

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Th10a

DATE: January 17, 2013

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Steve Hudson, District Manager
Barbara Carey, Supervisor, Planning and Regulation
Denise Venegas, Coastal Program Analyst

SUBJECT: City of Malibu Local Coastal Program Amendment No. MAL-MAJ-2-11-A for Public Hearing and Commission Action at the February 7, 2013 Commission Meeting in Redondo Beach.

DESCRIPTION OF THE SUBMITTAL

The City of Malibu is requesting an amendment to the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP) to: 1) amend the LUP by changing the land use designation under "Institutional" to allow for an increase in maximum floor area ratio (FAR) from 0.15 to 0.20 where additional significant public benefits and amenities are provided as part of the project; 2) amend the LIP to add two (2) new definitions, "Institutional Development" and "Health Care Facilities," to LIP Section 2.1 (Definitions); 3) amend the LIP to add a new set of development standards tailored for Institutional development in "Institutional" zoned parcels; 4) amend the LIP Section 3.5.3 (General Development Standards) to include specific requirements for Institutional development and; 5) amend the LIP Table B (Permitted Uses) to update permitted and conditionally permitted uses within the "Institutional" zone.

The City of Malibu submitted Local Coastal Program Amendment No. MAL-MAJ-2-11-A to the Commission on August 19, 2011. After the submittal of additional information requested by Commission staff, the amendment proposal was deemed complete and filed on April 4, 2012. Pursuant to Section 30512 of the Coastal Act and California Code of Regulations, Title 14, Section 13522, an amendment to the certified LCP that includes changes to the LUP and LIP must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. Pursuant to Section 30517 of the Coastal Act, the time limit for action on this amendment was extended for one year at the May 2012 Commission hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission **APPROVE** the proposed LUP component of the City of Malibu LCP Amendment No. MAL-MAJ-2-11-A, as submitted, and **DENY** the proposed LIP component of the City of Malibu LCP Amendment No. MAL-MAJ-2-11-A, as submitted, and **APPROVE** the LIP amendment with seven (7) suggested modifications. The modifications are necessary because the LIP amendment, as submitted, does not conform with and is

inadequate to carry out the provisions of the Land Use Plan. The motions and resolutions for Commission action can be found starting on **page 5**. The suggested modifications can be found starting on **page 7**.

The proposed LCP amendment would establish a uniform set of new development standards that would apply to every project proposed in the “Institutional” zone in order to 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. As currently provided in the LCP, existing institutional development standards are limited and inadequately regulate the full scope of development that may be approved within the Institutional zone. The current LCP contains a set of development standards that only regulate setbacks, height, and FAR for institutional development and all remaining standards default to the same regulations used for residential development. The proposed LCP amendment includes a new set of development standards for development on parcels that are zoned “Institutional,” an update to the Institutional land use designation description, and proposes to update the list of permitted and conditionally permitted uses within the Institutional zone to be consistent with LUP policies. The proposed institutional development standards will allow and establish standards for the range of institutional uses that may be proposed in the future, encourage new development to be located in existing developed areas and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. However as proposed, the LIP Amendment is not adequate to ensure that the provisions of the Land Use Plan are adequately implemented. The proposed LIP Amendment to allow for projections over the maximum building height to be increased up to a maximum of 35 feet if approved through a site plan review, does not ensure that new building projections are sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible; and the LIP amendment to allow for determinations regarding lot widths and depths for irregularly shaped parcels, permitted driveway paths, building area and FAR, infill lots and yards made by the planning manager are made in a manner that is consistent with the other resource protection provisions of the LCP in order to avoid adverse impacts to coastal resources. Therefore, two modifications are suggested to ensure that, for any new projection over the maximum building height and lot width and depth determinations for irregularly shaped parcels made by the planning manager are consistent with the other resource protection provisions of the LCP in order to avoid adverse impacts to coastal resources. The remaining five modifications are minor changes included to provide consistency between uses allowed within the LCP, add needed clarification to Table B (Permitted Use) and, to reinsert language inadvertently omitted from the certified City of Malibu LCP.

SUBSTANTIVE FILE DOCUMENTS

City of Malibu Local Coastal Program, adopted in 2002; Ordinance No. 359 approving LCPA No. 10-001, adopted by the City Council of the City of Malibu June 13, 2011.

<p>Additional Information: For further information, please contact Denise Venegas at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The proposed amendment to the City of Malibu Local Coastal Program (LCP) is available for review at the Ventura Office of the Coastal Commission.</p>
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TABLE OF CONTENTS

I. PROCEDURAL ISSUES	4
A. STANDARD OF REVIEW	4
B. PUBLIC PARTICIPATION	4
C. PROCEDURAL REQUIREMENTS	5
II. STAFF MOTION, RESOLUTION, AND RECOMMENDATION ON THE LAND USE PLAN AMENDMENT	5
A. APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED.....	5
III. STAFF MOTIONS, RESOLUTIONS AND RECOMMENDATIONS ON THE LOCAL IMPLEMENTATION PLAN AMENDMENT.....	6
A. DENIAL OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED.....	6
B. CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS.....	6
IV. SUGGESTED MODIFICATION ON THE LOCAL IMPLEMENTATION PLAN (LIP).....	7
V. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT AS SUBMITTED, AND DENIAL OF THE LIP AMENDMENT, AS SUBMITTED, AND APPROVAL OF THE LIP IF MODIFIED AS SUGGESTED	14
A. AMENDMENT DESCRIPTION AND BACKGROUND	14
B. CONSISTENCY ANALYSIS AND FINDINGS	16
C. CONCLUSION	20
VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	20

EXHIBITS

Exhibit 1.	City of Malibu Proposed LCP Amendment Language
Exhibit 2.	City of Malibu Ordinance No. 359 Approving the Proposed LCP Amendment
Exhibit 3.	Map of Institutional Zone Parcels
Exhibit 4.	Summary of Existing Institutional Zone Parcels

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)

The Commission may suggest modifications...(Section 30513)

The standard of review that the Commission uses in reviewing the adequacy of the proposed amendment to the Land Use Plans is whether the Land Use Plan as amended would be consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Local Implementation Plan of the certified Local Coastal Program, pursuant to section 30513 and 30514(b) of the Coastal Act, is whether the Implementation Plan as modified by the proposed amendment would be in conformance with, and adequate to carry out, the provisions of the Land Use Plan portion of the adopted City of Malibu Local Coastal Program. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified City of Malibu LUP as guiding policies.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held a series of public hearings on the subject amendment requests. The hearings were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551 (b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a Local Coastal Program Amendment will either require formal local government adoption after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. The City Council Resolution for this amendment states that the amendment will take effect after Commission certification. However, in this case, because this approval is subject to suggested modifications by the Commission, if the Commission approves this Amendment, the City must act to accept the certified suggested modifications within six months from the date of Commission action in order for the Amendment to become effective (California Code of Regulations, Title 14, Section 13542 and 13544). Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City.

