

July 29, 2020 Special Meeting (to be held during COVID-19 emergency)

[HTTPS://WWW.MALIBUCITY.ORG/VIRTUALMEETING](https://www.malibucity.org/virtualmeeting)

1. Meeting Agenda

Documents:

[PC200729\\_AGENDA.PDF](#)

2. Item 1A - Local Coastal Program Amendment No. 19-003 And Zoning Text Amendment No. 19-005 / Short-Term Rental Regulations (Citywide)

Documents:

[PC200729\\_ITEM 1A.PDF](#)

**This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order (revised July 14, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.**

**HOW TO VIEW THE MEETING:** No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

**HOW TO PARTICIPATE BEFORE THE MEETING:** Members of the public are encouraged to submit email correspondence to [planningcommission@malibucity.org](mailto:planningcommission@malibucity.org) before the meeting begins.

**HOW TO PARTICIPATE DURING THE MEETING:** Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

**Malibu Planning Commission**  
**Special Meeting Agenda**  
**(to be held during COVID-19 emergency)**

**Wednesday, July 29, 2020**

**6:30 P.M. – SPECIAL PLANNING COMMISSION MEETING**

**Various Teleconference Locations**

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT

**[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)**

Call to Order - Chair

Roll Call - Recording Secretary

Approval of Agenda

Report on Posting of Agenda – July 16, 2020

**1. New Public Hearings**

- A. [Local Coastal Program Amendment No. 19-003 and Zoning Text Amendment No. 19-005 - An Amendment to the Local Coastal Program and Malibu Municipal Code Regulating Short-Term Rentals of Residential Property, Including Requiring an Onsite Host](#)

Applicant: City of Malibu  
 Location: Citywide

Recommended Action: Adopt Planning Commission Resolution No. 20-35 determining the amendments to be exempt from the California Environmental Quality Act and recommending that the City Council adopt Local Coastal Program Amendment No. 19-003 and Zoning Text Amendment No. 19-005 regulating the rental of residential units for 30 days or less (Short-term Rentals) including but not limited to requiring the presence of an onsite host during certain short-term rentals, and other restrictions, and clarifying permitted uses related to short-term rental (Citywide).

**Adjournment**

**Future Meetings**

Monday, August 3, 2020	6:30 p.m.	Regular Planning Commission Meeting	To Be Determined
Monday, August 17, 2020	6:30 p.m.	Regular Planning Commission Meeting	To Be Determined
Tuesday, September 8, 2020	6:30 p.m.	Regular Planning Commission Meeting	To Be Determined

**Guide to the Planning Commission Proceedings**

**As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, state of California, and a federal emergency declared by the President of the United States. At the direction of the Governor, starting March 19, 2020, the entire state is subject to stay-at-home orders. These measures are imposed to reduce the risk of spreading COVID-19. To comply with these emergency measures, the Planning Commission meeting will be open and public but conducted via teleconference only. This way the public, the staff, and the Commission will not be physically in the same place.**

**The Oral Communication** portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Members of the public wishing to speak during the meeting must participate through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized. Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

**For Public Hearings** involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication. In order to speak, individuals must visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

*The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].*

*I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Special meeting agendas may be amended up to 24 hours in advance of the meeting. Dated this 16<sup>th</sup> day of July 2020 at 5:00 p.m.*



*Kathleen Stecko, Administrative Assistant*



# Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Elizabeth Shavelson, Assistant to the City Manager

Approved by: Bonnie Blue, Planning Director

Date prepared: July 15, 2020 Meeting date: July 29, 2020

Subject: Local Coastal Program Amendment No. 19-003 and Zoning Text Amendment No. 19-005 - An Amendment to the Local Coastal Program and Malibu Municipal Code Regulating Short-Term Rentals of Residential Property, Including Requiring an Onsite Host

Applicant: City of Malibu  
Location: Citywide

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**RECOMMENDED ACTION:** Adopt Planning Commission Resolution No. 20-35 (Attachment 1) determining the amendments to be exempt from the California Environmental Quality Act (CEQA) and recommending that the City Council adopt Local Coastal Program Amendment (LCPA) No. 19-003 and Zoning Text Amendment (ZTA) No. 19-005 regulating the rental of residential units for 30 days or less (Short-term Rentals) including but not limited to requiring the presence of an onsite host during certain short-term rentals, and other restrictions, and clarifying permitted uses related to short-term rental (Citywide).

**DISCUSSION:** The City has been grappling with short-term rental regulation for several years. On December 3, 2019, City Council considered ZTA No. 17-002, an ordinance to regulate the short-term rental (30 days or less) of residential property, based on extensive Council direction provided at prior public hearings. These hearings occurred after the Planning Commission considered the ZTA at its meetings on November 20, 2017, and May 7, 2018. The Council did not move forward with ZTA No. 17-002 at that time but did initiate a new LCPA and ZTA to consider a regulatory system similar to that adopted by the City of Santa Monica. Santa Monica's ordinance requires the presence of an onsite host within the rented dwelling unit, known as a "home-share" or a "hosted" rental. The City Council's direction was to require an "host" to live onsite at the property during the rental, but not require the person to be within the dwelling unit. The Council also directed that the multifamily regulation system proposed in ZTA No. 17-002 should be included.

Planning staff had calendared and noticed a special meeting of the Planning Commission to be held on March 30, 2020 for consideration of the new LCPA and ZTA. However, due to the rapid spread of the COVID-19 pandemic, on March 12, 2020, the City of Malibu cancelled all commission meetings through April 30 including the March 30, 2020, Planning Commission special meeting.

Pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Order, the City began conducting virtual Planning Commission meetings on April 6, 2020. For the first few months, the City postponed legislative matters in hopes that in-person meetings might continue soon. However, in light of the continuing pandemic and the interest of moving short-term rental legislation forward, on June 8, 2020, Council directed staff to schedule this matter for a Planning Commission virtual meeting for July 2020 without input from the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES).

The full history of the City's consideration of short-term rental regulation can be found on the City's website at [malibucity.org/STR](http://malibucity.org/STR).

It should be noted that concurrently with the subject amendments, on June 22, 2020, Council directed staff to return with an update of ZTA No. 17-002 which would put in place a short-term rental permitting system and new regulations to address nuisance issues and impacts on neighborhoods and also attach significant penalties to violations. ZTA No. 17-002, which was previously presented to the Planning Commission, is scheduled to be heard by the Council on August 10, 2020. The subject amendments presented here, if adopted by the Council and certified by the California Coastal Commission (CCC), would supersede ZTA No. 17-002 (if ZTA 17-002 is approved by the City Council).

***The Ordinance follows the lead of the City of Santa Monica Homes-share Ordinance<sup>1</sup>***

On December 3, 2019, the City Council Adopted Resolution No. 19-53 initiating the subject LCPA and ZTA (Attachment 2), provided guidance to staff and directed that staff a) include a robust definition section, b) analyze and incorporate information from the September 10, 2019 City of Santa Monica home-sharing staff report as well as suggestions submitted by Michael Lustig as appropriate, c) look into platform liability and limitation issues and (d) limit the short-term rental of residential property to home-sharing, except for certain multifamily housing where up to two units could be rented on a short-term basis without home-sharing, so long as the other units in the building were rented on a long-term basis

One of the key features the City Council wanted to borrow from the Santa Monica ordinance is the requirement of an onsite "host" during the rental, which is designed to monitor activity, prevent nuisance issues from arising, and facilitate prompt correction of any problems that develop. Second, the Council wanted to implement Santa Monica's

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<sup>1</sup> The Home-Sharing and Vacation Rentals Ordinance was adopted by the City of Santa Monica in September 2019 to amend and revise Chapter 6.20 of the Santa Monica Municipal Code.

system for preventing online platforms from completing transactions for illegal rentals, which has been upheld by the courts.

Staff has conferred with both City of Santa Monica staff and Mr. Lustig about the best way to integrate these, and other, aspects of the Santa Monica ordinance while also addressing conditions that are unique to Malibu. Santa Monica is a charter city with a robust rent control system, different municipal code that uses different terms, larger population, significantly larger and more dense multifamily zones, a greater population of renters, and no LCP, thus significant differences exist between the cities.

The proposed ZTA and LCPA incorporate key features from Santa Monica's ordinance to achieve the City Council's goals but are adapted to fit appropriately into the City of Malibu context. Adaptations of the Santa Monica ordinance for Malibu include:

- Hosted short-term rental vs. home-share - Santa Monica uses the term home-share<sup>2</sup> to refer to short-term rentals in which the host lives in the rented dwelling unit for the duration of the rental. The City Council explicitly stated it wanted an onsite presence during the rental but did not want to require the host to be within the rented unit itself. The proposed amendments use the term "hosted short-term rental" to indicate while the owner or designated operator must live onsite, that person need only live on the property, not in the same dwelling unit, during the rental.
- Owner and designated operator vs. primary resident – Santa Monica's ordinance requires that the primary resident (which can be the owner OR a renter) of the property must live onsite for the duration of the short-term rental. The draft ZTA/LCPA tracks the Council's goal of onsite monitoring but provides limited flexibility by allowing the property owner to assign a "designated operator" to live onsite instead of the owner, so long as the designated operator is authorized to: (1) resolve any nuisance or compliance issues, (2) produce records, and (3) allow code enforcement officers to enter the property.
- Proof of Primary Residency - Santa Monica requires primary residents to submit two forms of documentation to provide proof of primary residency. As part of the City of Malibu's Woolsey Fire Rebuild Fee Waiver program, the City established that applicants can demonstrate primary residency with an active voter registration, a valid driver's license or other government issued identification card. The proposed ordinance is consistent with the primary residence documentation requirements established as part of the City's Fee Waiver Program for fire rebuilds.
- Multifamily Rentals - Council directed that, in contrast to Santa Monica's ordinance, up to two multifamily dwelling units on a property may be rented unhosted so long as the other units on the property are rented on a long-term basis. This system prevents the conversion of multifamily units into unregistered hotels, protects some

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<sup>2</sup> The city of Los Angeles uses the term "home-sharing" to refer to all short-term rental of residential property regardless of whether the host is present or not.

of the lowest cost housing in the City, and encourages units to be rented long-term at lower rent as short term rental is only allowed if all other units are at full occupancy.

