



City of Malibu

MEMORANDUM

To: Mayor Peak and the Honorable Members of the City Council, Chair Pierson and Members of the Planning Commission, City Manager, Department Heads, City Attorney, Planning Department, Malibu Times, Malibu Surfside News and Malibu Patch

From: Kathleen Stecko, Senior Office Assistant *KES*

Date: November 2, 2017

Re: Actions from the October 30, 2017 Special Planning Commission meeting

At the Special Planning Commission meeting on October 30, 2017, the Planning Commission took the actions listed below:

Adopted Planning Commission Resolution No. 17-89, as amended:

- 1) determining the project is categorically exempt from the California Environmental Quality Act, and recommending the City Council approve Zoning Text Amendment No. 17-003, amending the Malibu Municipal Code Title 17 to regulate formal retail establishments citywide;
- 2) revising the definition of "shopping center" to mean "a group of retail, retail service, and other commercial establishments operating under common management and having at least 10,000 square feet of gross floor area. Shopping centers that occupy more than one legal parcel will be evaluated for conformance on a per parcel basis even where the whole of the shopping center is under common management. No differentiation shall be made between centers that are product-oriented or service-oriented. This definition is for purposes of Section 17.61 only.";
- 3) replacing 17.61.030(B) with "Approval of the proposed formula retail establishment will not result in formula retail establishments occupying more than 30 percent of: (a) the overall square footage of each floor of a shopping center, (b) the total number of leasable tenant spaces of each floor of a shopping center, and (c) the total gross floor area of a parcel or shopping center. The calculation of the 30 percent limit pursuant to this paragraph shall include the proposed formula retail establishment and all existing formula retail establishments, including the formula retail establishments described in paragraphs (1) through (9), inclusive, of Section 17.61.020.";
- 4) adding "not located in a shopping center" to Section 17.61.030(C);
- 5) adding D. to Section 17.61.030, stating "All formula retail clearances approved by the planning director shall be noticed and reported to the Planning Commission within 30 days of issuance. Such report shall include all calculations and descriptions of businesses used in making the determination";
- 6) adding the following sentence to 17.61.020(9) "This category of exemption shall be considered "non-exempt" formula retail for purposes of Section 17.61.030(C); and
- 7) recommending that staff develop a land use category table similar to Table B in the LCP Local Implementation Plan to be included with the ordinance (Citywide) (Senior Planner Hawner)