II. STAFF MOTION, RESOLUTION, AND RECOMMENDATION ON THE LAND USE PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. APPROVAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION:

I move that the Commission reject the City of Malibu Land Use Plan Amendment MAL-MAJ-2-11-A, as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Following this staff recommendation will result in failure of this motion and certification of the Land Use Plan Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the Commissioners present.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the City of Malibu Land Use Plan Amendment MAL-MAJ-2-11-A as submitted and adopts the findings set forth below on grounds that the Land Use Plan, as amended, will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment will meet the requirements of the California Environmental Quality Act, because either 1)

feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

III. STAFF MOTIONS, RESOLUTIONS AND RECOMMENDATIONS ON THE LOCAL IMPLEMENTATION PLAN AMENDMENT

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

A. DENIAL OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

MOTION I:

I move that the Commission reject the City of Malibu Local Implementation Plan Amendment MAL-MAJ-2-11-A, as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Local Implementation Plan Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the City of Malibu Local Implementation Plan Amendment MAL-MAJ-2-11-A, as submitted, and adopts the findings set forth below on grounds that the Local Implementation Plan Amendment, as submitted, does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Local Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Local Implementation Plan Amendment as submitted.

B. CERTIFICATION OF THE LOCAL IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II:

I move that the Commission certify the City of Malibu Local Implementation Plan Amendment MAL-MAJ-2-11-A if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Local Implementation Plan Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE LOCAL IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the City of Malibu Local Implementation Plan Amendment MAL-MAJ-2-11-A, if modified as suggested, and adopts the findings set forth below on grounds that the Local Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the Local Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Local Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

IV. SUGGESTED MODIFICATION ON THE LOCAL IMPLEMENTATION PLAN (LIP)

Staff recommends that the Commission certify the proposed LIP amendment with the modifications as shown below. The LCP number indicates the existing section in the certified City of Malibu LCP. The existing language in the certified LCP is shown in straight type. The language proposed by the City of Malibu in this amendment to be inserted is shown underlined and language proposed to be deleted is shown in ~~striketrough~~. Language proposed by Commission staff to be inserted is shown in double underline and language proposed to be deleted is shown in ~~double striketrough~~. Other suggested modifications that do not directly change LCP text (e.g., revisions to figures, instructions) are shown in *italics*.

<i>SUGGESTED MODIFICATION NO. 1</i>
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CHAPTER 3 – ZONING DESIGNATIONS AND PERMITTED USES

3.3 ZONING DISTRICTS

...

N. INSTITUTIONAL (I) ZONE

1. Purpose

The I District accommodates ~~existing~~ 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.

...

3. LOT DEVELOPMENT CRITERIA

...

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.

~~b. Proposed non-residential structures within the I Zone shall comply with the provisions of Section 3.6 of the Malibu LIP (Residential Development Standards) except that setbacks, height, and structures size shall comply with the following requirements instead of those in Section 3.6 of the Malibu LIP.~~

~~i. Minimum Setbacks. Front side, and rear setbacks shall be not less than the largest of each of those setbacks required for existing development on any abutting parcel.~~

~~ii. Maximum Height. Structures [other than roof antennas and light standards] ¹ shall not exceed a maximum height of 18 feet above natural or finished grade. The maximum height may be increased up to 28 feet if approved through site plan review, pursuant to Section 13.27 of the Malibu LIP.~~

~~iii. Structure Size. The gross floor area of all structures on a given parcel shall be limited to a maximum floor area ratio (FAR) of 0.15.~~

<i>SUGGESTED MODIFICATION NO. 2</i>
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CHAPTER 3 – ZONING DESIGNATIONS AND PERMITTED USES

3.9 INSTITUTIONAL DEVELOPMENT STANDARDS

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

1. Height.

¹ This language is added here to reflect the current certified baseline of the City of Malibu Local Coastal Program and was added pursuant to Local Coastal Program Amendment MAL-MAJ-1-11-A (Public High School Lights), certified by the Commission on February 8, 2012. Local Coastal Program Amendment MAL-MAJ-1-11-A was certified after the LCP Amendment No. MAL-MAJ-2-11-A (subject of this staff report) submittal was received and therefore the subject amendment submittal did not reflect the recently certified changes to the LCP.

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, ~~and~~ 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 yards 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 (F.A.R.) 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 3.4~~2~~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.

SUGGESTED MODIFICATION NO. 3

Throughout the Local Implementation Plan, replace all references to Sections 3.9 through 3.14 with updated references to the renumbered sections approved by the subject LCPA, as necessary.

SUGGESTED MODIFICATION NO. 4

CHAPTER 13. COASTAL DEVELOPMENT PERMITS

13.27 SITE PLAN REVIEW AND MINOR MODIFICATIONS

Section 13.27.1(A)

...

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).

SUGGESTED MODIFICATION NO. 5

Local Implementation Table B (Permitted Uses), Recreation and Leisure Section

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RECREATION AND LEISURE																
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	A	•	•	CUP	CUP ⁹	CUP ⁹	CUP	P	CUP ⁹ P ¹⁴	P	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RECREATION AND LEISURE																
<u>Accessory uses to facilitate active recreation within a side or rear yard when adjacent to a residentially zoned parcel(s) including but not limited to sports courts and fields, swimming pools, and similar uses)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>≡</u>	<u>CUP</u>	<u>≡</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>≡</u>

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. Reserved~~

[11. Sports field lighting shall be limited to the main sports field at Malibu high school and subject to the standards of LIP Sections ~~3.3.N.3~~, 4.6.2 and 6.5.G.]¹

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

SUGGESTED MODIFICATION NO. 6

Local Implementation Table B (Permitted Uses), Recreation and Leisure Section







USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RECREATION AND LEISURE																
<u>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</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	<u>CUP</u>	=	=

SUGGESTED MODIFICATION NO. 7

Local Implementation Table B (Permitted Uses), Agricultural/Animal-Related Section

¹ This language is added here to reflect the current certified baseline of the City of Malibu Local Coastal Program and was added pursuant to Local Coastal Program Amendment MAL-MAJ-1-11-A (Public High School Lights), certified by the Commission on February 8, 2012. Local Coastal Program Amendment MAL-MAJ-1-11-A was certified after the LCP Amendment No. MAL-MAJ-2-11-A (subject of this staff report) submittal was received and therefore the subject amendment submittal did not reflect the recently certified changes to the LCP.