- Eligible Permit Applicants - The City's proposed ordinance only allows owners of residential or multifamily buildings to apply for short-term rental permits. The City of Santa Monica also allows renters who can provide proof that their primary residence was the unit in question for the prior 12 months to apply for a short-term rental permit
- Parking - The proposed ordinance requires that all vehicles park onsite while a property is being rented on a short-term basis unless a Special Events Permit (SEP) is obtained, or in the rare instance that the property is determined to have no onsite parking (in such cases one vehicle may be parked on the street). Santa Monica has a more permissive parking policy where guests can park on the street one vehicle per bedroom rented or, if the short-term rental is located in a preferential parking zone, only two vehicles can use visitor parking permits.
- Neighborhood Notification - Once a short-term rental permit is issued, the City will provide all neighbors within 500 feet the contact information for the owner or designated operator of the short-term rental so that they can directly contact the onsite host with any concerns that may arise. This is not included in the Santa Monica ordinance.

### **Proposed LCPA and ZTA**

The full text of the proposed amendments can be found as Exhibits A and B to Planning Commission Resolution No. 20-35 (Attachment 1). The amendments address portions of the LCP and of Title 17 (Zoning Ordinance) of the Malibu Municipal Code (MMC).

In general, the amendments propose to create an annual short-term rental permit program to regulate short-term rentals in residential property, minimize impacts on neighborhood character and provide a mechanism to prohibit nuisance rentals. The amendments are designed to address nuisance issues that have developed under the recent expansion of short-term rental activity in the City and protect residential neighborhood character and housing stock availability and variety. Some of the concepts will sound familiar as they have been presented in earlier drafts of the ordinance.

### **Summary of ZTA**

#### **Short-term Rental Permits**

The proposed permit program has two distinct short-term rental permit types: one for owners of single-family residences and condominium units to offer hosted short-term rentals, and one for owners of multifamily buildings to offer up to two units as short-term rentals as long as all other units are rented long-term.



- Hosted Short-Term Rental Permit (HSTR permit) - To be eligible for a hosted short-term rental permit, the property must be the owner's primary residence. In addition, the owner must live onsite, meaning maintain a physical presence on the property, including but not limited to, sleeping overnight, preparing and eating meals, each day during the short-term rental of the property. The owner must also be available at all times to resolve any issues with the rented dwelling unit and must appear at the property within one hour of a phone call requesting such appearance by the City, an agent authorized by the City to make such calls, or law enforcement personnel, and must be physically onsite from 8 p.m. until 6 a.m. The owner may authorize a designated operator to perform this function on his or her behalf. "Multifamily"<sup>3</sup> building owners are not eligible for this type of permit.
- Multifamily Short-term Rental Permit (MSTR permit) - Owners of multifamily residential buildings may obtain a multifamily short-term rental permit. This permit would allow the owner to rent up to two units in a multifamily building if all the other units on the property are rented on a long-term basis. Short-term rentals in multifamily buildings do not require the owner or designated operator to live onsite during the rental.

Key requirements include:

- An individual may not possess more than one active short-term rental permit, regardless of type.
- A separate short-term rental permit is required for every legal lot or condominium unit (if a condominium unit is to be rented).
- Each permit may include up to two listing. This will allow a property that has two dwelling units (such as a main house and a second unit) to be able to rent either unit on a short-term basis. Either could be used as a hosted short-term rental, with the owner or designated operator living onsite either in the unrented unit or in a bedroom of one of one of the rented units.
- No person may serve as a designated operator for more than one short-term rental.
- Permits must be renewed annually.

### Short-term Rental General Requirements

To conduct short-term rentals, owners must comply with all the terms and conditions of the short-term rental program including, but not limited to, the following:

1. Maintain an active permit at all times short-term rentals are conducted
2. Takes responsibility for and actively prevent any nuisance activities that may take place during short-term rentals

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<sup>3</sup> "Multifamily residence" means a building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

3. Be available, or designated operator be available, 24/7 via contact information provided to City and any guest renting the property
4. Collect and remit transient occupancy tax (TOT) as set forth in MMC Chapter 3.24
5. Provide basic health and safety features for guests
6. Limit occupancy based on the number of bedrooms on record in City or County documents as determined by the Planning Director to two people more than twice the number of bedrooms, but no more than 14 unless a special event permit (SEP) is obtained under MMC Chapter 5.34 (example – for a 3 bedroom property – ((3 bedrooms x 2 people) + 2 people) = 8 people max occupancy, including owner/designated operator)
7. Park all vehicles onsite<sup>4</sup> unless an SEP is obtained to allow offsite or on-street parking
8. Maintain liability insurance with minimum limits no less than \$500,000
9. Provide guests with the City of Malibu’s Short-Term Rental Code of Conduct
10. Provide access to the property and documents upon request by City during business hours or when property is rented
11. Comply with all applicable building, fire and other safety codes including noise limitations
12. Maintain a valid Onsite Wastewater Treatment System (OWTS) operating permit (a compliance agreement option is available for those in the process of upgrading)
13. Follow all rules for advertising short-term rentals
  - immediately remove any advertisement identified by the City as illegal;
  - include permit number in all advertisements;
  - clearly state in all advertisements related to a HSTR permit that the owner or designated operator will live onsite during the rental (except for MSTR permits)
  - Clearly state parking restrictions and occupancy limits
14. Keep permit application information on file with the City current at all time, especially 24/7 contact information for owner / designated operator

#### Grounds for Denial and Revocation of Permit

The amendments specify grounds for denial of a permit application or renewal request, and for revocation of a permit. These include:

- Failure to pay TOT
- Outstanding code violations on the property

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<sup>4</sup> Properties that do not have onsite parking spaces as determined by the Planning Director may park one vehicle on the street.

- Failure to comply with applicable codes like fire, building safety, etc.
- False statements in relation to the STR permit application
- Application information has not been amended as required
- OWTS requirements have not been met
- Property has received more than two citations for noise ordinance violations in 12 consecutive months
- For HSTR permit holders – 3 citations for other violations of the Short-term Rental Ordinance in 12 consecutive months, for MSTR permit holders – 2 citations in 12 consecutive months

### Effect of Permit Revocation or Denial

The amendments also prescribe specific effects on an owner's ability to conduct short-term rentals if the owner's permit is denied or revoked. If an application is denied or a permit is revoked for making false statements on the application, violating Section 17.55.030(A)(9), or violating the City's noise ordinance more than twice within 12 months, a new application cannot be approved for that applicant and location for 12 months after the last violation or short-term rental.

If a property is found to be rented or advertised for short-term rental after permit denial or revocation, the property and applicant will be prohibited from short-term rentals for an additional six months on top of any time periods mentioned above.

An applicant may appeal a denial or revocation decision to the Planning Commission, but no short-term rentals may be conducted while the appeal is pending.

### Enforcement

The amendments set forth special tools for enforcement, including a fine of \$1,000 per day or violation, for every day the violation persists.

The amendments also clarify explicitly that offering or allowing short-term rental of any location not approved for use as a dwelling unit, including but not limited to any vehicle, trailer, tent, storage shed or garage, is prohibited.

### **Summary of Proposed LCPA**

The LCP consists of a Land Use Plan (LUP) and a Local Implementation Plan (LIP). The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions and standards to carry out the policies of the LUP. Any development proposed in the City must first obtain a coastal development permit unless the LCP provides for an exemption.

The LCPA memorializes that short-term rental use is allowed in residential zones, as it currently is, but only if it is hosted and conducted pursuant to a valid permit. It also memorializes that up to two units on multifamily parcels may be rented unhosted on a short term basis, but again only pursuant to a valid permit. The permitting requirements will allow the City to better control nuisance issues and avoid the proliferation of short-term rental businesses in which corporations and other entities buy up residences to use solely for vacation rentals. For the zoning district purpose policies, the LCPA specifies that hosted short-term rentals are allowed in single-family zones, and that only two dwelling units per multifamily parcel may be used for short-term rental in multifamily zones.

In the LIP, definitions have been added to LIP Section 2.1 to address short-term rental terms. Table B – Permitted Uses has been updated to add hosted and multifamily short-term rental uses, subject to a valid short-term rental permit. And finally, language specifying a coastal development permit exemption for short-term rental use subject to certain criteria has been added to LIP Section 13.4.

