City Council Meeting
9-14-26
Item 5.A.

Council Agenda Report

To: Mayor Silverstein and the 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: September 1, 2026 Meeting date: September 14, 2026

Subject: Local Coastal Program Amendment No. 26-002 and Zoning Text Amendment No. 26-002 – An Amendment to Chapter 2 (Definitions) of the Local Coastal Program Local Implementation Plan and Title 17 (Zoning) of the Malibu Municipal Code to Add a Definition of Beachfront (Continued from August 24, 2026)

RECOMMENDED ACTION: 1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 537 (Attachment 1), approving Local Coastal Program Amendment (LCPA) No. 26-002 and Zoning Text Amendment (ZTA) No. 26-002 to add a definition of Beachfront to Chapter 2 (Definitions) of the Local Coastal Program (LCP) Local Implementation Plan (LIP) and Title 17 (Zoning) of the Malibu Municipal Code (MMC) and finding the action to be exempt from the California Environmental Quality Act (CEQA); and 2) Direct staff to schedule second reading and adoption of Ordinance No. 537 for the September 28, 2026 City Council Regular meeting and, if adopted, direct the filing of LCPA No. 26-002 (Ordinance No. 537) with the California Coastal Commission (CCC) for certification.

FISCAL IMPACT: Funding for this project is included in the Adopted Budget for Fiscal Year 2025-26.

STRATEGIC PRIORITY: This item advances Goal 1, Objective 1.2 of the 2025-2028 Strategic Plan by modernizing development policies to improve clarity and consistency.

DISCUSSION: The item before the City Council is consideration of amendments to add a new definition of Beachfront to LIP Section 2.1 (General Definitions) and MMC Section 17.02.060 (Definitions). This term is currently not defined in the LIP or MMC, and its

inclusion would be beneficial when applying development standards to projects whether on the beach or not. The proposed definition would not change any City practices or policies but would memorialize the City's longstanding application of this term in its codes. Preparation of the Beachfront definition was directed by the City Council on December 8, 2025, by Resolution No. 25-56.

The ordinance amendments and full chronology are provided within Attachment 1 and represent the operative ordinance text recommended for adoption.

On August 24, 2026 Regular City Council meeting, based on feedback received from a councilmember prior to the meeting, an alternate definition was presented to the City Council alongside the proposed definition. The alternate definition would not change the structure of the proposed definition but was intended to provide further clarification for its application. After deliberation, the item was continued to the September 14, 2026 meeting to allow more time for consideration. The Council generally agreed with the alternate version but wanted to give staff more time to make sure there were no issues with the changes, since some of the modifications came the day of the meeting. The Council also requested staff come back with a version that included the word "road" as another measure to which beachfront development would not apply if a road was in between the parcel and the beach/ocean.

Since the August 24, 2026 meeting, staff continued to work with councilmembers to further refine the definition. The objective was to make the definition clearer to all parties (staff, the public, policy makers, and legal authorities alike). The final proposed definition is included later in this report incorporating all of the Council requested modifications.

Planning Commission Recommendation

On May 18, 2026, the Planning Commission adopted Resolution No. 26-20 (Attachment 2) recommending that the City Council approve LCPA No. 26-002 and ZTA No. 26-002. No changes to the draft ordinance presented to the Planning Commission were recommended and Ordinance No. 537 remains unchanged. The Planning Commission discussed what standards would be applied in the event of a lot merger between a non-beachfront parcel and beachfront parcel. Staff clarified that non-beachfront standards would still be applied to the newly formed parcel based on the criteria in the definition.

