



# Council Agenda Report

To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: May 6, 2020 Meeting date: May 11, 2020

Subject: Initiate Zoning Text Amendment Pertaining to Temporary Use Permits for Safe Parking Programs for People Experiencing Homelessness

---

**RECOMMENDED ACTION:** 1) Adopt Resolution No. 20-19 a resolution of the City Council of the City of Malibu initiating a zoning text amendment (ZTA) to Title 17 of the Malibu Municipal Code (MMC) pertaining to temporary use permits (TUPs) and other related sections as necessary for safe parking programs for people experiencing homelessness; 2) Direct the Planning Commission to schedule a public hearing regarding the same; and 3) Direct staff whether to present the item for comment to the Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES).

**FISCAL IMPACT:** There is no fiscal impact with the recommended action.

**WORK PLAN:** This item was not included in the Adopted Work Plan for Fiscal year 2019-2020.

**DISCUSSION:** In order to consider a change in the text of the Zoning Ordinance (MMC Title 17) on its own initiative, the City Council must adopt a resolution of intention. See MMC §17.74.040. The resolution gives notice that the City Council will consider a particular change and directs the Planning Commission to hold a public hearing (also required by the MMC) and to make a recommendation.

The proposed ZTA pertains to allowing the temporary establishment of a safe parking program to serve people experiencing homelessness. A safe parking program would be operated by a vendor and offer a secure place for individuals sleep in their vehicles overnight between designated hours provided they are registered for the program.

The City's emergency shelter provisions only allow emergency shelter uses in the Commercial General and Institutional zones, and do not address overnight parking lots, only structured shelters. The ZTA would provide a path for a permitting a safe parking program on a temporary basis in the City, subject to conditions.

The County of Los Angeles Department of Beaches and Harbors, in cooperation with the City, intends to apply for a TUP and coastal development permit to allow temporary placement of a safe parking program at a portion of the Zuma Beach parking lot. The Zuma Beach property is zoned Public Open Space (OS) and such uses are not listed as a permitted use.

MMC Chapter 17.68 addresses TUPs. In order to make a portion of the Zuma Beach parking lot available for a temporary safe parking program, a ZTA is proposed that would add an appropriate use to the list in MMC Section 17.68.040 to accommodate this temporary use and update any other related sections of Title 17 as necessary.

Because the proposed ZTA deals only with the TUP section of the Zoning Ordinance, and not to the permitted uses, amendment to the Malibu Local Coastal Program is not necessary. The ZTA would be drafted to ensure consistency with the Local Coastal Program provisions pertaining to temporary uses.

It is also noted that in order to use the Zuma Beach parking lot property for a safe parking program between Memorial Day and Labor Day, the LCP requires a coastal development permit in conjunction with the TUP.

In addition to recommending adoption of the attached resolution, staff requests direction from Council regarding whether to include review by ZORACES of the proposed ZTA or to take the ZTA straight to Planning Commission.

STAFF FOLLOW-UP: If approved, staff will prepare a staff report and proposed ordinance, including any environmental review required, submit to the Zoning Ordinance Revisions and Code Enforcement Subcommittee for consideration (if directed), and notice the matter for public hearing before the Planning Commission.

ATTACHMENT: Resolution No. 20-19

RESOLUTION NO. 20-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU INITIATING A ZONING TEXT AMENDMENT TO TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE PERTAINING TO TEMPORARY USE PERMITS AND OTHER RELATED SECTIONS AS NECESSARY FOR SAFE PARKING PROGRAMS TO SERVE PEOPLE EXPERIENCING HOMELESSNESS

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Initiation.

Pursuant to Malibu Municipal Code (MMC) Chapter 17.74, the City Council hereby initiates an amendment to MMC Title 17 (Zoning) pertaining to temporary use permits and other related sections as necessary to accommodate safe parking programs to serve people experiencing homelessness.

SECTION 2. Planning Commission Hearing.

The Planning Commission is hereby directed to conduct a duly noticed public hearing in accordance with the provisions of MMC Chapter 17.74. Following the public hearing, the Planning Commission shall recommend to the City Council whether it should approve, modify or deny the proposed amendment. The Planning Commission's recommendation shall be made by resolution carried by the affirmative vote of not less than the majority of the entire Planning Commission.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 11<sup>th</sup> day of May 2020.

\_\_\_\_\_  
KAREN FARRER, Mayor

ATTEST:

\_\_\_\_\_  
HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
CHRISTI HOGIN, City Attorney