Because the detailed permitting regulations are contained in the ZTA and may need to be adjusted from time to time, they are not repeated in detail in the LCPA.

### **Current Market Landscape**

The City currently contracts with Host Compliance (Host) to monitor STR listings online. According to Host, there were 446 properties in or near Malibu advertised for short-term rental as of July 2, 2020.

### **Platform Liability and Limitation Issues**

To better enforce local regulations, San Francisco and Santa Monica adopted ordinances that imposed legal liability on platforms for publishing listings of potentially illegal rentals. These ordinances held platforms criminally and civilly liable for facilitating (including advertising) any unauthorized rental activity. The platforms sued under the federal Communications Decency Act (CDA). The CDA provides that an online service provider may not be treated as “the publisher” of information furnished by a third-party content provider and immunizes platforms from liability under any inconsistent state or local law.

In response, San Francisco and Santa Monica amended their ordinances. Santa Monica’s amended ordinance provides that platforms may not complete “booking transactions” for unlicensed STRs, but no longer imposes liability on platforms for publishing advertisements. The platforms again sued, and on March 13, 2019, the Ninth Circuit Court of Appeal upheld Santa Monica’s amended ordinance. In *HomeAway.com, Inc. v. City of Santa Monica*, the court found that Santa Monica’s STR regulations did not require companies to monitor or edit the content of any listings provided by hosts and thus did not regulate “publication” activities within the meaning of the CDA.

Ordinances that require platforms to disclose transaction information about rentals for code enforcement purposes have also faced legal challenge, particularly under the Stored Communications Act (SCA). The SCA limits the government's ability to compel the disclosure of consumer information from internet service providers. Absent platforms' consent, courts have held that cities may only require companies to disclose transaction records by means of a subpoena (or similar legal process) that is narrowly designed to identify illegal activity and affords platforms a meaningful opportunity to challenge the reasonableness of the requested information.

### **Accessory Dwelling Units**

In general, an Accessory Dwelling Unit (ADU) is a smaller, independent residential dwelling unit that is ancillary to a residence that is the primary use on the property. The State has passed a series of laws to increase the amount and accelerate the production of affordable housing. In Malibu, ADUs, currently known in Malibu codes as "second units," are a significant source of affordable housing. State law now includes limitations on use of ADUs for short-term rental. The City is in the process of updating the LCP and MMC to address recent changes in State law. Staff was scheduled to present updated recommendations to amend the LCP and MMC in March of 2020 but has been delayed due to the COVID-19 pandemic. Staff will bring updated draft ADU amendments for Commission consideration in the near future, at which time the short-term rental of ADUs will be addressed. For information on the City's ADU amendments, visit [malibucity.org/ADU](http://malibucity.org/ADU).

### **Limits on Large Gatherings**

The City of Malibu has a special event permit (SEP) system in place to regulate special events in residential neighborhoods. The system is designed to allow occasional large events while preserving the predominately residential character of the neighborhood. A SEP is always required when 15 or more people are anticipated to be in attendance during a short-term rental. This ties with the maximum occupancy limits set forth in the proposed ordinance.

### **Short-Term Rental Permit Fees**

The short-term rental permit fee will be considered as part of the budget process prior to the final adoption of the LCPA.

### **Next Steps**

After the Planning Commission public hearing on the draft amendments, the Commission's recommendation and the draft LCPA and ZTA will be presented to City Council for consideration. If approved by the Council, the LCPA will then be submitted to CCC for certification.

Upon final certification of the amendment, and likely starting before, the City will conduct an extensive public outreach program to notify property owners of the policy changes, followed by coordination with Host Compliance or another vendor, Code Enforcement and the Sheriff's Department to implement and enforce the new ordinance.

### **Administration and Code Enforcement**

Prior to the final LCPA adoption, the City will ensure that it has the appropriate consultant support and personnel necessary to administer and enforce the new requirements including the onsite host and multifamily provisions.

The City currently has a contract with Host Compliance to monitor short-term rentals in Malibu across over 50 rental booking internet platforms. Once the LCPA and ZTA are in effect, staff will work with Host Compliance or another contract provider to monitor online compliance with the adopted regulations, process permit applications through an online portal, operate a short-term rental hotline for residents to report violations and administer TOT collection. Planning and Administrative Services staff will implement and administer the STR permitting program. Code Enforcement staff in cooperation with the Sheriff will investigate complaints, and issue warnings and citations and work to resolve violations. Additional enforcement including short-term rental sting operations may be necessary to ensure compliance with all regulations.

**ENVIRONMENTAL REVIEW:** Pursuant to Public Resources Code Section 21080.9, 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 California Coastal Commission (CCC) before it takes effect. Furthermore, the Planning Department has analyzed the project proposal described herein. 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 Planning Department determined that there is no possibility the amendment will have a significant effect on the environment within the meaning of CEQA and accordingly, the exemption set forth in Section 15061(b)(3) applies.

**CORRESPONDENCE:** Public correspondence has been received and is included as Attachment 3.

**PUBLIC NOTICE:** On July 2, 2020 a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties (Attachment 4). On July 16, 2020, a Notice of Availability of LCP Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties (Attachment 5).

CONCLUSION: Staff recommends that the Planning Commission provide comments on the proposed LCPA and ZTA and recommend approval of the proposed amendments to the City Council.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-35 (including Exhibits A (LCPA) and B (ZTA))
2. City Council Resolution No. 19-53
3. Public Correspondence
4. Public Hearing Notice
5. Notice of Availability

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 20-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE AMENDMENT TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND RECOMMENDING THAT THE CITY COUNCIL ADOPT LOCAL COASTAL PROGRAM AMENDMENT NO. 19-003 AND ZONING TEXT AMENDMENT NO. 19-005 REGULATING THE RENTAL OF RESIDENTIAL UNITS FOR 30 DAYS OR LESS (SHORT-TERM RENTALS) INCLUDING BUT NOT LIMITED TO REQUIRING THE PRESENCE OF AN ONSITE HOST DURING CERTAIN SHORT-TERM RENTALS, AND OTHER RESTRICTIONS, AND CLARIFYING PERMITTED USES RELATED TO SHORT-TERM RENTALS (CITYWIDE)

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

SECTION 1. Recitals.

A. The City of Malibu wishes to address the potential impacts of short-term rental of residential property and protect the neighborhood character in the City by adopting regulations for the short-term rental of property that prohibit use inconsistent with the General Plan and impose prohibitions and regulations consistent thereof.

B. On December 3, 2019, in compliance with Local Coastal Program Local Implementation Plan Chapter 19, the City Council adopted Resolution No. 19-53 to initiate a Local Coastal Program (LCP) Amendment to consider changes to the Malibu LCP and a Zoning Text Amendment (ZTA) to consider changes to Title 17 (Zoning) of the Malibu Municipal Code (MMC) and provided direction to staff on the definitions and regulations to include in the proposed amendments.

C. On March 5, 2020, a Notice of Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation within the City of Malibu and sent to interested parties.

D. On March 12, 2020 the Special Planning Commission meeting of March 30, 2020 was adjourned to April 6, 2020 due to the COVID-19 pandemic.

E. On April 6, 2020, the Planning Commission continued the item to a date uncertain.

F. On July 2, 2020, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and sent to interested parties.

G. On July 16, 2020, a Notice of Availability of LCP Documents was published in a newspaper of general circulation within the City of Malibu.



H. On July 29, 2020 the Planning Commission held a duly noticed public hearing on LCPA No. 19-003 and ZTA No. 19-005, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on 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 California Coastal Commission (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.

The Planning Commission 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. 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 Planning Commission determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

## SECTION 3. Local Coastal Program Amendment

The Planning Commission hereby recommends that the City Council amend the LCP as detailed in Exhibit A.

## SECTION 4. Local Coastal Program Findings.

Based on evidence in the whole record, the Planning Commission hereby finds that the proposed LCPA (Exhibit A) meets the requirements of and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act.

A. The amendment maintains standards to require that development within the City's jurisdiction of the Coastal Zone advance the overarching goals of protecting coastal resources. In particular, the amendment will assure that visitor-serving accommodations are available within the City through short-term rental of residential property in a manner that protects residential neighborhoods and preserves the amount and variety of the City's existing housing stock.

B. The amendment will be consistent with the following policy:

**2.25** New development shall provide off-street parking sufficient to serve the approved use in order to minimize impacts to public street parking available for coastal access and recreation.

**2.26** Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

**2.34** Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources.

**2.36** Coastal recreational and visitor serving uses and opportunities, especially lower cost opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost opportunities shall be prohibited unless the use will be replaced with another offering comparable visitor serving or recreational opportunities.

**SECTION 5. Zoning Text Amendment.**

The Planning Commission hereby recommends that the City Council amend the MMC as detailed in Exhibit B.

**SECTION 6. Zoning Text Amendment Findings.**

Pursuant to MMC section 17.74.040, the Planning Commission hereby makes the following findings and recommends to the City Council that the MMC be amended as stated in Exhibit B of this resolution.

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, protect public safety and preserve Malibu's natural and cultural resources.

B. The Planning Commission 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 zoning text amendment is consistent and recommends approval.