Zoning Ordinance Revisions and Code Enforcement Subcommittee Feedback

The proposed definition was reviewed by the City Council's Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) at its meeting on March 26, 2026. The subcommittee voted 2-0 to proceed with the definition as recommended by staff to the Planning Commission for review. For clarity to the public, the subcommittee provided the following feedback:

1) Clarify that the LCPA/ZTA would not be changing any City practices or policies but rather memorializing the City's longstanding practice when applying beachfront development standards; (Achieved on both the Planning Commission staff report and this Council report)
2) In the staff presentation, include enhanced mapping of example areas using the City's GIS and Google Earth; (Achieved on both the Planning Commission presentation and further strengthened in the Council presentation) and
3) In the staff presentation, include Broad Beach Road in the examples of when beachfront development standards apply. (Achieved on both the Planning Commission presentation and in the Council presentation)

Background

When applying development standards to projects requiring setbacks, height, impermeable coverage, two-thirds calculation, and Total Development Square Footage (TDSF), the LIP and MMC provide a different set of development standards for beachfront and non-beachfront projects. Beachfront development standards allow less setbacks and increased height than non-beachfront development standards. Additionally, beachfront development is not subject to the impermeable coverage, two-thirds calculation, and TDSF limitations that are otherwise applied to non-beachfront development. Since these limitations do not apply to beachfront development, it is important for the City to clearly define what parcels are subject to beachfront development standards to prevent non-beachfront development from mistakenly leveraging those allowances. Beachfront parcels are generally smaller and more constrained in size, which is why previous City policymakers established reduced development standards to account for their limited developable area. In contrast, many non-beachfront parcels are larger, reflecting Malibu's rural nature and providing ample space for development. Non-beachfront parcels have limitations on development area, stricter setback and regulations related to clustering development in order to preserve natural areas while on beachfront parcels, the primary goal of the development standards is to protect beach resources related to environmental quality, public access, and scenic corridors. There are distinct differences in the characteristics of these two types of parcels in Malibu that warrant a clear definition so their purpose is not misused.

Neither the LIP nor MMC provide a definition of Beachfront or Non-Beachfront and, while in most cases the distinction between the two is obvious, there are nuances with the location of development and configuration of some ocean-fronting parcels in the City that have resulted in ambiguity for applicants, the City's reviewers, and decision-makers. In practice, the Planning Division and the CCC through their review of development projects in the City, have historically qualified that beachfront development standards apply based on a parcel's orientation to the coast, the zoning designation, and the location of the structure. It should be noted that the City and CCC have historically agreed on what is

considered a beachfront parcel. Geologic characteristics associated with the location of the primary use structure, such as the footprint of a residence as it is situated on a parcel, is a defining factor and not just the location of the parcel itself.

Establishing a definition of Beachfront in the LIP and MMC would provide clarity to the public and City, improve consistency in project review, and reduce the need for case-by-base interpretations. It would also better position the City if challenges to a project's development standards were made by an applicant looking to maximize the extra code allowances of beachfront development that are intended to be for the typical constrained beachfront parcel.

Definition Framework

The proposed definition would align LIP Section 2.1 (General Definitions) and MMC Section 17.02.060 (Definitions) with the City's longstanding practice for qualifying when beachfront development standards apply.

The structure of the proposed definition was based on the following three components:

1) Physical Relationship to the Pacific Ocean: A parcel must directly abut the ocean. This component is important to ensure beachfront development standards are applied to parcels adjacent to the coast and not parcels adjacent to other low-lying areas, such as lagoons or blue-line streams; and

2) Consistency with the General Plan and Zoning Maps: A parcel must not be located within the General Plan, zoning code, or LCP land use designation of Rural Residential (RR) due to the lower-intensity development pattern envisioned for the RR residential land use and minimum lot size of one acre. This component is important because several parcels in the City are designated as RR and are oriented along the coast, as well as typically being larger in lot size. These lots are typically larger in size and have development that is separated from the beach by elevated landforms covered in the paragraph below. Allowing the use of beachfront development standards for these large RR parcels along the coast could allow for the parcels to develop in a relatively dense pattern that would not be consistent with the rural ambiance envisioned by the General Plan for such areas; and

3) Geologic Characteristics of a Beachfront Environment: The footprint of the primary use structure of a parcel must be reflective of geologic characteristics of a beachfront environment such as representing a low-lying coastal landform contiguous to the beach and not being separated from the beach by a coastal bluff, cliff, hill, or other prominent elevated coastal landform. This component is important because some parcels in the City are oriented along the coast and not within the RR land use designation, such as parcels in the Single Family Medium (SFM) land

use designation; however, the location of proposed development for a primary use is separated from the beach by a coastal bluff, hill, or some other prominent coastal landform. Typically, parcels that include coastal bluffs or other prominent elevated coastal landforms are also larger in lot size than the parcels that are reflective of a beachfront environment. Allowing the use of beachfront development standards for parcels along the coast that are separated from the beach by a coastal bluff or some other prominent coastal landform would allow for development much larger than intended by the General Plan.

Proposed Definition

The proposed definition would read:

> BEACHFRONT: The term "beachfront" (including "beach-front") means a lot, parcel and/or property that (i) has at least one lot line within or directly contiguous to either the Pacific Ocean or beach directly contiguous to the ocean, (ii) does not have a zoning designation of Rural Residential, and (iii) has an existing or proposed primary use structure that is sited or will be sited directly on the beach and/or within a low-lying shoreline area contiguous to the beach or Pacific Ocean and not separated from the beach or ocean by a road, coastal bluff, cliff, hill, or other elevated coastal landform. The primary use structure must be within 300 feet from the mean high tide line at its closest point to the ocean. An ancillary structure on the beach shall not subject the lot, parcel and/or property to beachfront development standards if the primary use structure is not located on the beach. A lot, parcel, and/or property not meeting these criteria shall be considered non-beachfront.

General Plan & LCP Consistency

The proposed amendment is supported by the following General Plan Mission Statement and Land Use (LU) Element, and LCP Land Use Plan (LUP) policies.

<u>General Plan</u>

1) Mission Statement (excerpt): Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.
2) LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.
3) LU Policy 1.1.4: The City shall preserve the City's rural residential character.
4) LU Policy 1.1.5: The City shall require careful site planning which blends development with the natural topography.
5) LU Policy 2.3.2: The City shall discourage "mansionization" by establishing limits on height, bulk, and square footage for all new and remodel single-family residences.

6) LU Policy 2.4.1: The City shall preserve and protect vistas and large open areas that contribute to the rural feeling of the area.
7) LU Policy 6.1.1: The City shall use development standards and procedures that protect the property owners' reasonable use of their land consistent with the goals and policies of this General Plan.

LUP

1) LUP Policy 5.7: New development shall conform to the hillside management provisions of the LIP, including measures to minimize impacts to scenic and visual resources and to minimize the risk from hazards. The measures include but are not limited to limiting grading and retaining walls, restricting development on steep slopes, protecting ridgelines, and applying siting and design restrictions (scenic and visual policies). The slope density criteria of the subdivision ordinance shall apply to sloping terrain and be applied in combination with the base land use designation in order to determine the maximum allowable density.
2) LUP Policy 5.25: In order to protect the rural character, improvements, which create a suburban atmosphere such as sidewalks and streetlights, shall be avoided in any rural residential designation.
3) LUP Policy 6.5: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.
4) LUP Policy 6.7: The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

ENVIRONMENTAL REVIEW: Pursuant to CEQA, the proposed LCP and MMC amendment actions have been analyzed by the Planning Commission and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of an LCPA for review and certification by the CCC as set forth in Section

21080.9 of the Public Resources Code. Accordingly, the certified City of Malibu LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code.

PUBLIC NOTICE: The City published a Notice of Public Hearing and Notice of Availability of LCP Amendments in a newspaper of general circulation within the City of Malibu on July 16, 2026 (Attachment 3). Additionally, the interested parties list for LCPAs and ZTAs were sent a courtesy email with the date of the agendized City Council item and instructions for participation. As of the writing of the report, staff has not received public comments.

SUMMARY: Staff recommends that the City Council introduce Ordinance No. 537 approving LCPA No. 26-002 and ZTA No. 26-002 to add a definition of Beachfront to LIP Section 2.1 (General Definitions) and MMC Section 17.02.060 (Definitions). If adopted after a second reading of the ordinance on September 14, 2026, staff would file LCPA No. 26-002 with the CCC for certification. The LCPA (and ZTA as a corollary amendment) would become effective upon certification by the CCC.

ATTACHMENTS:

1. Draft Ordinance No. 537
2. Planning Commission Resolution No. 26-20
3. Public Hearing Notice

ORDINANCE NO. 537

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 26-002 AND ZONING TEXT AMENDMENT NO. 26-002 TO ADD A DEFINITION OF BEACHFRONT TO CHAPTER 2 (DEFINITIONS) OF THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE; TO DIRECT THE FILING OF THE AMENDMENT WITH THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION; AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Recitals.

A. On December 8, 2025, the City Council adopted Resolution No. 25-56 to initiate the preparation of a Beachfront definition.

B. On March 26, 2026, the City Council Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) met to discuss the proposed amendments and provided feedback for staff to incorporate as the ordinance advances to the Planning Commission.

C. On April 23, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

D. On May 18, 2026, the Planning Commission held a duly noticed public hearing on the proposed amendment in Local Coastal Program Amendment (LCPA) No. 26-002 and Zoning Text Amendment (ZTA) No. 26-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record, and adopted Resolution No. 26-20 recommending the City Council approval. No changes to the draft ordinance presented to the Planning Commission were recommended.

E. On July 26, 2026, a Notice of City Council Public Hearing Notice of Availability of Local Coastal Program (LCP) Amendments was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties indicating that the City Council would hold a public hearing on August 10, 2026, to consider the proposed ordinance.

F. On August 10, 2026, prior to the opening of the hearing, the City Council continued the item to the August 24, 2026 Regular City Council meeting. No new evidence or correspondence was received in connection with the August 10 meeting.

G. On August 24, 2026, the City Council held a duly noticed public hearing; however, after deliberations, the Council continued the hearing to the September 14, 2026 Regular City Council meeting.

H. On September 14, 2026, the City Council held a duly noticed public hearing on the proposed LCPA No. 26-002 and ZTA No 26-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. The City Council conducted a first reading and introduction of the Ordinance and directed staff to set a second reading for adoption of Ordinance No. 537, approving LCPA No. 26-002 and ZTA No. 26-002. If adopted, the City Council directed staff to file the LCPA with the California Coastal Commission (CCC) for certification.

SECTION 2. Environmental Review.

The City Council finds that pursuant to the California Environmental Quality Act (CEQA), the proposed LCP and Malibu Municipal Code (MMC) amendment actions have been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of an LCPA for review and certification by the CCC as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Malibu LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code.

SECTION 3. Local Coastal Program Amendment Findings.

Pursuant to LCP Local Implementation Plan (LIP) Section 19.6, the City Council hereby makes the following findings to approve LCPA No. 26-002 as stated in Section 4 of this ordinance.

A. Section 30251 of Chapter 3 of the Coastal Act states that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. The Section requires that coastal development must protect scenic views, be visually compatible with surroundings, and, where feasible, restore and enhance visual quality in visually degraded areas. Highly scenic areas, including areas to and along the ocean, scenic roads, and public viewing areas, require development to be subordinate to the setting. Establishing a proper definition of "Beachfront" will ensure that only true beachfront development utilize the standards which are meant for more constrained parcels along the coast bound by the ocean and limited parcel width, and further preserve more scenic and visual qualities of coastal areas in Malibu.

B. Chapters 5 and 6 of the Malibu LCP Land Use Plan (LUP) incorporate the Coastal Act's development policies, including Section 30251, to minimize impacts on scenic resources. This includes restricting development and applying siting and design restrictions.

C. LIP Chapter 3 implements the LUP by requiring development standards applicable to beachfront and non-beachfront development. Non-beachfront development standards require increased setbacks and lower heights than beachfront development standards, as well as restrictions on impermeable coverage, limits on the volume of development above 18 feet (two-thirds calculation), and Total Development Square Footage (TDSF) limitations. This is due to non-beachfront parcels being larger in size where those extra limitations help to preserve Malibu's coastal resources. Historically, the City and CCC through its review of coastal development have

qualified that beachfront development standards apply based on a parcel's orientation to the coast, the zoning designation, and the location of the structure. Geologic characteristics associated with the location of the primary use structure, such as the footprint of a single-family residence as it is situated on a parcel, is a defining factor and not just the location of the parcel itself. Establishing a definition of Beachfront in the LIP would further implement Chapters 5 and 6 of the LUP and Section 30251 of the Coastal Act by ensuring the appropriate application of non-beachfront development standards are being applied to parcels that do not meet the eligibility components of a beachfront parcel.

