City of Malibu

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October 17, 2024

Gabriella Gough, Coastal Program Analyst
California Coastal Commission
South Central District Office
89 South California Street, Suite 200
Ventura, CA 93001
Gabriella.Gough@coastal.ca.gov

VIA WEBLINK

Re: Legislative Hearings Administrative Index
City of Malibu LCPA No. 24-001 – Housing Element Updates (2021-2029 6th RHNA Cycle)

Dear Ms. Gough:

The City of Malibu's Local Coastal Program Amendment No. 24-001 submittal is hereby submitted to the California Coastal Commission for its review. Pursuant to California Code of Regulations, Title 14, Section 13552, the submittal package includes the following:

- City Council Resolution No. 24-49
- City Council Ordinance No. 523
- Proposed Changes in redline / ~~strikethrough~~
- Consistency Analysis
- Administrative Index of Public Participation
- List of Interested Parties

Please note the environmental analysis is contained in City Council Resolution No. 24-48 and Ordinance No. 523.

We look forward to receiving the Coastal Commission agenda report regarding this project. Please call me at 310-456-2489, extension 245, or email me at psalazar@malibucity.org if you have any questions.

Sincerely,

Patricia Salazar
Development and Operations Manager

Enclosures

RESOLUTION NO. 24-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DETERMINING THE PROPOSED AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM (LCP) LAND USE PLAN (LUP) POLICY 6.7 (LOCAL COASTAL PROGRAM AMENDMENT NO. 24-001) AS REQUIRED TO IMPLEMENT THE GOALS, POLICIES, PROGRAMS AND OBJECTIVES OF THE 2021-2029 GENERAL PLAN HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies, programs, and objectives that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and hold first readings on the MMC and LCP amendments; by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt,

the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element on the City website for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments to the City of Malibu Local Coastal Program (LCP) Land Use Plan (LUP) and Malibu Municipal Code (MMC) as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The Planning Commission reviewed and considered the staff report, public testimony, and other information in the record, and adopted Resolution No. 24-59 recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element; adopting Local Coastal Program Amendment (LCPA) No. 24-001 to amend the LCP LUP; and adopting Zoning Text Amendment (ZTA) No. 24-002 to amend Title 17 of the Malibu Municipal Code.

CC. On August 29, 2024, a Notice of Public Hearing of the City Council was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties; regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary amendments to the LCP LUP and MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The City of Malibu Local Coastal Program (LCP) Land Use Plan (LUP) amendment implements the goals, policies, programs, and objectives of the 2021-2029 Housing Element update, and is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The LUP amendment to implement the 2021-2029 Housing Element would not approve any development project and does not propose any standards, regulations, procedures, or application requirements that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the LUP amendment would have a significant effect on the environment.

B. In addition, pursuant to 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. This application is for an amendment to the LCP LUP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LCP 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP LUP amendment is approved, the City must also approve the corollary amendments to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because it is entirely dependent on, related to, and duplicative of the exempt activity, it is subject to the same CEQA exemption.

C. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

D. The proposed amendment is consistent with the provisions of the Malibu General Plan, MMC, LCP, and all other applicable programs.

SECTION 3. Local Coastal Program Land Use Plan Amendment Findings.

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The City Council, based on evidence in the whole record, finds that the LUP amendment is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows and hereby amends the LUP as set forth in SECTION 4:

A. The requirements and standards in the amendment for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 AFFORDABLE HOUSING and 3.4.5 Affordable Housing Overlay District), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendment does not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 4. Local Coastal Program Land Use Plan Amendment.

Policy 6.7 of the LCP LUP shall be replaced in its entirety as follows:

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

SECTION 5. Submittal to the California Coastal Commission.

The City Council hereby directs the City Manager or his designee to submit an application and all necessary materials to the California Coastal Commission to certify an amendment to the City of Malibu LCP LUP related to the implementation of the 2021-2029 Housing Element.

SECTION 6.

The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 23rd day of September 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-49 was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the 23rd day of September 2024 by the following vote:

AYES:	4	Councilmembers:	Grisanti, Uhring, Riggins, Stewart
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	0		

KELSEY PETTIJOHN, City Clerk
(seal)

ORDINANCE NO. 523

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROPOSED CODE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING AMENDMENTS TO THE LOCAL COASTAL PROGRAM (LCP) LOCAL IMPLEMENTATION PLAN (LIP) (LCPA NO. 24-001) SPECIFICALLY LOCAL IMPLEMENTATION PLAN SECTIONS 2.1, 3.3, 3.4.5, 3.6, 3.7, 3.11, 3.14, 6.7, 13.30, AND APPENDIX 1 TABLE B, AND COROLLARY AMENDMENTS TO MALIBU MUNICIPAL CODE (MMC) TITLE 17 ZONING SPECIFICALLY SECTIONS 17.02.060, 17.08, 17.10.020, 17.12.020, 17.12.040, 17.14.020, 17.14.040, 17.24.020, 17.30.020, 17.30.030, 17.34.020, 17.34.030, 17.39.020, 17.40.040, 17.40.120, 17.41.1, 17.42.020, 17.48.030, CHAPTER 17.63, AND APPENDIX 1 (ZONING TEXT AMENDMENT NO. 24-002), AN AMENDMENT TO THE LIP AND MMC TO MODIFY STANDARDS, REGULATIONS, PROCEDURES AND APPLICATION REQUIREMENTS RELATED TO HOUSING PROJECTS CONSISTENT WITH THE CITY'S 2021-2029 HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies, programs, and objectives that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

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O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

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S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and related code amendments by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt, the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element on the City website for a 7-day public review.

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X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments to the City of Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) and Malibu

Municipal Code (MMC) as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The Planning Commission reviewed and considered the staff report, public testimony, and other information in the record, and adopted Resolution No. 24-59 recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element; adopting Local Coastal Program Amendment No. 24-001 to amend the LCP LIP; and adopting Zoning Text Amendment No. 24-002 to amend Title 17 of the Malibu Municipal Code.

CC. On August 29, 2024, a Notice of Public Hearing of the City Council was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties; regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary amendments to the LCP LIP and MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The LCP LIP amendments and MMC amendments implement the goals, policies, programs, and objectives of the 2021-2029 Housing Element update, and are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The LIP and MMC amendments to implement the 2021-2029 Housing Element would not approve any development project and do not propose any standards, regulations, procedures, or application requirements that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the LIP and MMC amendments would have a significant effect on the environment.

B. In addition, pursuant to 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. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LCP 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendments are approved, the City must also approve the corollary amendments to the Zoning Ordinance. These amendments are 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.

C. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

D. The proposed amendments are consistent with the provisions of the Malibu General Plan, MMC, LCP, and all other applicable programs.

SECTION 3. Local Coastal Program Amendment Findings.

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The City Council, based on evidence in the whole record, finds that the LIP amendments are in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows and hereby amends the LIP as set forth in Exhibit A:

A. The requirements and standards in the amendments for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community, as well as those individuals with special needs, (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 AFFORDABLE HOUSING, 3.4.5 Affordable Housing Overlay District, and 13.30 HOUSING ACCESSIBIITY – REQUEST FOR REASONABLE ACCOMMODATION), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 4. Zoning Text Amendment and Findings.

Section 17.74.040(C) of MMC Title 17 Zoning states that before approval of any zoning text amendment, the City Council must make the finding that such amendment is consistent with the general plan as adopted. The City Council, based on evidence in the whole record, makes the finding as follows and hereby amends the MMC Title 17 Zoning as set forth in Exhibit B:

A. The proposed amendments implement the goals, policies, programs, and objectives of the City of Malibu Housing Element 2021-2029, which is consistent with the goals, policies, and objectives of the City of Malibu General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade the environment, LUP Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment, and LUP Policy 1.14: The City shall preserve the City's rural residential character, as the amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 5. Submittal to the California Coastal Commission.

The City Council hereby directs the City Manager or his designee to submit an application and all necessary materials to the California Coastal Commission to certify amendments to the City of Malibu LCP LIP related to the implementation of the 2021-2029 Housing Element.

SECTION 6. Effective Date.

The Local Coastal Program Amendment and Zoning Text Amendment approved in this Ordinance shall become effective after certification by the California Coastal Commission of the Local Coastal Program Amendment.

SECTION 7. Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 9. The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 14th day of October 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

10/14/24

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 523 was passed and adopted at the Regular City Council meeting of October 14, 2024, by the following vote:

AYES:	5	Councilmembers:	Grisanti, Silverstein, Uhring, Riggins, Stewart
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		

KELSEY PETTIJOHN, City Clerk
(seal)

Exhibit A

The City of Malibu Coastal Program (LCP) Local Implementation Plan (LIP) is amended as follows:

A. The following definitions shall be added to Section 2.1:

BY-RIGHT USE – means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

PERMANENT SUPPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

B. The following definitions in Section 2.1 shall be replaced in their entirety as follows:

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless. No individual or household may be denied emergency shelter because of an inability to pay.

LOWER INCOME HOUSEHOLDS —means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

RESIDENTIAL CARE FACILITY, SMALL - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of

limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "PERMANENT SUPPORTIVE HOUSING").

C. Section 3.3(Q)(2)(a) shall be modified to add new subparts v. and vi., as follows:

v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

vi. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

D. Table 1 of Section 3.4.5(B) shall be replaced in its entirety as follows:

Table 1 – AHO District Sites		
Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

E. Section 3.4.5(D) shall be replaced in its entirety as follows:

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, a minimum of twenty percent (20%) of all units shall be deed restricted ("restricted units") as lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in Subsection E below, and a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

2. Development.

a. Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments, unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

3. Restricted Units. The restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

F. Section 3.4.5(E) shall be replaced in its entirety as follows:

E. Affordability.

1. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.1(D)(4) of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to affordable levels according to Section 3.4.5(D)(1)(d) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

   a. The number of restricted units proposed.

   b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

   c. The proposed location of the restricted units.

   d. Amenities and services provided for the unit residents.

   e. Specific level of affordability for each of the restricted units.

   f. Schedule for production of the restricted and market-rate units.