**SECTION 7.** Based on the above findings, the Planning Commission hereby recommends that the City Council approve the LCPA and ZTA and detailed in Exhibits A and B.

SECTION 8. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 29<sup>th</sup> day of July 2020.

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JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

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KATHLEEN STECKO, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-35 was passed and adopted by the Planning Commission of the City of Malibu at the special meeting thereof held on the 29<sup>th</sup> day of July 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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KATHLEEN STECKO, Recording Secretary

**Exhibit A: Local Coastal Program Amendments**

**Exhibit B: Title 17 – Zoning Code Amendments**

## EXHIBIT A

LOCAL COASTAL PROGRAM AMENDMENT

- A. Land Use Plan (LUP) Chapter 5 (New Development), Section C (Land Use Policies), Subsection 2 (Land Use Designations) is hereby amended to read as follows:

RURAL RESIDENTIAL (RR): The RR designation allows sensitively designed, large lot single family residential development, with a range of maximum densities from one dwelling per acre to one dwelling unit per 40 acres. Minimum lot sizes range from 1 to 40 acres, with agricultural uses and animal keeping as accessory uses to approved residential development. Public open space and recreation may be permitted. Hosted short-term rental use of single family residential property may be permitted pursuant to a valid short-term rental permit issued by the City. The following maximum residential density standards shall apply:

RR1	One dwelling unit per acre
RR2	One dwelling unit per 2 acres
RR5	One dwelling unit per 5 acres
RR10	One dwelling units per 10 acres
RR20	One dwelling unit per 20 acres
RR40	One dwelling unit per 40 acres

SINGLE-FAMILY RESIDENTIAL (SF): This land use designation allows single family residential development at higher density than the rural residential category. It is intended to enhance the rural characteristics of the community by maintaining low-density single-family residential development on lots ranging from 1/4 to 1 acre in size. Single-Family Low (SFL) allows a maximum density of 2 dwelling units per acre, with a minimum lot size of 0.5 acre. Single-Family Medium (SFM) allows a maximum density of 4 dwelling units per acre, with a minimum lot size of 0.25 acre. Public open space and recreation may be permitted. Hosted short-term rental use of single family residential property may be permitted pursuant to a valid short-term rental permit issued by the City.

MOBILE HOME RESIDENTIAL (MHR): The MHR designation is intended to accommodate existing mobile home parks and associated facilities. Hosted short-term rental use of single family residential property may be permitted pursuant to a valid short-term rental permit issued by the City.

MULTI-FAMILY RESIDENTIAL (MF): The MF designation provides for multi-family residential developments, such as duplexes, condominiums, stock cooperatives, and apartments. The Multi-family Residential (MF) designation allows a maximum density of six units per acre on a minimum lot size of 20,000 square feet. Public open space and recreation may be permitted. Short-term rental use of multi-family residential property may be permitted pursuant to a valid short-term rental permit issued by the City, up to a maximum of two dwelling units per parcel.

- B. LUP Policy 5.20 is amended to read as follows:

**5.20** All residential development, including land divisions and lot line adjustments, shall conform to all applicable LCP policies, including density provisions. Allowable densities are stated as maximums. Compliance with the other policies of the LCP may further limit the maximum allowable density of development. Short-term rental use of residential property may be permitted pursuant to a valid short-term rental permit issued by the City.

- C. LUP Policy 2.34 is amended to read as follows:

**2.34** Existing, lower cost visitor-serving and recreation facilities, including overnight accommodations, shall be protected to the maximum feasible extent. New lower cost visitor and recreation facilities, including overnight accommodations, shall be encouraged and provided, where designated on the LUP Map. Priority shall be given to developments that include public recreational opportunities. New or expanded facilities shall be sited and designed to minimize impacts to environmentally sensitive habitat areas and visual resources. Short-term rental use of residential property may be permitted pursuant to a valid short-term rental permit issued by the City.

- D. Local Implementation Plan (LIP) Section 2.1 is amended by adding the following definitions, inserted in alphabetical order, or replacing where there is an existing definition:

DESIGNATED OPERATOR – pertaining to the short-term rental of residential property, any natural person who is authorized by the owner of a short-term rental unit to: (1) resolve any nuisance or compliance issues with the dwelling unit, (2) produce requested records, (3) allow others including, but not limited, to code enforcement officers and law enforcement personnel, to enter the dwelling unit, and (4) live onsite at any dwelling unit offered for use as a hosted short-term rental for the duration of the rental.

DWELLING UNIT - one or more rooms in a building or portion thereof designed, intended to be used or used for occupancy by one family for living and sleeping quarters and containing only one kitchen. ‘Dwelling unit’ also includes:

- A. One or more habitable rooms within a mobile home which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation; and
- B. Any room used for sleeping accommodations which contains a bar sink and/or gas, electrical or water outlets designed, used or intended to be used for cooking facilities except a guest room or guest suite in a hotel, motel or bed and breakfast inn; and
- C. Each space or pad designed and allocated to accommodate a mobile home within a mobile home park.

GUEST – pertaining to the short-term rental of residential property, a natural person who rents a short-term rental or is an invitee of such person.

GUEST HOUSE - attached or detached living quarters on the same premises as a single family residence for the use of family members, guests or employees of the occupants of such residence, containing no kitchen facilities and not rented or otherwise used as a separate dwelling unless permitted pursuant to a valid short-term rental permit issued by the City. The maximum living area of a guest house shall not exceed nine hundred (900) square feet, including any mezzanine or storage space. A guest house may include a garage not to exceed four hundred (400) sq. ft. The square footage of the garage shall not be included in the maximum living area.

HOSTED SHORT-TERM RENTAL – a short-term rental for which the owner or designated operator lives onsite throughout the guests’ stay in accordance with the requirements of a hosted short-term rental permit issued by the City.

LIVES ONSITE – pertaining to short-term rental of residential property, means maintains a physical presence on the property, including, but not limited to, sleeping overnight, preparing and eating meals, and being present on the property each day of the short-term rental as required by the hosted short-term rental permit.

OWNER – pertaining to the short-term rental of residential property, a person who alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

SHORT-TERM RENTAL – of property means the renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of 30 consecutive days or less to a transient.

E. LIP Section 3.3(Q) Planned Development (PD) Zone is amended to read as follows:

**Q. Planned Development (PD) Zone**

1. Purpose

The PD District is intended to provide for a mix of residential and recreational development, consistent with the PD Land Use Designation in chapter 5 (Section C.2) of the Land Use Plan consisting of five single-family residences and 1.74 acres of recreational area located east of Malibu Bluffs Park and south of Pacific Coast Highway. The PD District consists of the land designated as Assessor Parcel Numbers (APNs) 4458-018-019, 4458-018-002, and 4458-018-018, known as Malibu Coast Estate, and formerly known as the “Crummer Trust” parcel.

2. Permitted Uses

The uses and structures permitted in Malibu Coast Estate are as follows. Lot numbers are as identified on the “Malibu Coast Estate Planned Development Map 1” of this LIP.

a. Lot Nos. 1—5

- i. One single-family residence per lot.
- ii. Accessory uses (one second unit or guest house per lot, garages, swimming pools, spas, pool houses, cabanas, water features, gazebos, storage sheds, private non-illuminated sports courts, noncommercial greenhouses, gated driveways, workshops, gyms, home studios, home offices, and reasonably similar uses normally associated with a single-family residence, as determined by the Planning Director).
- iii. Domestic animals, kept as pets.
- iv. Landscaping.
- v. Hosted short-term rental use only if pursuant to a valid short-term rental permit issued by the City.

...

F. LIP Section 13.4.9.1 is added to Chapter 13 (Coastal Development Permits):

**13.4.9.1 Exemption for Short-term Rental of Residential Property**

Short-term rental use of residential property as defined in Section 2.1 of this LIP and which meet all of the following criteria.

- A. The short-term rental use is conducted pursuant to a valid short-term rental permit issued by the City.
- B. The short-term rental use is conducted in a dwelling unit that was lawfully established as described in LIP Section 13.3(F).
- C. The short-term rental use will not result in reduction or elimination of public parking for access to the beach, public trails or parklands.

