

RESOLUTION NO. 13-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING GENERAL PLAN AMENDMENT (GPA) NO. 12-001, AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT AS REQUIRED TO IMPLEMENT THE GOALS, OBJECTIVES, POLICIES AND IMPLEMENTATION PROGRAMS, AS SET FORTH IN THE 2008-2014 GENERAL PLAN HOUSING ELEMENT, RELATIVE TO THE PROVISION OF HOUSING FOR ALL INCOME LEVELS CONSISTENT WITH ALL APPLICABLE STATE HOUSING ELEMENT LAWS

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On June 11, 2012, in compliance with M.M.C. Section 17.74.020, the City Council adopted Council Resolution No. 12-23 to initiate General Plan Amendment (GPA) No. 12-001 to consider changes to the Land Use Element and Land Use Policy Map for the General Plan, as required for the Housing Element Update.

B. On March 27, 2012, the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) of the Malibu City Council discussed the proposed amnesty program for second residential units.

C. On September 11, 2012, ZORACES reviewed items related to the proposed amnesty program for second residential units, potential amendments to multi-family residential development standards and the draft Reasonable Accommodation Ordinance.

D. On October 1, 2012, ZORACES reviewed items related to the Affordable Housing Overlay District, multi-family parking requirements, the Density Bonus Ordinance, residential care facilities, emergency shelters, transitional and supportive housing, and single room occupancy housing and provided recommendations.

E. On July 11, 2013, a Notice of Planning Commission Public Hearing and Notice of Availability of LCP Amendment Materials was published in a newspaper of general circulation within the City of Malibu indicating that the Planning Commission would hold a public hearing on August 5, 2013 to consider the certification of EIR No. 11-002, 2008-2014 Housing Element Update, and corollary amendments to the General Plan, M.M.C, and LCP. Additionally, a Notice of Planning Commission Public Hearing was mailed to all interested parties; homeowners' associations on record with the City; regional, state, and federal agencies affected by the amendments; local libraries, and media.

F. On August 5, 2013, the Planning Commission held a duly noticed public hearing on LCPA No. 12-002, ZTA No. 12-002, and GPA No. 12-001, 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 adopted Resolution No. 13-73, recommending the City Council adopt the amendments.

G. On August 8, 2013 and August 15, 2013, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the City Council would hold a public hearing on August 26, 2013 to consider the certification of EIR No. 11-002, 2008-2014 Housing Element Update, and corollary amendments to the General Plan, M.M.C, and LCP. Additionally, on August 8, 2015, a Notice of City Council Public Hearing was mailed to all interested parties; homeowners' associations on record with the City; regional, state, and federal agencies affected by the amendments; local libraries, and media.

H. On August 26, 2013, the City Council held a duly noticed public hearing on the subject amendment, considered the recommendation by the Planning Commission, reviewed and considered written reports, public testimony, and related information.

Section 2. Environmental Review.

The Malibu City Council considered the Environmental Impact Report (EIR No. 11-002) for the proposed General Plan amendment and in doing so found that the amendment would not have significant adverse environmental impacts. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with California Environmental Quality Act (CEQA) Section 21080.5(d)(2)(A).

Section 3. General Plan Amendment No. 12-001 Findings.

A. The City Council hereby finds that the General Plan amendment is necessary to make the M.M.C. Title 17 (Zoning) and the Local Coastal Program Local Implementation Plan consistent. Pursuant to M.M.C. Section 17.74.030, the City Council further finds that the subject General Plan amendment is consistent with the objectives, policies, and general land uses in the General Plan in that it removes regulatory barriers to affordable housing and housing for persons with special needs. Furthermore, the amendment is required to implement the goals, objectives, policies and implementation programs, as set forth in the 2008-2014 General Plan Housing Element, relative to the provision of housing for all income levels consistent with all applicable state housing element laws.

B. The General Plan of the City of Malibu poses certain goals and policies which reflect the expectations and wishes of the City with respect to land uses. The proposed amendments are consistent with and will advance the following Goals, Objectives and Policies of the Malibu General Plan:

Land Use Element (LU)

- i. LU Objective 1.1: Development that does not degrade the environment.
- ii. LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.
- iii. LU Policy 1.1.2: The City shall ensure that land uses avoid or minimize adverse impacts on water quality and other natural resources, such as undisturbed watershed and riparian areas.
- iv. LU Policy 1.1.4: The City shall preserve the City's rural residential character.
- v. LU Goal 2: Manage growth to preserve a rural community character.
- vi. LU Objective 2.1: Development of a type, amount and location consistent with the Malibu lifestyle.
- vii. LU Policy 2.1.1: The City shall promote an aesthetically pleasing and visually stimulating environment whose architecture, common, and open spaces inspire and uplift the human spirit.
- viii. LU Policy 2.1.2: The City shall seek public input about proposed development and value the democratic participation of all citizens.
- ix. LU Policy 2.1.3: The City shall proportion commercially zoned properties based on community need.
- x. LU Policy 2.1.4: The City shall require development to be landscaped so that the project blends in with the environment and neighborhood.
- xi. LU Objective 2.3: Development of appropriate scale and context.
- xii. LU Policy 2.3.1: The City shall protect and preserve the unique character of Malibu's many distinct neighborhoods.
- xiii. LU Policy 2.3.2: The City shall discourage "mansionization" by establishing limits on height, bulk, and square footage for all new and remodel single-family residences.
- xiv. LU Goal 5: Protect agriculture which requires or is enhanced by Malibu's unique climate.
- xv. LU Objective 5.1: Rural character preserved through agricultural and horticultural land uses.
- xvi. LU Policy 5.1.1: The City shall permit compatible agricultural and horticultural uses within the rural residential zones in order to maintain the rural traditions in the area.
- xvii. LU Policy 5.1.2: The City shall prohibit development and proposed uses adjacent to agricultural and horticultural uses that degrade or substantially interfere with existing agricultural and horticultural uses.
- xviii. LU Policy 5.1.3: The City shall encourage agricultural and horticultural uses that require limited land area such as greenhouses and nurseries.