G. Section 3.4.5(F) shall be replaced in its entirety as follows:

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

   a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

   b. Subject to any other form of rent or price control; or

c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

h. Specific level of affordability for each of the replacement units.

H. Section 3.4.5 shall be modified to add new subparts (G) and (H) as follows:

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

I. Section 3.6(E) shall be replaced in its entirety as follows:

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), every residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

   For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

J. Section 3.6(I)(2) shall be replaced in its entirety as follows:

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

K. Section 3.7.1 shall be replaced in its entirety as follows:

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement State Density Bonus Law (Government Code sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code sections 65915 through 65918 are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

    a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

    b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

    c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

        i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act.

        ii. The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.

        iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

    d. If the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

    e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall

grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the

California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

   a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

   b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. Affordable Housing Agreement. For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

F. Affordable Housing Agreement Requirements.

1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required

hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

H. Affordable Housing Fund.

1. Fund Revenues. The fund shall receive all in-lieu fees paid and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

k. Other costs associated with the construction or financing of affordable housing;

l. Reasonable administrative charges or related expenses; and

m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

L. Section 3.11.5 shall be replaced in its entirety as follows:

3.11.5 Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 3.11.5 shall be a permitted use established by-right.

4. Regulations. An emergency shelter is subject to the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

   a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty~~-fifty-five (~~2~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

   b. Facility Requirements.

      i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

      ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B) (4) shall be permitted uses established by-right.

4. Regulations.

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right Permanent Supportive Housing

1. Purpose. The purpose of this section is to provide standards for by-right permanent supportive housing. By-right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(D)(2) and (4). Permanent supportive housing that does not comply with the provisions of this section shall be subject to the standards, requirements, and review process for residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. By-right permanent supportive housing uses that comply with the standards in sections 3.11.5(C)(4) shall be established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this section, the supportive housing development is consistent with all objective standards that apply to other multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP Section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

M. Section 3.14.3 subpart Residential Units shall be replaced in its entirety as follows. The remaining subparts of Section 3.14.3 shall be unchanged.

PARKING STANDARDS

Residential Units

Emergency shelters	One parking space per employee on the ~~largest~~ maximum staff shift.

Large residential care facility	One space for every two beds and 1 space for every employee. In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
Multi-family units	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms - 2 ½ spaces. Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(D)(4)(c).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

N. Section 6.7(A) shall be replaced in its entirety as follows.

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.

5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.

6. An analysis of the potential impacts of the proposed development on the identified public views.

7. Project alternatives designed to avoid and minimize impacts to visual resources.

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

O. Section 13.30(B)(3) shall be replaced in its entirety as follows.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

P. Sections 13.30(D), (E), (F), (G) and (H) shall be replaced in their entirety as follows.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation.

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

3. The reasonable accommodation would not adversely impact coastal resources, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

4. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be

considering the application and inviting written comments on the requested accommodation.

3. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

    a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

Q. The following subparts of Appendix 1, Table B, shall be replaced in their entirety as follows.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP

RESIDENTIAL																
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments) – new or the expansion of over 500 sf of multifamily residential use			P[19]	P[19]					P[20]							
Small residential care facilities (serving 6 or less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•

Q. The following subpart of Appendix 1, Table B, shall be deleted in its entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

R. The following subparts shall be added to Appendix 1, Table B.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•		•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]		•	P[18]	•	•
Supportive housing, by-right			P[22]	P[22]					P[25]	•	•	P[22]					
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]		•	P[18]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[23]	•	•	P[26]		•	•	•	•

S. The following Note 20 of Appendix 1, Table B, shall be replaced in its entirety as follows.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 4458-022-908 only), in compliance with Section 3.4.5.

T. The following Notes 21, 22, 23, 24, 25, and 26 shall be added to Appendix 1, Table B.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.

26. Allowed pursuant to Section 3.11.5.

Exhibit B

Title 17 Zoning of the Malibu Municipal Code (MMC) is amended as follows:

A. The following definitions shall be added to Section 17.02.060:

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or less, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

B. The following definitions in Section 17.02.060 shall be replaced in their entirety as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Lower income households" means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "permanent supportive housing").

C. Section 17.08.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

a. That the animals are located not less than 150 feet from any highway and not less than 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;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

I. Private equestrian and/or hiking trails;

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

D. Section 17.10.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

E. Section 17.12.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

C. Small family day care;

D. Residential care facilities, small;

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

F. Section 17.12.040 shall be replaced in its entirety as follows:

17.12.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

H. Parks and playgrounds;

I. Emergency communication and service facilities.

G. Section 17.14.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Transitional housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses.;

H. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

I. Residential care facilities, small;

I. Affordable housing development projects; and

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

H. Section 17.14.040 shall be replaced in its entirety as follows:

17.14.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Utility facilities related to public projects;

B. Lighted sports courts;

C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

D. Parks and playgrounds;

E. Emergency communication and service facilities.

I. Section 17.24.020 shall be replaced in its entirety as follows:

17.24.020 Permitted uses.
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L));

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

J. Sections 17.30.020 and 17.30.30 shall be replaced in their entirety as follows:

17.30.020 Permitted uses.
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

E. Cultural and artistic uses, such as museums, galleries, performing arts studios;

F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,

2. Manufacturing, processing or treatment of products,

3. Research and development and testing facilities,

4. Wholesale, storage and distribution,

5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

G. Movie theaters;

H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

I. Large residential care facilities involving seven or more persons.

J. Mixed Use (commercial and residential)

K. Sections 17.34.020 and 17.34.30 shall be replaced in their entirety as follows:

17.34.020 Permitted uses.
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel);

F. Emergency shelters;

G. Transitional housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses; and

H. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

17.34.030 Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Public or private educational institutions;

B. Towing and automobile storage;

C. Maintenance yards;

D. Public utility facilities;

E. Libraries, museums;

F. Community centers;

G. Health care facilities;

H. Religious institutions;

J. Day care facilities, nursery schools;

J. Accessory uses when part of an educational or nonprofit use (noncommercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, green-houses, and similar uses;

K. Educational (nonprofit) activities;

L. Emergency communication and service facilities;

M. Farmers' markets operated by a nonprofit charitable organization;

N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));

O. Helipad sites (public agency use only and not for private use);

P. Charitable, philanthropic activities;

Q. Parks, beaches, and playgrounds;

R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);

S. Residential care facilities for the elderly.

L. Section 17.39.020 shall be replaced in its entirety as follows:

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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

6. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

M. Section 17.40.040(A)(5) shall be replaced in its entirety as follows:

5. Height.

   a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

      For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

   c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

N. Section 17.40.040(A)(11) shall be replaced in its entirety as follows:

11. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

   a. Single-family. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre

or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25% requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

O. Section 17.40.120 shall be replaced in its entirety as follows:

17.40.120 Special housing projects.

A. Emergency shelters.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. Regulations. An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

   a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed 2555 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

   b. Facility Requirements.

      i. Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

      ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

c. Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district where the Affordable Housing Overlay (AHO) also applies, and Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial), and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Multiple Family Residential (MF), Multifamily Beach Front (MFBF), Community Commercial (CC), Commercial General (CG),

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

P. Section 17.41.1.010 shall be replaced in its entirety as follows:

A. Purpose. This section is intended to implement the provisions of:

1. State Government Code Sections 65915 through 65918, which require a local jurisdiction to provide incentives for the production of affordable housing units; and

2. The city's general plan housing element policies relating to the provision of affordable housing.

B. Eligibility. A density bonus may be granted to an eligible housing development as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

   b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

   c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

   a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
a
b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

Q. Sections 17.42.020(L)(3), (4) and (5) shall be replaced in their entirety as follows:

3. Standards.

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section, and a minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

b. Development

i. Site of Construction. Structures may be constructed on slopes flatter than 1½:1.

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units. The restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

vi. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

vii. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

R. Section 17.42.020(L) shall be modified to add new subparts (6) and (7) as follows:

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

   a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

      i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

      ii. Subject to any other form of rent or price control; or

      iii. Occupied by low- or very-low-income households.

   b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

   c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

   d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

   e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

   f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

S. Section 17.48.030(A) shall be replaced in its entirety as follows:

A. Residential Uses.	
Emergency shelters	One space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee.

	In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
Multifamily units	For each efficiency or one-bedroom dwelling unit, one space. For each dwelling unit with two or more bedrooms, two spaces. Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 17.40.120(C)(4)(c) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

T. Section 17.63 shall be replaced in its entirety as follows:

17.63.010 Purpose and intent.

This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

17.63.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing

opportunities. Requests related to deviation from the Building Code shall apply directly to the Environmental Sustainability Department.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

17.63.030 Application submittal.

A. Any person with a disability may file an application for a request for reasonable accommodation with the planning department, on a form approved by the planning director and shall contain the following information, accompanied by a fee established by resolution of the city council:

1. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

2. The address of the property for which the request is being made;

3. Current actual use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts;

5. The specific code provision, regulation, procedure or policy from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

6. The length of time the reasonable accommodation is necessary;

7. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

8. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

9. A site plan or illustrative drawing showing the proposed accommodation; and

10. Any other information required to make the findings required by subsection 5 of this section consistent with the Acts.

B. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a discretionary approval (including, but not limited to: CDP, conditional use permit, site plan review, etc.), then the applicant shall file the application submittal information together with the application for discretionary approval for concurrent review.

C. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

D. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible.

17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation.

B. Applications for reasonable accommodation submitted for concurrent review with the CDP application shall be reviewed by the authority reviewing the CDP application.

17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The reasonable accommodation would not adversely impact coastal resources, including:

a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

17.63.060. Decision.

A. The director shall consider an application, and issue a written determination within 45 calendar days of the date of receipt of a completed application. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.

C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

D. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.

E. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.

F. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

U. The following subparts of Appendix 1 shall be replaced in their entirety as follows:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development) – new or the expansion over 500 sf of existing multifamily residential use	•	•	P[30]	P[30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
Small residential care facilities (serving 6 or less persons)	P	P	P	P		•	•	•	•	•	•	•	•	•	•	•
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP[38]	CUP[38]	CUP	CUP	CUP	•	•	•	CUP

Q. The following subparts of Appendix 1 shall be deleted in their entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments	•	•	•	CUP	•	•	•	•		•	•	•	•		•	•	•

R. The following shall be added as subparts to Appendix 1:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[32]	P[32]	P[32]	P[32]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Supportive housing, by-right	•	•	P[33]	P[33]	•	•	•	•	P[36]	•	•	P[33]	•	•	•	•
Transitional housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[34]	•	•	P[37]	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

S. The following Note 31 of Appendix 1 shall be replaced in its entirety as follows:

31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.

T. The following Notes 32, 33, 34, 35, 36, 37, and 38 shall be added to Appendix 1.

32. Employee housing for 6 or fewer persons is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.

33. Allowed pursuant to Section 17.40.120(C).

34. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and pursuant to Section 17.140.120(B).

35. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

36. By-right permanent supportive housing is permitted pursuant to Section 17.40.120(C). Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

37. Allowed pursuant to Section 17.140.120(B).

38. Unless the use is an emergency shelter, low barrier navigation center, or by-right supportive housing, each of which is allowed by right pursuant to Section 17.40.120.

City of Malibu
Housing Element Implementation
Local Coastal Program (LCP) Amendments
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LAND USE PLAN (LUP) AMENDMENT

CHAPTER 6 – SCENIC AND VISUAL RESOURCES

C. Land Use Policies

2. New Development

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

LOCAL IMPLEMENTATION PLAN (LIP) AMENDMENTS

CHAPTER 2—DEFINITIONS

2.1. GENERAL DEFINITIONS

BY-RIGHT USE – the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless person. ~~person and is operated by a government agency or private non-profit organization.~~ No individual or household may be denied emergency shelter because of an inability to pay.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

LOWER INCOME HOUSEHOLDS – ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include Very-Low Income Households, as defined in Section 50105 of the California Health and Safety Code, and Extremely-Low Income Households,~~ include those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

PERMANENT SUPPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

RESIDENTIAL CARE FACILITY, SMALL ~~any family home or group care facility serving 6 or fewer persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities~~ - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a “target population,” and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, “PERMANENT SUPPORTIVE HOUSING”).

3.3. ZONING DISTRICTS

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" 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, 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. Domestic animals, kept as pets.
      iv. Landscaping.
      v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
      vi. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

   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.
      ii. 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.
      iii. Onsite wastewater treatment facilities.

3.4.5. Affordable Housing Overlay District

A. Purpose and Applicability. The Affordable Housing Overlay (AHO) District is intended to identify sites within the City where affordable housing developments may be established and maintained in compliance with this section. In addition to (and not as a limitation of) uses allowed within the underlying zoning district and any other applicable overlay, each property within the AHO District may be developed with an Affordable Housing Development, subject to the provisions set forth below. All requirements for the Malibu LIP that are not inconsistent with the criteria listed below shall remain in effect for those parcels in the Affordable Housing Overlay.

B. Description of Area Subject to LIP Section 3.4.5.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

C. Permitted Uses.

1. Affordable housing development is permitted in the AHO subject to the development standards set forth in this Section. Specifically, on AHO Site Number 3 (2.3 acre portion of 23465 Civic Center Way also known as the La Paz site) an affordable housing development is only permitted if the affordable housing development is either directly developed/constructed by the City, or if the City partners with an affordable housing developer; and eighty percent (80%) of the units are affordable for lower and moderate households, to serve as a public benefit to the City.

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

   a. Have a minimum density of twenty (20) units per net acre.

   b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area ~~including the~~, exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

   c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, ~~all units in excess of the permitted base density of 6 dwelling units per acre, shall be affordable to lower and moderate income households as set forth in Subsection F below. A~~ a minimum of twenty ~~fifty~~ percent (~~50~~20%) of all units ~~in excess of the 6 dwellings units per acre~~ shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s) ~~or units~~, shall be affordable to lower and moderate income households as set forth in Subsection ~~F~~ E below,~~.~~ and ~~A~~ a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

~~E~~2. Development Standards.

~~1~~a. ~~Site of Construction.~~ Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

~~2. General Guidelines. The lower-income multi-family dwelling units required under this Section:~~ 3. Restricted Units. The ~~lower-income~~ restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units;~~ Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. ~~The construction materials and practices shall be comparable to those used for the market rate units~~ The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. ~~The exterior grounds shall be landscaped and well maintained; and~~ May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. ~~The units shall be disbursed throughout the project site and not clustered in a single location.~~ Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

~~F~~E. Affordability.

1. Rental ~~u~~Units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.1(D)(4) of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-sale or O~~o~~wner-O~~o~~ccupied U~~u~~nits. Prior to the issuance of any building permit for an A~~a~~ffordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to ~~levels~~ affordable levels according to Section 3.4.5(D)(1)(d) ~~lower-income households~~ and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

    a. The number of restricted units proposed.

    b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

    c. The proposed location of the restricted units.

    d. Amenities and services provided for the unit residents.

    e. Specific level of affordability for each of the restricted units.

    f. Schedule for production of the restricted and market-rate units.

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

    a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

    b. Subject to any other form of rent or price control; or

    c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units

were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

   h. Specific level of affordability for each of the replacement units.

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income,

restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

3.6 RESIDENTIAL DEVELOPMENT STANDARDS

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

A. Every residence shall have a roof constructed with roofing material in compliance with rating as specified by Title 15 of the Malibu Municipal Code;

B. Every residence shall have an exterior siding of brick, wood, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited;

C. Except as specifically provided herein, every single-family residence shall be not less than twenty (20) feet in width. A single-family residence need only be a minimum of eighteen (18) feet wide when it is to be located on a lot or parcel of land less than twenty-six (26) feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than twenty (20) feet wide, but not less than twelve (12) feet, if the floor area, exclusive of appurtenant structures, is at least nine hundred (900) square feet and the side or sides oriented toward a public street, highway or parkway have a dimension to width;

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

   1. For a single-family residence, not less than eight hundred (800) square feet, exclusive of any appurtenant structures.

   2. For each multifamily dwelling unit, not less than three hundred (300) square feet, exclusive of any appurtenant structures.

E. Height.

   1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), eEvery residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

   3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), fFor new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center

line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

F. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:

1. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.

2. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.

3. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.

4. For the purposes of calculating yards, slopes equal to a greater than 1:1 shall not be included in the lot dimensions.

5. Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.

6. Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

   a. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.

   b. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.

   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.

7. Setbacks shall also be in compliance with Article VIII of the Malibu Municipal Code (Building Code).

G. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:

1. Front. 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. Side. 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum, except as required for view corridors under Section 6.5(E)(2) of the Malibu LIP.

3. Rear. Setbacks for infill development are determined by the stringline rule. Separate setback standards apply to dwellings and decks, as indicated below. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible.

   a. Dwellings. For a dwelling, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast dwelling. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast dwelling.

   b. Decks and patios. For a deck or patio, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast deck or patio. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast deck or patio.

   c. All infill development shall be set back a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. The location of the mean high tide shall be determined in consultation with the State Lands Commission.

4. Stringline modification. Where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development, the applicant may apply for a minor modification pursuant to LIP Section 13.27.1(B)(3). Alternatively, the applicant may apply for a variance pursuant to LIP Section 13.26.

5. Accessory structures. No accessory structure (including, without limitation, a gazebo, cabana) may project seaward of the dwelling stringline.

6. Swimming pools and spas. Pools and spas may project seaward of the dwelling stringline, but in no case may they project seaward of the deck stringline.

7. Stairways. Stairways from decks to the beach may not project seaward of the deck stringline.

8. Fences. Fences, shall not project seaward of the structure stringline, with the exception of any required safety railing around decks that is a maximum of 42 inches in height, and fencing constructed of transparent material such as plexiglass.

9. Shoreline protective devices. A shoreline protective device shall be permitted only if the Planning Manager and the Building Official determine that the device is necessary to protect an existing structure as defined in paragraphs L. and M. of Section 10.4 of the LIP or an existing or new sewage disposal system. A shoreline protective device shall be located as far landward as possible, consistent with the provisions of Chapter 10 of the Malibu LIP.

10. Bluffs. Setbacks shall be consistent with the requirements of Chapter 10 of the Malibu LIP.

H. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed 2 acres, except where otherwise restricted by provisions of the ESHA Overlay Chapter (Chapter 4), Scenic and Visual Resources Chapter (Chapter 6), or Grading Chapter (Chapter 8) of the Malibu LIP.

I. Single Family.

1. Use of permeable surfaces is encouraged, especially for driveways. However, including the primary structure, impermeable surfaces are permitted for residential lot areas (excluding slopes equal to or greater than 1:1), up to 1/4 acre at 45%; for lot areas greater than 1/4 acre but a ½ acre or less, at 35% and for lots greater than 1/2 acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this Paragraph.

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. “Green or living walls” shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

3.7 AFFORDABLE HOUSING

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement ~~the incentive program provided in the~~ State Dd~~D~~ensity Bb~~B~~onus Law (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code Sections 65915 through 65918 et seq. are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915 et seq. . ~~in any residential district through approval by the city council (after recommendation from the planning commission) of a CDP. In order to qualify for a density bonus or other financial incentives or equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~

~~1. At least ten (10) percent of the total units of a housing development for persons and families of lower income;~~

~~2. At least five (5) percent of the total units of a housing development for very low income households;~~

~~3. A senior citizen housing development; or~~

~~4. At least ten (10) percent of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of thirty-five (35) percent shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

C. General Provisions. ~~for Density Bonuses and Incentives/Concessions. In accordance with Government Code Section 65915, the City shall consider a density bonus and provide incentives or concessions for a housing development subject to the following provisions:~~

~~1. Determination of unit count. When determining percentage of housing units which are to be affordable, the density bonus units shall not be included.~~

~~2. Minimum project size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~

~~3. Previous density bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

4. Dispersal of affordable units. “Affordable” or “density bonus” units shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.

5. Regulatory incentives. In accordance with Government Code Section 65915, in addition to a density bonus the City shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost:

    a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.

    b. Approval of mixed-use development in conjunction with a multi-family residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.

    c. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

D. Procedures for Approval.

1. Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

2. Findings. When required by Government Code Section 65915, the City shall grant a density bonus that allows the applicant to build no more than thirty-five (35) percent more units than a property’s zoning would ordinarily allow, if the City finds:

    c. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;

    d. The developer has demonstrated that the density bonus and adjustment of standards is necessary to make the project economically feasible;

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code Section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

    a. For the purposes of calculating the density bonus, the “maximum allowable residential density” shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act~~, Government Code Section 65915 and Section 3.7.1 of the Local Coastal Program~~.

ii. ~~If located within the coastal zone, t~~The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions; and

iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

~~3. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the LCP.~~

~~4. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program coastal resource protection policies and development standards, with the exception of the density provisions.~~

d. If~~, however,~~ the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

~~5~~e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code Section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

~~6. For any housing development where the City approves a density bonus, prior to issuing the coastal development permit, the owner must record an affordable housing agreement~~

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code Section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of Section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

   a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

   b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

   c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

   d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~2. Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

.

4. ~~3.7.2~~ Affordable Housing Agreement. ~~An applicant that chooses any option for satisfying the affordability requirements of this chapter shall enter into an affordable housing agreement ("agreement") with the City. The agreement shall be executed in a recordable form prior to the issuance of a CDP and building permit for any portion of a project including affordable units, subject to the requirements of this chapter.~~ For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

~~1. Low and Very-Low Income Households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of fifty-five (55) years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household and the sale price must be affordable to moderate income households and household and the sale price must be affordable to moderate income households.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Affordable Housing Agreement Requirement.

~~A.~~

1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required

hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

~~B.~~

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

~~C.~~

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915 et seq. The requirements of Government Code section 65915 et seq., and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915 et seq. Any changes to Government Code section 65915 et seq. shall be deemed to supersede and govern over any conflicting provisions contained herein.

~~3.7.3 Affordable Housing Fund~~

H. Affordable Housing Fund.

~~A. Fund Revenues.~~

~~B. Purpose and Limitations.~~

1. Fund Revenues. The fund shall receive all in-lieu fees paid ~~under Section 3.7.1(E)(2)~~ and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

k. Other costs associated with the construction or financing of affordable housing;

l. Reasonable administrative charges or related expenses; and

m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

3.11. DEVELOPMENT STANDARDS FOR SPECIAL USES

3.11.5 ~~Emergency Shelter Requirements~~ Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

~~B.~~

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in section 3.11.5 (A)(4) shall be a permitted use established by-right.

~~C.~~

4. Regulations. An emergency shelter is ~~allowed~~ subject ~~to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, consistent with the LCP and subject~~ to the following standards ~~in each case~~. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~2.~~

a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty-~~fifty-five (2~~5~~5) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~3.~~

b. Facility Requirements.

~~a.~~

i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

~~b.~~

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

~~c.~~

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

~~d.~~

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

~~i.~~

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

~~ii.~~

(2) Dining area;

~~iii.~~

(3) Laundry room;

~~iv.~~

(4) Recreation room;

~~v.~~

(5) Support services (e.g. training, counseling, etc.); and

~~vi.~~

(6) Child care facilities.

~~4.~~

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

~~5.~~

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

~~6.~~

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

~~7.~~

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

~~a.~~

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

~~b.~~

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

~~8.~~

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

~~D.~~

5. Reviewing Authority.

1. ~~Coastal Development Permit applications for emergency shelters shall be reviewed by the appropriate decision making authority in accordance with Section 13.7. A coastal development permit application is required for emergency shelters, unless determined to be exempt, consistent with the LCP, pursuant to LIP Section 13.4, and shall be reviewed by the appropriate decision making authority in accordance with LIP Section 13.7.~~ Applications for a emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B)(2) and (4) shall be permitted use established by-right.

4. Regulations.

   a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
   b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
   c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
   d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
   e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. By right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(C)(2) and (4). Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development

Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (LIP section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

~~3..11.6.~~

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

~~A.~~

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

~~B.~~

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

~~C.~~

3. Laundry facilities must be provided onsite.

~~D.~~

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

~~E.~~

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

~~F.~~

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

~~G.~~

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

~~H.~~

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

3.14.3 Specific Parking Requirements

Parking shall be provided in accordance with the list of uses under this section. Where the standards result in a fraction, the next larger whole number shall be the number of spaces required. For additions to existing developments, the increased parking requirement shall be based only on the addition. A minimum of two spaces shall be provided for any use or development regardless of the size or scope of the use or development. The minimum size for a residential parking space shall be 18 feet long by 10 feet wide. If the specific use is not listed in the following table, the parking requirements listed in each zone district shall apply:

PARKING STANDARDS

Residential Units

Emergency shelters	~~One parking space per 10 adult beds, plus 1~~ One parking space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	One space for every two beds and 1 space for every employee. In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
~~Multi-family units (market rate)~~	~~For each efficiency dwelling unit, 2 spaces which shall be either enclosed or covered~~ ~~For each one-bedroom or two-bedrooms unit, 3 spaces, two both of which shall be enclosed~~ ~~For each additional bedroom above two, 1 space which shall be enclosed or covered~~ ~~Guest parking for each 4 units or fraction thereof, 1 space~~
Multi-family units ~~(affordable)~~	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms ~~-bedroom or three-~~bedrooms ~~unit,~~ 2 ½ spaces., ~~inclusive of guest parking~~ ~~For each four-bedroom or larger unit, 2 ½ spaces~~

	Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(C)(3)(j).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

6.7 APPLICATION SUBMITTAL REQUIREMENTS

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.

5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.

~~5.~~

6. An analysis of the potential impacts of the proposed development on the identified public views.

~~6.~~

7. Project alternatives designed to avoid and minimize impacts to visual resources.

~~7.~~

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

B. Applications for land divisions shall include a grading plan, drainage/polluted runoff control plan, landscape plan, conceptual fuel modification plan (based on anticipated location of future structures), line of sight analysis showing the view of the project site from public viewing areas, and landscaping plans for any proposed slopes. These plans shall depict the proposed building pad or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel. If deemed necessary the visual analysis shall include the placement of story poles and stakes to indicate the location and extent of building pads and grading necessary to develop the site.

13.30 HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

A. Purpose and Intent. This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making, and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits ~~or substantially limits~~ one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

C. Application Submittal.

1. Any person with a disability may file an application for a request for reasonable accommodation with the Planning Department, on a form approved by the Planning Director and shall contain the following information, accompanied by a fee established by resolution of the City Council:

   a. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

   b. The address of the property for which the request is being made;

   c. Current actual use of the property;

   d. The basis for the claim that the individual is considered disabled under the Acts;

   e. The specific code provision, regulation, procedure or policy of the LCP from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

f. The length of time the reasonable accommodation is necessary;

g. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

h. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

i. A site plan or illustrative drawing showing the proposed accommodation; and

j. Any other information required to make the findings required by subsection (F)(5) of this section consistent with the Acts.

2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a CDP, then the applicant shall file the application submittal information together with the application for the CDP for concurrent review.

3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation. ~~The Director may, in his/her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings <u>in compliance with the Acts</u>:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The ~~approved~~ reasonable accommodation is necessary to make <u>the specific</u> housing available to a person with a disability as defined in subsection (B)(3) above.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources~~.~~, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be considering the application and inviting written comments on the requested accommodation.

~~3. Upon referral from the Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The Commission shall issue a written determination within forty-five (45) calendar days after such public meeting.~~

3.

~~4.~~ Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4.

~~5.~~ The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5.

~~6.~~ The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6.

~~7.~~ While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7.

~~8.~~ Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

~~G~~. H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

~~H.~~ I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

~~I.~~J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance

regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required [time period set forth in this section.

