CHAPTER 3—MARINE AND LAND RESOURCES

g. New Development

**3.42** New development shall be sited and designed to minimize impacts to ESHA by:


b. Minimizing the removal of natural vegetation, both that required for the building pad and road, as well as the required fuel modification around structures.

c. Limiting the maximum number of structures to one main residence, one second residential structure, one accessory dwelling unit or one guest house, and accessory structures such as, stable, corral, pasture, workshop, gym, studio, pool cabana, office, or tennis court, provided that such accessory structures are located within the approved development area and structures are clustered to minimize required fuel modification.

d. Minimizing the length of the access road or driveway, except where a longer roadway can be demonstrated to avoid or be more protective of resources.

e. Grading for access roads and driveways should be minimized; the standard for new on-site access roads shall be a maximum of 300 feet or one-third the parcel depth, whichever is less. Longer roads may be allowed on approval of the City Planning Commission, upon recommendation of the Environmental Review Board and the determination that adverse environmental impacts will not be incurred. Such approval shall constitute a conditional use to be processed consistent with the LIP provisions.

f. Prohibiting earthmoving operations during the rainy season, consistent with Policy 3.47.

g. Minimizing impacts to water quality, consistent with Policies 3.94—3.155. (Resolution No. 07-04)
CHAPTER 5—NEW DEVELOPMENT

2. Land Use Plan Provisions

The LUP provides parameters for new development within the City. The Land Use Plan Map designates the allowable land use, including type, maximum density and intensity, for each parcel. Land use types include local commercial, visitor serving commercial, residential, institutional, recreational, and open space. The LUP describes the allowable uses in each category.

The commercial development policies provide for pedestrian and bicycle circulation to be provided within new commercial projects in order to minimize vehicular traffic. Visitor serving commercial uses shall be allowed in all commercial zones in the City and shall be given priority over other non-coastal dependent development. Parking facilities approved for office or other commercial developments shall be permitted to be used for public beach parking on weekends and other times when the parking is not needed for the approved uses.

The LUP encourages and provides for the preparation of a specific plan or other comprehensive plan for the Civic Center area. The Land Use Plan Map designates this area for Community Commercial, General Commercial, and Visitor- Serving Commercial uses. By preparing a Specific Plan a wider range and mix of uses, development standards, and design guidelines tailored to the unique characteristics of the Civic Center could be provided for this area as a future amendment to the LCP.

The LUP policies address new residential development. The maximum number of structures allowed in a residential development is one main residence one accessory dwelling unit or one guest house and additional accessory structures provided that all such structures are located within the approved development area and clustered to minimize required fuel modification, landform alteration, and removal of native vegetation.

The LUP provides for a lot retirement program designed to minimize the individual and cumulative impacts of the potential buildout of existing parcels that are located in ESHA or other constrained areas and still allow for new development and creation of parcels in areas with fewer constraints. This includes the Transfer of Development Credit (TDC) Program, and an expedited reversion to acreage process. The TDC program will be implemented on a region-wide basis, including the City as well as the unincorporated area of the Santa Monica Mountains within the Coastal Zone. New development that results in the creation of new parcels, or multi-family development that includes more than one unit per existing parcel, except for affordable housing units, must retire an equivalent number of existing parcels that meet the qualification criteria of the program. Finally, an expedited procedure will be implemented to process reversion to acreage maps.

The LUP policies require that land divisions minimize impacts to coastal resources and public access. Land divisions include subdivisions through parcel or tract map, lot line adjustments, and certificates of compliance. Land divisions are only permitted if they are approved in a coastal development permit. A land division cannot be approved unless every new lot created would
Exhibit A – LCP Amendments

contain an identified building site that could be developed consistent with all policies of the LCP. Land divisions must be designed to cluster development, to minimize landform alteration, to minimize site disturbance, and to maximize open space. Any land division resulting in the creation of additional lots must be conditioned upon the retirement of development credits (TDCs) at a ratio of one credit per new lot created. Certificates of compliance must meet all policies of the LCP.

The LUP policies provide for the protection of water resources. New development must provide evidence of an adequate potable water supply. The use of water wells to serve new development must minimize individual and cumulative impacts on groundwater supplies and on adjacent or nearby streams, springs or seeps and their associated riparian habitats. Water conservation shall be promoted. Reclaimed water may be used for approved landscaping, but landscaping or irrigation of natural vegetation for the sole purpose of disposing of reclaimed water is prohibited.

Communication facilities are provided for as a conditional use in all land use designations. All facilities and related support structures shall be sited and designed to protect coastal resources, including scenic and visual resources. Co-location of facilities is required where feasible to avoid the impacts of facility proliferation. New transmission lines and support structures will be placed underground where feasible. Existing facilities should be relocated underground when they are replaced.

Finally, the New Development policies provide for the protection and preservation of archaeological and paleontological resources. Measures to avoid and/or minimize impacts to identified archaeological and paleontological resources must be incorporated into the project and monitoring must be provided during construction to protect resources.

h. Design guidelines, including architectural design, lighting, signs, and landscaping.

i. Provisions for mixed use development. (Resolution No. 07-04)

6. Residential Development Policies

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.

5.21 The maximum number of structures permitted in a residential development shall be limited to one main residence, one accessory dwelling unit or guest house, second residential structure, and accessory structures such as stable, workshop, gym, studio, pool cabana, office, or tennis court provided that all such structures are located within the approved development area and structures are clustered to minimize required fuel modification.

5.22. Second residential units (Accessory dwelling units, guesthouses, granny units, etc.) shall be limited in size to a maximum of 900 square feet for a studio or one bedroom and 1,200 square feet for a two-bedroom unit. Guest houses shall be limited in size to a maximum 900 square feet. Junior
accessory dwelling units shall be limited in size to a maximum of 500 square feet. The maximum square footage shall include the total floor area of all enclosed space, including lofts, mezzanines, and storage areas. Detached G-garages, including garages provided as part of an accessory dwelling unit or guest house, shall not exceed 400 square feet (2-car) maximum. The area of a garage provided as part of an accessory dwelling unit or guest house shall not be included in the 900 or 1,200 square foot limit.

5.23 A minimum maximum of one on-site parking space shall be required for the exclusive use of an any second residential unit accessory dwelling unit or guest house unless otherwise exempted under Section 3.10(G)(5)(b). No parking shall be required for a junior accessory dwelling unit.

5.24 New development of an accessory dwelling unit or guest house or other accessory structure that includes plumbing facilities shall demonstrate that adequate private sewage disposal can be provided on the project site consistent with all of the policies of the LCP.

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.
CHAPTER 2—DEFINITIONS

2.1. GENERAL DEFINITIONS

ACCESSORY DWELLING UNIT - an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

ACCESSORY DWELLING UNIT, ATTACHED - an accessory dwelling unit that is structurally attached to the primary dwelling unit by a shared wall or as an additional story above the primary dwelling unit, but which has independent, direct access from the exterior.

ACCESSORY DWELLING UNIT, DETACHED - an accessory dwelling unit that is not structurally attached to the primary dwelling unit.

CAR SHARE VEHICLE - a motor vehicle that is operated as part of a regional fleet by a public or private car-sharing company or organization and provides hourly or daily service. A car share vehicle does not include vehicles used as part of ride-hailing companies such as Uber or Lyft.

COMPLETE INDEPENDENT LIVING FACILITIES - permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

EFFICIENCY KITCHEN - a kitchen that includes each of the following:

a. A cooking facility with appliances.
b. A food preparation counter or counters that total at least 15 square feet in area.
c. Food storage cabinets that total at least 30 square feet of shelf space.

JUNIOR ACCESSORY DWELLING UNIT - a residential unit that

a. is no more than 500 square feet in size.
b. is contained entirely within an existing or proposed single-family structure.
c. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and

d. includes an efficiency kitchen.

MULTIFAMILY RESIDENCE - 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.

For the purposes of the accessory dwelling unit regulations in this LCP (Section 3.10), “multifamily residence” means a building or portion thereof used for occupancy by two or more families living independently of each other and containing two or more dwelling units.