City of Malibu
Local Coastal Program Amendment 2-11-A
Page 13

USE	RR	SF	MF	MFBF	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 sales yard or commercial riding academy located on the same premises	P ³	•	•	•	•	CUP ³	•	•	•	•	•	•	•	 CUP ¹³	•	•
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,	A	A	CUP	•	•	•	•	•	•	•	•	•	•	 CUP ¹³	•	•

nursery stock, etc.) provided no retail sale from the premises																
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V. FINDINGS FOR APPROVAL OF THE LUP AMENDMENT AS SUBMITTED, AND DENIAL OF THE LIP AMENDMENT, AS SUBMITTED, AND APPROVAL OF THE LIP AMENDMENT IF MODIFIED AS SUGGESTED

The following findings support the Commission’s approval of the LUP amendment, as submitted, and denial of the LIP amendment, as submitted, and approval of the LIP amendment if modified as indicated in Section IV (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION AND BACKGROUND

Proposed Land Use Plan Amendment

The City of Malibu proposes to amend the LUP portion of its certified LCP to amend the land use designation under “Institutional” to allow for an increase in maximum floor area ratio (FAR) from 0.15 to 0.20 where additional significant public benefits and amenities are provided as part of the project, add new permitted and conditionally permitted uses in the Institutional zone, and change the phrase “such as” to “but are not limited” in order to clarify that the list of uses noted are not exhaustive but an example of typical uses within the Institutional zone.

Proposed Local Implementation Plan Amendment

The City of Malibu also proposes to amend the Local Implementation Plan (LIP) portion of its certified LCP to: 1) add a new “Institutional Development” and “Health Care Facilities” definition to Section 2.1 (Definitions) to provide consistency between the LIP and LUP; 2) amend the LIP “Commercial Development” definition in Section 2.1 to add clarification to the definition to confirm that “institutional” is separate from commercial; 3) amend LIP Section 8.3(B)(Grading, Development Standards) to change grading standards to be regulated on a per acre basis as opposed to a per parcel basis; 4) amend LIP Section 3.12.5(A)(2) (Parking, Development Standards, Location); 5) amend LIP Section 3.5.3(A) (General Development Standards, Fences and Walls) to allow for fencing on Institutionally-zoned parcel to extend up to 8 feet if the portion above 42 inches is constructed of open/permeable non-view-obscuring material; 6) amend the LIP to add a new set of development standards tailored for institutional development to ensure that development within the Institutional zone remains in conformance with the overall protection of coastal resources; 7) amend the LIP Section 13.27.1(A) (Site Plan Review, Applicability) to allow for projections over the maximum building height subject to Site Plan Review and to include additional types of elements that may project above the roof that are common to Institutional facilities; 8) amend the LIP Table B (Permitted Uses) to update permitted and conditionally permitted uses within the Institutional zone; and 9) supplementary housekeeping items to provide consistency between uses allowed within the LCP.

Background

On June 13, 2011, the City of Malibu approved a Land Use Plan and Local Implementation Plan amendment to the certified LCP to establish a uniform set of development standards that would apply to every project proposed in the Institutional zone and update the existing permitted and conditionally permitted uses to reflect a sufficient range of uses that are common to the Institutional zone. The LCP Amendment request (MAL-MAJ-2-11-A) was received by the Commission on August 19, 2011 and was deemed complete on April 4, 2012.

The City found that the existing institutional development standards in the certified LCP are limited and do not inadequately provide for the full scope of institutional development that may be proposed within the “Institutional” zone. The current LCP contains a set of development standards that regulate only setbacks, height, and FAR for institutional development and all remaining standards default to the same regulations used for residential development. The current LCP provisions for institutional development are based on the Malibu Municipal Code provisions that were applicable at the time of LCP certification. These provisions were designed to apply to existing institutional development, but did not anticipate future additions or new institutional development. As such, they do not provide meaningful standards for a full range of public and quasi-public facilities. Currently, approximately 206 acres, or 1.6 percent, of the City’s total jurisdiction is zoned for institutional development and use. Thirty-seven parcels are zoned Institutional with many being contiguous to one another. For example, nine parcels comprise the campus boundary of Juan Cabrillo Elementary and Malibu Middle/High School. Of the 37 parcels, approximately 31 include some form of development such as structures, roads, parking areas, or largely graded-out areas and six remain undeveloped and vacant.

The proposed LCP amendment establishes a uniform set of new development standards that would apply to every project proposed in the Institutional zone. The proposed development standards accommodate the range of existing and potential uses within the Institutional zone and achieve a balance between the City’s development policies, the community’s needs, and past and current project applications in order to 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. The incorporation of new development standards specifically for “Institutional” zoned parcels will accommodate 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 and is located in close proximity to existing development with available public services.

The amendment further updates exiting permitted and conditionally permitted uses to reflect a sufficient range of uses that are typical to the Institutional zone. In addition, institutional facilities such as towing and automobile storage, police and fire stations, parks and recreational facilities, and animal husbandry and agricultural uses for educational and non-profit purposes have been identified as new conditional uses within the Institutional zone. Supplementary

housekeeping items are also included to provide consistency between uses allowed within the LCP. By updating the list of permitted and conditionally permitted uses the City will have better capability to regulate and enforce such uses as they occur, alleviate zoning constraints for future institutional uses, and promote new recreational and educational opportunities.

B. CONSISTENCY ANALYSIS AND FINDINGS

The standard of review for the proposed Land Use Plan (LUP) Amendment is whether the Land Use Plan, as amended, would remain consistent with, and meet the requirements of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Local Implementation Plan (LIP) of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is whether the Local Implementation Plan, with the proposed amendment, would be in conformance with and adequate to carry out, the provisions of the Land Use Plan portion of the City of Malibu certified Local Coastal Program, as amended.

