P ³	.	.	.	.	CUP ³	.	.	.	.	.	.	.	CUP ¹³	.	.

academy located on the same premises																	
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P	A	.	.	.	CUP	.	.	.	.	.	.	.	CUP ¹³	.	.
Raising of hogs or pigs	P	.	.	.	.	CUP	.	.	.	.	.	.	.	CUP ¹³	.	.
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature	P	.	.	.	.	CUP	.	.	.	.	.	.	.	CUP ¹³	.	.
Greenhouses	P	.	CUP	.	.	CUP	.	.	.	.	.	.	.	CUP ¹³	.	.
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	CUP	.	.	.	.	.	.	.	.	.	.	CUP ¹³	.	.

Notes

1. Subject to Residential Development Standards (Section 3.6)
2. Subject to Home Occupations Standards [(Section 3.6(O)]
3. Use Prohibited in Environmentally Sensitive Habitat Areas
4. This commercial use may be permitted only if at least 50% of the total floor area of the project is devoted to visitor serving commercial use.
5. CUP for veterinary hospitals
6. Maximum interior occupancy of 125 persons
7. If exceeding interior occupancy of 125 persons
8. By hand only
9. Use permitted only if available to general public

10. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
11. Sports field lighting shall be limited to the main sports field at Malibu high school and subject to the standards of LIP Sections 4.6.2 and 6.5.G.
12. Limited to public agency use only (not for private use)
13. Accessory uses when part of an educational or non-profit (non-commercial) use. However, residential care facilities for the elderly are limited to operation by a non-profit only.
14. CUP for facilities within a side or rear yard when adjacent to a residentially-zoned parcel.

Section 4. Local Coastal Program Amendment Findings.

A. Based on evidence in the whole record, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act. Updating the Institutional zone development standards and applicable provisions guides future growth and development, promotes public health, safety, and general welfare, and assures adequate public uses, facilities, and improvements within the City. The incorporation of updated uses accommodates the need for new development, activities, and improvements to existing facilities, while taking into consideration the protection of coastal resources.

B. The amendment to the LCP meets the requirements of, and is in conformance with the goals, objectives and purposes of the LCP as identified in said document. Updated and uniform institutional development standards ensures that development within the Institutional zone advances the overarching goals of protecting coastal resources and promoting the public safety, convenience, and the general welfare. The incorporation of new development standards accommodates the need for new development and improvements to existing facilities, while taking into consideration the protection of environmentally sensitive habitat areas (ESHA), visual resources, public access, and the avoidance or mitigation of hazards. Institutional development standards will help ensure that new development is feasible, adequate for the use it is intended to serve, does not adversely affect neighborhood character, and is located in close proximity to existing development with available public services. Incorporating institutional development standards promotes LIP Sections 1.2(D) and (G) (guides future growth and development), LIP Section 1.2(F) (promotes public health, safety, and general welfare), and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements). Updated permitted and conditionally permitted uses within the Institutional zone promotes LIP Section 1.2(F) (promotes public health, safety, and general welfare) and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements). The updated uses provide needed clarification; improvements to public necessity and safety, convenience, and the general welfare; and provide additional flexibility for public recreational opportunities within the coastal zone. The incorporation of updated uses accommodates the need for new development, activities, and improvements to existing facilities, while taking into consideration the protection of ESHA, visual resources, public access, and the avoidance or mitigation of hazards.

Section 5. Zoning Text Amendment No. 10-002.

The City Council hereby finds that the ZTA is necessary for the proposed LCPA and approves the ZTA on the condition that the ZTA only take effect if the LCPA is certified by the CCC. Pursuant to M.M.C. Section 17.74.040, the City Council further finds that the subject ZTA is consistent with the objectives, policies, and general land uses in the General Plan, as amended by the LCPA. The ZTA guides future growth and development, promotes public health, safety, and general welfare, and assures adequate public uses, facilities, and improvements within the City. Further, it accommodates the need for new development, activities, and improvements to existing facilities, while taking into consideration the protection of coastal resources. The ZTA 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 6. Zoning Text Amendment No. 10-002, Corollary Amendments to Title 17 of the Malibu Municipal Code Resulting from Modifications by the California Coastal Commission on Local Coastal Program Amendment No. 10-002.

ZTA No. 10-002 includes amendments to Title 17 (Zoning) of the M.M.C. Related amendments to the General Plan Land Use Element are included in Resolution No. 11-23. Consistent with the CCC's February 7, 2013 conditional certification of MAL-MAJ-2-11-A (LCPA No. 10-001), the City Council hereby amends the M.M.C. as follows:

A. Add the following definitions to M.M.C. Section 17.02.060 (Definitions) to read as follows:

“Health care facilities” means any facility, place, or building maintained and operated to provide medical care. Health care facilities include but are not limited to hospitals, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the State of California Health and Human Services Agency. Health care facilities do not include residential care facilities for the elderly.

“Institutional development” means any development on public or private land that is intended for public and quasi-public uses and facilities such as emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks and recreational facilities, and governmental facilities including police and fire stations.