PASSAGEWAY - a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit or junior accessory dwelling unit.

PUBLIC TRANSIT - a location, including, but not limited to, a bus stop, where the public may access buses and other forms of transportation that charges set fares, run on fixed routes, and available to the public.

“Second unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

TANDEM PARKING - two or more automobiles parked on a driveway or in any other location on a lot, lined up behind one another.
CHAPTER 3—ZONING DESIGNATIONS AND PERMITTED USES

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 in accordance with Section 3.6(N)(1), 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. Accessory dwelling units in accordance with Section 3.10.
   iv. Domestic animals, kept as pets.
   v. Landscaping.

b. Lot No. 6
   i. Uses and structures maintained by either the owners of Lots 1—5 or the homeowners’ association formed to serve the residential development within Malibu Coast Estate, including a guard house, private access road, gates (including entry gates), fencing, visitor parking, landscaping, guardhouse parking, community utilities, informational and directional signage, private open space, lighting and wastewater treatment facilities serving uses within Malibu Coast Estate.

c. Lot No. 7
   i. Parks and public open space, excluding community centers.
3. Lot Development Criteria

All new lots created in Malibu Coast Estate shall comply with the following criteria:

a. Lot Nos. 1—5
   i. Minimum lot area: 113,600 square feet (2.60 acres).
   ii. Minimum lot width: 115 feet.
   iii. Minimum lot depth: 480 feet.

b. Lot No. 6
   i. Minimum lot area: 125,700 square feet (2.88 acres).
   ii. Minimum lot width: 625 feet.
   iii. Minimum lot depth: 100 feet.

c. Lot No. 7
   i. Minimum lot area: 75,640 square feet (1.74 acres).
   ii. Minimum lot width: 460 feet.
   iii. Minimum lot depth: 100 feet.

4. Property Development and Design Standards

Development in Malibu Coast Estate shall be subject to all applicable standards of the Malibu LIP, unless otherwise indicated in this LIP Section 3.3(Q). The following development standards shall replace the corresponding development standards otherwise contained in each noted LIP Section for those lots in Malibu Coast Estate.

a. Lot Nos. 1—5
   i. Development Footprint and Structure Size (Replaces corresponding standards in LIP Section 3.6(K))

      a) The total development square footage (TDSF) on each of Lot Nos. 1—5 shall not exceed the following square footage per lot:
Exhibit A – LCP Amendments

Lot 1 – 10,052 sq. ft.
Lot 2 – 9,642 sq. ft.
Lot 3 – 9,434 sq. ft.
Lot 4 – 9,513 sq. ft.
Lot 5 – 10,990 sq. ft.

b) Combinations of Basements, Cellars and/or Subterranean Garages. If any combination of basements, cellars, and/or subterranean garages is proposed, the initial one-thousand (1,000) square feet of the combined area shall not count toward TDSF. Any additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at ratio of one square foot for every two square feet proposed.

c) Covered areas, such as covered patios, eaves, and awnings that project up to six feet from the exterior wall of the structure shall not count toward TDSF; if the covered areas project more than six feet, the entire covered area (including the area within the six foot projection) shall be included in TDSF.

d) The development footprint on each lot (Lot Nos. 1—5) shall substantially conform to that indicated on “Malibu Coast Estate Planned Development Map 1” of this LIP. Structures on Lot 5 shall be setback a minimum of 190 feet from the edge of the bluff as identified on “Malibu Coast Estate Planned Development Map 1” in order to ensure that impacts to public views of the eastern Malibu coastline as seen from Malibu Bluffs Park are minimized. The structural setback on Lot 5 does not apply to at grade improvements or low profile above-grade improvements for accessory uses not to exceed 10 feet in height.

ii. Setbacks (Replaces corresponding standards in LIP Section 3.6F)

a) Front yard setbacks shall be at least twenty (20) percent of the total depth of the lot measured from the property line abutting the street, or sixty-five (65) feet, whichever is less. However, the front yard setback for Lot 5 shall be at least forty-three (43) feet.

b) Side yard setbacks shall be cumulatively at least twenty-five (25) percent of the total width of the lot but, in no event, shall a single side yard setback be less than ten (10) percent of the width of the lot.

c) Rear yard setbacks shall be at least fifteen (15) percent of the lot depth.

d) Parkland setbacks in LIP Section 3.6(F)(6) shall not apply.

iii. Structure Height (Replaces corresponding standards in LIP Section 3.6(E))

a) Every residence and every other building or structure associated with a residential development (excluding chimneys), including satellite dish antenna, solar panels and rooftop equipment, shall not be higher than eighteen (18) feet, except the easternmost approximately 2,500 sq. ft. of the
residence on Lot 2 and the southwestern corner of the residence on Lot 5 shall not be higher than 15 feet, as indicated on “Malibu Coast Estate Planned Development Map 1” of this LIP. Height is measured from natural or finished grade, whichever is lower.
b) Mechanical equipment, including screens may not exceed roof height. Roof-mounted mechanical equipment shall be integrated into the roof design and screened.
c) In no event shall the maximum number of stories above grade be greater than two. Basements and subterranean garages shall not be considered a story.

iv. Grading (Replaces corresponding standards in LIP Section 8.3(B))

a) Notwithstanding other provisions of this Code, all grading associated with the berm, ingress, egress, including safety access, shall be considered exempt grading.
b) Non-exempt grading shall be limited to 2,000 cubic yards per lot.
c) Net export shall be limited to 3,500 cubic yards per lot.

v. Impermeable Coverage, Landscaping, and Berm

a) The impermeable coverage requirement in LIP Section 3.6(I) shall apply.
b) In addition to the requirements of LIP Section 3.10, site landscaping shall be designed to minimize views of the approved structures as seen from public viewing areas, including the use of native trees to screen approved structures. Landscaping and trees shall be selected, sited, and maintained to not exceed 25 feet.
c) A natural-looking earthen berm that is 4 feet in height (except for the northernmost 30 foot long portion on Lot 1 that shall be no less than 2 feet in height) above finished grade shall be constructed along the east side of all approved structures on Lots 1 and 2 to minimize views of the development from downcoast public viewing locations. The location and height of the berm shall substantially conform to that indicated on “Malibu Coast Estate Planned Development Map 1” of this LIP. The berm shall be vegetated with lower-lying native species that blend with the natural bluff landscape.

vi. Parking (In addition to the parking standards of LIP Section 3.14)

a) Two enclosed and two unenclosed parking spaces. The minimum size for a residential parking space shall be 18 feet long by 10 feet wide.
b) One enclosed or unenclosed parking space for a guest house or second unit see Section 3.6(N)(21).
c) For an accessory dwelling unit see Section 3.10.
Exhibit A – LCP Amendments

vii. Colors and Lighting (In addition to the standards of LIP Section 6.5(B))

a) Structures shall be limited to colors compatible with the surrounding environment and landscape (earth tones), including shades of green, brown, and gray with no white or light or bright tones. The color palette shall be specified on plans submitted in building plan check and must be approved by the Planning Director prior to issuance of a building permit. All windows shall be comprised of non-glare glass.
b) Lighting must comply with LIP Section 6.5(G).

viii. Permit Required

To insure the protection of scenic and visual resources in accordance with the provisions of the LCP, any future improvements to structures or significant changes to landscaping beyond that authorized by the coastal development permit (CDP) for each residential lot (Lots 1-5), which would ordinarily be exempt from a CDP pursuant to LIP Section 13.4.1, shall be subject to a new CDP or permit amendment.

long as sufficient parking is provided to serve existing and proposed public access and recreation uses and any adverse impacts to public access and recreation are avoided.

iii. Fencing

With the exception of skate park and sport court fencing and backstops, fences and walls shall not exceed eight feet in height. The fencing and backstops design and materials shall take into consideration view and vista areas, site distance, and environmental constraints.

iv. Temporary Uses

Temporary uses shall be in accordance with LIP Section 13.4.9 and the temporary use permit process contained within Malibu Municipal Code Chapter 17.68. (Ord. 398 § 4, 2015; Ord. 373 § 3, 2013; Ord. 366 § 3(C), 2012; Ord. 364 § 4(A), 2012)
3.6. **RESIDENTIAL DEVELOPMENT STANDARDS**

All single-family and multiple-family residences shall be subject to the following development standards:

D. The minimum floor area of a residential unit shall be as follows:

1. For a single-family residence, not less than 800 square feet, exclusive of any appurtenant structures. **This minimum does not apply to accessory structures.**

2. For each multi-family dwelling unit, not less than 750 square feet, exclusive of any appurtenant structures.

E. thru M. — no changes

N. Accessory Structures. Accessory structures identified as being permitted within any zone may be established only if they are clearly accessory to a primary permitted or conditionally permitted use established concurrent with or prior to establishment of accessory use.

