

ORDINANCE NO. 388

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING ZONING TEXT AMENDMENT NO. 15-003 TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING THE PROVISIONS REGARDING RESIDENTIAL DENSITY BONUS, PROCEDURES, AND REQUIRED FINDINGS IN MALIBU MUNICIPAL CODE SECTION 17.41.010(D)(2)(B)

The City Council of the City of Malibu does hereby ordain as follows:

Section 1. Recitals.

A. On September 9, 2013, as part of the implementation of the 2008-2014 General Plan Housing Element, City Council Ordinance No. 375 which made various amendments and additions to the Malibu Municipal Code (M. M.C.), the City's Local Coastal Program Local Implementation Plan, and the Zoning Map, including the adoption of a new chapter, M.M.C. Chapter 17.41 (Affordable Housing).

B. On March 23, 2015, the City Council adopted Resolution No. 15-20 to: 1) initiate Zoning Text Amendment (ZTA) No. 15-003 to amend M.M.C. Section 17.41.010(D)(2)(b) to correct a drafting error and clarify the intent of Ordinance No. 375 by deleting the words "density bonus and" from this subsection; and 2) direct the Planning Commission to schedule a public hearing regarding the ZTA.

C. On April 23, 2015, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

D. On May 18, 2015, the Planning Commission held a duly noticed public hearing on ZTA No. 15-003, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record, and recommended approval of the amendment.

E. On May 28, 2015, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

Section 2. Environmental Review.

The City Council has analyzed the project proposal described herein. The California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendment to Ordinance No. 375 does not involve any commitment to a specific project that could result in a potentially significant physical impact on the environment; and it establishes rules and procedures to implement an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this ordinance does not constitute a "project" that requires environmental review pursuant to Guidelines section 15378; and it is otherwise exempt from CEQA pursuant to section 15061. (See 14 CCR §§ 15061(b)(3) & 15378(b)(5)).

Section 3. Findings.

Pursuant to M.M.C. Section 17.74.040, the City Council hereby finds that this amendment has been processed in accordance with state law and the M.M.C. and that the amendment is consistent with the General Plan.

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement and preserve Malibu's natural and cultural resources.

B. The Planning Commission and City Council held public hearings on the amendment and considered, deliberated and recommended approval of the amendment with recommendations.

Section 4. Zoning Text Amendment No. 15-003.

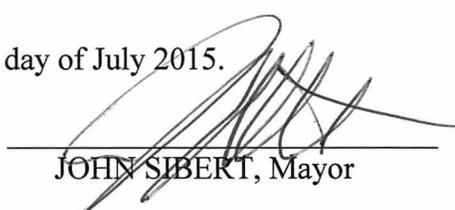
Malibu Municipal Code Section 17.41.010(D)(2)(b) is hereby amended to read as follows:

b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;

Section 5. Certification.

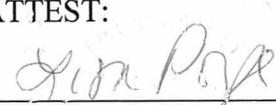
The City Clerk shall certify to the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED AND ADOPTED this 13th day of July 2015.



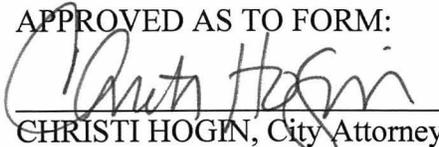
JOHN SIBERT, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HOGIN, 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. 388 was passed and adopted at the Regular City Council meeting of July 13, 2015, by the following vote:

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



LISA POPE, City Clerk
(seal)