G. LIP Table B – Permitted Uses is amended by inserting the following new permit type and uses:

**LIP Table B – Permitted Uses**

<b>KEY TO TABLE (In addition to a coastal development permit, the following permits are required.)</b>	
<b>P</b>	<b>Permitted use</b>
<b>MCUP</b>	<b>Requires the approval of a minor Conditional Use Permit by the Director</b>
<b>CUP</b>	<b>Requires the approval of a Conditional Use Permit</b>
<b>A</b>	<b>Permitted only as an accessory use to an otherwise permitted use</b>

<b>LFDC</b>	<b>Requires the approval of a Large Family Day Care permit</b>
<b>WTF</b>	<b>Requires the approval of a Wireless Telecommunications Facility</b>
<b><u>STR</u></b>	<b><u>Use requires valid short-term rental permit approved by the City</u></b>
.	<b>Not permitted (Prohibited)</b>

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
<b>RESIDENTIAL</b>																
Single-family residential	P	P	P	P	.	.	.	.	.	.	.	.	.	A	.	.
Manufactured homes	P	P	P	P	.	.	.	.	.	.	.	.	.	.	.	.
Multiple-family residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments)	.	.	CUP	CUP	.	.	.	.	.	.	.	.	.	.	.	.
Second units	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	.	.	.	.	.	.	.	.	.	.	.	.
Mobile home parks	.	.	.	.	P	.	.	.	.	.	.	.	.	.	.	.
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	.	.	.	.	CUP	.	.	.	.	.	.	.	.	.	.	.
Mobile home as residence during construction	P	P	P	MCUP	.	.	.	.	.	.	.	.	.	.	.	.
Accessory uses (guest units, garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	.	.	.	.	.	.	.	.	.	.	.	.



commercial), sports courts (non-illuminated), corrals (non-commercial), and similar uses)																
Residential care facilities (serving 6 or fewer persons)	P	P	P	.	.	.	.	.	.	.	.	.	.	.	.	.
Small family day care (serving 6 or fewer persons)	A	A	A	.	.	.	.	.	.	.	.	.	.	.	.	.
<b>USE</b>	<b>RR</b>	<b>SF</b>	<b>MF</b>	<b>MFBF</b>	<b>MHR</b>	<b>CR</b>	<b>BPO</b>	<b>CN</b>	<b>CC</b>	<b>CV-1</b>	<b>CV-2</b>	<b>CG</b>	<b>OS</b>	<b>I</b>	<b>PRF</b>	<b>RVP</b>
<b>RESIDENTIAL (continued)</b>																
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	.	.	.	.	.	.	.	.	.	.	.	.	.
Home occupations	P/ MCUP <sup>2</sup>	P/ MCUP <sup>2</sup>	P/ MCUP <sup>2</sup>	P/ MCUP <sup>2</sup>	.	.	.	.	.	.	.	.	.	.	.	.
<u>Short-term rental</u>	<u>STR<sup>21</sup></u>	<u>STR<sup>21</sup></u>	<u>STR<sup>22</sup></u>	<u>STR<sup>22</sup></u>	<u>STR<sup>21</sup></u>	∴	∴	∴	∴	∴	∴	∴	∴	∴	∴	∴
...																

Notes:

1. Subject to Residential Development Standards (Section 3.6).
2. Subject to Home Occupations Standards [(Section 3.6(O))].
3. Use Prohibited in Environmentally Sensitive Habitat Areas.
4. This commercial use may be permitted only if at least 50% of the total floor area of the project is devoted to visitor serving commercial use. This floor area requirement shall not apply to the Civic Center Wastewater Treatment Facility.
5. CUP for veterinary hospitals.
6. Maximum interior occupancy of 125 persons.
7. If exceeding interior occupancy of 125 persons.
8. By hand only.
9. Use permitted only if available to general public.
10. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
11. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Sections 4.6.2 and 6.5(G).
12. Limited to public agency use only (not for private use).
13. Accessory uses when part of an educational or non-profit (non-commercial) use. However, residential care facilities for the elderly are limited to operation by a non-profit only.
14. CUP for facilities within a side or rear yard when adjacent to a residentially-zoned parcel.
15. Conditionally permitted only when facilities are ancillary to the Civic Center Wastewater Treatment Facility, including, but not limited to, injection wells, generators, and pump stations.
16. This use is conditionally permitted in the Civic Center Wastewater Treatment Facility Institutional Overlay District and only when associated with the existing wastewater treatment facility or with the Civic Center Wastewater Treatment Facility.

17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.
18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.
19. Multi-family development associated with an affordable housing development project is permitted by right.
20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 only), in compliance with Section 3.4.5.
21. Hosted short-term rental only in RR, SF and MHR zones
22. Maximum of two dwelling units per parcel for MF and MFBF zones

## EXHIBIT B

Malibu Municipal Code Title 17Zoning Text Amendment

A. MMC Section 17.02.060 (Definitions) is hereby amended by adding the following definitions, inserted in alphabetical order, or replacing where there is an existing definition:

“Bedroom” means any habitable space in a dwelling unit other than a kitchen or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.

“Booking transaction” means any reservation or payment service provided by a natural person, joint venture, joint stock company, partnership, association, club, company corporation, business trust, or organization of any kind who facilitates a short-term rental transaction between a prospective guest and an owner.

“Designated operator” means any natural person who is authorized by the owner of a short-term rental unit to: (1) resolve any nuisance or compliance issues with the dwelling unit, (2) produce requested records, (3) allow others including, but not limited, to code enforcement officers and law enforcement personnel, to enter the dwelling unit, and (4) live onsite at any dwelling unit offered for use as a hosted short-term rental for the duration of the rental.

“Dwelling unit” means one or more rooms in a building or portion thereof designed, intended to be used or used for occupancy by one family for living and sleeping quarters and containing only one kitchen. “Dwelling unit” also includes:

1. One or more habitable rooms within a mobilehome which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating and sanitation; and
2. Any room used for sleeping accommodations which contains a bar sink and/or gas, electrical or water outlets designed, used or intended to be used for cooking facilities except a guest room or guest suite in a motel, hotel or bed and breakfast inn.

“Guest” means a natural person who rents a short-term rental or is an invitee of such person. This definition is applicable to Chapter 17.55 only.

“Guest House” means detached living quarters on the same premises as a single family residence for the use of family members, guests or employees of the occupants of such residence, containing no kitchen facilities and not rented or otherwise used as a separate dwelling unless permitted pursuant to a valid short-term rental permit issued by the City.

“Hosted short-term rental” means a short-term rental for which the owner or designated operator lives onsite throughout the guests’ stay in accordance with Section 17.55.040.

“Hosting platform” means a natural person, joint venture, joint stock company, partnership, association, club, company corporation, business trust, or organization of any kind who

participates in the short-term rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

“Lives onsite” means maintains a physical presence on the property, including, but not limited to, sleeping overnight, preparing and eating meals, and being present on the property each day of the short-term rental as required by the hosted short-term rental permit. This definition is applicable to Chapter 17.55 only.

“Owner” means any person who, alone or with others, has legal or equitable title to a dwelling unit. A person whose interest in a dwelling unit is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner. This definition is applicable to Chapter 17.55 only.

“Primary Residence” means the usual place of return for housing of an owner as documented to the satisfaction of the City Manager by an active voter registration, a valid driver’s license or other government issued identification card with the address of the property. A person can only have one primary residence. This definition is applicable to Chapter 17.55 only.

“Short-term rental” of property means the renting, or offer to make available, (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration, of residential property, a dwelling unit, or a portion thereof, for a period of 30 consecutive days or less to a transient.

B. MMC Chapter 17.55 (Short-term Rental of Property) is hereby added to read as follows:

Section 17.55.010 Short-Term Rental of Property

- A. Hosted short-term rental of single-family residential property, and the short-term rental of up to two dwelling units on a multifamily housing parcel, is allowed as specified in Section 17.55.040 if conducted in compliance with this Chapter 17.55 and the owner complies with each of the following requirements:
1. Obtains and maintains at all times a Short-Term Rental Permit issued pursuant to this Chapter.
  2. Operates the short-term rental activity in compliance with all permit conditions for short-term rental as set forth in Section 17.55.020 and any regulations promulgated pursuant to this Chapter.
  3. Collects and remits Transient Occupancy Tax (“TOT”), in coordination with any hosting platform if utilized, to the City and complies with all City TOT requirements as set forth in Chapter 3.24 of this Code.
  4. Takes responsibility for and actively prevents any nuisance activities that may take place as a result of short-term rental activities.
  5. Is available, or a designated operator is available, 24 hours a day, 7 days a week, at a phone number provided to both the City and any guest staying at the property to immediately answer a call from the City, an agent authorized by the

City to make such calls, or a guest when there is a guest renting the property. No person may serve as a designated operator for more than one hosted short-term rental.

6. Ensures that basic health and safety features are provided, including fire extinguishers, smoke detectors, and carbon monoxide detectors.
7. Limits the occupancy of the short-term rental (including the host, guests, and any other natural persons) to two people more than twice the number of bedrooms listed on City or County records as determined by the Planning Director up to a maximum of 14 people, unless a special event permit is obtained pursuant to Chapter 5.34 of this code.
8. Requires all persons present at the property during a period when there is a short-term rental of a property to park all vehicles onsite; offsite or on-street parking shall only be allowed pursuant to a special event permit issued pursuant to Chapter 5.34 of this code. Properties that do not have onsite parking spaces as determined by the Planning Director are exempt from this requirement, but no more than one (1) vehicle may be parked on the street by persons present at the property during the short-term rental of the property.
9. Maintains liability insurance to cover the short-term rental of property with minimum limits of not less than \$500,000 or conducts each short-term rental transaction through a hosting platform that provides equal or greater coverage.
10. Complies with Section 17.55.080 governing advertisements of short-term rentals.
11. Provides all guests with the Short-term Rental Code of Conduct, which shall be developed by the City Manager, and posts the same on the inside of the main entrance door to the dwelling unit rented, or on the wall adjacent thereto.
12. Provides full access to the property, and documents related to compliance with this Chapter, during normal City Hall business hours or at any time the dwelling unit is rented immediately upon request by the City Manager or her/his designee for purposes of inspection or audit.
13. Complies with all applicable laws, including the noise limitations set forth in Chapter 8.24 of this Code, and all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.
14. Maintains a valid Onsite Wastewater Treatment System (OWTS) operating permit pursuant to Chapter 15.44 or has entered a compliance agreement with the City excusing such compliance, and is in full compliance with the compliance agreement and not in default or breach.