- **Second Residential Units**
  
  a. Second residential unit includes a guest house or a second unit, as defined in Section 2.1 of the Malibu LIP.

  b. A maximum of one second residential unit may be permitted as an accessory to a permitted or existing single family dwelling. Development of a second residential unit shall require that a primary dwelling unit be developed on the lot prior to or concurrent with the second residential unit.

  e. Development Standards

  i. Siting

  Any permitted second residential unit shall be located within the approved development area for the project site and shall be clustered with the primary dwelling unit and any other approved structures to minimize required fuel modification.

  ii. Maximum Living Area

  The maximum living area of a second residential unit shall not exceed 900 square feet, including the total floor area of all enclosed space, including any mezzanine or storage space. The maximum living area shall not include the area of a garage included as part of the second residential unit.
iii. Parking

a) A minimum of one on-site parking space shall be provided for the exclusive use of a second residential unit.

b) One garage not to exceed 400 square feet in size may be permitted as part of a second residential unit.

1. Guest houses

a. Development of a guest house shall require that a primary dwelling unit be developed on the lot prior to or concurrent with the second residential unit.

b. Only one guest house is allowed per lot. Guest houses are not allowed on properties with an attached or detached accessory dwelling unit.

c. Development Standards

i) Siting. Any permitted guest house shall be located within the approved development area for the project site and shall be clustered with the primary dwelling unit and any other approved structures to minimize required fuel modification.

ii) Maximum Living Area. The maximum living area of a guest house shall not exceed 900 square feet, including the total floor area of all enclosed space, including any mezzanine or storage space. The maximum living area shall not include the area of a garage included as part of the guest house.

d. Parking

i) A minimum of one on-site parking space shall be provided for the exclusive use of a guest house.

ii) One garage not to exceed 400 square feet in size may be permitted as part of a guest house.

2. Other Accessory Structures

a. Accessory structures customarily ancillary to single family dwellings including, but not limited to, a stable, workshop, gym, studio, pool cabana, office, sport court, pool, or spa may be permitted as an accessory to a permitted or existing single family dwelling.
b. Any permitted accessory structure shall be located within the approved development area for the project site and shall be clustered with the primary dwelling unit and any other approved structures to minimize required fuel modification.

c. Permitted development located within or adjacent to parklands that adversely impact those areas may include open space or conservation restrictions or easements over parkland buffer in order to protect resources.
3.10. ACCESSORY DWELLING UNITS

Accessory Dwelling Units - The following regulations shall apply to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) approved under this section unless otherwise exempt under Section 13.4.

A. Purpose. The purpose of this section is to allow and regulate ADUs and JADUs in compliance with California Government Code Sections 65852.2 and 65852.22. Because the city of Malibu lies entirely within the Coastal Zone, every ADU application in the city will be subject to an analysis for compliance with the Local Coastal Program (LCP) and Coastal Act. State law is explicit about the Coastal Act not being preempted by the state’s ADU statute (Government Code Section 65852.2, subdivision (j)).

B. Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:

1. Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition. For purposes of this paragraph 3.10 B.4, “nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.1

C. Definitions. Definition of terms used in this Section can be found at Section 2.1 – General Definitions.

D. Areas Permitted. ADUs and JADUs shall be allowed in areas zoned to allow single-family or multifamily dwelling residential use. These areas include Rural Residential (RR), Single Family (SF), Multiple Family (MF), Multifamily Beach Front (MFBF), and areas designated for single family residential use as part of a Planned Development (PD) zone.

E. Coastal Development Permit required.

1. Except as exempted under Section 13.4, no ADU may be created without an accessory dwelling unit coastal development permit (ADU CDP) issued in accordance with Section 13.30.
2. The City may charge a fee to reimburse it for costs incurred in processing ADU CDP permits, including the costs of adopting or amending the City’s ADU ordinance. The ADU CDP permit processing fee is determined by the City Council by resolution.

3. An ADU CDP permit is considered and approved ministerially, without a hearing, unless required for a discretionary application included with the CDP.

F. General Requirements. The following general requirements apply to all ADUs and JADUs:

1. Zoning.

   a. An ADU or JADU may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

   b. A detached ADU shall be located within the approved development area for the project site and shall be clustered with the primary dwelling unit and any other approved structures to minimize required fuel modification.

2. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

3. Income Reporting. In order to facilitate the city’s obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 65852.2, the following requirements must be satisfied:

   a. With the building permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

   b. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the city may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.

4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

5. Septic System. If the ADU or JADU will connect to an onsite wastewater treatment system, the owner must include a percolation test completed within the last five years with the ADU application or, if the percolation test has been recertified, within the last 10 years. The ADU shall comply with all applicable requirements for onsite wastewater treatment systems.

6. Owner Occupancy. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence.
However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

7. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder’s office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

a. The ADU or JADU may not be sold separately from the primary dwelling.

b. ADU or JADU is restricted to the approved size unless City approval obtained to increase size.

c. The deed restriction runs with the land and may be enforced against future property owners.

d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director’s determination consistent with other provisions of the LCP. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this LCP.

e. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

G. ADU Development Standards. The following development standards shall replace the Residential Property Development and Design Standards (Section 3.6 of the Malibu LIP). All requirements of the Malibu LIP that are not inconsistent with the criteria listed below shall remain in effect.

1. Maximum Size.

a. The maximum TDSF of an ADU is 900 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.

b. An ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the TDSF of the existing or proposed primary dwelling.
c. Application of TDSF or impermeable coverage development standards further limits the size of the ADU and may preclude construction of additional total development square footage or impermeable coverage for a new ADU.

d. The maximum TDSF of a JADU is 500 square feet plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

e. The maximum size of an ADU in a converted existing detached accessory structure or primary dwelling shall not exceed the size limits provided in the other paragraphs of this subsection G(1).

2. Height

a. No ADU may exceed 18 feet in height above grade as measured from existing or finished grade whichever results in the lower building height.

b. When an existing accessory structure is demolished and is replaced with a new structure for the purposes of creating an ADU, the replacement structure may not exceed 18 feet in height.

3. Setbacks. All ADUs remain subject to the setback standards in Section 3.6(F) and (G) except that no additional setback is required when an existing accessory structure is demolished and is replaced with a new structure for the purposes of creating an ADU so long as the replacement structure is constructed within the same location and with the same dimensions as the structure it is replacing and the ADU contained within that new structure does not exceed the maximum size limits in accordance with subsection G(1). However, in all cases view corridor and ESHA setbacks still apply.

4. Passageway. No passageway, as defined by Section 2.1, is required for an ADU.

5. Parking.

a. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Section 2.1, except where it is not feasible based on specific site topographic or fire and life safety conditions, and where it would violate an ESHA protection or view corridor requirement.

b. Exceptions. No parking under is required in the following situations, except as provided in 5(d):

i. The ADU is located within one-half mile walking distance of public transit, as defined in Section 2.1.

ii. The ADU is located within an architecturally and historically significant historic district.
iii. A JADU is part of the proposed or existing primary residence or an ADU is proposed in an existing accessory structure.

iv. When on-street parking permits are required but not offered to the occupant of the ADU.

v. When there is an established car share vehicle stop located within one block of the ADU.

c. No Parking Replacement Required. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU at an existing single-family dwelling, those off-street parking spaces are not required to be replaced. If replacement parking is proposed, the parking must be located on hardscape and mechanical automobile parking lifts, if used, must be located within an enclosed structure to ensure compliance with coastal resource protection for public views and water quality.

d. Replacement parking on a one to one basis is required for ADUs built within .25 miles of a beach, public accessway, park or trailhead or other public visitor-serving area with high on-street parking demand.

6. Notwithstanding any provision of this section, the Director may process a development permit, pursuant to Section 13.27 (Site Plan Review and Minor Modifications) of the Malibu LIP.

H. ADUs in Multifamily Buildings

1. Converted on Multifamily Lot: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may each have a converted ADU under this paragraph.

2. Detached on Multifamily Lot: No more than two detached ADUs are allowed on a lot that has an existing multifamily dwelling if each detached ADU satisfies the standards in subsection G above.
CHAPTER 13—COASTAL DEVELOPMENT PERMITS

No changes to 13.1 through 13.3

13.4. EXEMPTIONS FROM AND DE MINIMIS WAIVERS OF COASTAL DEVELOPMENT PERMIT

The projects described in Sections 13.4.1 through 13.4.9 are exempt from the requirement to obtain a Coastal Development Permit and subject to the requirements of Section 13.4.10. Section 13.4.11 describes general requirements for de minimis waivers and projects eligible for de minimis waivers.

13.4.1 Exemption for Improvements to Existing Single-Family Residences

A. Improvements to existing single-family residences except as noted below in (B). For purposes of this section, the terms “Improvements to existing single-family residences” includes all fixtures and structures directly attached to the residence and those structures normally associated with a single family residence, such as garages, swimming pools, fences, storage sheds and landscaping but specifically not including guest houses or accessory self-contained residential units. Attached accessory dwelling units and accessory dwelling units located in an existing accessory structure or in a proposed or existing primary residence that meet the requirements of LIP Section 3.10(G) are exempt from obtaining a Coastal Development Permit. A junior accessory dwelling unit created inside an existing single-family residence is not considered development and is not subject to the LCP.

B. The exemption in (A) above shall not apply to the following classes of development which require a coastal development permit because they involve a risk of adverse environmental impact:

1. Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, or within 50 feet of the edge of a coastal bluff.

2. Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas.

3. The expansion or construction of water wells or septic systems.

4. On property not included in subsection (B)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the City or Coastal Commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to this section.
Exhibit A – LCP Amendments

or Public Resources Code section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.

5. In areas which the City or Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

6. Any improvement to a single-family residence where the development permit issued for the original structure by the Coastal Commission, regional Coastal Commission, or City indicated that any future improvements would require a development permit.

13.4.2 Exemption for Repair and Maintenance Activities

A. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities.

B. The exemption in Section 13.4.2 (A) of the Malibu LIP shall not apply to the following extraordinary methods of repair and maintenance which require a coastal development permit because they involve a risk of adverse environmental impact:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
   a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
   b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective works;
   c. The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or
   d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.

2. Any method of routine maintenance dredging that involves:
Exhibit A – LCP Amendments

a. The dredging of 100,000 cubic yards or more within a twelve (12) month period;

b. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

c. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the City or the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

3. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

C. All repair and maintenance activities governed by Section 13.4.2 (B) shall be subject to the LCP permit regulations, including but not limited to the regulations governing administrative and emergency permits. The provisions of Section 13.4.2 (B) shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean.

D. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, (as measured by 50% of the exterior walls), seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

13.4.3 Exemption for Other Improvements

A. Improvements to any structure other than a single-family residence or a public works facility except as noted below in Section 13.4.3 (B) of the Malibu LIP. For purposes of this section, where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered a part of that structure:

1. All fixtures and other structures directly attached to the structure.
Exhibit A – LCP Amendments

2. Landscaping on the lot.

B. The exemption in 13.4.3 (A) above shall not apply to the following classes of development which require a coastal development permit because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use contrary to the policies of the LCP.

1. Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; or within 50 feet of the edge of a coastal bluff;

2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, or in an environmentally sensitive habitat area;

3. The expansion or construction of water wells or septic systems;

4. On property not included in subsection 13.4.3 (B)(1) of the Malibu LIP above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the LUP, an improvement that would result in an increase of 10 percent or more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to section (A) above or Public Resources Code section 30610(b), and/or increase in height by more than 10 percent of an existing structure;

5. In areas which the City or the Coastal Commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system;

6. Any improvement to a structure where the coastal development permit issued for the original structure by the City or the Coastal Commission indicated that any future improvements would require a development permit;

7. Any improvement to a structure which changes the intensity of use of the structure;

8. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

9. Any accessory dwelling unit on a lot with a multifamily dwelling structure.
13.11. PUBLIC HEARING REQUIRED AND PUBLIC COMMENT

A. At least one public hearing shall be required on all appealable development as defined in Chapter 2 of the Malibu LIP (Definitions), except for accessory dwelling units, in accordance with Section 3.10 unless the accessory dwelling unit is developed concurrent with a new single family dwelling or requires a discretionary permit.

1. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 13.12 of the Malibu LIP. The public hearing may be conducted in accordance with existing City procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

2. If a decision on a development permit is continued by the City to a time which is neither (a) previously stated in the notice provided pursuant to Section 13.12 of the Malibu LIP, nor (b) announced at the hearing as being continued to a time certain, the local government shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 13565 of the California Code of Regulations.

B. Any person may submit written comments to the Planning Director Manager on an application for a Coastal Development Permit, or on an appeal of a Coastal Development Permit, at any time prior to the close of the public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. Written comments shall be submitted to the Planning Director Manager who shall forward them to the appropriate person, commission, board or the Council and to the applicant. (Ord. 303 § 3, 2007)
13.13. ADMINISTRATIVE PERMITS

13.13.1 Applicability

A. The Planning Director Manager may process consistent with the procedures in this Chapter any coastal development permit application for the specific uses identified below, except a proposed coastal development permit that is appealable or is within the Commission's continuing jurisdiction as defined in Chapter 2 of the Malibu LIP (Definitions).

1. Improvements to any existing structure;

2. Any single-family dwelling;

3. Lot mergers;

4. Any development of four dwelling units or less that does not require demolition, and any other developments not in excess of one hundred thousand dollars ($100,000) other than any division of land;

5. Water wells.

B. Notwithstanding any other provisions of the LCP, attached or detached accessory second dwelling units created in accordance with Section 3.10 shall be processed as administrative permits, except that The approval of such permits shall be appealable to the Coastal Commission if the project is located in the appealable zone. (Ord. 335 § 3, 2009; Ord. 303 § 3, 2007)
13.30 ACCESSORY DWELLING UNIT COASTAL DEVELOPMENT PERMITS

13.30.1 Applicability

These regulations shall apply to all applications for an Accessory Dwelling Unit (ADU) as defined in Chapter 2 of the Malibu LIP (Definitions) that are not exempt pursuant to LIP Section 13.4. An application for an Accessory Dwelling Unit Coastal Development Permit (ADU CDP) shall be made to the Planning Director.

A. Applications for ADU CDPs shall be to the Planning Director on forms provided by the Planning Department.

B. Public notice for an ADU CDP shall be provided in accordance with LIP Section 13.12.2(B) and 13.13.3. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the city has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

13.30.2 Findings and Permit Issuance

A. The Planning Director may approve an application for an ADU CDP if all of the following findings can be made:

1. The proposed ADU is consistent with the LCP and all applicable LCP provisions, local laws and regulations regarding ADUs.

2. The dwelling conforms to the development standards and requirements for ADUs established in LIP Section 3.10.

3. Public and utility services including emergency access are adequate to serve both dwellings.

4. The proposed ADU CDP has been conditioned in accordance with the LCP.

B. Upon approving an ADU CDP, the Planning Director shall issue a written document that at a minimum includes the following information:

1. Location of the project;
2. The date of issuance;
3. An expiration date;
4. The scope of work to be performed;
5. Terms and conditions of the permit; and
6. Findings.
13.30.3 Reporting of ADU CDPs

The Planning Director shall report in writing to the Planning Commission at each meeting the ADU ACDP permits with site plan reviews approved under this section in the same manner as for an administrative permit, consistent with LIP Section 13.13.6. There is no reporting requirement for an ADU CDP except in cases where a site plan review or variance is associated with the application.
NOTE: Changes are proposed for the Residential land use category only as noted below. No changes are proposed for the other land use categories.