The subject LCP amendment includes both LUP and LIP components. The proposed amendment's consistency with the Coastal Act and the certified LUP is detailed below. In addition, the policies of Chapter 3 of the Coastal Act (PRC Sections 30200-30263) have been incorporated in their entirety in the certified City's LUP as guiding policies pursuant to Policy 1(D)(1) of the LUP.

The following policies and provisions of the City of Malibu Local Coastal Program and Coastal Act, as incorporated into the LCP, relate to protecting visual resources, coastal resources, and cumulative impacts. As described in detail above, the proposed LCPA establishes general development standards for institutional uses in the City, including, but not limited to, setbacks, height, structure size, landscaping, site permeability, fences/walls, grading limits, and parking. Other policies and provisions of the LCP relating to public access, environmentally sensitive habitat areas, visual resources, hazards, and water quality are not proposed to be modified, and as applicable, will continue to be implemented in the City's review of institutional development. Several of the general institutional development standards implicate Coastal Act or Land Use Plan policies and are evaluated below.

Coastal Act Policies

Section 30251 of the Coastal Act, which is incorporated as part of the Malibu Land Use Plan (LUP), requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. Specifically, Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and by local government shall be subordinated to the character of its setting.

Section 30231 of the Coastal Act, which is incorporated as part of the Malibu Land Use Plan (LUP), states, in relevant part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organism and for the protection of human health shall be maintained and where feasible, restored through, amount other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30250 of the Coastal Act, which is incorporated as part of the Malibu Land Use Plan (LUP), states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30105.5 of the Coastal Act defines the term “cumulatively,” as it is used in Section 30250(a), to mean that:

The incremental effect of an individual project shall be reviewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

City of Malibu Local Coastal Program Policies

- 3.45 All new development shall be sited and designed so as to minimize grading, alteration of physical features, and vegetation clearance in order to prevent soil erosion, stream siltation, reduced water percolation, increased runoff, and adverse impacts on plant and animal life and prevent net increase in baseline flows for any receiving waterbody.
- 6.1 The Santa Monica Mountains, including the City, contain scenic areas of regional and national importance. The scenic and visual qualities of these areas shall be protected and, where feasible, enhanced.
- 6.5 New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of

the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.

- 6.6 Avoidance of impacts to visual resources through site selection and design alternatives is the preferred method over landscaping screening. Landscape screening, as mitigation of visual impacts shall not substitute for project alternatives including resiting, or reducing the height or bulk of structures.
- 6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of structures.
- 6.15 Fences, walls, and landscaping shall not block views of scenic areas from scenic roads, parks, beaches, and other public viewing areas.

Discussion

LUP Amendment

The proposed LUP amendment would modify the land use designation under “Institutional” to allow the maximum floor area ratio (FAR) permitted in this land use category to be increased from 0.15 to 0.20, where additional significant public benefits and amenities are provided as part of the project. Further, the list of permitted institutional uses is proposed to be expanded. These proposed changes will provide an incentive for applicants to include public amenities as part of new development. Similar incentives are provided by the LCP for commercial development that incorporates public amenities. Increasing the maximum FAR to 0.20 in such instances will not substantially increase the density or intensity of development allowed in the “Institutional” land use category. Further, the FAR is a maximum that could only be permitted where consistent with all other coastal resource protection policies of the LUP. As such, the proposed LUP amendment is consistent with all applicable Chapter 3 policies of the Coastal Act.

LIP Amendment

The LIP amendment would add a new set of development standards tailored for institutional uses to ensure that development within the “Institutional” zone remains in conformance with the overall protection of coastal resources. Specifically, the new institutional development standards will regulate setbacks, height, structure size, landscaping, site permeability, fences/walls, grading limits, and parking.

The certified LCP contains a set of development standards that regulate only setbacks, height, and FAR for institutional development and all remaining standards default to the same regulations used for residential development. Applying residential development standards to institutional development does not adequately regulate the range of projects that may be proposed in the Institutional Zone. The incorporation of the proposed specific institutional

development standards will better ensure that new institutional development is feasible, adequate for the use it is intended to serve, does not adversely affect neighborhood character, protects environmentally sensitive habitat areas (ESHA), and is located in close proximity to existing development.

Coastal Act Policy 30231, as incorporated into the City's LCP, and LUP Policy 3.45 require that development be designed and sited to minimize adverse effects of waste water discharges and entrainment, control runoff, prevent depletion of ground water supplies and substantial interference with surface water flow. The Malibu LCP contains specific water quality regulations in Chapter 17 (Water Quality Protection Ordinance). The proposed LIP amendment would not modify these provisions and industrial development would continue to be subject to the water quality requirements. The proposed LIP amendment does include changes to other general development standards that do implicate water quality protection. For one, the maximum floor area ratio (FAR) permitted in the "Institutional" zone could be increased from 0.15 to 0.20, where additional significant public benefits and amenities are provided as part of the project. As discussed above, such an increase in FAR will not substantially increase the density or intensity of development. Additionally, the new proposed development standards for institutional uses include a new requirement with regard to landscaping and impermeable surfaces. The proposed requirement is that 25% of each site must be devoted to landscaping, with an additional 5% devoted to permeable surfaces, thereby ensuring that at least 30% of the total site will be permeable to help reduce the amount of impervious surfaces which lead to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site and eventually be discharged to coastal waters, including streams, wetlands, and estuaries.

Coastal Act Policy 30251, as incorporated into the City's LCP, and LUP Policies 6.1, 6.5, 6.6, 6.7, and 6.15 require that all new development must minimize impacts to visual resources. The proposed LIP Amendment would allow architectural projections (such as flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries) above the maximum height of approved buildings to be increased up to a maximum of 35 feet if approved through a site plan review. This provision is designed to allow for roof projections that are often part of institutional structures. However, the standard does not, by itself, ensure that new building projections are sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible. Rather, this provision must be considered in conjunction with the other visual resource policies and provisions of the LCP. Similarly, the LIP amendment includes a provision to allow for determinations regarding lot widths and depths for irregularly shaped parcels, permitted driveway paths, building area and FAR, infill lots and yards to be made by the planning manager. Such determinations need to be made in a manner that is consistent with the other resource protection provisions of the LCP in order to avoid adverse impacts to coastal resources. Therefore, **Suggested Modifications 2 and 4** require that for any new projections over the maximum building height and lot width and depth determinations for irregularly shaped parcels made by the planning manager are consistent with the other resource protection provisions of the LCP in order to avoid adverse impacts to coastal resources.

Finally, the remaining five modifications are minor changes that are necessary to provide consistency between uses allowed within the LCP, add needed clarification to Table B

(Permitted Use) and to reinsert language that was added to the certified LCP as part of LCPA No. MAL-MAJ-1-11-A, but inadvertently omitted in the subject proposed LCPA language.

Therefore, the Commission finds that it is necessary to modify the proposed LIP amendment, through Suggested Modifications Nos. 1 through 7 to ensure consistency with the above referenced cumulative impacts, visual resources, and coastal resources policies of the City's LCP, and incorporated Chapter 3 policies of the Coastal Act, to prevent adverse cumulative impacts from new development.

C. CONCLUSION

In conclusion, the Commission finds that the LUP amendment, as submitted, is consistent with Sections 30231, 30250, and 30251 of the Coastal Act. However, the Commission finds that the proposed amendment to the LIP will not be fully adequate to carry out the certified land use plan, and incorporated Coastal Act policies, for the above-stated reasons and is denied as submitted. The Commission finds that the proposed LIP amendment, only if modified as suggested by Suggested Modifications 1 through 7, conforms to and is adequate to carry out Sections 30231, 30250, and 30251 of the Coastal Act, as incorporated as policies of the LUP, as well as LUP Policies 3.45, 6.1, 6.5, 6.6, 6.7, and 6.15.

VI. CALIFORNIA ENVIRONMENTAL QUALITY ACT

California Public Resources Code (PRC) Section 21080.9 – within the California Environmental Quality Act (CEQA) – exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with their activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, because the Natural Resources Agency found the Commission's LCP review and approval program to be functionally equivalent to the EIR process, *see* 14 C.C.R. §15251(f), PRC Section 21080.5 relieves the Commission of the responsibility to prepare an EIR for its review of and action on LCP provisions. Nevertheless, some elements of CEQA continue to apply to this review process.

Specifically, pursuant to CEQA and the Commission's regulation (*see* 14 C.C.R. §§ 13540(f), 13542(a), and 13555(b)), the Commission's certification of this LCP amendment must be based in part on a finding that it meets the CEQA requirements listed in PRC section 21080.5(d)(2)(A). That section requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Local Implementation Plan amendment has been found not to be in conformity with, or adequate to carry out, the provisions of the Land Use Plan portion of the certified LCP. To resolve the concerns identified, the Commission suggests modifications discussed in detail above, that will ensure that the Implementation Plan is

adequate to carry out and is in conformity with the Land Use Plan. The suggested modifications minimize or mitigate any potentially significant environmental impacts of the LCP amendment. If modified as suggested, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

AUG 19 2011

California Coastal Commission
South Central Coast District

**Summary of Text Changes to the LCP – LUP and LIP
Institutional Zone Development Standards**

City of Malibu LCPA No. 10-001

Note: For purposes of this summary, the existing LCP language is shown in straight type. The language proposed to be deleted is shown in ~~strikethrough~~. The language proposed to be inserted is shown as underlined.

This summary corresponds with Resolution No. 11-23 and Ordinance 359.

LCP – LAND USE PLAN (LUP)

1. Amend LUP Policy 5(C)(2) (Land Use Designations) under "Institutional" to read as follows:

INSTITUTIONAL (I): The I designation accommodates ~~existing~~ public and quasi-public uses and facilities in the City. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.20 where additional significant public benefits and amenities are provided as part of the project. ~~This designation includes permitted and conditional uses such as~~ Uses that are permitted and/or conditionally permitted include but are not limited to the following: 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. ~~educational institutions, government facilities, libraries, community centers, and religious institutions.~~ The maximum allowable Floor to Area Ratio (FAR) is 0.15.

LCP – LOCAL IMPLEMENTATION PLAN (LIP)

A. Add a new definition to LIP Section 2.1 (Definitions) to read as follows:

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 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.

C. Add a new definition to LIP Section 2.1 (Definitions) to read as follows:

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.

D. 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 within a residential development, lot or per acre of commercial development, or per acre of institutional development (total cut and fill) is limited to 1,000 cubic yards as follows.

E. Amend LIP Section 3.3(N)(3)(b) (Zoning Districts, Institutional Zone, Lot Development Criteria) to read as follows:

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. b- Proposed non-residential structures within the I Zone shall comply with the provisions of Section 3.6 of the Malibu LIP (Residential Development Standards)

~~except that setbacks, height, and structure size shall comply with the following requirements instead of those in Section 3.6 of the Malibu LIP.~~

~~i. Minimum Setbacks. Front side, and rear setbacks shall be not less than the largest of each of those setbacks required for existing development on any abutting parcel.~~

~~ii. Maximum Height. Structures shall not exceed a maximum height of 18 feet above natural or finished grade. The maximum height may be increased up to 28 feet if approved through site plan review, pursuant to Section 13.27 of the Malibu LIP.~~

~~iii. Structure Size. The gross floor area of all structures on a given parcel shall be limited to a maximum floor area ratio (FAR) of 0.15.~~

F. 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.

G. 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.

H. Renumber LIP Sections 3.9 through 3.14 as follows, and update all existing section references throughout the LIP, as applicable:

LIP §3.11 ~~3.9~~ Development Standards for Special Uses

LIP §3.12 ~~3.10~~ Landscaping and Fuel Modification

LIP §3.13 ~~3.11~~ Agricultural Use and Confined Animal Facilities

LIP §3.14 ~~3.12~~ Parking Regulations

LIP §3.15 ~~3.13~~ Signs

LIP §3.16 ~~3.14~~ Wireless Telecommunications Antennae and Facilities

I. Add a new section heading under LIP Section 3.9 and modify 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 and rooftop antenna. 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.

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 (F.A.R.) 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 3.12.5(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.

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

3.10 RESERVED

K. 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. 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).

L. 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	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
AUTOMOTIVE RELATED USES																
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	<u>CUP</u> •	•	•

USE	RR	SF	MF	MFBF	MHR	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	<u>CUP</u> •	P	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RECREATION AND LEISURE																
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	A	•	•	CUP	CUP ⁹	CUP ⁹	CUP	P	<u>CUP⁹</u> •	P	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RECREATION AND LEISURE																
Accessory uses to facilitate active recreation within a side or rear yard when adjacent to a residentially-zoned parcel(s) including but not limited to sports courts and fields, swimming pools, and similar uses	P	P	P	P	•	CUP	•	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	•

USE	RR	SF	MF	MFBF	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 •	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Farmers' markets operated by a non-profit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P ⁴	P ⁴	P	•	P CUP	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP ⁴	CUP ⁴	•	CUP ¹³	•	•

USE	RR	SF	MF	MFBE	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	• CUP	•	•

USE	RR	SF	MF	MFBE	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
<u>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</u>	•	•	•	•	•	•	•	•	•	•	•	•	•	• CUP	•	•

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. Reserved
12. Limited to public agency use only (not for private use)
13. Limited to operation by a non-profit only

**LCP Land Use Plan (LUP) and Local Implementation Plan (LCPA No. 10-001)
Institutional Zone Development Standards**

Received

ORDINANCE NO. 359

AUG 19 2011

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 10-001 AND ZONING TEXT AMENDMENT NO. 10-002 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

California Coastal Commission
Gulf of the Farallones Coast District

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 local libraries and media; and the CCC.

**Exhibit 2
City of Malibu LCP Amendment 2-11-A
City of Malibu Ordinance No. 359
Approving the proposed LCP
Amendment**

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.

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 LCP amendment. This application 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 LCP amendment 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 LCP amendment 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.

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 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 4. Local Coastal Program Local Implementation Plan Amendments.

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. The City Council hereby amends the LIP as follows.

- A. Add a new definition to LIP Section 2.1 (Definitions) to read as follows:

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 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.

- C. Add a new definition to LIP Section 2.1 (Definitions) to read as follows:

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.

- D. 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.

E. Amend LIP Section 3.3(N)(3)(b) (Zoning Districts, Institutional Zone, Lot Development Criteria) to read as follows:

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.

F. 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.

G. 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.

H. Renumber LIP Sections 3.9 through 3.14 as follows, and update all existing section references throughout the LIP, as applicable:

- 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

I. Add a new section heading under LIP Section 3.9 and modify 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 and rooftop antenna. 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.

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 3.12.5(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.

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

3.10 RESERVED

K. 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. 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).

L. 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.

ES	ER	SL	ML	MEB	MIR	CR	BPO	CN	CC	OY1	OY2	CC	OS	J	PR	RMP
AUTOMOTIVE RELATED USES																
wing and omobile rage	CUP	.	CUP	.	.

[illegible]

USE	RR	SE	ML	MEB	MHR	CR	BPO	CN	CC	CV-1	CV-2	CC	OS	T	PRI	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Helipad sites	CUP	.	.	.	.	.	.	.	.	.	.	.	.	CUP ¹²	.	.

USE	RR	SE	ML	MEB	MHR	CR	BPO	CN	CC	CV-1	CV-2	CC	OS	T	PRI	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Farmers' markets operated by a non-profit charitable organization	CUP	.	.

USE	RR	SE	ML	MEB	MHR	CR	BPO	CN	CC	CV-1	CV-2	CC	OS	T	PRI	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Government facilities, including police and fire stations	.	.	CUP	.	.	.	.	P	P	P ⁴	P ⁴	P	.	P	.	.

USE	RR	SE	ML	MEB	MHR	CR	BPO	CN	CC	CV-1	CV-2	CC	OS	T	PRI	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Residential care facilities for the elderly	CUP	CUP	CUP ⁴	CUP ⁴	.	CUP ¹³	.	.

USE	RR	SE	ML	MEB	MHR	CR	BPO	CN	CC	CV-1	CV-2	CC	OS	T	PRI	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Research institutions	CUP	.	.	.	.

	PD	RR	SL	ML	MFB	MHR	GR	BFO	GN	CC	CV-1	CV-2	CC	OS	LP	PR	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																	
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		•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•

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. Reserved
12. Limited to public agency use only (not for private use)
13. Limited to operation by a non-profit only

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

The City Council hereby finds that the ZTA is necessary for the proposed LCP amendment and approves the ZTA on the condition that the ZTA 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 ZTA is consistent with the objectives, policies, and general land uses in the General Plan, as amended by the LCP amendment. 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 Amendments.

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. The City Council hereby amends the M.M.C. as follows.

A. Add a new definition to M.M.C. Section 17.02.060 (Definitions) to read as follows:

“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. Add a new definition 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.

C. Amend the table in M.M.C. Section 17.06.050 (Zoning Districts Established, Development Standards Summary) under “Impermeable Coverage Limits” for “Institutional (I)” to read as follows:

70%

D. Amend M.M.C. Section 17.34.040(B) (Institutional District, Lot Development Criteria) to read as follows:

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.

E. 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.

F. 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.

G. Add a new section to M.M.C. Chapter 17.40 (Property Development and Design Standards) 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 and rooftop antenna. 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 13.27 of the Malibu LIP.

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

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) 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.

H. Amend M.M.C. Section 17.34.020 (Institutional Zone, Permitted Uses) 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).

I. Amend M.M.C. Section 17.34.030 (Institutional Zone, Conditionally Permitted Uses) 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 nonprofit charitable organization;
- N. Reserved;
- O. Helipad sites (public agency use only and not for private use);
- P. Charitable, philanthropic activities;
- Q. Parks, beaches, and playgrounds;
- R. Recreational facilities (available to the general public);
- S. Accessory uses to facilitate active recreation within a side or rear yard when adjacent to a residentially-zoned parcel(s) including but not limited to sports courts and fields, swimming pools, and similar uses;
- T. Residential care facilities for the elderly (limited to operation by a non-profit only).

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. 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.

Subject to the contingency set forth in Section 9, the City Council hereby adopts LCPA No. 10-001 and ZTA No. 10-001 amending the LCP and M.M.C. regarding Institutional zone development standards, permitted and conditionally permitted uses.

Section 8. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA No. 10-001 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.

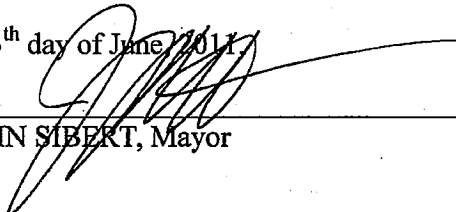
Section 9. Effectiveness.

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

Section 10. Certification.

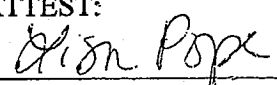
The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 13th day of June, 2011.



