

ORDINANCE NO. 426

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROPOSED MAP AMENDMENTS TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 17-002 AND ZONING MAP AMENDMENT NO. 17-004, AMENDMENTS TO THE LOCAL COASTAL PROGRAM AND MALIBU MUNICIPAL CODE TITLE 17 LA COSTA OVERLAY DISTRICT MAP TO CORRECT A MAPPING ERROR TO IDENTIFY THE PARCEL AT 3816 PASEO HIDALGO STREET (APN 4451-018-088) AS A SEPARATE PARCEL FROM 3849 RAMBLA ORIENTA (APN 4451-015-087); AND RE-DESIGNATE APN 4451-018-088 AS A TYPE "D" LOT

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

SECTION 1. Recitals.

A. On September 11, 2017, the City Council adopted Resolution No. 17-40 initiating amendments to the Local Coastal Program (LCP) and Title 17 of the Malibu Municipal Code (MMC) La Costa Overlay District map to correct a mapping error, including amending the La Costa Overlay District map to designate the subject parcel identified as 3816 Paseo Hidalgo Street (APN 4451-018-088) as a separate "D" Type lot, and directed staff to schedule a public hearing with the Planning Commission regarding the amendments, and issue a Notice of Availability consistent with LCP Local Implementation Plan (LIP) Section 19.3.1.

B. On September 21, 2017, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property as well as to interested parties.

C. On October 16, 2017, the Planning Commission held a duly noticed public hearing on LCP amendment (LCPA) No. 17-002 and Zoning Map Amendment (ZMA) No. 17-004, reviewed and considered the staff report, reviewed, and considered written reports, public testimony, and other information in the record and recommended that the City Council adopt the proposed map amendments.

D. On November 2, 2017, a Notice of City Council Public Hearing a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and was mailed to all interested parties; regional, state, and federal agencies affected by the amendments; local libraries and media; all property owners and occupants within a 500-foot radius of the subject property, and the California Coastal Commission (CCC).

E. On November 27, 2017, the City Council held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed, and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (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. Local Implementation Plan (LIP) Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's 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 amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

SECTION 3. Local Coastal Program Amendment Findings.

A. Chapter 3 of the Coastal Act provides that the policies and standards of the Coastal Act constitute the standards for LCPs, which constitute the basis by which the permissibility of proposed development is determined. Changing the designation of the lot from a Type "A" to "D" lot will recognize the previous development that was located on the subject property and rectify the existing designation discrepancy. Furthermore, future development will be consistent with Coastal Act Section 30250(e) because future development on the lot will be similar in character to neighboring development also located on descending slopes as well as the previously existing single-family residence. 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, consistent with the policies related to public access, recreation, marine environment, land resources, and development.

B. The proposed change in the designation of the lot located at 3816 Paseo Hidalgo is consistent with LCP Land Use Plan (LUP) Chapter 1 and will not increase onsite development potential, but will allow for development consistent with neighboring properties. Additionally, information in the record demonstrates that 3816 Paseo Hidalgo is a separate legal lot from 3849 Rambla Orienta. The proposed modification in the lot designation will not affect the coastal zone environment, coastal zone resources, or public access. Therefore, the LCPA meets the requirements of, and is in conformance with the goals, objectives and purposes of the LCP.

C. LCP LIP Chapters 1 and 13 provide that the purpose of the LIP is to implement the Coastal Act and carry out LUP policies. Changing the designation of the lot from a Type "A" to a "D" lot will recognize the longstanding use of the subject property and rectify the existing designation discrepancy and conforms to the intent of the Coastal Act, by promoting the City's ability to: ensure that development conforms to and is consistent with the standards set forth in the LCP; protect the overall quality of the coastal zone environment; assure orderly and balanced utilization of the coastal zone; protect coastal views and access; provide a definite plan for development; and, promote the public health, safety and general welfare. Therefore, the LCPA meets the requirements of, and is in conformance with the goals, objectives and purposes of the LCP.