Appendix 1 TABLE B PERMITTED USES

<table>
<thead>
<tr>
<th>KEY TO TABLE (In addition to a coastal development permit, the following permits are required.)</th>
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<tbody>
<tr>
<td>Permitted use</td>
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<tr>
<td>CUP Requires the approval of a minor Conditional Use Permit by the Director</td>
</tr>
<tr>
<td>UP Requires the approval of a Conditional Use Permit</td>
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<tr>
<td>Permitted only as an accessory use to an otherwise permitted use</td>
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<tr>
<td>FDC Requires the approval of a Large Family Day Care permit</td>
</tr>
<tr>
<td>VTF Requires the approval of a Wireless Telecommunications Facility</td>
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<tr>
<td>Not permitted (Prohibited)</td>
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<thead>
<tr>
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<th>SF</th>
<th>MF</th>
<th>MFBF</th>
<th>MHR</th>
<th>CR</th>
<th>BPO</th>
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<td>Multiple-family (including duplexes, condominiums, stock cooperatives, apartments, and similar developments)</td>
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Notes:
1. Subject to Residential Development Standards (Section 3.6).
2. Subject to Home Occupations Standards ([Section 3.6(0)].

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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.
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.

(Ord. 393 § 4, 2015; Ord. 373 § 3, 2013; Ord. 366 §§ 3(A) and (B), 2012; Ord. 303 § 3, 2007)
Exhibit B – Zoning Text Amendments

Title 17
ZONING

Chapters:
17.02 Introductory Provisions and Definitions
17.06 Zoning Districts Established
17.08 RR Rural Residential District
17.10 SF Single Family Density Residential District
17.12 MF Multiple Family Residential District
17.14 MFBF Multifamily Beach Front District
17.39 Malibu Coast Estate Planned Development (PD) District
17.40 Property Development and Design Standards
17.44 Accessory Dwelling Units
17.45 Citywide View Preservation and Restoration
Chapter 17.02

INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

17.02.060 Definitions.

As used in this title:

"Accessory Dwelling Unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and

b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

"Accessory Dwelling Unit, attached" means an accessory dwelling unit that is structurally attached to the primary dwelling unit by a shared wall or as an additional story above the primary dwelling unit, but which has independent, direct access from the exterior.

"Accessory Dwelling Unit, detached" means an accessory dwelling unit that is not structurally attached to the primary dwelling unit.

"Car share vehicle" means a motor vehicle that is operated as part of a regional fleet by a public or private car-sharing company or organization and provides hourly or daily service. A car share vehicle does not include vehicles used as part of ride-hailing companies such as Uber or Lyft.

"Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

"Efficiency kitchen" means a kitchen that includes each of the following:

a. A cooking facility with appliances.

b. A food preparation counter or counters that total at least 15 square feet in area.

c. Food storage cabinets that total at least 30 square feet of shelf space.

"Junior Accessory Dwelling Unit" means a residential unit that
Exhibit B – Zoning Text Amendments

a. is no more than 500 square feet in size.
b. is contained entirely within an existing or proposed single-family structure.
c. includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure, and
d. includes an efficiency kitchen.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit or junior accessory dwelling unit.

“Public transit” means a location, including, but not limited to, a bus stop, where the public may access buses and other forms of transportation that charges set fares, run on fixed routes, and available to the public.

“Second unit” means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
Chapter 17.08

RR RURAL RESIDENTIAL DISTRICT

Sections:

17.08.020 Permitted uses.
   The following uses and structures are permitted in the RR district:
   A. One single-family residence per lot;
   B. Small family day care and residential care facilities serving six or fewer persons;
   C. Accessory uses and structures as follows:
      1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units, houses, seven hundred fifty (750) square feet maximum in accordance with Section 17.40.040(A)(21), detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (noncommercial),
      2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,
      3. Domestic animals, kept as pets or for personal use,
      4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,
      5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:
         a. The subject property is a minimum of fifteen thousand (15,000) square feet in size,
         b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every five thousand (5,000) square feet of lot area,
         c. The animals shall be maintained in an area a minimum of fifty (50) feet from any building used for human habitation;
   D. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than fifty (50) feet from any street or highway or any building used for human habitation:
      1. The raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals, on a parcel having an area of not less than one acre and provided that not more than eight such animals per acre of the total ground area be kept or maintained in conjunction with such use,
      2. The grazing of cattle, horses, sheep or goats on a parcel with an area of not less than five acres, including the supplemental feeding of such animals, provided:
         a. That such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises,
         b. That no buildings, structures, pens or corrals designed or intended to be used for the housing or concentrated feeding of such stock be used on the premises for such grazing other than racks for supplementary feeding, troughs for watering, or incidental fencing,
      3. Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature, provided the subject parcel is a minimum of one acre in size,
      4. The raising of hogs or pigs, provided:
Exhibit B – Zoning Text Amendments

a. That the animals are located not less than one hundred fifty (150) feet from any highway and not less than fifty (50) feet from the side or rear lines of any parcel,
b. That the animals shall not be fed any market refuse or similar imported ingredient or anything other than table refuse from meals consumed on the same parcel of land, or grain,
c. That no more than two weaned hogs or pigs are kept,
d. That the subject parcel is a minimum of one acre in size;
E. Manufactured homes, pursuant to Government Code Section 65852.3;
F. Second units, pursuant to Government Code Section 65852.2; Accessory dwelling units in accordance with Chapter 17.44;
G. Large family day care facilities (serving seven to twelve (12) persons), subject to the provisions of Section 17.66.110;
H. Private equestrian and/or hiking trails;
I. Greenhouses on a lot or parcel of land having an area of at least one acre;
J. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18). (Ord. 104 § 2, 1993; Ord. 93 §§ 8, 9, 1993; Ord. 86 § 3, 1993; prior code § 9211)
Chapter 17.10

SF SINGLE FAMILY DENSITY RESIDENTIAL DISTRICT

Sections:

17.10.020 Permitted uses.

The following uses and structures are permitted in the SF district:

A. One single-family residence per lot;
B. Small family day care and residential care facilities serving six or fewer persons;
C. Accessory uses and structures as follows:
   1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, detached garages, barns, pool houses, gazebos, storage sheds, guest houses (seven hundred fifty (750) square feet maximum) in accordance with Section 17.40.040(A)(21), and greenhouses (noncommercial),
   2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and noncommercial corrals,
   3. Domestic animals,
   4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,
   5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:
      a. The subject property is a minimum of fifteen thousand (15,000) square feet in size,
      b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every five thousand (5,000) square feet of lot area,
      c. The animals shall be maintained in an area a minimum of fifty (50) feet from any building used for human habitation;
D. Manufactured homes, pursuant to Government Code Section 65852.3;
E. Second units, pursuant to Government Code Section 65852.2; Accessory dwelling units in accordance with Chapter 17.44;
F. Large family day care facilities (serving seven to twelve (12) persons), subject to Section 17.66.110;
G. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18). (Ord. 104 § 2, 1993; Ord. 86 § 3, 1993; prior code § 9221)
Chapter 17.12

MF MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sections:

17.12.020 Permitted uses.

The following uses and structures are permitted in the MF district:

A. One single-family residence per lot;
B. Small family day care and residential care facilities involving six or fewer persons;
C. Accessory uses and structures as follows:
   1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, detached garages, barns, pool houses, gazebos, storage sheds, guest units houses (seven hundred fifty (750) square feet maximum) in accordance with Section 17.40.040(A)(21), and greenhouses (noncommercial),
   2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,
   3. Domestic animals;
D. Manufactured homes, pursuant to Government Code Section 65852.3;
E. Second units, pursuant to Government Code Section 65852.2; Accessory dwelling units in accordance with Chapter 17.44;
F. Large family day care facilities (serving seven to twelve (12) persons), subject to Section 17.66.110;
G. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18). (Ord. 104 § 2, 1993; Ord. 86 § 3, 1993; prior code § 9231)
Chapter 17.14