Conservation Element (CON)

- xix. CON Objective 1.4: Scenic resources preserved and protected.
- xx. CON Policy 1.4.1: The City shall identify, designate and protect distinct natural landform features as scenic resources.
- xxi. CON Policy 1.4.2: The City shall protect viewsheds of the ocean and surrounding mountains and hillsides.
- xxii. CON Policy 1.4.3: The City shall protect Pacific Coast Highway as a significant viewshed.

- xxiii. CON Goal 4: Water conserved.
- xxiv. CON Policy 4.1.2: The City shall coordinate development to ensure adequate water supplies.
- xxv. Circulation and Infrastructure Element (C) Objective 1.3: Adequate off-street parking.
- xxvi. C Policy 1.3.1: The City shall require sufficient off-street parking.

Safety and Health Element (S)

- xxvii. S Objective 1.2: Risks to residents and businesses from development in hazardous areas are minimized.
- xxviii. S Policy 1.2.1: The City shall require development to provide for analyses of site safety related to potential hazards of fault rupture, earthquake ground shaking, liquefaction, and rockfalls.
- xxix. S Policy 1.2.2: The City shall require development to provide site safety analyses related to landsliding, debris flows, expansive soils, collapsible soils, erosion/sedimentation, and groundwater effects.
- xxx. S Policy 1.2.3: The City shall require development to provide for safety from coastal storm flooding, coastal erosion, surfacing septic effluent, and tsunamis.
- xxxi. S Policy 1.2.4: The City shall require development to be consistent with minimum Federal Emergency Management Agency (FEMA) guidelines for flood plain management.
- xxxii. S Goal 3: A community that is exceptionally safe and healthy.
- xxxiii. S Objective 3.1: Actively promote health and safety so that residents are exceptionally safe and healthy by national standards.
- xxxiv. S Policy 3.1.2: The City shall facilitate and/or encourage programs which will improve access to health-enhancement and health-care facilities for people of all ages.
- xxxv. S Policy 3.1.4: The City shall encourage efforts by private organizations to enhance community health and safety.

Noise Element (N)

- xxxvi. N Objective 1.1: A comprehensive noise control program.
- xxxvii. N Policy 1.1.1: The City shall protect residences, parks and recreational areas from excessive noise to permit the enjoyment of activities.
- xxxviii. N Policy 1.1.5: The City shall encourage new construction and remodels which utilize designs and materials that reduce exposure to noise sources.
- xxxix. N Policy 1.1.6: The City shall review proposed development to ensure the average ambient noise is as low as feasible to maintain the rural atmosphere.

Section 4. General Plan Amendment.

GPA No. 12-001 includes an amendment to the General Plan Land Use Element. Related amendments to Title 17 (Zoning) of the M.M.C. and Local Coastal Program Local Implementation Plan are included in Ordinance No. 375. The City Council hereby amends the General Plan as follows.

A. Amend 1.4.1 LU Element Goal 1 under "Implementation Measure 5" to read as follows:

1.4.1 LU GOAL 1: THE NATURAL AND ENVIRONMENTAL RESOURCES OF MALIBU ARE PROTECTED AND ENHANCED

LU Implementation Measure 5: Minimize the deleterious effects of runoff by limiting impermeable lot coverage to no more than 45% of lot for single-family lots one-quarter acre or smaller, 35% for lots between one-quarter and one-half acre, and 30% for lots greater than one-half acre. The maximum impermeable lot coverage for single-family development shall be 25,000 square feet. Pools and spas shall not be included within the calculation for the amount of impermeable lot coverage. These limits shall not apply to beach front lots.


Section 5. Approval.

Based on the evidence in the record, the City Council hereby adopts GPA No. 12-001.

Section 6. Certification.

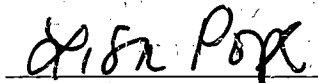
The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 26th day of August 2013.



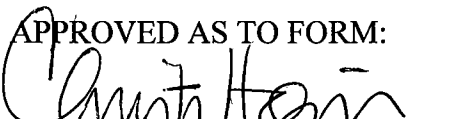
JOAN HOUSE, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

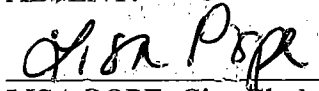


CHRISTI HUGIN, City Attorney

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 RESOLUTION NO. 13-35 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 26th day of August 2013 by the following vote:

AYES:	4	Councilmembers:	Rosenthal, Sibert, Peak, House
NOES:	0		
ABSTAIN:	1	Councilmember:	La Monte
ABSENT:	0		



LISA POPE, City Clerk
(seal)