SECTION 4. Local Coastal Program Amendment.

Section 2.1 (General Definitions) of the LIP is hereby amended to add the following new definition as follows:

> BEACHFRONT: The term "beachfront" (including "beach-front") means a lot, parcel and/or property that (i) has at least one lot line within or directly contiguous to either the Pacific Ocean or beach directly contiguous to the ocean, (ii) does not have a zoning designation of Rural Residential, and (iii) has an existing or proposed primary use structure that is sited or will be sited directly on the beach and/or within a low-lying shoreline area contiguous to the beach or Pacific Ocean and not separated from the beach or ocean by a road, coastal bluff, cliff, hill, or other elevated coastal landform. The primary use structure must be within 300 feet from the mean high tide line at its closest point to the ocean. An ancillary structure on the beach shall not subject the lot, parcel and/or property to beachfront development standards if the primary use structure is not located on the beach. A lot, parcel, and/or property not meeting these criteria shall be considered non-beachfront.

SECTION 5. Zoning Text Amendment Findings.

Pursuant to MMC Section 17.74.040(C), the City Council hereby makes the following findings to approve ZTA No. 26-002 as stated in Section 6 of this ordinance.

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 and protect the natural environment and rural residential character by regulating land use, discouraging "mansionization," and preserving vistas and open areas.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan and MMC, and finds that ZTA No. 26-002 is consistent with the General Plan. The City Council found that the Beachfront definition is consistent with the historical application of the MMC and LCP by the City and CCC and does not change how Malibu has applied beachfront development standards previously. Rather, it clarifies what is and is not subject to beachfront development standards which differs from non-beachfront development standards.

SECTION 6. Zoning Text Amendment.

Section 17.02.060 (Definitions) of the MMC is hereby amended to add the following new definition as follows:

> "Beachfront" (including "beach-front") means a lot, parcel and/or property that (i) has at least one lot line within or directly contiguous to either the Pacific Ocean or beach directly contiguous to the ocean, (ii) does not have a zoning designation of Rural Residential, and (iii) has an existing or proposed primary use structure that is sited or will be sited directly on the beach and/or within a low-lying shoreline area contiguous to the beach or Pacific Ocean and not separated from the beach or ocean by a road, coastal bluff, cliff, hill, or other elevated coastal landform. The primary use structure must be within 300 feet from the mean high tide line at its closest point to the ocean. An ancillary structure on the beach shall not subject the lot, parcel and/or property to beachfront development standards if the primary use structure is not located on the beach. A lot, parcel, and/or property not meeting these criteria shall be considered non-beachfront.

SECTION 7. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit the LCPA to the CCC per Title 14, California Code of Regulations Section 13544(c).

SECTION 8. Effective Date.

LCPA No. 26-002 and corollary ZTA No. 26-002 approved in this Ordinance shall become effective only upon final certification of the LCPA by the CCC.

SECTION 9. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 10. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2026.

_____
BRUCE SILVERSTEIN, Mayor

ATTEST:

_____
KELSEY PETTIJOHN, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

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

_____
TREVOR RUSIN, Interim City Attorney

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND RECOMMENDING THAT THE CITY COUNCIL APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. 26-002 AND ZONING TEXT AMENDMENT NO. 26-002 TO ADD A DEFINITION OF BEACHFRONT TO CHAPTER 2 (DEFINITIONS) OF THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE

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

Section 1. Recitals.

A. On December 8, 2025, the City Council adopted Resolution No. 25-56 to initiate the preparation of a Beachfront definition.

B. On March 26, 2026, the Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) met to discuss the proposed amendments and provided feedback for staff to incorporate as the ordinance advances to the Planning Commission.