MFBF MULTIFAMILY BEACH FRONT DISTRICT

Sections:

The following uses and structures are permitted in the MFBF district:

A. One single-family residence per lot;
B. Expansion up to five hundred (500) square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;
C. Accessory uses and structures as follows:
   1. Accessory buildings customarily ancillary to single-family and multifamily residences including, but not limited to, detached garages, pool houses, gazebos, storage sheds, guest units houses (seven hundred fifty (750) square feet maximum) in accordance with Section 17.40.040(A)(21),
   2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,
   3. Domestic animals;
D. Manufactured homes, pursuant to Government Code Section 65852.3;
E. Second units, pursuant to Government Code Section 65852.2. (Ord. 151 § 11, 1996; prior code § 92362) Accessory dwelling units in accordance with Chapter 17.44.
Chapter 17.39

MALIBU COAST ESTATE PLANNED DEVELOPMENT (PD) DISTRICT

Sections:

17.39.020 Permitted uses.

17.39.040 Property development and design standards.

17.39.020 Permitted uses.

Lot numbers are as identified on Malibu Coast Estate Planned Development Map 1. The following uses and structures are permitted:

A. Lot Nos. 1—5.
   1. One single-family residence per lot.
   2. Accessory uses (one second unit or guest house per lot in accordance with Section 17.40.040(A)(21), 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).

B. Lot No. 6. Uses and structures maintained by either the owners of Lots 1—5 or the homeowners’ association formed to serve the residential development within Malibu Coast Estate, including a guard house, private access road, gates (including entry gates), fencing, visitor parking, landscaping, guardhouse parking, community utilities, informational and directional signage, private open space, lighting and wastewater treatment facilities serving uses within Malibu Coast Estate.

C. Lot No. 7.
   1. Parks and public open space, excluding community centers.
   2. Active and passive public recreational facilities, such as ball fields, skate parks, picnic areas, playgrounds, walkways, restrooms, scoreboard, sport court fencing, parking lots, and reasonably similar uses as determined by the planning director. Night lighting of recreational facilities shall be prohibited, except for the minimum lighting necessary for public safety.

17.39.040 Property development and design standards.

The following development standards shall replace the corresponding development standards (Sections 17.40.040 and 17.40.080) for Malibu Coast Estate. All requirements of the zoning ordinance, including, but not limited to, Section 17.40.030 that are consistent with the criteria listed below shall remain in effect for those parcels in Malibu Coast Estate.

A. Lot Nos. 1—5.
1. Development Footprint and Structure Size (Replaces corresponding standards in LIP Section 3.6(K)).
   a. The total development square footage (TDSF) on each of Lot Nos. 1—5 shall not exceed the following square footage per lot:
      Lot 1 —10,052 square feet.
      Lot 2 —9,642 square feet.
      Lot 3 —9,434 square feet.
      Lot 4 —9,513 square feet.
      Lot 5 —10,990 square feet.
   b. Combinations of Basements, Cellars and/or Subterranean Garages. If any combination of basements, cellars, and/or subterranean garages is proposed, the initial one thousand (1,000) square feet of the combined area shall not count toward TDSF. Any additional area in excess of one thousand (1,000) square feet shall be included in the calculation of TDSF at a ratio of one square foot for every two square feet proposed.
   c. Covered areas, such as covered patios, eaves, and awnings that project up to six feet from the exterior wall of the structure shall not count toward TDSF; if the covered areas project more than six feet, the entire covered area (including the area within the six-foot projection) shall be included in TDSF.
   d. The development footprint on each lot (Lot Nos. 1—5) shall substantially conform to that indicated on Malibu Coast Estate Planned Development Map 1. Structures on Lot 5 shall be set back a minimum of one hundred ninety (190) feet from the edge of the bluff as identified on Malibu Coast Estate Planned Development Map 1 in order to ensure that impacts to public views of the eastern Malibu coastline as seen from Malibu Bluffs Park are minimized. The structural setback on Lot 5 does not apply to at-grade improvements or low profile above-grade improvements for accessory uses not to exceed ten (10) feet in height.

2. Setbacks (Replaces corresponding standards in Section 17.40.040).
   a. Front yard setbacks shall be at least twenty (20) percent of the total depth of the lot measured from the property line abutting the street, or sixty-five (65) feet, whichever is less. However, the front yard setback for Lot 5 shall be at least forty-three (43) feet.
   b. Side yard setbacks shall be cumulatively at least twenty-five (25) percent of the total width of the lot but, in no event, shall a single side yard setback be less than ten (10) percent of the width of the lot.
   c. Rear yard setbacks shall be at least fifteen (15) percent of the lot depth.
   d. Parkland setbacks in LIP Section 3.6(F)(6) shall not apply.

3. Structure Height (Replaces corresponding standards in Section 17.40.040).
   a. Every residence and every other building or structure associated with a residential development (excluding chimneys), including satellite dish antenna, solar panels and rooftop equipment, shall not be higher than eighteen (18) feet, except the easternmost approximately two thousand five hundred (2,500) square feet of the residence on Lot 2 and the southwestern corner of the residence on Lot 5 shall not be higher than fifteen (15) feet, as indicated on Malibu Coast Estate Planned Development Map 1 of the LIP. Height is measured from natural or finished grade, whichever is lower.
   b. Mechanical equipment, including screens may not exceed roof height. Roof-mounted mechanical equipment shall be integrated into the roof design and screened.
   c. In no event shall the maximum number of stories above grade be greater than two. Basements and subterranean garages shall not be considered a story.
Exhibit B – Zoning Text Amendments

4. Grading (Replaces corresponding standards in Section 17.40.040).
   a. Notwithstanding other provisions of this code, all grading associated with the berm, ingress, egress, including safety access, shall be considered exempt grading.
   b. Non-exempt grading shall be limited to two thousand (2,000) cubic yards per lot.
   c. Net export shall be limited to three thousand five hundred (3,500) cubic yards per lot.

5. Impermeable Coverage, Landscaping, and Berm.
   a. The impermeable coverage requirement in Section 17.40.040 shall apply.
   b. In addition to the requirements of Section 17.40.040, site landscaping shall be designed to minimize views of the approved structures as seen from public viewing areas, including the use of native trees to screen approved structures. Landscaping and trees shall be selected, sited, and maintained to not exceed twenty-five (25) feet.
   c. A natural-looking earthen berm that is four feet in height (except for the northernmost thirty (30) foot long portion on Lot 1 that shall be no less than two feet in height) above finished grade shall be constructed along the east side of all approved structures on Lots 1 and 2 to minimize views of the development from downcoast public viewing locations. The location and height of the berm shall substantially conform to that indicated on the Malibu Coast Estate Planned Development Map 1 of the LIP. The berm shall be vegetated with lower-lying native species that blend with the natural bluff landscape.

6. Parking (In addition to the parking standards of Section 17.40.040)
   a. Two enclosed and two unenclosed parking spaces. The minimum size for a residential parking space shall be eighteen (18) feet long by ten (10) feet wide.
   b. For a guest house see Section 17.40.040(A)(21). One enclosed or unenclosed parking space for a guest unit or second unit.
   c. For an accessory dwelling unit see Chapter 17.44.

7. Colors and Lighting (In addition to the standards of LIP Section 6.5(B)).
   a. Structures shall be limited to colors compatible with the surrounding environment and landscape (earth tones), including shades of green, brown, and gray with no white or light or bright tones. The color palette shall be specified on plans submitted in building plan check and must be approved by the planning director prior to issuance of a building permit. All windows shall be comprised of non-glare glass.
   b. Lighting must comply with LIP Section 6.5(G).

8. Permit Required. To insure the protection of scenic and visual resources in accordance with the provisions of the LCP, any future improvements to structures or significant changes to landscaping beyond that authorized by the coastal development permit (CDP) for each residential lot (Lots 1—5), which would ordinarily be exempt from a CDP pursuant to LIP Section 13.4.1, shall be subject to a new CDP or permit amendment.