~~J.~~K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

    a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

Appendix 1

TABLE B PERMITTED USES

KEY TO TABLE (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	**Permitted use**
MCUP	**Requires the approval of a minor Conditional Use Permit by the Director**
CUP	**Requires the approval of a Conditional Use Permit**
A	**Permitted only as an accessory use to an otherwise permitted use**
LFDC	**Requires the approval of a Large Family Day Care permit**
WTF	**Requires the approval of a Wireless Telecommunications Facility**
•	**Not permitted (Prohibited)**

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RESIDENTIAL																
Single-family residential[17]	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Manufactured homes	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments[18]) – new or the expansion of over 500 sf of multifamily residential use	•	•	~~CUP~~[19]	~~CUP~~[19]	•	•	•	•	P[20]	•	•	•	•	•	•	•
Second units	A[1]	A[1]	A[1]	A[1]	•	•	•	•	•	•	•	•	•	•	•	•
Mobile home parks	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•

Mobile home as residence during construction	P	P	P	MCUP	•	•	•	•	•	•	•	•	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Accessory uses (guest units, garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (noncommercial), sports courts (non-illuminated), corrals (noncommercial), and similar uses)	A1	A1	A1	A1	•	•	•	•	•	•	•	•	•	•	•	•
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•	•	•	•	•
~~Residential care facilities (serving 6 or fewer persons)~~	~~P~~	~~P~~	~~P~~	•	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care facilities (serving 7 or more persons)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Small residential care facilities (serving 6 or ~~fewer~~ less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Supportive housing, by-right	•	•	P[22]	P[22]	•	•	•	•	P[25]	•	•	P[22]	•	•	•	•
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P [23]	•	•	P [26]	•	•	•	•
Small family day care (serving 6 or fewer persons)	A	A	A	•	•	•	•	•	•	•	•	•	•	•	•	•

Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	•	•	•	•	•	•	•	•	•	•	•	•
AGRICULTURAL/ANIMAL-RELATED																
Agricultural employee housing, as an accessory use, animal related	A	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Agricultural employee housing, as an accessory use crop related	A	A	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
Domestic animals kept as pets or for personal use	A	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•
Equestrian and hiking trails (public and private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities)	•	•	•	•	•	CUP	•	•	CUP	•	•	CUP	•	•	•	•

Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals, provided 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	P_3	•	•	•	•	CUP[3]	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P	A	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Boarding of horses as a commercial use	MCUP[3]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Raising of hogs or pigs	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Greenhouses	P	•	CUP	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•

USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	CUP	•	•	•	•	•	•	•	•	•	•	CUP[13]	•	•
Wildlife preserves	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
RETAIL USES																
Book stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Convenience stores	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Food markets	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hardware, garden supply stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•

Liquor stores	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Plant nurseries	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Prescription pharmacies	•	•	•	•	•	•	A	P	P	P	P	P	•	•	•	•
Stationary supplies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Visitor-oriented goods such as recreational equipment and clothing, souvenirs, local arts/crafts, and similar uses	•	•	•	•	•	•	•	MCUP	•	P	P	•	•	•	•	•
GENERAL SERVICES																
Bakeries (no on-site seating)	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
OFFICE/HEALTH USES																
Banks, financial institutions	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Health care facilities	•	•	•	•	•	•	•	□	CUP	CUP[4]	CUP[4]	CUP	•	CUP	•	•

USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Medical, dental, physical therapy, and veterinary clinics and offices	•	•	•	•	•	•	P	P[5]	P[5]	P[4,5]	P[4,5]	P[5]	•	•	•	•
Professional offices	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
DINING, DRINKING, AND ENTERTAINMENT																
Amphitheatre	•	•	•	•	•	•	•	•	•	P	P	□	•	•	•	•

Bars	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Live entertainment	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Movie theaters	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Restaurants	•	•	•	•	•	•	•	CUP[6]	CUP[7]	CUP[7]	CUP[7]	CUP[7]	•	•	•	•
AUTOMOTIVE RELATED USES																
Vehicle washing/detailing	•	•	•	•	•	•	•	CUP[8]	CUP[8]	•	•	CUP	•	•	•	•
Service stations (without convenience market)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	CUP	•	•
RECREATION AND LEISURE																
Camping	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
Guest Cabins	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•
Community stage theaters	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cultural and artistic uses (such as museums, galleries, performing arts venues)	•	•	•	•	•	CUP	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Dance studios	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Golf driving ranges	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	P	•
Health clubs	•	•	•	•	•	•	•	P	P	P	P	P	•	•	P	•
Hotels	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•
Motels, bed and breakfast inns	•	•	•	•	•	•	•	•	•	CUP	CUP	•	•	•	•	•
Parks, beaches, and playgrounds	CUP	CUP	CUP	CUP	•	P	•	CUP	CUP	CUP	CUP	CUP	P	CUP	P	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Public Beach Accessway	P	P	P	P	P	•	•	P	P	P	P	P	P	•	•	•
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	A	•	•	CUP	CUP[9]	CUP[9]	CUP	P	P[14]	P	•
Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes)	•	•	CUP	CUP	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•
Recreational vehicle parks	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	P
Sports courts (lighted)	•	•	•	•	•	•	•	CUP	CUP	CUP[9]	CUP[9]	CUP	•	•	•	•
Sports fields (lighted)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP[11]	•	•
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Charitable, philanthropic activities	•	•	•	•	•	•	•	P[10]	P[10]	P[10]	P[10]	P[10]	•	CUP	•	•
Churches, temples, and other places of worship	•	•	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Community centers	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Day care facilities, nursery schools	CUP	CUP	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Educational (non-profit) activities	•	•	•	•	•	•	•	P	P	P	P	P	P	CUP	•	•
Educational institutions (public or private)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Emergency communication and service facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP	CUP	CUP	CUP

Emergency Shelters	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•
Farmers' markets operated by a nonprofit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Helipad sites	CUP	•	•	•	•	•	•	P	P	P	P	•	•	CUP[12]	•	•
USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P[4]	P[4]	P	•	P	•	•
Libraries, museums	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Maintenance yards	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP[15]	CUP	•	•
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP[4]	CUP[4]	•	CUP[13]	•	•
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	CUP[16]	CUP	•	•	•	•
Wireless telecommunications antennae and facilities	WTF	•	•	•	•	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF
CONSTRUCTION/LIGHT INDUSTRIAL USES																
Construction services (neighborhood-serving)	•	•	•	•	•	•	•	•	CUP	•	•	CUP	•	•	•	•
Manufacturing, processing, or treatment of products	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Masonry and building supplies	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Metal welding	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Research and development, testing facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Self-storage	•	•	•	•	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•

Wholesale, storage, and distribution	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
OTHER USES																
Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m.	•	•	•	•	•	•	MCUP	MCUP	•	•	•	•	•	•	•	•
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

Notes:

1. Subject to Residential Development Standards (Section 3.6).
2. Subject to Home Occupations Standards [(Section 3.6(O)].
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.
6. Maximum interior occupancy of 125 persons.
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.

17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.

19. Multi-family development associated with an affordable housing development project is permitted by right.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APN~~s 4458-022-023 and 4458-022-024~~ 4458-022-908 only), in compliance with Section 3.4.5.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.

26. Allowed pursuant to Section 3.11.5.

LCPA Consistency Analysis for the 2021-2029 Housing Element

The intent of the Local Coastal Program Amendment (LCPA) is to implement the City of Malibu 2021-2029 Housing Element. The various amendments that are part of the LCPA carry out multiple Housing Element objectives. Each objective is listed below, along with a summary of the specific Land Use Plan (LUP) and/or Local Implementation Plan (LIP) changes, and an analysis of the changes' consistency with the Coastal Act and/or LUP. Most of the amendments are to the LIP, with only one amendment to the LUP. LIP Section 19.6 lists required findings to be made by the City of Malibu City Council before approval of any LCP Amendment. These findings were made by the City Council on September 23, 2024, and are discussed in the last portion of this document.

All objectives pertain to promoting housing development, particularly affordable housing. The overarching policies of Chapter 3 of the Coastal Act address public access, recreation, marine environment, land resources (agriculture and environmentally sensitive habitat areas-EHSA), development, industrial development, and sea level rise. While the objectives and amendments do not specifically pertain to all these listed overarching policy categories, the amendments do not conflict with such policies. Housing related development will still require a Coastal Development Permit (CDP) and findings to be made consisting of requiring conformance with the LCP; conformance with public access and recreation policies of the Coastal Act; determination that the project is the least environmentally damaging alternative; and determination that if the project is in ESHA, it conforms to Environmental Review Board recommendations. The amendments do not identify new sites for development, nor entail re-zoning of any properties.

A. Local Implementation Plan (LIP) Amendment

1. Housing Element Program 2.3 Replacement Housing, Objective 2.3.a.

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will amend the LIP and MMC to require the replacement of existing residential units on nonvacant RHNA sites as a condition of project approval for development. Specifically, sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households are subject to this requirement. Those units shall be replaced with units affordable to the same or lower-income level as a condition of any development on the site. Replacement requirements shall also be consistent with those set forth in the State Density Bonus Law.

Amend the LIP to establish the replacement requirements pursuant to AB 1397.

LIP Amendment

Add LIP subsection 3.4.5(F)(3) (Replacement Housing) to Section 3.4.5(F) (Affordable Housing Overlay District). The amendment applies to new affordable housing developments on sites in the Affordable Housing Overlay District that currently have residential uses, or within the past five years have had residential uses, that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low or very low-income households. These new affordable housing development projects are required to replace affordable dwelling units meeting the conditions listed above with those affordable to the same or lower category of income level as part of a new project.

Currently, the AHO identifies the following sites for potential affordable housing developments, which are vacant and do not have any recorded instrument for rent or price control restriction. Should these sites be developed with affordable units in the future, this amendment is to ensure no net loss of "restricted" (affordable) dwelling units, if a subsequent development occurs after the affordable units are initially constructed.