B. Amend the table in M.M.C. Section 17.06.050 (Zoning Districts Established, Development Standards Summary) to change the “Impermeable Coverage Limits” for “Institutional (I)” from 30% top 45% (25,000 sq. ft. maximum to 70%.

C. Amend M.M.C. Section 17.40.030(A) (General Development Standards, Fences and Walls) to read as follows:

A. Fences and Walls. Fences and walls may be erected and maintained in required yards subject to the requirements specified herein:

1. Front Yards. Fences and walls within a required front yard shall not exceed a height of forty-two (42) inches with the exception of open/permeable, non-view-obscuring fencing which may extend to a maximum height of six feet. Fencing on Institutionally-zoned parcels may extend to a maximum height of eight feet if the portion above 42 inches is constructed of open/permeable, non-view-obscuring material.

2. Corner Side Yards. Fences and walls within a required corner side yard shall not exceed forty-two (42) inches in height where closer than five feet to the right-of-way line, nor exceed six feet in height where five feet or more from said right-of-way line. Fencing on Institutionally-zoned parcels may extend to a maximum height of eight feet if the portion above 42 inches is constructed of open/permeable, non-view-obscuring material.

3. Interior Side and Rear Yards. Fences, walls and hedges forming a barrier and serving the same purpose as a fence or wall within a required interior side or rear yard shall not exceed six feet in height; provided, however, that on the street or highway side of a corner lot such hedge, fence or wall shall be subject to the same requirements as for a corner side yard and the provisions of Section 17.40.040(A)(17). Fencing on Institutionally-zoned parcels may extend to a maximum height of eight feet if the portion above 42 inches is constructed of open/permeable, non-view-obscuring material.

D. Amend M.M.C. Section 17.34.010 (Institutional District, Purpose) to read as follows:

The I district accommodates public and quasi-public uses and facilities in the city. This district includes emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks, and recreational and governmental facilities.

E. Amend M.M.C. Section 17.34.020 (Institutional District, Permitted Uses) to read as follows:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the Most Restrictive Design Standards set forth in Section 17.96.070;

- C. Government facilities including police and fire stations and government offices;
- D. Equestrian and hiking trails (public and private);
- E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel).

F. Amend M.M.C. Section 17.34.030 (Institutional District, Conditionally Permitted Uses) to read as follows:

The following uses may be permitted subject to obtaining a conditional use permit:

- A. Public or private educational institutions;
- B. Towing and automobile storage;
- C. Maintenance yards;
- D. Public utility facilities;
- E. Libraries, museums;
- F. Community centers;
- G. Health care facilities;
- H. Religious institutions;
- I. Day care facilities, nursery schools;
- J. Accessory uses when part of an educational or non-profit use (non-commercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, greenhouses, and similar uses;
- K. Educational (non-profit) activities;
- L. Emergency communication and service facilities;
- M. Farmers' markets operated by a non-profit charitable organization;
- N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));

- O. Helipad sites (public agency use only and not for private use);
- P. Charitable, philanthropic activities;
- Q. Parks, beaches, and playgrounds;
- R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);
- S. Residential care facilities for the elderly (limited to operation by a non-profit only).

G. Amend M.M.C. Section 17.34.040(B) (Institutional District, Lot Development Criteria) to read as follows and remove subsections 1 through 3:

B. In addition to the regulations contained in this chapter, all uses in the I district shall be subject to the applicable standards located in the following chapters:

- Chapter 17.40: Property Development and Design Standards;
- Chapter 17.48: Parking Requirements;
- Chapter 17.52: Sign Standards;
- Chapter 17.62: Development Permits;
- Chapter 17.66: Conditional Use Permits;
- Chapter 17.68: Temporary Use Permits;
- Chapter 17.70: Demolition Permits;
- Chapter 17.72: Variances and Stringline Modifications.

H. Amend M.M.C. Chapter 17.40 (Property Development and Design Standards) to add Section 17.40.110 to read as follows:

17.40.110 Institutional Development Standards.

A. All institutional development shall be subject to the following development standards:

1. Height.

- a. Structures shall not exceed a maximum height of eighteen (18) feet above natural or finished grade, whichever results in a lower building height, except for chimneys, rooftop antenna, and light standards. The director may issue a development permit, pursuant to the site plan review process of this title, to allow structure height up to twenty-eight (28) feet for flat or pitched roofs.
- b. Flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries may be increased up to a maximum of thirty-five (35) feet pursuant to the site plan review process of this title. Roof-mounted mechanical equipment shall be integrated into the roof design, screened, and may project no more than two (2) feet higher than the structure roof

height (screens included) if approved through a site plan review pursuant to Section 17.62.040(A).

c. In no event shall the maximum number of stories above grade be greater than two.

d. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5.G.

2. Yards/Setbacks.

a. Front yard setbacks shall be ten (10) feet from the street easement.

b. Side yard setbacks shall be five (5) feet; however, when an institutional use is adjacent to a residentially-zoned parcel(s) along a side yard, the setback shall be increased to ten (10) percent of the lot width or ten (10) feet, whichever is greater.

c. Rear yard setbacks shall be five (5) feet; however, when an institutional use is adjacent to a residentially-zoned parcel(s) along the rear yard, the setback shall be increased to fifteen (15) percent of the lot depth or fifteen (15) feet, whichever is greater.