B. Lot No. 6.
1. Structure Size. The total development square footage of all structures shall not exceed one hundred eighty (180) square feet. The development footprint (gate and guardhouse) shall substantially conform to that indicated on Malibu Coast Estate Planned Development Map 1.
2. Setbacks.
   a. Buildings, not including projections permitted in Section 17.40.050, shall maintain a minimum setback of fifty (50) feet from all property lines.
   b. Parkland setbacks in LIP Section 3.6(F)(6) shall not apply.
3. Structure Height.
Exhibit B – Zoning Text Amendments

a. Structure height shall not exceed twelve (12) feet, as measured from natural or finished grade, whichever is lower.
b. In no event shall the maximum number of stories above grade be greater than one.
c. A basement, cellar or subterranean garage shall not be permitted.
4. Grading (Replaces corresponding standards in Section 17.40.040).
a. Notwithstanding other provisions of this code, all grading associated with ingress, egress, including safety access, shall be considered exempt grading.
b. Non-exempt grading shall be limited to one thousand (1,000) cubic yards.
c. Net export shall be limited to two thousand five hundred (2,500) cubic yards.
5. Impermeable Coverage (Replaces corresponding standard in Section 17.40.040).
The impermeable coverage requirement in Section 17.40.040 shall not apply. Up to forty-four thousand (44,000) square feet of impermeable coverage shall be permitted.
6. Parking (In addition to the parking standards of Section 17.40.040). The guardhouse shall not have more than two parking spaces to be used for on duty guards and one additional parking space for service parking. Parking within the property boundaries shall not be located on or obstruct fire department access.
7. Colors and Lighting.
a. Structures shall be limited to colors compatible with the surrounding environment and landscape (earth tones), including shades of green, brown, and gray with no white or light or bright tones. The color palette shall be specified on plans submitted in building plan check and must be approved by the planning director prior to issuance of a building permit.
b. Lighting must comply with LIP Section 6.5(G).
C. Lot No. 7.
1. Site Design. Grading, setbacks, and facility siting shall be designed to meet the operational programs of the park as defined in the City of Malibu Parks Master Plan. Notwithstanding any other provision of this chapter, grading in all new parks shall be limited to not more than one thousand (1,000) cubic yards per acre, except that grading required for sports fields and skate parks designed to accommodate commonly accepted facility dimensions shall be exempt from these limitations. The facility shall be designed to minimize noise, lighting impacts and disruption to nearby residents.
2. Parking (In addition to the parking standards of Section 17.47.030). Adequate parking shall be provided to serve the proposed recreational uses. Parking shall be determined by a parking study prepared by a registered traffic engineer and based upon the proposed recreational uses. The planning director shall have the authority to determine the appropriateness of studies or other information used in determining the parking to be required. Where appropriate, off-site parking may be provided and may be counted towards satisfying the on-site parking requirement as long as sufficient parking is provided to serve existing and proposed public access and recreation uses and any adverse impacts to public access and recreation are avoided.
3. Fencing. With the exception of skate park and sport court fencing and backstops, fences and walls shall not exceed eight feet in height. The fencing and backstops design and materials shall take into consideration view and vista areas, site distance, and environmental constraints.
4. Temporary Uses. Temporary uses shall be in accordance with LIP Section 13.4.9 and the temporary use permit process contained within Chapter 17.68. (Ord. 398 § 6, 2015)
Exhibit B – Zoning Text Amendments

Chapter 17.40

PROPERTY DEVELOPMENT AND DESIGN STANDARDS

Section 17.40.040(A)

21. Guest Houses

a. Development of a guest house shall require that a primary dwelling unit be developed on the lot prior to or concurrent with the guest house.

b. Only one guest house is allowed per lot. Guest houses are not allowed on properties with an attached or detached accessory dwelling unit.

c. Development Standards

1. Siting. Any permitted guest house shall be located within the approved development area for the project site and shall be clustered with the primary dwelling unit and any other approved structures to minimize required fuel modification.

2. Maximum Living Area. The maximum living area of a guest house shall not exceed 900 square feet, including the total floor area of all enclosed space, including any mezzanine or storage space. The maximum living area shall not include the area of a garage included as part of the guest house.

d. Parking

1. A minimum of one on-site parking space shall be provided for the exclusive use of a guest house.

2. One garage not to exceed 400 square feet in size may be permitted as part of a guest house.
Chapter 17.44

ACCESSORY DWELLING UNITS

17.44.010 Title.

This chapter shall be known as the "Malibu Accessory Dwelling Unit Ordinance."

17.44.020 Purpose.

The purpose of this chapter is to allow and regulate accessory dwelling units (ADUs) and Junior accessory dwelling units (JADUs) in compliance with California Government Code Sections 65852.2 and 65852.22.

17.44.030 Effect of Conforming.

An ADU or JADU that conforms to the standards in this chapter will not be:

A. Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.

B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

C. Considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Required to correct a nonconforming zoning condition. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.1. For purposes of this chapter, “nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

17.44.040 Definitions.

Definition of terms used in this Chapter can be found at Section 17.02.060 Definitions.

17.44.050 Areas Permitted.

ADUS and JADUs shall be allowed in areas zoned to allow single-family or multifamily dwelling residential use. These areas include Rural Residential (RR), Single Family (SF), Multiple Family (MF), Multifamily Beach Front (MFBF), and areas designated for single family residential use as part of a Planned Development (PD) zone.

17.44.060 Approvals.

The following approvals apply to ADUs and JADUs developed under this Chapter. Because the city of Malibu lies entirely within the Coastal Zone, every ADU application in the city will be
subject to an analysis for compliance with the Local Coastal Program (LCP) and Coastal Act before it is reviewed for compliance with the city’s ADU ordinance. State law is explicit about the Coastal Act not being preempted by the state’s ADU statute (Government Code Section 65852.2, subdivision(j)).

A. Building-permit Only. After LCP review, an ADU or JADU that complies with each of the general requirements in Section 17.44.090 is allowed with only a building permit in the following scenarios:

1. Converted on Single-family Lot: Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
   a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an existing accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.
   b. Has exterior access that is independent of that for the single-family dwelling.
   c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

2. Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (A)(1) above, if the detached ADU satisfies the following limitations:
   a. The side- and rear-yard setbacks are at least four-feet.
   b. The total development square footage is 800 square feet or smaller.
   c. The peak height above grade is 16 feet or less, as measured from existing or finished grade whichever results in a lower building height.

3. Converted on Multifamily Lot: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may each have a converted ADU under this paragraph.

4. Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
   a. The side- and rear-yard setbacks are at least four feet.
d. The peak height above grade is 16 feet or less, as measured from existing or finished grade whichever results in a lower building height.

B. ADU Administrative Plan Review Permit (ADU APR)

1. Except as allowed under subsection 17.44.060(B) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in Sections 17.44.090 and 17.44.100.

2. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City’s ADU ordinance. The ADU APR permit processing fee is determined by the City Council by resolution.

17.44.070 Process and Timing.

A. An ADU APR permit is considered and approved ministerially, without discretionary review or a hearing.

B. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a complete application, unless either:

1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or

2. In the case of a JADU where the application to create a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

17.44.080 General ADU and JADU Requirements.

The following requirements apply to all ADUs and JADUs that are approved under subsection 17.44.060.

A. Zoning.

1. An ADU or JADU subject only to a building permit under subsection 17.44.060(1) may be created on a lot in a residential zone.

2. An ADU or JADU subject to an ADU APR permit under subsection 17.44.060(2) may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

3. For the purposes of the ADU regulations in this Chapter “multifamily residence” means a building or portion thereof used for occupancy by two or more families living independently of each other and containing two or more dwelling units.
B. Fire Sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.

C. Rental Term. An ADU or JADU created under subsection 17.44.060(A) may not be rented for a term that is shorter than 30 days.

D. Income Reporting. In order to facilitate the city’s obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 65852.2, the following requirements must be satisfied:

1. With the building permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

2. Within 90 days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the city may send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.

E. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. Septic System. If the ADU or JADU will connect to an onsite water treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. The ADU shall comply with all applicable requirements for onsite wastewater treatment systems.

G. Owner Occupancy. All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

H. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder’s office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the City and must provide that:

1. The ADU or JADU may not be sold separately from the primary dwelling.
2. An ADU created in accordance with subsection 17.44.060(A) cannot be rented for less than 30 days.

3. The ADU or JADU is restricted to the approved size unless City approval obtained to increase size.

4. The deed restriction runs with the land and may be enforced against future property owners.

5. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

6. The deed restriction is enforceable by the Director or his or her designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

17.44.090 Specific ADU Requirements.

The following requirements apply only to ADUs that require an ADU APR permit under subsection 17.44.060(B) above.

A. Maximum Size.

1. The maximum size of an ADU subject to this section (17.44.090) is 900 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two bedrooms. No more than two bedrooms are allowed.

2. An ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the TDSF of the existing primary dwelling.

3. Application of TDSF or impermeable coverage development standards might further limit the size of the ADU, but no application of TDSF or impermeable coverage may require the ADU to be less than 800 square feet.

B. Height.
1. No ADU subject to this Section 17.44.090 may exceed 18 feet in height above grade, as measured from existing or finished grade, whichever results in the lower building height.

2. When an existing accessory structure is demolished and is replaced with a new structure for the purposes of creating an ADU, the replacement structure may not exceed 18 feet in height.

C. Setbacks.

   a. Any ADU subject to this Section 17.44.090 shall have a front yard setback that is no less than that of the primary structure or 20 feet for a non-beachfront lot or the average of the two adjacent neighbors for a beachfront lot.

   b. No part of any ADU subject to this Section 17.44.090 may be located within four feet of a side or rear property line.

   c. No additional setback can be required when an existing accessory structure is demolished and is replaced with a new structure for the purposes of creating an ADU if the replacement structure is constructed within the same location and contains the same dimensions, size, bulk and height as the structure it is replacing.

D. Passageway. No passageway, as defined by Section 17.02.060, is required for an ADU.

E. Parking.

   1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by Section 17.02.060.

   2. Exceptions. No parking under subsection (5)(a) above is required in the following situations:

      a. The ADU is located within one-half mile walking distance of public transit, as defined in Section 17.02.060.

      b. The ADU is located within an architecturally and historically significant historic district.

      c. The ADU is part of the proposed or existing primary residence or an existing accessory structure, under Section 17.44.060(A)(1).

      d. When on-street parking permits are required but not offered to the occupant of the ADU.

      e. When there is an established car share vehicle stop located within one block of the ADU.
3. **No Replacement of Parking Required.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU in an existing single family dwelling, those off-street parking spaces are not required to be replaced. If replacement parking is proposed, the parking must be located on hardscape and mechanical automobile parking lifts must be located within an enclosed structure to ensure compliance with coastal resource protection for public views and water quality.

### 17.44.100 Fees.

#### A. Impact Fees.

1. No impact fee shall be charged for an ADU that is less than 750 square feet in size.

2. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the TDSF of the primary dwelling, divided by the TDSF of the ADU, times the typical fee amount charged for a new dwelling.) “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

#### B. Utility Fees.

1. ADUs constructed with a single family dwelling shall be subject to standard utility-connection requirements and fees.

2. Converted ADUs and JADUs or ADUs in an existing accessory structure on a single-family lot, created under 17.44.060(A)(1) are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.

3. All ADUs and JADUs not covered by 17.44.100 (B)(1) above require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the TDSF or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.

### 17.44.110 Alternative Discretionary Process for ADUs.

Any proposed ADU that does not conform to the height or front yard setback standards set forth in Section 17.44.090 may be allowed by the City with a site plan review permit, in accordance with other provisions of this title.
Chapter 17.45

CITYWIDE VIEW PRESERVATION AND RESTORATION*

Sections:

17.45.030 Definitions.

The following definitions shall apply for purposes of this chapter:

A. "Arbitration" means a voluntary legal procedure for settling disputes and leading to a determination of rights of parties, usually consisting of a hearing before an arbitrator where all relevant evidence may be freely admitted.

B. "Arbitrator" means a mutually agreed upon neutral third party professional intermediary who conducts a hearing process, and who hears testimony, considers evidence and makes decisions for the disputing parties.

C. "Certified arborist" means an individual certified as an arborist by the International Society of Arboriculture (ISA).

D. "Claimant" means a property owner who alleges that foliage is causing a significant obstruction of a primary view.

E. "Environmentally sensitive habitat areas or (ESHA)" as defined as set forth in the certified Malibu LCP Local Implementation Plan.

F. "Foliage" means a woody plant with the potential to obstruct primary views. "Foliage" includes without limitation trees, shrubs, hedges and bushes.

G. "Foliage owner" means a person owning property containing foliage that a claimant alleges is causing a significant obstruction of a protected view.

H. "Hedge" means any plant material, trees, stump growth, or shrubbery planted or grown in a dense continuous line, so as to form a thicket, barrier or the substantial equivalent of a living fence.

I. "Main viewing area" means the ground floor of a commercial, institutional or principal residential structure unless the ground floor of a commercial structure consists of garages, parking areas and storage and unless the primary living area of a principal residential structure is not located on the ground floor. If the ground floor of a commercial structure consists of garages, parking areas and storage, the "main viewing area" means the first habitable floor. If the primary living area of a principal residence is not located on the ground floor, the main viewing area means the primary living area of the principal residence. The "main viewing area" may be an abutting outdoor deck or patio area located at relatively the same elevation as the ground floor of a commercial or institutional structure or a primary living area of a residence, whichever has the superior view corridor. Bedrooms, master bedroom retreats, offices, hallways, closets, laundry rooms, mechanical rooms, bathrooms and garages shall not be considered main viewing areas. Application of a primary view corridor requires an established "main viewing area."

J. "Mediation" means a process of using a neutral third person to facilitate a mutually satisfactory solution to a view dispute.

K. "Mediator" means a neutral third person that assists the claimant and foliage owner in finding a mutually satisfactory solution to a view dispute.

L. "Pre-existing view" means a primary view within the structure’s assessed primary view corridor that existed on the date of acquisition of the property or city incorporation, whichever
is more recent. If the property was acquired without a developed, legally-habitable structure, a pre-existing view shall mean a primary view that existed as of issuance of a certificate of occupancy or city incorporation, whichever is more recent. The pre-existing view cannot be a result of a natural disaster or a result of illegal activities.

M. “Primary living area” means the living room, family room, dining room, kitchen or a combination thereof.

N. “Primary view” means visually impressive scenes of the Pacific Ocean, offshore islands, the Santa Monica Mountains, canyons, valleys, or ravines, within a primary view corridor.

O. “Primary view corridor” means a one hundred eighty (180) degree view assessed by the planning director or designee from a single fixed location and direction within the main viewing area, at an elevation of five feet as measured from the room floor or on an abutting outdoor deck or patio at any one point within ten (10) feet of the nearest outside wall of the structure as selected by the affected property owner and the city.

P. “Primary view determination” means a process by which the planning director or designee documents the location of a claimant’s primary view corridor.

Q. “Principal residence” and “principal residential structure” mean the primary residential structure located on a lot. Guest houses, granny flats and second units, accessory dwelling units and junior accessory dwelling units are not principal residences or principal residential structures.

R. “Protected tree” as defined in Section 5.2 of the Malibu Local Coastal Program Local Implementation Plan.

S. “Removal” means the destruction or displacement of foliage by cutting or other mechanical method that result in physical transportation of the foliage from its site and/or death of the foliage.

T. “Restorative action” means measures undertaken to eliminate a significant obstruction of a primary view.

U. “Stump growth” means new growth from the remaining portion of a tree trunk, the main portion of which has been cut off.

V. “View preservation permit” means a permit issued by the city, requiring restorative actions on foliage located on a foliage owner’s property in order to preserve a claimant’s primary view. (Ord. 378 § 3, 2014)