#### Section 17.55.020 Short-Term Rental Permit Required

- A. No person shall offer, facilitate an offer, or allow the short-term rental of property in any location not specifically identified and approved on a valid short-term rental permit or in a location not approved for use as a dwelling unit including, but not limited to, any vehicle, trailer, tent, storage shed or garage.
- B. A separate short-term rental permit is required for every legal lot or condominium unit (if a condominium unit is to be rented). An individual may not possess more than one active short-term rental permit. Each permit may include up to two listings, one per dwelling unit.

- C. Application Required. To obtain a short-term rental permit an owner shall submit an application on a form to be provided by the City and signed by the owner under penalty of perjury.
- D. Application Contents. In addition to any other information prescribed by the City Manager, an application for a short-term rental permit shall include the following information:
1. Address of the proposed short-term rental
  2. Type of dwelling unit
  3. Contact information for the owner of the property
  4. Contact information for the designated operator, if a designated operator will live onsite for the hosted short-term rental
  5. A copy of a valid OWTS operating permit for the property, or a copy of a City approved compliance agreement pursuant to Section 17.55.010(A)(14) paired with an attestation that the owner is in full compliance with the compliance agreement and not in default or breach
  6. Attestation and agreement to comply with the requirements of this Chapter
  7. Proof that the owner is in compliance with Chapter 3.24 of this code
  8. The Uniform Resource Locator (URL) (i.e., the website address) for any and all advertisements of the short-term rental of the property
  9. Attestation that short-term rental of the property is not prohibited by Covenants, Conditions and Restrictions (CC&Rs), or rules or restrictions of a homeowners association or similar association, and that owner has notified such association that the property owner is applying for a short-term rental permit. Proof of notification must be retained for the duration that the owner maintains a short-term rental permit for the property.
  10. Attestation of the number of bedrooms in the proposed short-term rental and proposed maximum occupancy
  11. Attestation of compliance with the required insurance coverage
  12. The location of all dwelling units, or portions thereof, that will be rented on a short-term basis
  13. The type of short-term rental permit sought: hosted or multifamily
  14. If seeking a hosted short-term rental permit, proof of primary residency and attestation that the location is the owner's primary residence, meaning that the owner lives in a dwelling unit on the legal lot (or in the authorized condominium) as his or her primary residence for no less than 185 days of the previous calendar year; if the property was purchased less than 185 days from the end of the previous calendar year, an attestation that the unit is and will remain the owner's primary residence for the duration of the permit shall suffice
  15. If seeking a multifamily short-term rental permit, contact information, including phone number, for all tenants, proof of ownership of the entire building, and an attestation that all dwelling units (except for two) are rented on a long term-basis per Section 17.55.040(B). The permit holder shall maintain copies of the leases for all tenants documenting compliance at all times with Section 17.55.040(B) for a period of three years following the expiration of the short-term rental permit.
- E. Review and Approval. Short-term rental permits shall be subject to the approval of the City Manager or her/his designee.
- F. Notice of Approval. Upon approval, the Planning Director shall provide, at the owner's

expense, the contact information for the owner or designated operator identified in 17.55.010(A)(5) to all dwelling units within 500 feet of the short-term rental unit's parcel boundary.

- G. Duration. Short-term rental permits shall be issued for one year and must be renewed annually.
- H. Duty to Amend. If there are any material changes to the information submitted on a short-term rental permit application, the owner shall submit an amended application on a form to be provided by the City and signed by the owner under penalty of perjury within 30 days of any such changes. For the purposes of this Section, any change to the information required to be included in a short-term rental permit application by subsection (D) of this Section shall constitute a material change.
- I. Fees. The amount of any fees to be collected pursuant to the provisions of this chapter shall be established by resolution of the City Council from time to time.
- J. No Transfer or Assignment. A short-term rental permit may not be assigned or transferred to another person.
- K. Nothing in this chapter shall limit the ability of a property owner, CC&Rs, or homeowners association or similar association from prohibiting or further limiting the short-term rental of property; such limitation shall be allowed.
- L. Nothing in this chapter shall prohibit the operation of a hotel, motel or bed and breakfast inn where such use is permitted.

#### 17.55.030 Grounds for Denial and Revocation of Short-term Rental Permit.

- A. Grounds for Denial or Revocation. The City Manager or her/his designee shall not approve an application for a short-term rental permit (or renewal of such permit), or may revoke such permit, if any of the following findings are made:
  1. The owner has not paid all TOT due or is not in compliance with Chapter 3.24 of this code.
  2. The property has outstanding code enforcement violations.
  3. The property does not comply with all applicable codes regarding fire, building and safety, and other relevant laws and ordinances.
  4. The owner has knowingly made any false, misleading or fraudulent statement of material fact in the application, or in any report or statement required to be filed that is related to the application.
  5. The owner has failed to amend an application as required by Section 17.55.020(H).
  6. The property that is the subject of the application is not in a condition where it may be immediately rented on a short-term basis consistent with the requirements of this chapter.
  7. The property has received more than two citations for violation of the City's noise ordinance within a period of 12 consecutive months.
  8. Failure to comply with Section 17.55.010(A)(14)
  9. A holder of a Hosted Short-term Rental Permit receives a total of three citations for violation of any combination of the following requirements within a period of 12 consecutive months, or a holder of a Multifamily Short-term Rental Permit receives a total of two citations for violation of any combination of the following requirements within a period of 12 consecutive months:

- i. The requirements of Sections 17.55.010(A)(4), (7), (8), (11), (12), 17.55.040(A), and Section 17.55.080.

#### 17.55.040 Types of Short-term Rental Permits

Only a natural person may obtain a short-term rental permit, and that person may only possess one short-term rental permit. Possessing short-term rental permits for more than one legal lot or condominium, even if the permits are of a different type, is prohibited. The types of short-term rental permits available in the City shall be limited to the following:

- A. Hosted Short-term Rental Permit. A primary resident owner may obtain this type of permit which allows hosted short-term rental of residential property, in compliance with this chapter, during the period that the permit is valid. The owner, or designated operator, must live onsite during any period of rental, and must appear at the property within one hour of a phone call requesting such appearance by the City, an agent authorized by the City to make such calls, or law enforcement personnel. In addition, the owner or designated operator must be located onsite, and present immediately upon request, during the hours of 8 p.m. to 6 a.m. during any period that the unit is rented. Multifamily residential buildings containing three or more dwelling units (including, but not limited to, triplexes, condominiums, stock cooperatives, apartments, and similar developments) are not eligible for this type of permit, with the exception that a primary resident owner of a condominium unit may obtain this type of permit for the unit where he or she has established his or her primary residence.
- B. Multifamily Short-term Rental Permit. Owners of entire multifamily residential buildings containing three or more dwelling units (including, but not limited to, triplexes, condominiums, stock cooperatives, apartments, and similar developments) may obtain this type of permit which allows the short-term rental of up to two units in the building so long as all other units are rented for a period of one year or more. A unit that serves as the primary residence of the owner and a unit which is rented on a month-to-month basis to a tenant who has occupied the unit for more than one year shall qualify as a unit that is rented for a period of one year or more even though the lease specifies a shorter term.

#### 17.55.050 Renewal of Short-term Rental Permit.

- A. Renewal Application Deadlines. An application to renew a short-term rental permit must be received by the City Clerk not less than thirty days prior to the expiration of the short-term rental permit. Applications received after the deadline but before expiration of the permit may be accepted at the discretion of the City Manager or her/his designee.
- B. Applications for renewal shall be in a form required by the City Manager and include updates of all information required or submitted for the permit.
- C. No permit shall be renewed unless all city fees and taxes owed by the owner are paid in full, including the renewal fee.

#### 17.55.060 Effect of Denial or Revocation of Short-term Rental Permit.

- A. If an application for a short-term rental permit (or an application for renewal of such



permit) is denied, the City Manager or her/his designee shall not approve a new application for that owner and location for a 12 month period after the denial unless the City Manager or her/his designee determines that the reason for the denial has been cured and no longer exists. If the reason for denial is due to (1) the owner knowingly making any false, misleading or fraudulent statement of material fact in the application, or in any report or statement required to be filed that is related to the application, (2) violation of Section 17.55.030(A)(9)b, or (3) more than two citations for violation of the City's noise ordinance in a period of 12 consecutive months, a new application shall not be approved for a period of at least 12 months from the date of the last violation or short-term rental of the property, whichever is later.

- B. If a short-term rental permit is revoked the short-term rental of the property must cease immediately and shall not be permitted for a period of 12 months from the date of revocation.
- C. The short-term rental of property (or advertisement, offer, or facilitation, of such rental) after denial or revocation of a short-term rental permit shall (in addition to any other penalty) result in the property and owner being ineligible to conduct the short-term rental of property (or apply for a short-term rental permit) for an additional six month period for each such rental; such period is in addition to the prohibitions listed in sections (A) and (B) above.
- D. No fee refunds shall be issued to any permittee whose short-term rental permit is revoked.