3. Site Development Criteria. All proposed institutional construction shall comply with the following site development standards:

a. Structure Size. The gross floor area of all buildings on a given parcel shall be limited to a maximum Floor Area Ratio (FAR) of 0.15, or 15 percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements). Additional gross floor area may be approved by the City Council, up to the maximum allowed for the parcel under the General Plan, where additional significant public benefits and amenities are provided as part of the project.

b. Landscaping and Site Permeability. Twenty five (25) percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. The required five (5) foot landscape buffer around the perimeter of parking areas pursuant to Section 17.48.050(E)(1) shall count toward the twenty five (25) percent requirement. An additional five (5) percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be permeable.

4. Grading. Notwithstanding any other provisions of this code, grading (total cut and fill) per acre of institutional development is limited to one thousand (1,000) cubic yards as follows:

a. Maximum Quantity. In conjunction with any grading, so that the maximum is not greater than one thousand (1,000) cubic yards (exclusive of remedial grading) cut and fill may be allocated as follows: (i) balanced cut and fill up to one thousand (1,000) cubic yards; or (ii) export of no more than one thousand (1,000) cubic yards; or (iii) import of no more than five hundred (500) cubic yards, where additional grading on site does not exceed five hundred (500)

cubic yards in conjunction with any landform alteration so that the maximum is no greater than one thousand (1,000) cubic yards; or (iv) any combination of the above that does not exceed one thousand (1,000) cubic yards.

b. Maximum height cut or fill: six feet in any one wall, or twelve (12) feet for any combination of walls, where a minimum three foot separation exists between walls, except single cuts up to twelve (12) feet in height which are an integral part of the structure are permitted.

c. Maximum grade cut or fill: 3:1 for areas created for development of structures and open yard areas. Transition slopes may not exceed 2:1.

d. Criteria. Grading plans shall be submitted for approval with building plans. No grading permits shall be issued until a building permit is approved. Contour grading shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

e. Remedial Grading. Notwithstanding the limitations of this subsection, the director may permit remedial grading. For the purposes of this section, "remedial grading" is defined as grading recommended by a full site geotechnical report approved by the director and city geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development.

f. Exceptions. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.

B. Determinations regarding lot widths and depths for irregularly shaped parcels, permitted driveway paths, building area and FAR, infill lots and yards shall be made by the director, consistent with all applicable Malibu Local Coastal Program policies and development standards.

I. Amend M.M.C. Section 17.48.050(A)(2) (Parking, Development Standards, Location) to read as follows:

2. The required parking spaces may be located in interior side and rear setbacks. Except for schools and public safety facilities, no parking space, either required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise.

J. Amend M.M.C. Section 17.62.040(A) (Site Plan Review) to add the following:

12. For institutional development, height increases over the base district maximum of eighteen (18) feet up to a maximum of thirty-five (35) feet in height for flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries where consistent with all applicable Malibu Local Coastal Program policies and development standards. Roof-mounted mechanical equipment shall be integrated into the roof design, screened, and may project no more than two (2) feet higher than the structure roof height (screens included).

Section 7. Approval of Ordinance No. 373 and Repealing Ordinance No. 359.

The City Council hereby adopts LCPA No. 10-001 and ZTA No. 10-002 amending the LCP and M.M.C as modified by the CCC. Ordinance No. 359 is hereby repealed and any amendments to the LIP and Title 17 of the M.M.C. authorized by Ordinance No. 359 are superseded by the amendments set forth in Sections 4 and 6 of this Ordinance.

A. Pursuant to the CCC's Administrative Regulations Section 13544.5, the LCPA certification shall not be deemed final and effective until all of the following occur: 1) the City Council: a) acknowledges receipt of the CCC'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 LCP; 2) the Executive Director of the CCC determines in writing that the City's action is legally adequate to satisfy any specific requirements set forth in the CCC's certification order and the Director reports the determination to the CCC at its next regularly scheduled meeting; 3) if the Director finds that the City's action does not conform to the CCC's order, the CCC 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 CCC's modifications to LCPA No. 10-001. The City Council further accepts and agrees to the modified language suggested by the CCC pertaining to the LIP and approves revisions to LCPA No. 10-001 without further changes.

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

The proposed amendments to the LIP 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 8. Submittal to California Coastal Commission.

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

Section 9. Effectiveness.

The LCPA and ZTA approved in this ordinance shall become effective only upon certification by the CCC of this amendment to the LCP.

Section 10. Certification.

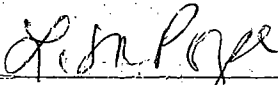
The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 8th day of April 2013.



LOU LA MONTE, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

Date: 4.9.13

APPROVED AS TO FORM:

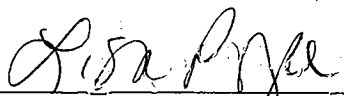


CHRISTI HOGN, City Attorney

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.

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 373 was passed and adopted at the regular City Council meeting of April 8, 2013, by the following vote:

AYES: 5 Councilmembers: Peak, Rosenthal, Sibert, House, La Monte
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)