



Council Agenda Report

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: December 1, 2021 Meeting date: December 13, 2021

Subject: Initiate Amendments Malibu Municipal Code Chapter 17.68 (Temporary Use Permits)

RECOMMENDED ACTION: 1) Adopt Resolution No. 21-65 initiating an amendment to Malibu Municipal Code (MMC) Chapter 17.68 (Temporary Use Permits); and 2) Direct staff to schedule a Zoning Ordinance Revisions and Code Enforcement Subcommittees (ZORACES) meeting and a Planning Commission hearing to consider amendments to MMC Chapter 17.68.

WORK PLAN: This item is not included in the Adopted Work Plan for Fiscal Year 2021-2022.

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

DISCUSSION: During the past year, concerns were raised about the applicability of Temporary Use Permits requirements. Per MMC Chapter 17.68.010 (Purpose), a "...temporary use permit is intended to allow for the short-term placement of activities, many of which would be prohibited as permanent placements, in temporary facilities, public or private buildings or open spaces, or outside of buildings..."

The existing ordinance was adopted in 1999 and regulates events in commercial properties. Over the last 20 years, only one major code change was adopted to address special events in the City. In 2008, MMC Chapter 5.34 (Special Event Permits) was added to the MMC to regulate events in residential zones.

In the last year, staff has identified numerous vague portions of the ordinance that have made implementing the Ordinance subject to interpretation. At this time, staff wishes to clarify portions of the Ordinance to eliminate the need for interpretations by staff. Issues to consider include, but are not limited to, the following:

- Develop a definition for "temporary" and "event;"
- Consider requirements to preclude back-to-back events with little to no time between events;

- Consider guidelines to address events that do not occur on consecutive days but are within 14 days consecutive calendar days;
- Consider permit processing and noticing timelines (e.g., application shall be filed with 35 days prior to event, public notice shall be provided within 32 days of event, and decision shall be issued 24 days prior to event);
- Reconcile conflicting appeal provisions; and
- Consider different requirements for small-scale public events on City properties.

Recommendation

Staff is recommending the following actions:

- 1) Initiate a zoning text amendment to revise the temporary use ordinance; and
- 2) Direct staff to schedule a ZORACES meeting. Based on the ZORACES recommendation, the amendments will then be presented to the Planning Commission. Following the Planning Commission recommendation, the amendments will be presented to City Council for adoption.

ATTACHMENT: Resolution No. 21-65

RESOLUTION NO. 21-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
INITIATING AMENDMENTS TO MALIBU MUNICIPAL CODE
CHAPTER 17.68(TEMPORARY USE PERMITS)

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 amendments to the MMC to amend Chapter 17.68 (Temporary User Permits) and direct staff to schedule a Zoning Ordinance revisions and Code Enforcement Subcommittees (ZORACES) meeting. Based on the ZORACES recommendation, the amendments will then be presented to the Planning Commission. Following the Planning Commission recommendation, the amendments will be presented to City Council for adoption

SECTION 2. Planning Commission Hearing.

The Planning Commission is hereby directed to conduct a duly noticed public hearing in accordance with MMC Chapter 17.74. Following the public hearing, the Planning Commission shall recommend to the City Council whether it should approve, modify, or reject the 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. Certification.

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

PASSED, APPROVED AND ADOPTED this 13th day of DECEMBER 2021.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney