Council Agenda Report

City Council Meeting
04-27-26
Item 1.B.5.

To: Mayor Silverstein and Honorable Members of the City Council

Prepared by: Tyler Eaton, Assistant Community Development Director

Reviewed by: Yolanda Bundy, Community Development Director

Approved by: Joseph D. Irvin, City Manager

Date prepared: April 8, 2026 Meeting date: April 27, 2026

Subject: Initiate Code Consistency and Reorganization Zoning Text and Local Coastal Program Amendments

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RECOMMENDED ACTION: 1) Adopt Resolution No. 26-19 (Attachment 1) initiating amendments to the Local Coastal Program (LCP) and Title 17 of the Malibu Municipal Code (MMC) to modify development standards related to height, setbacks, view impacts, parking, signs, findings, definitions, and related issues and to codify existing policies in order to create harmonious code requirements while maintaining the intent of the distinct LCP and MMC; 2) Direct staff to schedule a Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting to discuss the matter; and 3) Direct the Planning Commission to schedule a public hearing regarding the same.

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

STRATEGIC PRIORITY: This item supports the City's 2025 Strategic Plan Goal 1: Support Community Rebuilding and Long-Term Recovery Objective 1.2: Modernize development policies and procedures citywide to support resilient community development.

DISCUSSION: Pursuant to LCP Local Implementation Plan (LIP) Section 19.2.1(A) and MMC Section 17.74.040, a change in the text of the Malibu LCP or the MMC Title 17 (Zoning) must be initiated by the Council through a resolution. The attached resolution gives notice that the Council will consider changes to the code and directs ZORACES and the Planning Commission to hold public meetings and for the Planning Commission to make a recommendation, or recommendations, to the City Council for adoption.

The purpose of the changes is to harmonize the provisions of the LCP and MMC Title 17 to add clarity and consistency, and codify longstanding interpretations, policies and practices.

Background

In July of 2025, the City of Malibu consolidated the Planning and the Environmental Sustainability Departments into a single Community Development Department. This consolidation was undertaken in response to City Council direction in November 2024 to streamline the development review process, eliminate redundancies, and create a more efficient and customer-friendly experience for Malibu residents and applicants. Among the Council's key goals for the consolidated department are reducing permit processing times and improving overall customer experience.

Currently, Malibu's land use regulatory framework is governed by two primary documents MMC Title 17 (Zoning) and the City's LCP. The MMC was established in the 1990s, while the LCP was drafted by the California Coastal Commission, instead of the City, and certified in 2002. To date, no comprehensive update has been conducted to harmonize the two documents. Instead, specific updates and amendments have been applied throughout the years as a direct response to issues over time. The result being that certain provisions of the MMC and LCP have inconsistencies. These issues affect a range of topics across multiple sections of MMC Title 17 and the LCP, including, but not limited to, standards for setbacks, height, definitions and other development requirements that are addressed differently between the MMC and LCP.

These inconsistencies create ambiguities and interpretive conflicts that undermine staff's ability to provide reliable, consistent guidance to applicants thereby slowing down the development review process. In the absence of clarity between the two documents, staff has relied upon a series of written interpretations, policies and practices.

Baker Tilly Assessment
In August 2023, Baker Tilly, at the request of the City Council, completed a *Comprehensive Development Services Review* that assessed how the City's Planning, Environmental Sustainability (Building Safety), and Public Works departments delivered development services and identified three key challenges: 1) a lack of clear and consistent policies and regulations that make project review more difficult and time consuming; 2) insufficient staffing resources; and 3) gaps in the City's management system.

Baker Tilly more specifically found that the inconsistencies between the MMC and LCP led to varied interpretations and conflicting rules that make project review more difficult and time consuming, resulting in varying outcomes for applicants. The report also noted that this lack of regulatory clarity is a primary driver of prolonged Planning Commission discussions, an elevated number of variance requests, and frustration with the

development process. The proposed ZTA and LCPA changes will directly address this recommendation and constitute an important step towards realizing the Council's vision for a streamlined development process.

Proposed Zoning Text Amendment and Local Coastal Program Amendment

The proposed ZTA and LCPA would address inconsistencies and ambiguities between sections of MMC Title 17 and the LCP and incorporate long-standing policies, interpretations and practices into the code texts. Examples where the LCP and MMC differ but are meant to be the same include the following:

Local Implementation Plan	**Malibu Municipal Code**
Section 3.5.3(B)(3) "Unroofed porches, steps, and terraces may project into a required yard up to a point not closer than three feet to a property line, provided, that the height including railings shall not exceed six feet above the grade of the ground at the property line."	**Section 17.40.030(B)(3)** "Unroofed porches, steps, and terraces may project not more than six feet into a required yard or to a point not closer than three feet to a property line; provided, that the height including railings shall not exceed six feet above the grade of the ground at the property line.
Section 3.5.3(B)(4) Balconies, decks, terraces which are at least eight feet above grade, may project more than six feet into a required yard; provided, that at least three feet of required yard remains. Such structures shall be cantilevered or supported only by columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck but shall not in such case be deemed a roof for the lower balcony or deck.	**Section 17.40.030(B)(4)** "Balconies, decks, terraces which are at least six feet above grade, may not project more than six feet into a required yard, and shall provide at least three feet of required yard. Such structures shall be cantilevered or supported only by columns. A balcony or deck projecting from a higher story may extend over a lower balcony or deck but shall not in such case be deemed a roof for the lower balcony or deck."

The proposed amendments are not intended to introduce new policy or change the way the City Council and Planning Commission have interpreted the codes. The goal is to reconcile existing regulatory language between the MMC and LCP, and codify long-standing interpretations, policies and practices related to these codes so that both documents reflect clear standards, definitions, and requirements while realizing that each document serves its own purpose.

STAFF FOLLOW-UP: If the resolution is adopted, staff will bring forward proposed amendments to ZORACES first, and then the Planning Commission and City Council. The

amendments may come in the form of multiple phases through separate amendments. Staff will also conduct any required environmental review, although it is anticipated that the changes will likely be exempt from CEQA.

ATTACHMENTS:
Resolution No. 26-19

RESOLUTION NO. 26-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU INITIATING AMENDMENTS TO THE LOCAL COASTAL PROGRAM AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE TO MODIFY DEVELOPMENT STANDARDS RELATED TO HEIGHT, SETBACKS, VIEW IMPACTS, PARKING, SIGNS, FINDINGS, DEFINITIONS, AND RELATED ISSUES AND TO CODIFY EXISTING POLICIES IN ORDER TO CREATE HARMONIOUS CODE REQUIREMENTS WHILE MAINTAINING THE INTENT OF THE DISTINCT LOCAL COASTAL PROGRAM AND MALIBU MUNICIPAL CODE

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

SECTION 1. Recitals.

A. In August 2023, Baker Tilly, at the request of City Council, completed a Comprehensive Development Services Review for the City of Malibu, addressing long-standing issues with the development process. The report assessed how the City's Planning, Environmental Sustainability (Building Safety), and Public Works departments delivered development services and identified three key challenges: 1) a lack of clear and consistent policies and regulations that make project review more difficult and time consuming; 2) insufficient staffing resources; and 3) gaps in the City's management system.

B. In June 2025, the City of Malibu consolidated the Planning Department and the Building Safety Department into a single Community Development Department. This consolidation was undertaken in response to City Council direction in November of 2024 to streamline the development review process, eliminate redundancies, and create a more efficient and customer-friendly experience for Malibu residents and applicants.

SECTION 2. Initiation.

Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Chapter 19 and Malibu Municipal Code (MMC) Chapter 17.74, the City Council hereby initiates amendments to the LCP and Title 17 (Zoning) of the MMC related to height, setbacks, view impacts, parking, signs, findings, definitions, and related issues and to codify existing policies in order to create harmonious code requirements while maintaining the intent of the distinct LCP and MMC, and directs staff to issue a Notice of Availability consistent with LIP section 19.3.1.

SECTION 3. ZORACES.

The Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) is hereby directed to conduct a meeting on the subject of modifying development standards, codifying existing policies, in order to create consistent code requirements within the LCP and MMC and addressing related issues. Following the meeting, ZORACES shall recommend to the Planning Commission whether it should approve, modify or deny the proposed amendments. The ZORACES recommendation shall be written and distributed to the Planning Commission and City Council.

SECTION 4. Planning Commission Hearing.

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

SECTION 5. 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 27th day of April, 2026.

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BRUCE SILVERSTEIN, Mayor

ATTEST:

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KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

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TREVOR RUSIN, Interim City Attorney