Site #	APNs	Address
1	4467-013-022 & -023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3-acre portion of 23465 Civic Center Way (La Paz site and formerly known as 3700 La Paz Lane)

Consistency Analysis

The amendment supports the provision of affordable housing within the City while assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people, consistent with LUP Chapter 1 (Introduction) Section D. General Goals and Objectives, Item (b). It is consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income, and Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

2. Housing Element Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.a. (Transitional and Supportive Housing)

Amend the LIP to allow transitional and supportive housing in all zones allowing residential uses, including the CC zone, as a regular residential use to be similarly

permitted as other uses of the same housing type in the same zone. Amend the LIP to allow supportive housing by right (AB 2162).

LIP Amendment

Add transitional housing and supportive housing as permitted uses in all zoning districts where housing is allowed. These include Community Commercial (CC), Commercial General (CG), Institutional (I), and Malibu Estates Planned Development (PD) where they need to be allowed in the same manner as other residential uses in the same zone (either single-family or multiple family housing depending on what the zone allows). In the CC zone, supportive housing would only be allowed on the La Paz parcel (APN 4458-022-908) which is in the Affordable Housing Overlay, since that is the only housing permitted in the CC zone.

Transitional housing and supportive housing uses are currently permitted, and would remain permitted, in the Rural Residential (RR), Single-Family (SF), Multiple-Family (MF), and Multifamily Beach Front (MFBF) zones, but transitional housing and supportive housing are now referenced separately (previously, they were combined as one item), and, in the MF and MFBF zones, a provision has been added to distinguish between supportive housing and the new use of "by right permanent supportive housing," with a reference to a new Section 3.11.5(C) for "by right permanent supportive housing" provisions. The provisions in Section 3.11.5(C) implement Government Code section 65651(a) by allowing the use by right (no discretionary review) if it meets all the requirements stipulated in the Government Code section. Such use must be allowed in all zoning districts that allow multi-family residential or mixed-use developments (MF, MFBF, CC, and CG). By right permanent supportive housing that entails a new development in these zones would still require a Coastal Development Permit (CDP).

LIP Amendment:

- Update Section 2.1 (General Definitions) to be consistent with the Government Code definition for supportive housing.
- Update Section 3.3(Q)(2) (Planned Development Zone (PD)) for Lots 1-5 to allow transitional housing and supportive housing.
- Add new Section 3.11.5(D) for by right permanent supportive housing required provisions consistent with Government Code section 65651(a).
- Update Section 3.14.3 (Specific Parking Requirements) to add transitional and supportive housing minimum parking space requirements the same as other uses of the same housing type in the same zone.
- Update LIP Appendix 1 (Table B Permitted Uses) to add transitional housing and supportive housing as permitted uses in the RR, SF, MF, MFBF, I, CC, and CG zoning districts, and by right permanent supportive housing as a permitted use in the MF, MFBF, CC, and CG zoning districts.

The purpose of this amendment is to remove impediments to creating transitional and supportive housing, and to permit a new housing category, "by right permanent supportive housing" providing certain conditions are met, consistent with the Government Code. If the by right permanent supportive housing is not just a use approval, but a development, a CDP would be required. A CDP would only be issued if it was determined that the proposed development is consistent with the findings in LIP Section 13.9, including protecting sensitive environmental habitat, public access, and overall conformance with the LIP provisions, consistent with LUP Chapter 5. NEW DEVELOPMENT, Section C. Land Use Plan Policies, Item 5.1 that all development that requires a coastal development permit is subject to written findings by the City's decision-making body for Coastal Development Permits (CDP). Development of other supportive housing and transitional housing would also require a CDP.

Consistency Analysis

The amendment would ensure that housing opportunities in the City of Malibu are diverse and meet the needs of a wide spectrum of people, including lower-income populations and those with special needs. As such, the amendment is consistent with assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people (LUP Chapter 1, Section D., Item (b)), and it is consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate-income and Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate-income in the coastal zone.

3. Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.c. (Emergency Shelters)

Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities for emergency shelters to meet the requirements of AB 2339. Remove any requirements that are not required for other residential uses in the same zone. Amend LIP parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code Section 65583, subdivision (a)(4)(A).

LIP Amendment

- Update Section 2.1 (General Definitions) to be consistent with the Government Code definition for emergency shelters.
- Update Section 3.14.3 (Specific Parking Requirements) for emergency shelters parking requirements to be consistent with the Government Code by removing the requirement for one parking space per 10 adult beds and maintaining the requirement for one parking space per employee on the shift with the most employees.

- Update Section 3.11 (Development Standards for Special Uses) to create a new subsection 3.11.5 (Special Housing Projects), including reorganization, revisions to provisions for emergency shelters (Section 3.11.5(A)), and addition of provisions for low barrier navigation centers (see Objective 2.4.d.) and by-right permanent supportive housing (see Objective 2.4.a.). Portions of the existing text for emergency shelters have been updated to comply with current Government Code requirements, such as removing the requirement for adequate water supply and sewage disposal capabilities. In addition, the maximum capacity limit for an emergency shelter has been increased from 25 to 55, based on a survey of the number of homeless individuals conducted in the City (2024 Greater Los Angeles Homeless Count referenced in the Housing Constraints section of the Housing Element). The overall reorganization of Section 3.11 to Section 3.11.5 is to better present provisions for various types of special housing, two of which are new categories, under an overall section addressing types of special housing.

This amendment makes changes to the existing LIP provisions for emergency shelters to ensure the definition and allowance of an emergency shelter are consistent with the Government Code. It also ensures that parking space requirements are not excessive and removes other impediments to creating emergency shelters to ensure compliance with the Government Code, such as requiring proximity to public transit and requiring water and wastewater provisions that are not required of other uses in the same zoning district. Currently, the LIP requires an emergency shelter be located no further than 2,000 feet from a public transit stop, and that it shall only be permitted where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability. The City does not have a robust transit system, with transit consisting of a single bus line along PCH. The Government Code (section 65583(a)(4)(B)) specifies the objective standards that emergency shelters shall only be subject to, which do not include transit proximity, water supply, or sewage disposal. Provisions that are not required for other residential uses in the same zone must not remain. Because these standards are not specifically listed for other residential uses allowed in the same zones where emergency shelters are permitted, they must be removed for emergency shelters.

Elsewhere in the LIP, there are requirements for all types of developments to have adequate water supply for domestic use and properly functioning wastewater disposal (i.e., onsite wastewater treatment systems) that meet City and Regional Water Quality Control Board standards (LIP Sections 15.2(B)(8) and 18.4, respectively). Per LIP Section 15.2(B)(8), no creation of a parcel shall be approved unless the City finds that there is an adequate water supply for domestic use to serve the parcel (and therefore subsequent development of the parcel). In addition, the Los Angeles County Waterworks District and City of Malibu Environmental Health Division are responsible for ensuring adequate water supply and sewage disposal, respectively, for any new development or use in the City of Malibu prior to issuance of a use and/or development approval.

Consistency Analysis

The amendment would ensure that housing opportunities in the City of Malibu are diverse and meet the needs of a wide spectrum of people, including those in need of emergency shelters on a temporary basis. As such, the amendment is consistent with assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people (LUP Chapter 1, Section D, Item (b)), and it is consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate-income and Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate-income in the coastal zone.

Policies 5.46, 5.47, and 5.53 of the LUP require new development to have adequate potable water. Policy 5.34 requires land divisions outside of existing developed areas to have adequate public services. Existing LIP Sections 15.2(B)(8) and 18.4 requiring adequate water supply and wastewater systems (i.e., onsite wastewater treatment system) prior to approval of parcel creation would continue to ensure that such services and infrastructure are provided for emergency shelters, as well as other uses and development in the City. This existing provision is consistent with LUP Chapter 5 (New Development), Section 3. General Policies, Item 5.3, "A coastal development permit may only be approved for new development on legally created lots. All applications for new development on a vacant parcel shall include evidence of the date and method by which the subject parcel was created."

The reduction in required off-street parking spaces is consistent with LUP Chapter 5. (New Development), Section C. Land Use Plan Policies, Item 5.4, that requires off-street parking to be provided for all new development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. Because adequate parking, consistent with the provisions of the Government Code, will be provided for emergency shelters, public parking for access to coastal resources and recreation will not be adversely affected.

4. Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.d. (Low Barrier Navigation Center)

Amend the LIP to comply with Government Code Section 65661 which requires a Low Barrier Navigation Center to be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided specific requirements of the law are met.

LIP Amendment

- Add new Section 3.11.5(B) for low barrier navigation center requirements and provisions.
- Add to Section 2.1 (General Definitions) a definition for low barrier navigation center and coordinated entry system consistent (a requirement of low barrier navigation centers) with the Government Code.
- Add to Section 3.14.3 (Specific Parking Requirements) parking requirements for a low barrier navigation center.
- Add to LIP Appendix 1 (Table B Permitted Uses) low barrier navigation center as a permitted use in the CC and CG zoning districts.

This amendment is to be consistent with the Government Code and creates a new housing category, low barrier navigation center, as required by the Government Code. The use would be allowed by right (non-discretionary) in the identified zoning districts if it is consistent with specified requirements for the facility, including operations, as stipulated by the Government Code. If a low barrier navigation center entails new development, a CDP would be required.

Consistency Analysis

The amendment would ensure that housing opportunities in the City of Malibu are diverse and meet the needs of a wide spectrum of people, including those needing temporary housing with low barriers for entry. As such, the amendment is consistent with assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people (LUP Chapter 1, Section D, Item (b)), and it is consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate-income and Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate-income in the coastal zone.

A CDP for a low barrier navigation center proposing development would only be issued if it was determined that the proposed development is consistent with the findings in LIP Section 13.9, including protecting sensitive environmental habitat, public access, and overall conformance with the LIP provisions, consistent with LUP Chapter 5. NEW DEVELOPMENT, Section C. Land Use Plan Policies, Item 5.1 that all development that requires a coastal development permit is subject to written findings by the City's decision-making body for coastal development permits.

5. Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.e. (Employee Housing)

Amend the LIP to comply with State Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

LIP Amendment

- Add to LIP Appendix 1 (Table B Permitted Uses) employee housing for six or fewer persons as a permitted use in the RR, SF, MF, and MFBF zoning districts in the same manner as a single-family residence.

This amendment is to comply with State Employee Housing Act requirements and remove barriers to the creation of employee housing.

Consistency Analysis

The amendment would ensure that housing opportunities in the City of Malibu are diverse and meet the needs of a wide spectrum of people, including housing for employees. Therefore, the amendment is consistent with assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people (LUP Chapter 1, Section D, Item (b)), and it is consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income and Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

6. Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.f. (Parking)

Amend the parking requirements for studios/1-bedroom and 2 or more bedroom multifamily units to reduce the number required.

LIP Amendment

- Update Section 3.14.3 (Specific Parking Requirements) for multi-family residential uses such that either market rate or affordable efficiency and one-bedroom units require one parking space and units with two or more bedrooms require two spaces. Provisions for guest parking are not changed. The existing requirements for market rate dwelling units are two spaces for an efficiency unit which shall be either enclosed or covered, three spaces for one-bedroom and two-bedroom units which shall be either enclosed or covered, and for each additional bedroom above two, one space which shall be either enclosed or covered. Guest parking is one space for every four units. For affordable dwelling units, the existing requirements are one space for efficiency and one-bedroom units, two and one-half spaces for two- or three-bedroom units inclusive of guest parking, and for each four-bedroom or larger unit, two and one half spaces. Guest parking is the same as that for market rate units.

The purpose of this amendment is to encourage multi-family residential development by reducing the parking space requirements for such use. Parking occupies land area that

could otherwise be used to create more dwelling units, and providing parking spaces adds to development costs. Multi-family residential units are inherently more affordable than single-family residences, and affordable units, if they are to be created, are frequently created in multi-family residential projects. Therefore, this amendment would promote the creation of affordable units.

Consistency Analysis

The amendment provides a development incentive to support the feasibility of creating multi-family residential projects, including affordable dwelling units. The amendment will encourage affordable housing in the City, consistent with LUP Chapter 1, Section D., Item (b) to assure the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people; Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income; and Coastal Act Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Policy 5.4 of the LUP states that off-street parking shall be provided for all new development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. The amendment will not conflict with Policy 5.4 as the reduction in required parking spaces pertains to multi-family residential projects, which will not affect public parking available for public access and recreation in the Coastal Zone.

7. Program 3.1 Facilitate the Development of New Housing for Extremely Low-, Very Low-, and Moderate-Income Households, Objective 3.1.e. (Residential Density)

Amend the development standards of the Affordable Housing Overlay Zone as described in the LIP to include a maximum density independent of the state density bonus.

LIP Amendment

- Update Section 3.4.5(D) (Affordable Housing Overlay District Standards) to indicate that the maximum allowed density specified for the AHO is separate from the additional density that would be permitted under Section 3.7.1 (Residential density bonus), which is that permitted by State Density Bonus Law (Government Code section 65583.2 et seq).
- Update Section 3.4.5 Table 1 (AHO Districts Sites) with new assessor's parcel number for the La Paz site.

This amendment is to clarify that the existing maximum density provisions in the AHO are separate from the additional density that may be permitted pursuant to State Density Bonus Law, the latter of which could increase the allowed density above the maximum

specified in Section 3.4.5. Additionally, the assessor's parcel number for one of the AHO sites listed has been updated to reflect changes in the County Assessor's Office identification number.

Consistency Analysis

The amendment is to assure that the LIP residential density bonus provisions are consistent with State Density Bonus Law, which states that the additional density that may be granted in accordance with the State Density Bonus Law is in addition to the maximum density permitted in the zoning district and land use designation of the local jurisdiction. Because the amendment provides clarity on the permitted density allowed with the provision of affordable housing units, it is consistent with LUP Chapter 1, Section D., Item (b) to assure the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people; Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income; and Coastal Act Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

8. Program 3.3 Housing for Persons with Special Needs, Objective 3.3.d. (Reasonable Accommodations)

Amend the Local Implementation Plan (LIP) to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, clarify in the LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

LIP Amendment

Update Section 13.30 (Housing Accessibility – Request for Reasonable Accommodation) to comply with requirements for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies, and procedures. These include removing the discretion of the Planning Director to refer applications that may have a material effect on surrounding properties to the Planning Commission. The Planning Director will review all reasonable accommodations applications if no approval is sought other than the reasonable accommodations request. If other approvals are sought along with the reasonable accommodations request, that would be within the review authority of the Planning Commission or City Council, then the reasonable accommodation request would be reviewed by that decision making body. The review and approval of the request must not be contingent upon the findings of other discretionary actions. Additional provisions are added to the required finding that the reasonable accommodation would not adversely impact coastal resources by specifically

addressing public access, wetlands, environmentally sensitive habitat areas, public views, and feasible alternatives.

This amendment is to comply with the Government Code. Federal Housing Act, and the California Fair Employment and Housing Act by expediting the review and processing of requests for reasonable accommodations in housing, including creating objective findings for approval, while protecting specific coastal resources.

Consistency Analysis

The amendment ensures that housing opportunities in the City of Malibu are diverse and meet the needs of a wide spectrum of people, including those with disabilities seeking equal access to housing. Because it promotes housing opportunities and protects coastal resources, it is consistent with LUP Chapter 1, Section D., Item (b) to assure the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people.

9. Program 3.4 Density Bonus, Objective 3.4.a.

Amend city density bonus regulations consistent with state law (Government Code Section 65915 et seq.).

LIP Amendment

Update Section 3.7.1 (Residential Density Bonus) to be consistent with Government Code (section 65915 et seq.) provisions, including multiple legislative changes in recent years to State Density Bonus Law. Due to the complexity and frequent amendments to State Density Bonus Law, many of the LIP provisions reference specific Government Code sections as opposed to enumerating each Government Code provision in the LIP. For example, the Government Code is referenced for the specific number of incentives/concessions and waivers of standards that may be granted, as well as for the amount of density bonus and required income categories. The Government Code is also referenced for the types of projects qualifying for a density bonus. The new provisions for construction and integration of the affordable units, replacement housing, required findings, and implementation procedures are specifically addressed in Section 3.7.1.

The amendment is to update the residential density bonus section of the LIP with the most current legislative and Government Code provisions to ensure consistency with state law.

Consistency Analysis

The amendment updates the existing residential density bonus provisions of the LIP. By ensuring consistency with the State Density Bonus Law, the amendment continues to provide a range of development incentives to support affordable housing in the City while ensuring the protection of sensitive coastal resources, public scenic views, and public access. Following state law, a density bonus for a particular housing development project

would only be granted if it is determined that the density bonus, including any concession/incentive or waiver of a standard, could not feasibly be accommodated on the site in a manner that conforms with the Coastal Act (Govt. Code section 65915(m)). Therefore, the amendment is consistent with LUP Chapter 1, Section D., Item (b)) by assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people. It is also consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income and Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

10. Program 3.5 By-Right Approval, Objective 3.5.a. (RHNA Sites in AHO)

Program 3.5

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower income RHNA are subject to by-right approval without discretionary actions and exempt from CEQA and subject only to design review based on objective standards when a project includes 20 percent of the units affordable to lower income households.

Reuse Sites (No Rezoning Required):

- *Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and*

- *Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower income RHNA.*

The AHO parcels included in the Sites Inventory are subject to the by-right approval requirements of Government Code section 65583.2. The AHO designation on these parcels already allows by-right approval by the City with a certain threshold of units affordable to lower-income households. The City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while complying with the MMC and LIP.

Objective 3.5.a.

Modify existing threshold requirements to implement the by-right approval requirement without discretionary review for 20 percent affordability to lower-income households for the AHO parcels in the Sites Inventory concurrent with readoption of the Housing Element and pursue LIP amendment, if necessary, to be consistent with state law (Government Code Section 65583.2).

LIP Amendment

Updates Section 3.4.5 (Affordable Housing Overlay District) for Sites 1 and 2 (Regional Housing Needs Allocation – RHNA - site inventory) for by-right approval of use and subdivisions if the required affordable units are provided. The revisions include changing the minimum required percent of affordable units from 50 to 20; adding objective development standards pertaining to the affordable ("restricted") units; identifying the residential development standards of Section 3.6 as applying to affordable housing developments; adding a requirement for a housing plan to be submitted as part of an application for affordable housing development; requiring replacement housing; and stipulating administration and monitoring requirements. Affordable housing projects that include development will continue to require a CDP. At this time, there are only two sites in the AHO that have been identified as RHNA sites to which the updated Section 3.4.5 would apply.

The amendment serves to encourage the development of affordable units in the AHO, including on RHNA sites.

Consistency Analysis

The amendment provides development incentives for and expedites the creation of, multi-family residential development, including affordable housing on the AHO sites, including RHNA sites in the City. The decrease in the percentage of affordable units that must be provided encourages the creation of affordable units since the revised percentage is considered more feasible for project development and is required by state law. The amendment would also ensure lost affordable units are replaced, a housing plan providing details of the affordable units, specific development standards needing to be met for the housing units, and special standards for the affordable units, all of which ensure affordable housing is provided and is compatible with the overall housing project, including market-rate units. Since the amendment promotes affordable housing, it is consistent with LUP Chapter 1, Section D., Item (b)) by assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people; Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate-income; and Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate-income in the coastal zone.

