City Council Meeting
09-28-26
**Item 1.A.1.**

# Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Joseph D. Irvin, City Manager

Date prepared: September 16, 2026 Meeting date: September 28, 2026

Subject: Second Reading and Adoption of Ordinance No. 537

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RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 537, 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).

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

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

DISCUSSION: On September 14, 2026, the Council introduced on first reading Ordinance No. 537.

ATTACHMENTS: Ordinance No. 537

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

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TREVOR RUSIN, Interim City Attorney