JOHN SIBERT, Mayor

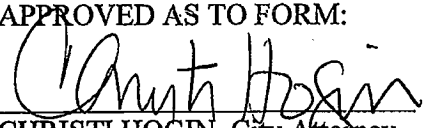
ATTEST:



LISA POPE, City Clerk

(seal)
Date: July 25, 2011

APPROVED AS TO FORM:

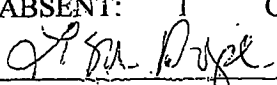


CHRISTI HUGIN, City Attorney

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. 359 was passed and adopted at the regular City Council meeting of June 13, 2011, by the following vote:

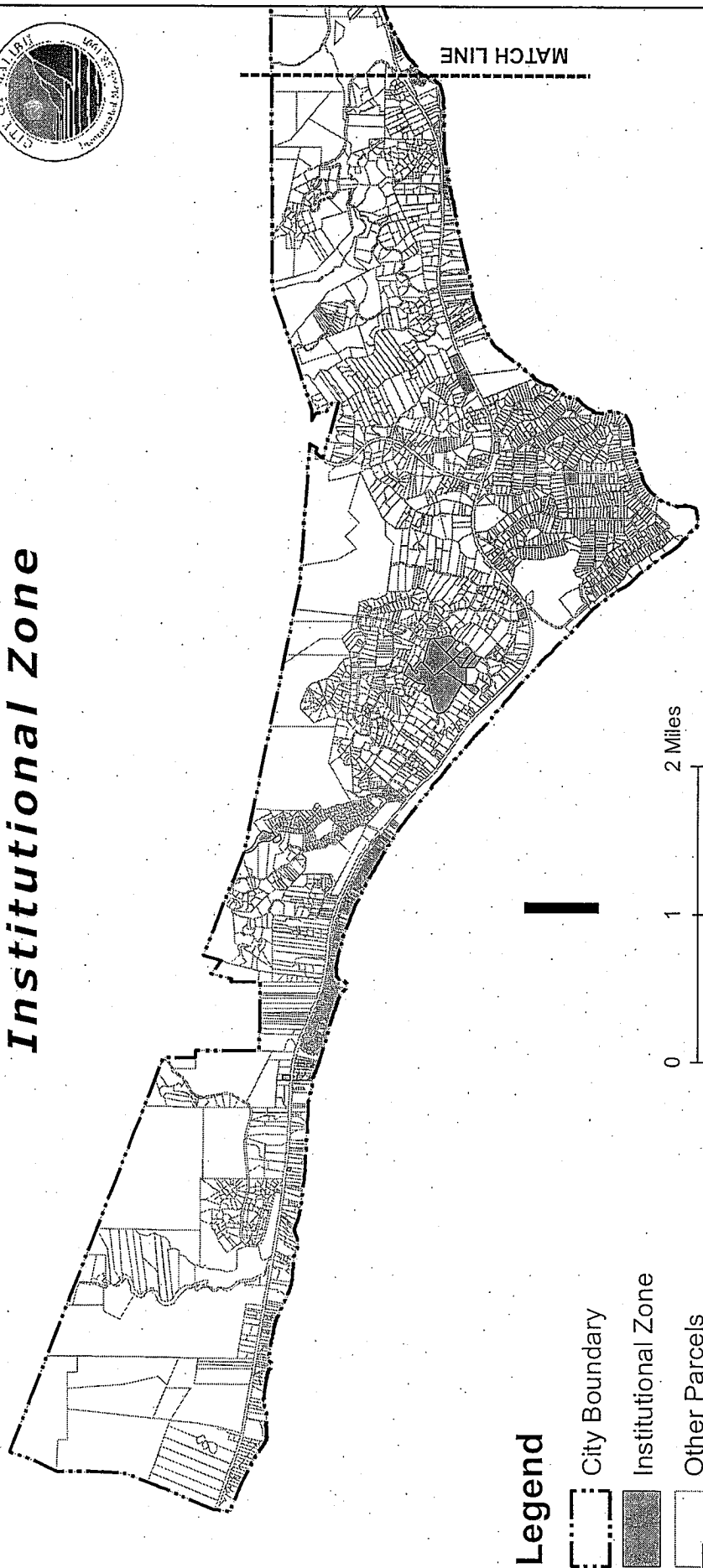
AYES:	4	Councilmembers:	La Monte, Wagner, Rosenthal, Sibert
NOES:	0		
ABSTAIN:	0		
ABSENT:	1	Councilmember:	Conley Ulich






LISA POPE, City Clerk
(seal)