C. On April 23, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

D. On May 18, 2026, the Planning Commission held a duly noticed public hearing on the proposed amendment in Local Coastal Program Amendment (LCPA) No. 26-002 and Zoning Text Amendment (ZTA) No. 26-002, 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 California Environmental Quality Act (CEQA), the proposed Local Coastal Program (LCP) and Malibu Municipal Code (MMC) amendment actions have been analyzed by the Planning Commission and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of an LCPA for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Malibu LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code.

Section 3. Local Coastal Program Amendment Findings.

Pursuant to LIP Section 19.6, the Planning Commission hereby makes the following findings and recommends the City Council adopt the ordinance in Exhibit A amending the LIP as stated in Section 4 of the ordinance.

A. Section 30251 of Chapter 3 of the Coastal Act states that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. The Section requires that coastal development must protect scenic views, be visually compatible with surroundings, and, where feasible, restore and enhance visual quality in visually degraded areas. Highly scenic areas, including areas to and along the ocean, scenic roads, and public viewing areas, require development to be subordinate to the setting. Establishing a proper definition of "Beachfront" will ensure that only true beachfront development utilizes the standards which are meant for more constrained parcels along the coast bound by the ocean and limited parcel width, and further preserve more scenic and visual qualities of coastal areas in Malibu.

B. Chapters 5 and 6 of the Malibu LUP incorporate the Coastal Act's development policies, including Section 30251, to minimize impacts on scenic resources. This includes restricting development and applying siting and design restrictions.

C. LIP Chapter 3 implements the LUP by requiring development standards applicable to beachfront and non-beachfront development. Non-beachfront development standards require increased setbacks and lower heights than beachfront development standards, as well as restrictions on impermeable coverage, limits on the volume of development above 18 feet (two-thirds calculation), and Total Development Square Footage (TDSF) limitations. This is due to non-beachfront parcels being larger in size where those extra limitations help to preserve Malibu's coastal resources. Historically, the City and CCC through its review of coastal development have qualified that beachfront development standards apply based on a parcel's orientation to the coast, the zoning designation, and the location of the structure. Geologic characteristics associated with the location of the primary use structure, such as the footprint of a single-family residence as it is situated on a parcel, is a defining factor and not just the location of the parcel itself. Establishing a definition of Beachfront in the LIP would further implement Chapters 5 and 6 of the LUP and Section 30251 of the Coastal Act by ensuring the appropriate application of non-beachfront development standards are being applied to parcels that do not meet the eligibility components of a beachfront parcel.

Section 4. Zoning Text Amendment Findings.

Pursuant to MMC Section 17.74.040, the Planning Commission hereby makes the following findings and recommends the City Council adopt the ordinance in Exhibit A amending the MMC Title 17 (Zoning) as stated in Section 6 of the ordinance.

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 and protect the natural environment and rural residential character by regulating land use, discouraging "mansionization," and preserving vistas and open areas.

B. The Planning Commission held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan and MMC, and finds

that ZTA No. 26-002 is consistent and recommends approval. The Planning Commission found that the Beachfront definition is consistent with the historical application of the MMC and LCP by the City and CCC and does not change how Malibu has applied beachfront development standards previously. Rather, it clarifies what is and is not subject to beachfront development standards which differs from non-beachfront development standards.

Section 5. Planning Commission Action.

Based on the foregoing findings and evidence contained in the record, the Planning Commission hereby recommends that the City Council approve LCPA No. 26-002 and ZTA No. 26-002 contained in Sections 3 and 4 of this resolution.

Section 6. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 18th day of May 2026.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

Exhibit A: Recommended Ordinance for Council Adoption

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-20 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18th day of May, 2026, by the following vote:

AYES:	5	Commissioners: Leonard, Riddick, Mazza, Kamins, Peak
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

REBECCA EVANS, Recording Secretary

Exhibit A

ORDINANCE NO. xxx

AN ORDINANCE OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 26-002 AND ZONING TEXT AMENDMENT NO. 26-002 TO ADD A DEFINITION OF BEACHFRONT TO CHAPTER 2 (DEFINITIONS) OF THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AND TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE; AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Findings.

A. On December 8, 2025, the City Council adopted Resolution No. 25-56 to initiate the preparation of a Beachfront definition.