#### 17.55.070 Appeals.

- A. The denial of an application for a short-term rental permit, the renewal of such permit, or the revocation of such permit may be appealed by submitting a written appeal form detailing the basis for the appeal and any additional documentation the appellant would like to be considered.
- B. The completed appeal form must be delivered to the City Clerk within 30 calendar days from the date the letter denying the application (for short-term rental permit or renewal thereof) or revoking the short-term rental permit was sent.
- C. Failure to deliver the completed appeal form as required by section (B) above will result in the denial or revocation being deemed final.
- D. While the appeals process is pending, the appellant is prohibited from the short-term rental of property and the short-term rental permit at issue shall not be valid.
- E. Once a timely and complete appeal form has been received by the City Clerk a hearing on the matter shall be scheduled before the Planning Commission in accordance with the procedure detailed in Section 17.04.220 of this code. The decision of the Planning Commission shall be appealable to the City Council in accordance with the procedure detailed in Section 17.04.220 of this code.

#### 17.55.080 Advertisement and Facilitation of short-term rentals

- A. The owner shall include and prominently post the following information in any advertisement for short-term rental:
  - 1. The short-term rental permit number issued by the City;
  - 2. That the owner lives onsite and the owner or designated operator will live onsite throughout the visitor's stay unless the advertisement is for a permitted multifamily

- short-term rental;
- 3. The permitted occupancy of the short-term rental as specified in the short-term rental permit application;
- 4. The permitted number of visitor vehicles, in accordance with Section 17.55.010(A)(8);
- 5. Any other information required by regulations promulgated pursuant to this Chapter.
- B. No advertisements regarding the availability of a dwelling unit for short-term rental shall be posted in or on any exterior area of the dwelling unit, any exterior area of any other dwelling unit on the same lot, or the lot on which the dwelling unit is located.
- C. The address of the property shall be prominently displayed.
- D. No person or entity shall offer, advertise or facilitate the short-term rental of property in the city unless the owner possesses a valid short-term rental permit for its rental.
- E. Any offer or advertisement for the short-term rental of property in the City that does not contain a valid short-term rental permit number, or which the City identifies as illegal to the person or entity advertising or offering the rental, shall be immediately removed from any location it is posted, whether online or otherwise.

#### 17.55.090 Hosting platform responsibilities.

- A. Hosting platforms shall be responsible for collecting all applicable TOT and remitting the same to the City. The hosting platform shall be considered an agent of the owner for purposes of TOT collections and remittance responsibilities as set forth in Chapter 3.24 of this Code. Should a hosting platform fail to fulfill its responsibilities under this Section the owner shall remain responsible for collection and remittance of the TOT the Hosting platform failed to collect and/or remit to the City.
- B. Subject to applicable laws, hosting platforms shall disclose to the City on a regular basis each short-term rental listing located in the City, the names of the owner for each such listing, the address of each such listing, the length of stay for each such listing and the price paid for each stay.
- C. Hosting platforms shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry of properties with valid short-term rental permits at the time the hosting platform receives a fee for the booking transaction.
- D. Hosting platforms shall not collect or receive a fee, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to a short-term rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.
- E. Safe Harbor. A hosting platform operating exclusively on the Internet, which operates in compliance with subsections (A), (B), (C), (D) and (E) above, shall be presumed to be in compliance with this Chapter and shall not be found in violation of Section 17.55.080.
- F. The provisions of this Section 17.55.090 shall be interpreted in accordance with otherwise applicable State and Federal law(s) and will not apply if determined by the City to be in violation of, or preempted by, any such law(s).

17.55.100 Regulations.

The City Manager or designee may promulgate regulations to facilitate the purposes of this Chapter.

17.55.110 Enforcement, Violations and Penalties.

- A. In addition to the other penalties and remedies available to the City, violations of this Chapter shall be subject to the administrative citation provisions of Chapter 1.10, except that any violation of Section 17.55.020(A) by an owner shall be subject to a fine of \$1000 per day or violation, or twice the short-term rental's advertised daily rental rate per day or violation, whichever is higher.
- B. The short-term rental permit holder shall be held responsible for administrative citations for violations of the municipal code or local coastal program committed by guests at the property.
- C. Any violation of this Chapter shall constitute a separate offense for each and every day the violation occurs or persists.
- D. These penalties and remedies are cumulative and in addition to any other penalties and remedies available to the City.

C. MMC Title 17 – Appendix 1 (Permitted Uses Table) is hereby amended by inserting the following new permit type and uses:

Appendix 1 – Permitted Uses

In the event of a conflict between the table and the text of Title 17, the text shall control.

KEY TO TABLE (In addition to a coastal development permit where applicable, MCUP, CUP, LFDC, STR & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
STR	<u>Use requires valid short-term rental permit approved by the City</u>
•	Not permitted (Prohibited)





USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/MCUP <sup>4</sup>	P/MCUP <sup>4</sup>	P/MCUP <sup>4</sup>	P/MUP <sup>4</sup>	•	•	•	•	•	•	•	•	•	•	•	•
<u>Short-term rental</u>	<u>STR<sup>32</sup></u>	<u>STR<sup>32</sup></u>	<u>STR<sup>33</sup></u>	<u>STR<sup>33</sup></u>	<u>STR<sup>32</sup></u>	⊖	⊖	⊖	⊖	⊖	⊖	⊖	⊖	⊖	⊖	⊖
...																

**Notes:**

1. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08.
2. Includes the expansion of over 500 sq. ft. of existing multiple family structures.
3. Barns and corrals not allowed.
4. Subject to Home Occupation Standards Section 17.40.040(A)(19).
5. Public and private hiking trails in CR and I zones and private hiking trails in RR, SF, and MF zones.
6. Accessory uses when part of an educational or non-profit (non-commercial) use.
7. Subject to Section 17.08.020 (D)(2) for RR zone and Section 17.18.030(B)(2) for CR zone.
8. Subject to Section 17.08.020 (C)(5) for RR zone and Section 17.10.020(C)(5) for SF zone.
9. Subject to Section 17.08.020 (D)(1) for RR zone and Section 17.18.030(B)(1) for CR zone.
10. Subject to Section 17.08.030 (B), except that the minimum area required shall be 5 acres.
11. Subject to Section 17.08.020(D)(4) for RR zone and Section 17.18.030(B)(5) for CR zone.
12. Maximum interior occupancy of 125 persons.
13. If exceeding interior occupancy of 125 persons.
14. By hand only.
15. Subject to Section 17.08.040(F).
16. Subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel.
17. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Sections 4.6.2 and 6.5(G).
18. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
19. Subject to Section 17.26.030(A)(1).
20. Subject to Section 17.08.040(C).
21. Limited to public agency use only (not for private use).
22. Conditionally permitted only when facilities are ancillary to the Civic Center Wastewater Treatment Facility, including, but not limited to, injection wells, generators, and pump stations.
23. Residential care facilities for the elderly are limited to operation by a non-profit only.
24. This use is conditionally permitted in the Civic Center Wastewater Treatment Facility Institutional Overlay District and only when associated with the existing wastewater treatment facility or with the Civic Center Wastewater Treatment Facility.
25. CUP required unless located in public right-of-way.
26. Subject to Section 17.22.040(N).
27. Subject to Section 17.66.120.
28. Transitional and supportive housing is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.
29. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses.
30. Multifamily development associated with an affordable housing development project is permitted by right.
31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 only), in compliance with Section 3.4.5 of the LIP.
32. Hosted short-term rental only in RR, SF and MHR zones
33. Maximum of two dwelling units per parcel for MF and MFBF zones

## RESOLUTION NO. 19-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU INITIATING A LOCAL COASTAL PROGRAM AMENDMENT AND ZONING TEXT AMENDMENT TO CONSIDER CHANGES TO THE MALIBU LOCAL COASTAL PROGRAM AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE TO REGULATE THE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY.

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

### SECTION 1. Recitals.

- A. While the City of Malibu currently allows residential property to be rented on a short-term basis for periods of 30 days or less with registration and payment of transient occupancy tax and adherence to local laws and regulations, it has prohibited this practice in multifamily residential buildings where such use constitutes illegal hotel, motel or bed and breakfast inn use.
- B. With the recent proliferation of short-term rental use due to the growth of internet portals that consolidate and facilitate the short-term rental of property, the City has seen increased violations of its prohibition against illegal hotel and motel use and an increase in short-term rental activity in the City. Owners of apartment complexes and other multifamily buildings have sought to convert their units to short-term rental use and created illegal hotel and motel uses in the City.
- C. The removal of these multifamily units from the City's housing stock affects some of the most affordable housing options in the City and conflicts with the City's zoning and General Plan.
- D. Code enforcement efforts to enforce the Malibu Municipal Code (MMC) against STR operators have been resisted and challenged. Clarification of the City's prohibition against these types of activities is needed. Additional regulation of short-term rental activity to limit the impact of short-term rentals on neighbors and the community, could also benefit the City.
- E. On October 10, 2016, the City Council directed staff to research short-term rental of property and bring back an ordinance.
- F. On May 23, 2017, the Zoning Ordinance Revisions and Code Enforcement Subcommittee of the City Council reviewed a draft ordinance (Zoning Text Amendment (ZTA) No. 17-002) and provided comments to staff.
- G. On May 7, 2018, the Planning Commission held a duly noticed public hearing on ZTA No. 17-002, at which the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record and adopted Planning Commission Resolution No. 18-26 stating that the short-term rental of property is currently prohibited in all residential

zones in the City and recommending that the City Council adopt an ordinance memorializing this prohibition. The Commission further recommended that if, alternatively, the City Council adopts an ordinance that allows the short-term rental of property, that the City Council conduct all necessary environmental review required by the California Environmental Quality Act.