Institutional Zone



Legend

-  City Boundary
-  Institutional Zone
-  Other Parcels

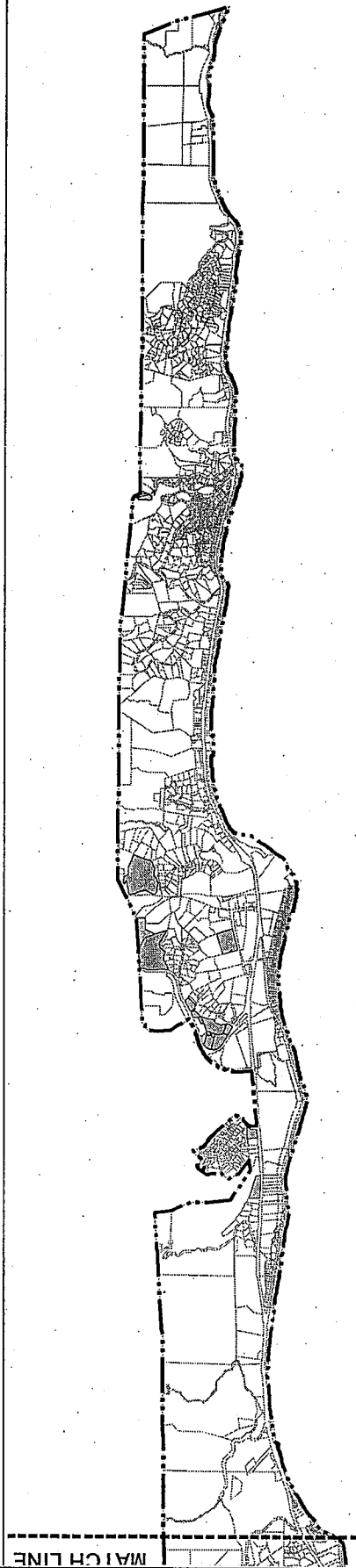


Exhibit 3
City of Malibu LCP Amendment 2-11-A
Map of Institutional Zone Parcels

SUMMARY OF EXISTING INSTITUTIONAL ZONING DISTRICT USES WITH ATTACHED OVERVIEW MAP

No.	General Use	APN	Address	Property Owner	Size (Acres)	Description
1	School (Public)	4450-031-035	3504 Las Flores Cyn Rd	3504 Las Flores Cyn LLC	0.81	New Roads School (Pre-K - 12)
2	Government	4451-019-901	3503 Las Flores Cyn Rd	State of California	1.38	Caltrans maintenance facility and vehicle storage yard
3	Government	4451-011-902	3970 Carbon Cyn Rd	Los Angeles County Consolidated Fire	1	LACFD Station No. 70 - HQ
4	Religious	4452-014-064	3401 Sierra Rd	Serra Retreat	26	Serra Retreat Center
5	Government	4458-022-904	23525 Civic Center Wy	Los Angeles County	9.37	County Administration Center, Courthouse, Library, Maintenance facility and vehicle storage yard
6	Recreation	4458-023-902	N/A	State of California	6.78	Vacant parcel east of Malibu Creek at north City limits / Malibu Cyn Rd
7	School (Public)	4458-023-903	N/A	Santa Monica Unified School District	21.55	Vacant parcel east of Malibu Cyn Rd at north City limits / HRL
8	Religious	4458-025-023	3224 Malibu Cyn Rd	Malibu Presbyterian Church	2.05	Church
9	Religious	4458-025-022	23933 Malibu Knolls Rd	Malibu Presbyterian Church	0.62	South of church parcel, strip includes a SFR
10	Religious / School (Private)	4458-027-001	23960 Malibu Knolls Rd	Malibu Presbyterian Church	1.11	Malibu Presbyterian Nursery School
11	Utilities	4458-027-800	N/A	Southern California Edison	0.6	Electric infrastructure, north of Webster Elementary School
12	School (Public)	4458-027-903	3602 Winter Canyon Rd	Santa Monica Unified School District	6.49	Webster Elementary School (K - 5)
13	School (Public)	4458-027-904	N/A	Santa Monica Unified School District	1.54	Vacant parcel south of Webster Elementary School; Parking
14	Religious / School (Private)	4458-027-023	3625 Winter Canyon Rd	Archdiocese of LA Educ	2.7	Our Lady of Malibu Catholic Church; School (K - 8)
15	Religious / School (Private)	4458-027-024	3625 Winter Canyon Rd	Roman Catholic Archbishop of LA	0.36	Our Lady of Malibu Catholic Church; School (K - 8)
16	Religious / School (Private)	4458-027-025	3625 Winter Canyon Rd	Roman Catholic Archbishop of LA	0.26	Our Lady of Malibu Catholic Church; School (K - 8)
17	Government	4458-027-900	3637 Winter Canyon Rd	Los Angeles County	4.24	County maintenance facility and vehicle storage yard
18	Government	4458-041-900	3863 Malibu Country Dr	Los Angeles County	2.84	Malibu Mesa Wastewater Reclamation Plant
19	Religious / School (Private)	4458-032-027	24855 PCH	Malibu Jewish Center & Synagogue	4.64	Malibu Jewish Center and Synagogue; School (K - Confirmation)
20	Religious / School (Private)	4467-011-004	28211 PCH	Bishop of the Protestant	4.77	St. Aidan's Episcopal Church; School (Pre-K)
21	Residential / Business	4466-019-002	28734 PCH	Helen C. Wilcox Trust	1.66	SFR and Wilcox Photography business located adjacent to LACFD 71
22	School (Public)	4466-012-900	6955 Fernhill Dr	Santa Monica Unified School District	6.27	Pt. Dume Elementary School (K - 5)
23	Government	4467-029-900	6464 Busch Dr	Los Angeles County	2.32	Vacant parcel; entry road into Zuma Beach County Park
24	School (Public)	4469-017-900	30215 Morning View Dr	Santa Monica Unified School District	39.52	Juan Cabillo Elementary School (K - 5); Malibu Junior and High School (6 - 12); Track and field complex
25	School (Public)	4469-018-903	N/A	Santa Monica Unified School District	9.4	East parcel; partial equestrian center
26	School (Public)	4469-019-902	N/A	Santa Monica Unified School District	17.48	Northeast parcel; partial equestrian center
27	School (Public)	4469-018-901	N/A	Santa Monica Unified School District	2.36	Vacant; along Merritt Dr
28	School (Public)	4469-018-904	N/A	Santa Monica Unified School District	2.58	Vacant; Equestrian center road
29	School (Public)	4469-018-900	6225 Merritt Dr	Santa Monica Unified School District	2.75	Equestrian center complex
30	School (Public)	4469-018-902	N/A	Santa Monica Unified School District	2.44	Vacant; along Merritt Dr
31	School (Public)	4469-019-900	N/A	Santa Monica Unified School District	4.06	Vacant; along Merritt Dr
32	School (Public)	4469-019-901	N/A	Santa Monica Unified School District	5.5	Vacant; along Merritt Dr
33	Religious / School (Private)	4469-024-040	30128 Morning View Dr	Malibu United Methodist Church	1.81	Church / Malibu Methodist Nursery School (Pre-K)
34	Recreation	4469-001-011	N/A	Malibu Swimming Club	1.52	Tennis courts in Malibu West HOA; top of Trancas Creek
35	Government	4469-001-900	N/A	Los Angeles County	5.35	County flood control device; top of Trancas Creek
36	Religious	4473-007-015	32057 PCH	Malibu California Congregation of Jehovah's Witnesses	1.12	Kingdom Hall of Jehovah's Witnesses
37	Government	4473-015-900	32550 PCH	Los Angeles County Consolidated Fire	0.43	LACFD Station No. 99

TOTAL:

205.48 (Malibu = 12,552 acres); inst zone = approx. 1.6% of total acreage

Total vs. Not Developed

Total Parcels 37
 Developed* 31 (84%)
 Not Developed 6 (16%)

*Developed includes structures, roads, parking areas, and largely graded pads

Breakdown

Schools (Public) 122.75 60%
 Religious 29.79 14%
 Government 26.73 13%
 Religious / Schools (Private) 15.65 8%
 Recreation 8.3 4%
 Residential / Business 1.66 1%
 Utilities 0.6 <1%

Exhibit 4

City of Malibu LCP Amendment 2-11-A

Summary of Existing Institutional Zone

Parcels