

ORDINANCE NO. 513

AN ORDINANCE OF THE CITY OF MALIBU APPROVING ZONING TEXT AMENDMENT NO. 23-003 TO AMEND MALIBU MUNICIPAL CODE SECTION 17.60.020(C) TO ADD THREE YEARS TO THE DEADLINE TO INITIATE THE PLANNING APPLICATION PROCESS AND OBTAIN BUILDING PERMITS TO REBUILD A NONCONFORMING STRUCTURE THAT WAS DAMAGED OR DESTROYED IN THE WOOLSEY FIRE AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Recitals

A. On February 25, 2019, the City Council adopted Ordinance No. 445, amendments to the Malibu Municipal Code (MMC) Title 17 (Zoning Ordinance) and the Local Coastal Program, to facilitate the rebuilding of structures damaged or destroyed by the 2018 Woolsey Fire.

B. On December 14, 2020, the City Council adopted Ordinance No. 476 amending MMC Chapter 17.60 (Nonconforming Uses and Structures) to add one year to the deadlines in Subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed by the Woolsey Fire.

C. The City of Malibu continues to issue Planning Verification approvals to property owners whose homes were damaged or destroyed in the 2018 Woolsey Fire, pursuant MMC Section 17.060.020(C).

D. The Malibu community has been rebuilding steadily in the aftermath of the Woolsey Fire and during the COVID-19 pandemic. structure.

E. On September 11, 2023, the City Council adopted Resolution No. 23-41 initiating a code amendment to MMC Section 17.60.020(C) to add three years to the deadlines to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed by 2018 Woolsey Fire.

On September 21, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the Planning Commission would hold a public hearing on October 16, 2023. In addition, posts were made on the City's social media platforms and emails were sent to Woolsey Fire property owners and representatives on file.

F. On October 16, 2023, the Planning Commission held a duly noticed public hearing on the amendment, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record., and adopted Resolution No. 23-45 recommending approval of the amendment.

D. On November 23, 2023, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the Council will hold public hearings on December 11, 2023 and January 8, 2024, on the subject code amendment. In addition, posts were made on the City's social media platforms and emails were sent to Woolsey Fire property owners and representatives on file.

E. On December 11, 2023, 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. In addition, the Council introduced on first reading and adopted the Ordinance.

F. On December 21, 2023, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu indicating that the Council will hold a second public hearing on January 8, 2024, on the subject code amendment. In addition, posts were made on the City's social media platforms and emails were sent to Woolsey Fire property owners and representatives on file.

F. On January 8, 2024, 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 and conducted a second reading of the Ordinance.

SECTION 2. Environmental Review

The City Council has analyzed the proposed code amendment described herein and has determined that the proposed code amendment is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council has determined that there is no possibility the proposed amendment may have a significant effect on the environment as the restriction only applies to properties that have been damaged or destroyed by a disaster, only preserves the right to build/rebuild that they held before the disaster, and accordingly, the exemption set forth in Section 15061(b)(3) applies.

SECTION 3. Amendment

A. Section 17.60.020(C) of the Malibu Municipal Code is hereby amended to read as follows:

Any structure described in subsection A of this section, may be remodeled, or may be reconstructed in the general location and to the same height as it existed prior to damage or destruction, subject to obtaining Planning Verification and provided that the application for the reconstruction is initiated with the city within six years of the date of damage or destruction, and a building permit is diligently pursued and obtained within eight years from the date of damage or destruction and has not expired. A request for an extension of time to

the six-year or eight-year periods may be granted by the Planning Commission where it finds, based on substantial evidence, that due to unusual circumstances, strict compliance with the six- or eight-year limit creates an undue hardship. Extensions may not total more than nine years. Any reconstruction shall extend the termination date described in Section 17.60.040 for the use operating within such a structure.

SECTION 4. Findings

Pursuant to the Malibu Municipal Code Section 17.74.040, the City Council hereby makes the following findings:

A. The City Council hereby finds that the proposed amendment is consistent with the General Plan and is designed to protect and promote public health, safety, welfare, quality of life and the ability to preserve visually impressive views. The zoning text amendment further strives to protect victims of disasters and their ability to rebuild free from having artificially restrictive deadlines that may limit the ability to rebuild non-conforming structures damaged by the Woolsey Fire.

B. The proposed amendment does not authorize a use other than that already designated in the Malibu Municipal Code. The proposed amendment is consistent with the Coastal Act and the Malibu Municipal Code because it protects, maintains and enhances the overall quality of the coastal zone environment. The proposed amendment will not alter the utilization or conservation of coastal zone resources, impede public access to and along the coastal zone, or interfere with the priorities established for coastal-dependent or coastal-related development.

C. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the proposed amendment is consistent.

SECTION 5. Approval

The City Council hereby adopts Zoning Text Amendment No. 23-003 amending the Malibu Municipal Code.


SECTION 6. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this 8th day of January 2024.



STEVE UHRING, Mayor

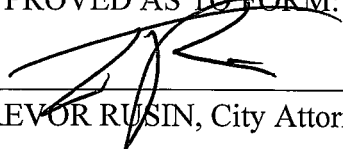
ATTEST:



KELSEY PETTJOHN, City Clerk
(seal)

Date: 1/9/24

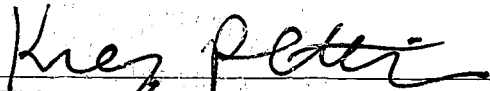
APPROVED AS TO FORM:



TREVOR RUSIN, City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 513 was passed and adopted at the Regular City Council meeting of January 8, 2024, by the following vote:

AYES: 5 Councilmembers: Grisanti, Riggins, Silverstein, Stewart, Uhring
NOES: 0
ABSTAIN: 0
ABSENT: 0



KELSEY PITTIJOHN, City Clerk
(seal)