- H. On July 9, 2018, the City Council held a duly noticed public hearing on ZTA No. 17-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. Council directed staff to revise the ordinance and return with additional information.
- I. On September 26, 2018, the City Council held a duly noticed public hearing on ZTA No. 17-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council directed staff to investigate potential options and procedures for banning short-term rentals in the City, the implications and potential impacts of a ban, including financial analysis, approaches to using the Local Coastal Program Amendment process and the approaches of other coastal cities to dealing with short-term rentals and the current state of litigation over those issues.
- J. On October 28, 2019, the City Council held a duly noticed public hearing on short-term rentals and directed staff to return with a resolution to initiate a Zoning Text Amendment (ZTA) and Local Coastal Program Amendment (LCPA) regarding regulation of home-sharing and short-term rentals for single-family homes, bypassing the Zoning Ordinance Revisions and Code Enforcement Subcommittee and taking the ZTA and LCPA directly to the Planning Commission; and to bring back an updated version of the September 26, 2018, draft ordinance to the City Council for adoption that can be implemented without an LCPA, with the understanding it will be superseded when the new ZTA and LCPA are approved.
- K. On December 3, 2019, the City Council held a duly noticed public hearing, reviewed and considered the agenda report and previous agenda reports related to short-term rental regulation, reviewed and considered written reports, public testimony, and other information in the record and based thereon adopts Resolution No. 19-53.

SECTION 2. Initiation.

Pursuant to the City's Local Implementation Plan (LIP) Chapter 19 and MMC Chapter 17.74, the City Council hereby initiates amendments to the LCP and MMC Title 17 (Zoning) to address the potential impacts of short-term rental of residential property and protect the neighborhood character in the City by adopting regulations for the short term rental of property that prohibit use inconsistent with the General Plan and impose prohibitions and regulations consistent thereof and directs staff to issue a Notice of Availability consistent with LIP section 19.3.1. The amendments shall include proposing regulations that would limit the short-term rental of residential property to home-sharing except for certain multifamily housing where up to two units could be rented on a short-term basis without home-sharing, so long as the other units in the building were rented on a long-term basis.



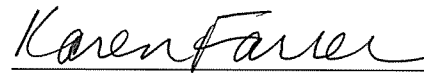
SECTION 3. Planning Commission Hearing.

The Planning Commission is hereby directed to conduct a duly noticed public hearing in accordance with the provisions of LIP Chapter 19 and 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 amendments. 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 4. Certification

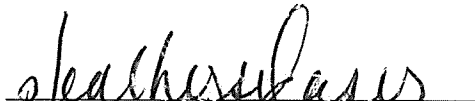
The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 3<sup>rd</sup> day of December 2019.

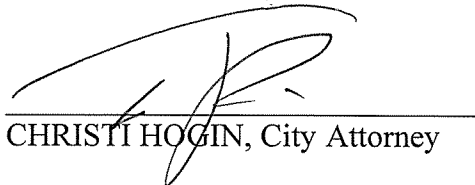


KAREN FARRER, Mayor

ATTEST:

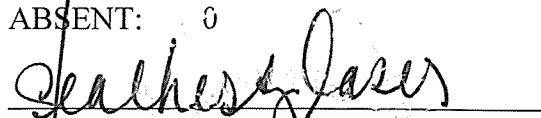
  
HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

  
CHRISTI HUGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-53 was passed and adopted by the City Council of the City of Malibu at the special meeting thereof held on the 3<sup>rd</sup> day of December 2019 by the following vote:

AYES: 5 Councilmembers: Mullen, Peak, Wagner, Pierson, Farrer  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0

  
HEATHER GLASER, City Clerk  
(seal)

**From:** Dennis Seider  
**Sent:** Friday, July 3, 2020 10:23 AM  
**To:** Planning Commission  
**Cc:** Alan Armstrong  
**Subject:** STRO

Hi Please do not ban whole house rentals as appears to have been done in SM; families need a safe place all of the guests can stay together without the owner in the house. Less severe restrictions can better promote neighborhoods.

Thanks  
Dennis

Sent from my iPhone  
DENNIS J SEIDER

---

**From:** Alexis Byfuglin  
**Sent:** Sunday, July 12, 2020 1:34 PM  
**To:** Planning Commission  
**Subject:** From Alexis byfuglin 26725 Via Linda Street Mlibu

Please send me information re this ordinance. I am next door to a single owner home and he is renting air b & b, almost two to three persons or families a day. There is constant cars coming and going at all hours of the night. I did call and did report, no results. I wNT TO PARTICIPATE IN THE MEETING ON THE 29TH PLEASE MAKE SURE I GET ON YOUR LIST. Sincerely, Alexis

---

**Sent:** Monday, July 13, 2020 2:10 PM  
**To:** Justine Kendall  
**Subject:** public hearing regarding short term rentals

Hello Justine

I am a resident of Malibu now. I moved here a little over a year ago from Marina del Rey. In MDR we lived in a condo that allowed airbnb. The HOA was also discussing whether to continue to allow it as it brings up safety issues (non stop new people coming and going) and whether it affects property values.

We live in a home on PCH now and our neighbors, a couple doors down, are short term renting their home. We constantly have new people there, different cars, etc. and new people on the beach.

I think these short term rentals affect a neighborhood and not in a good way. And i think it takes away business from local hotels. (Unless the malibu hotels are always full!?)

If I wanted to live next to a hotel, I would move next to a holiday Inn and not pay a small fortune for my home.

I would prefer that malibu either have VERY strict restrictions or not allow it at all.

Thank you for listening.  
Sincerely  
Sookhee

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
PLANNING COMMISSION**

The Malibu Planning Commission will hold a public hearing on **WEDNESDAY, July 29, 2020, at 6:30 p.m.** on the project identified below. This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order (revised April 10, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

How to View the Meeting: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

How to Participate Before the Meeting: Members of the public are encouraged to submit email correspondence to [planningcommission@malibucity.org](mailto:planningcommission@malibucity.org) before the meeting begins.

How To Participate During The Meeting: Members of the public may also speak during the meeting through the online Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

**LOCAL COASTAL PROGRAM AMENDMENT NO. 19-003 AND ZONING TEXT AMENDMENT NO. 19-005** (Hosted Short-term Rental Amendments) – An amendment to the Local Coastal Program and to Title 17 (Zoning) of the Malibu Municipal Code regulating the rental of residential units for 30 days or less (Short-Term Rentals) including but not limited to requiring the presence of an onsite host during short-term rental, and other restrictions, and clarifying permitted uses related to short-term rental

Applicant: City of Malibu  
Location: Citywide  
Case Planner: Justine Kendall, Associate Planner  
(310) 456-2489, extension 301  
jkendall@malibucity.org

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an Local Coastal Program (LCP) amendment. This application is for an LCP amendment which must be certified by the California Coastal Commission before it takes effect. Local Implementation Plan 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. In addition, the Planning Director has analyzed the proposed amendments. 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 Planning Director has determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

A written staff report will be available at or before the hearing. All persons wishing to address the Planning Commission will be afforded an opportunity in accordance with the Commission's procedures. Information about the draft ordinance and previous public meetings can be found on the City's website at [malibucity.org/STR](http://malibucity.org/STR).

Copies of all related documents can be reviewed by any interested person by contacting the Case Planner during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

**IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.**

If there are any questions regarding this notice, please contact Justine Kendall, at (310) 456-2489, extension 301.

BONNIE BLUE  
Planning Director

Publish Date: July 2, 2020

**CITY OF MALIBU  
NOTICE OF AVAILABILITY  
OF LCP AMENDMENT MATERIALS**

**SHORT-TERM RENTAL REGULATIONS**

LOCAL COASTAL PROGRAM AMENDMENT NO. 19-003 AND ZONING TEXT AMENDMENT NO. 19-005 – An amendment to the Local Coastal Program and to the Malibu Municipal Code regulating the rental of residential units for 30 days or less (Short-Term Rentals) including but not limited to requiring the presence of an on-site host during short-term rental, and other restrictions, and clarifying permitted uses related to short-term rental

Applicant: City of Malibu  
Location: Citywide  
Case Planner: Justine Kendall, Associate Planner  
(310) 456-2489, extension 301  
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In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of a Local Coastal Program (LCP) amendment. This application is for an LCP amendment which must be certified by the California Coastal Commission 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. In addition, the Planning Director has analyzed the proposed amendments. 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 Planning Director has determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies.

LIP Section 19.3.1 requires review drafts be made readily available for public perusal in local libraries, in the City administrative offices, and at the Coastal Commission District office. Please note that facility closures due to protocols to prevent the spread of COVID-19 may preclude the LCP amendment documents being available for review in person, but documents will be available on the City's website at [malibucity.org/STR](http://malibucity.org/STR).

If there are any questions regarding this notice, please contact Justine Kendall, at (310) 456-2489, extension 301.

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BONNIE BLUE  
Planning Director

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