B. On March 26, 2026, the Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) met to discuss the proposed amendments and provided feedback for staff to incorporate as the ordinance advances to the Planning Commission.

C. On April 23, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

D. On May 18, 2026, the Planning Commission held a duly noticed public hearing on the proposed amendment in Local Coastal Program Amendment (LCPA) No. 26-002 and Zoning Text Amendment (ZTA) No. 26-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record.

E. On xxx xx, 2026, a Notice of City Council Public Hearing and Notice of Availability of Local Coastal Program (LCP) Amendments was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties indicating that the City Council would a hold public hearing on xxx xx, 2026 to consider the proposed Ordinance.

E. On xxx xx, 2026, the City Council held a duly noticed public hearing on the proposed amendments, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council conducted a first reading and introduction of the Ordinance and directed staff to set a second reading for adoption of Ordinance No. xxx, approving LCPA No. 26-002 and ZTA No. 26-002.

SECTION 2. Environmental Review.

The City Council finds that pursuant to the California Environmental Quality Act (CEQA), the proposed LCP and Malibu Municipal Code (MMC) amendment actions have been analyzed and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of an LCPA for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Malibu LCP constitutes a plan for use in the CCC's regulatory program as certified under Section 21080.5 of the Public Resources Code.

SECTION 3. Local Coastal Program Amendment Findings.

Pursuant to LCP Local Implementation Plan (LIP) Section 19.6, the City Council hereby makes the following findings to approve LCPA No. 26-002 as stated in Section 4 of this ordinance.

A. Section 30251 of Chapter 3 of the Coastal Act states that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. The Section requires that coastal development must protect scenic views, be visually compatible with surroundings, and, where feasible, restore and enhance visual quality in visually degraded areas. Highly scenic areas, including areas to and along the ocean, scenic roads, and public viewing areas, require development to be subordinate to the setting. Establishing a proper definition of "Beachfront" will ensure that only true beachfront development utilize the standards which are meant for more constrained parcels along the coast bound by the ocean and limited parcel width, and further preserve more scenic and visual qualities of coastal areas in Malibu.

B. Chapters 5 and 6 of the Malibu LCP Land Use Plan (LUP) incorporate the Coastal Act's development policies, including Section 30251, to minimize impacts on scenic resources. This includes restricting development and applying siting and design restrictions.

C. LIP Chapter 3 implements the LUP by requiring development standards applicable to beachfront and non-beachfront development. Non-beachfront development standards require increased setbacks and lower heights than beachfront development standards, as well as restrictions on impermeable coverage, limits on the volume of development above 18 feet (two-thirds calculation), and Total Development Square Footage (TDSF) limitations. This is due to non-beachfront parcels being larger in size where those extra limitations help to preserve Malibu's coastal resources. Historically, the City and CCC through its review of coastal development have qualified that beachfront development standards apply based on a parcel's orientation to the coast, the zoning designation, and the location of the structure. Geologic characteristics associated with the location of the primary use structure, such as the footprint of a single-family residence as it is situated on a parcel, is a defining factor and not just the location of the parcel itself. Establishing a definition of Beachfront in the LIP would further implement Chapters 5 and 6 of the LUP and Section 30251 of the Coastal Act by ensuring the appropriate application of non-beachfront

development standards are being applied to parcels that do not meet the eligibility components of a beachfront parcel.

SECTION 4. Local Coastal Program Amendments.

Pursuant to LIP Section 19.5(B), the LIP shall be amended as follows:

A. Amend LIP Section 2.1 (Definitions) to include a new definition as follows:

BEACHFRONT: A parcel is considered beachfront when one of its parcel boundary lines is the Pacific Ocean or beach directly adjacent to the Pacific Ocean, the parcel does not have a zoning designation of Rural Residential, and the site of proposed development is either directly on the beach or within a low-lying shoreline area contiguous with the beach and not separated from the beach by a coastal bluff, cliff, hill, or other elevated coastal landform. Parcels not meeting these criteria shall be considered non-beachfront. Beachfront development standards shall only apply to parcels meeting this definition where the primary use structure is located in one of these areas. An ancillary structure on the beach shall not constitute a parcel to be beachfront if the primary use structure is not located on the beach.

