

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
PLANNING COMMISSION**

The Malibu Planning Commission will hold public hearing on **MONDAY, December 6, 2021, at 6:30 p.m.** on the project identified below. This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Safer at Home Order. All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

**How to View the Meeting:** No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

**How to Participate Before the Meeting:** Members of the public are encouraged to submit email correspondence to [planningcommission@malibucity.org](mailto:planningcommission@malibucity.org) before the meeting begins.

**How to Participate During the Meeting:** Members of the public wishing to speak or defer time to another speaker during the meeting must participate through the Zoom application and must be present in the Zoom conference to be recognized. The City requests that you sign up to speak before the item you would like to speak on has been called by the Chair. For those wishing to defer time, you are not required to sign up to speak. At the start of public comment for the item, the Chair shall ask members of the public wishing to defer time to raise their hands in the Zoom meeting using the reactions button. Each person will be called to verify their presence in the Zoom meeting and their intent to donate time.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

**ACCESSORY DWELLING UNIT ORDINANCE**

Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 – Consider an amendment and make a recommendation to the City Council to amend the Local Coastal Program (LCP) and Title 17 (Zoning) of the Malibu Municipal Code modifying regulations pertaining to accessory dwelling units, also known as second dwelling units, to bring existing regulations into compliance with State law

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

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. (LCPA). This application is for an LCP amendment which must be certified by the California Coastal Commission before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same

CEQA exemption. The ZTA and LCPA are not a project within the meaning of CEQA Guidelines Section 15378, because they have no potential to result in physical change to the environment, directly or indirectly. The ZTA and LCPA do not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for a new ADU is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the ZTA and LCPA were a "project" within the meaning of State CEQA Guidelines Section 15378, they are exempt from CEQA. CEQA applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility is not subject to CEQA. Moreover, in the event that the ZTA and LCPA are interpreted so as to permit construction of an ADU on a particular site, the construction would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15301 (existing facilities), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. For additional information on the proposed ordinance, visit the City's website at [malibucity.org/ADU](http://malibucity.org/ADU).

**IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.**

If there are any questions regarding this notice, please contact Tyler Eaton, at (310) 456-2489, extension 273.

Richard Mollica, Planning Director

Publish Date: November 11, 2021