

# Council Agenda Report

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

Prepared by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager *RF*

Date prepared: May 23, 2018 Meeting date: June 11, 2018

Subject: Initiate Amendments to the Malibu Local Coastal Program and Malibu Municipal Code to Address Accessory Dwelling Units

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**RECOMMENDED ACTION:** 1) Adopt Resolution No. 18-28 initiating amendments to the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) Title 17 (Zoning) to address development standards for accessory dwelling units (ADUs), also known as guest houses and second units; and 2) Direct the Planning Commission to schedule a public hearing regarding the amendments.

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

**DISCUSSION:** State law governing the creation of separate living quarters in existing residential developments has evolved over several decades. Initially, state law referred to such units as “granny flats,” because the units were intended to accommodate extended family living under one roof. Thereafter, the units were called “second units,” and the law was broadened to allow such units to be occupied by people of any age. Under then existing law, cities could “opt out” and prohibit second units entirely if they could make evidence-based findings that physical circumstances within the community would not be hospitable to the additional density.

New state requirements regarding local government regulation of ADUs became effective in 2017. The new law, adopted via Senate Bill 1069, Assembly Bill 2299, and Senate Bill 229 and codified at Government Code Sections 65852.2 & 65852.22, eliminates the previous opt out provisions, meaning that every city in California must accommodate ADUs.

The new state law is self-executing, meaning that it applies within every city regardless whether a city takes action or not. But, the state law does not supersede or alter the

application of the California Coastal Act of 1976 except that a city shall not be required to hold public hearings for coastal development permit applications for ADUs.

The City's existing rules in the LCP related to guest houses and second units remain in force (e.g., the maximum square footage is 900-square feet); however, the proposed ADU amendments would update the existing language in the MMC and LCP to ensure consistency with state law and clarify how it is applied in the City. If authorized to proceed, staff will schedule the item for review by the Zoning Ordinance Revisions and Code Enforcement Subcommittee before proceeding to the Planning Commission.

SUMMARY: Staff is requesting that Council direct staff to process the code amendments, and staff will publish a Notice of Availability pursuant to LCP Local Implementation Plan Section 19.3. The amendments will be presented in a public hearing before the Planning Commission. Based on the Planning Commission's recommendation, the amendments will then be presented to the City Council, followed by a submittal to the California Coastal Commission for processing.

ATTACHMENT: Resolution No. 18-28

RESOLUTION NO. 18-28

A RESOLUTION OF THE CITY COUNCIL INITIATING AMENDMENTS TO THE MALIBU LOCAL COASTAL PROGRAM AND TITLE 17 OF THE MALIBU MUNICIPAL CODE TO ADDRESS DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS, ALSO KNOWN AS GUEST HOUSES AND SECOND UNITS

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

SECTION 1. Initiation.

Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Chapter 19 and Malibu Municipal Code (MMC) Chapter 17.74, the City Council hereby initiates amendments to the LCP and MMC to create accessory dwelling unit standards and directs staff to issue a Notice of Availability consistent with LIP Section 19.3.1 to amend the provisions concerning accessory dwelling units

SECTION 2. Planning Commission Hearing.

The Planning Commission is hereby directed to conduct a duly noticed public hearing in accordance with the provisions of LIP Chapter 19 no earlier than six weeks from the date of mailing of the Notice of Availability. Following the public hearing, the Planning Commission shall recommend to the City Council whether it should approve, modify, or reject the amendment. The Planning Commission's recommendation shall be made by resolution carried by the affirmative vote of not less than the majority of the entire Planning Commission.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original ordinances.

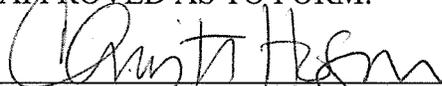
PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of June 2018.

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RICK MULLEN, Mayor

ATTEST:

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HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

  
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CHRISTI HOGIN, City Attorney