SECTION 4. Local Coastal Program Amendment.

LCPA No. 17-002 includes amendments to the LIP. Corollary amendments to the MMC are identified in Section 6 of this ordinance. The City Council hereby amends the LIP as follows.

1. Amend Appendix 2 (Overlay District Map) of the Local Implementation Plan to identify the parcel known as 3816 Paseo Hidalgo (APN 4451-018-088) as a separate parcel from 3849 Rambla Orienta (APN 4451-015-087) on the La Costa Overlay District Map (Exhibit A).
2. Amend Appendix 2 (Overlay District Map) of the Land Implementation Plan to re-designate 3816 Paseo Hidalgo (APN 4451-018-088) as a Type “D” lot on the La Costa Overlay District Map (Exhibit A).

SECTION 5. Zoning Map Amendment Findings.

1. The amendment to the La Costa Overlay District Map will make the lot designation for the subject property consistent with the LCP’s Overlay Map.
2. Pursuant to MMC Section 17.74.040, the City Council finds, based on evidence in the whole records, that the subject map amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan for the La Costa Overlay District. The change in the lot designation will allow for development that is similar to neighboring properties under the same lot type designation.

SECTION 6. Malibu Municipal Code Amendment.

ZMA No. 17-004 include amendments to Title 17 (Zoning) of the MMC. Pursuant to MMC Section 17.74.040, the City Council hereby amends Title 17 (Zoning) of the MMC as follows:

1. Amend MMC Section 17.02.060 (Zoning Maps) to identify the parcel known as 3816 Paseo Hidalgo (APN 4451-018-088) as a separate parcel from 3849 Rambla Orienta (APN 4451-015-087) on the La Costa Overlay District Map (Exhibit A).
2. Amend MMC Section 17.02.060 (Zoning Maps) to re-designated the parcel identified as 3816 Paseo Hidalgo (APN 4451-018-088) as a Type “D” lot on the La Costa Overlay District Map (Exhibit A).

SECTION 7. Approval.

Subject to the contingency set forth in Section 10, the City Council hereby adopts the proposed amendments amending the LCP and MMC.

SECTION 8. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA No. 17-002 to the CCC 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. Severability.

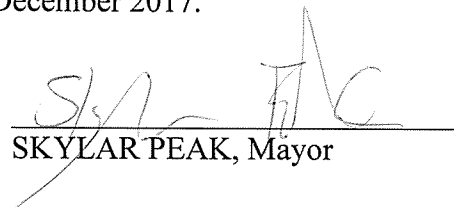
If any section, subsection, sentence, clause, portion, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. Effectiveness.

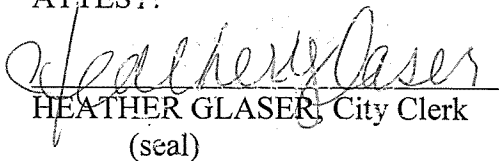
The amendments approved in this ordinance shall become effective only upon certification by the CCC of this amendment to the LCP.

SECTION 11. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this 11th day of December 2017.

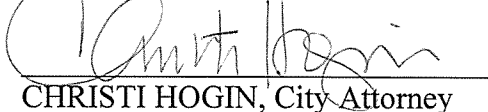

SKYLAR PEAK, Mayor

ATTEST:


HEATHER GLASER, City Clerk
(seal)

Date: December 12, 2017

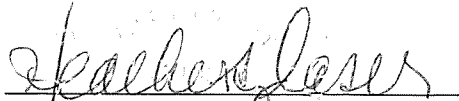
APPROVED AS TO FORM:


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. 426 was passed and adopted at the Regular City Council meeting of December 11, 2017, by the following vote:

AYES: 4 Councilmembers: La Monte, Rosenthal, Wagner, Peak
NOES: 0
ABSTAIN: 0
ABSENT: 1 Councilmember: Mullen



HEATHER GLASER, City Clerk
(seal)

Exhibit A –La Costa Overlay District Map