SECTION 5. Zoning Text Amendment Findings.

Pursuant to MMC Section 17.74.040(C), the City Council hereby makes the following findings to approve ZTA No. 26-002 as stated in Section 6 of this ordinance.

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 and protect the natural environment and rural residential character by regulating land use, discouraging "mansionization," and preserving vistas and open areas.

B. The City Council held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan and MMC, and finds that ZTA No. 26-002 is consistent with the General Plan. The City Council found that the Beachfront definition is consistent with the historical application of the MMC and LCP by the City and CCC and does not change how Malibu has applied beachfront development standards previously. Rather, it clarifies what is and is not subject to beachfront development standards which differs from non-beachfront development standards.

SECTION 6. Zoning Text Amendments.

Pursuant to MMC Section 17.74.040(D), the MMC shall be amended as follows:

A. Amend MMC Section 17.02.060 (Definitions) to include a new definition as follows:

"Beachfront" means that a parcel is considered beachfront when one of its parcel boundary lines is the Pacific Ocean or beach directly adjacent to the Pacific Ocean, the parcel does not have a zoning designation of Rural Residential, and the site of proposed development is either directly on the beach or within a low-lying shoreline area contiguous with the beach and not separated from the beach by a coastal bluff, cliff, hill, or other elevated coastal landform. Parcels not meeting these criteria shall be considered non-beachfront. Beachfront development standards shall only apply to parcels meeting this definition where the primary use structure is located in one of these areas. An ancillary structure on the beach shall not constitute a parcel to be beachfront if the primary use structure is not located on the beach.

SECTION 7. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit the LCPA to the CCC per Title 14, California Code of Regulations Section 13544(c).

SECTION 8. Effective Date.

LCPA No. 26-002 and corollary ZTA No. 26-002 approved in this Ordinance shall become effective only upon final certification of the LCPA by the CCC.

SECTION 9. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 10. Certification.

The City Clerk shall certify the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this ___ day of _____, 2026.

_____
BRUCE SILVERSTEIN, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

NOTICE OF AVAILABILITY
OF LCP AMENDMENT MATERIALS

The Malibu City Council will hold a public hearing on **MONDAY, August 10, 2026, at 5:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA on the project identified below.

Public comment can be submitted ahead of the public hearing to citycouncil@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

BEACHFRONT DEFINITION

Local Coastal Program Amendment No. 26-002 and Zoning Text Amendment No. 26-002 – Consider the proposed amendments to Chapter 2 (Definitions) of the Local Coastal Program Local Implementation Plan and Title 17 (Zoning) of the Malibu Municipal Code to add a definition of Beachfront

The proposed amendments were previously considered by the Planning Commission on May 18, 2026, during which the Commission provided recommendations to the City Council.

Location:	Citywide Project
Case Planner:	Tyler Eaton, Assistant Community Development Director (310) 456-2489, extension 273 teaton@malibucity.org

Pursuant to California Environmental Quality Act (CEQA), the proposed Local Coastal Program (LCP) and Malibu Municipal Code amendment actions have been analyzed by the Community Development Director and determined to be Statutorily Exempt pursuant to CEQA Guidelines Section 15265 because CEQA does not apply to activities or approvals by a local government as necessary for the preparation and adoption of an LCP Amendment for review and certification by the California Coastal Commission (CCC) as set forth in Section 21080.9 of the Public Resources Code. Accordingly, the certified City of Malibu LCP constitutes a plan for use in the CCC regulatory program as certified under Section 21080.5 of the Public Resources Code.

The amendments must be approved by the City Council and the LCP amendment (LCPA) requires certification by the CCC before it takes effect.

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Council regarding this matter will be afforded an opportunity in accordance with the Council's procedures.

Attachment 3

AVAILABILITY OF DOCUMENTS – Copies of all related documents can be reviewed by any interested person at City Hall, Malibu Public Library, and the CCC District office during regular business hours. Oral and written comments may be presented to the City Council 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.

Yolanda Bundy, Community Development Director

Publish Date: July 16, 2026