If the affordable housing project includes development, a CDP would only be issued if it was determined that the proposed development is consistent with the findings in LIP Section 13.9, including protecting sensitive environmental habitat, public access, and overall conformance with the LIP provisions, consistent with LUP Chapter 5. NEW DEVELOPMENT, Section C. Land Use Plan Policies, Item 5.1 that all development that requires a coastal development permit is subject to written findings by the City's decision-making body for Coastal Development Permits.

11. Program 4.2 Expedite the Project Review Process, Objective 4.3.a. (Multi-Family Residential Development)

Remove the CUP requirement for multi-family development in the MF and MFBF zoning districts and allow multi-family development as a permitted use in those zoning districts.

LIP Amendment

Update LIP Appendix 1 (Table B Permitted Uses Table) making "multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion over 500 sf of existing multifamily residential use" a permitted use in the MF and MFBF zoning districts and removing the requirement for a Conditional Use Permit (CUP).

The amendment is to expedite the processing of multi-family residential development projects by making them permitted uses, as opposed to conditionally permitted uses, to encourage more housing, particularly multi-family units that are inherently relatively more affordable than single-family residences. Discretionary review of such projects would remain, and development would require a CDP.

Consistency Analysis

The amendment facilitates multi-family residential development, which is both a social and economic need. Multi-family residential units are inherently more affordable than single-family residences. A CDP would only be issued if it was determined that the proposed development is consistent with the findings in LIP Section 13.9, including protecting sensitive environmental habitat, public access, and overall conformance with the LIP provisions, consistent with LUP Chapter 5. NEW DEVELOPMENT, Section C. Land Use Plan Policies, Item 5.1 that all development that requires a coastal development permit is subject to written findings by the City's decision-making body for coastal development permits.

12. Program 4.2. Expedite the Project Review Process, Objective 4.3.c. (Impermeable Coverage)

Clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

LIP Amendment

Update 3.6 (Residential Development Standards) subsection (I)(2) to exempt multi-family residential development on beachfront lots from impermeable coverage maximum requirements. The LIP currently provides that single-family residential uses on beachfront

lots are not required to comply with this impermeable coverage standard. Beachfront lots are often smaller than non-beachfront lots and require different construction methods, therefore have more constraints to development.

This amendment is to create continuity in how requirements for impermeable coverage are applied to developments on beachfront lots. The LIP currently exempts single-family residential development from the maximum impermeable coverage standard; this amendment is to also exempt multi-family residential development. Multi-family residential units are considered inherently more affordable than single-family residences. Removing the standard will reduce a potential constraint to development, thereby allowing for more multi-family units to be created on a lot, as long as the development is consistent with the maximum allowed density and other standards, such as setbacks and height, as well as LIP provisions that protect coastal resources. A CDP would be required for multi-family residential development, and the development would need to be consistent with all required findings in LIP Section 13.9.

Consistency Analysis

The amendment facilitates multi-family residential development, which is both a social and economic need. Multi-family residential units are inherently more affordable than a single-family residence. A CDP would only be issued if it was determined that the proposed development is consistent with the findings in LIP Section 13.9, including protecting sensitive environmental habitat, public access, and overall conformance with the LIP provisions. Therefore, the amendment is consistent with LUP Chapter 1, Section D., Item (b)) by assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people; Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate-income; and Coastal Act Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate-income in the coastal zone.

13. Program 4.2. Expedite the Project Review Process, Objective 4.3.d. (Affordable Housing Development)

For Affordable Housing Development in the Affordable Housing Overlay (AHO), as defined in LIP, allow a maximum height of 30 feet and remove the two-story limit to accommodate a density of 27 dwelling units/acre.

LIP Amendment

- Update Section 3.4.5 (Affordable Housing Overlay District), to allow affordable housing projects (multi-family residential) to exceed two stories but not exceed 30 feet in height.

- Update Section 3.6 (Residential Development Standards) subsection (E)(Height) to reference LIP Section 3.4.5(D)(2)(c) for height standards in the Affordable Housing Overlay District.

The purpose of the amendment is to increase the feasibility of developing affordable housing on the sites in the AHO at the currently allowed density of 27 dwelling units per acre. The height limitation of two stories and 24 feet for flat roofs and 28 feet for pitched roofs is considered infeasible to achieving the allowed density. Currently, there are two sites in the AHO where multi-family residential uses are allowed at a density of 27 units per acre, and those are RHNA sites.

The allowance for additional height and stories in multi-family residential projects would require a Site Plan Review (SPR), which is a discretionary review, as is currently the case for requests for height that exceed the LIP maximum. Per the City of Malibu 2021-2029 Housing Element, the City will be updating the findings for an SPR for multi-family residential projects so that they are objective as part of a separate LCP amendment to be completed by the end of 2025. A view analysis and/or photosimulation, as described in Item #14 below, would also be required for a multi-family residential project to ensure there are no adverse view impacts from the development.

Consistency Analysis

Additional building height and stories can be accommodated in development without necessarily adversely affecting public views from scenic roads and areas by thoughtful site planning and building design. An affordable housing project that proposes development would require a CDP. A CDP would only be issued if it was determined that the proposed development is consistent with the findings in LIP Section 13.9, including protecting sensitive environmental habitat, public access, and overall conformance with the LIP provisions, including but not limited to, protecting public views from scenic roadways and areas. As such, the amendment is consistent with LUP Chapter 6. SCENIC AND VISUAL RESOURCES, Section C. Land Use Plan Policies, Item 1. Scenic and Visual Resource Identification, Policies 6.3 (scenic roads) and 6.4 (scenic areas) and Item 2. New Development, Policy 6.5. Policy 6.5 is to site and design new development to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent, and if there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas.

Because the amendment promotes affordable housing that would need to be consistent with LIP public view protection, the amendment is consistent with LUP Chapter 1, Section D., Item (b)) by assuring the orderly, balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people; Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income; and Coastal Act Section 30604(g) declaring the importance of protecting existing

and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

14. Program 4.2. Expedite the Project Review Process, Objective 4.3.e. (Visual Impact Analysis)

For multi-family development, allow alternatives to story poles, such as photo simulations, for development subject to story pole requirements under Chapter 6 of the LIP.

LIP Amendment

Update Chapter 6 (Scenic, Visual, and Hillside Resource Protection Ordinance), Section 6.7 (Application Submittal Requirements), to allow for photo simulations and/or other visual impact analysis exhibits, in-lieu of story poles, for multi-family residential development view analysis.

This amendment provides an alternative to the story pole requirement by allowing a potentially lower cost method of indicating potential view impacts of development with photo simulations or other visual impact analysis exhibits. The story pole requirement may be seen as a hindrance to development. The lower cost alternative could increase the feasibility of creating multi-family residential projects, thereby encouraging their production.

Consistency Analysis

Land Use Plan Chapter 6 (Scenic and Visual Resources), Section C. Land Use Plan Policies, Item 2. New Development, Policy 6.5. is to site and design new development to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent, and if there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas. The amendment allows for an alternative to story poles for indicating potential view impacts of a multi-family residential development. The purpose is to offer a lower-cost alternative to help promote multi-family residential development. Multi-family residential units are inherently more affordable than single-family residences. When affordable units are created, they are often created as part of multi-family residential projects.

Because the amendment promotes affordable housing development that would need to demonstrate consistency with Policy 6.5, noted above, to protect public views, and would require that finding (1) of LUP Chapter 6 (Scenic, Visual, and Hillside Resource Protection Ordinance), Section 6.4(A), be made that states the project will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons, the amendment to change the allowed methodology for view impact analysis is consistent with LUP Chapter 1, Section D., Item (b)) by assuring the orderly, balanced

utilization and conservation of coastal resources taking into account the social and economic needs of the people. For the same reasons, the amendment is consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income and Coastal Act Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

Other

In addition to the proposed amendments to implement the Housing Element programs and objectives, the following items were identified during review of the LIP, and although are not directly related to the Housing Element programs and objectives, are proposed for amendment "as clean-up" items and do not change the policies or standards of the LIP, with the exception of Item 19:

15. Add definition of "by right use" consistent with the Government Code to LIP Section 2.1 General Definitions since the term is referenced in amendment text.

16. Update definition of "lower income household" in LIP Section 2.1 (General Definitions) to be consistent with the Government Code.

17. Update definition of "residential care facilities, small" to be consistent with the Government Code in LIP Section 2.1 (General Definitions).

18. Remove, "Residential care facilities (serving 6 or fewer persons)" from LIP Appendix 1 (Table B Permitted Uses), as it is duplicative of the existing, "Small residential care facilities (serving 6 or fewer persons)."

19. Add a parking requirement of two enclosed and two unenclosed parking spaces for a single-family residence to LIP 3.14.3. (Specific Parking Requirements). Parking space requirements for single-family residences were inadvertently removed from prior LIP amendments. The requirement for two enclosed and unenclosed spaces for a single-family residence is consistent with LIP Section 3.3(Q)(4)(a)(vi) for the PD district, and is not referenced elsewhere in the LIP. Policy 5.4 of the LUP states that off-street parking shall be provided for all new development in accordance with the ordinances contained in the LCP to assure there is adequate public access to coastal resources. The amendment is consistent with Policy 5.4 as it ensures adequate parking spaces for single-family residences, which will not affect public parking available for public access and recreation in the Coastal Zone.

B. Land Use Plan (LUP) Amendment

1. Program 4.2. Expedite the Project Review Process, Objective 4.3.d. (Affordable Housing Development)

For Affordable Housing Development in the Affordable Housing Overlay (AHO), as defined in LIP, allow a maximum height of 30 feet and remove the two-story limit to accommodate a density of 27 dwelling units/acre.

LUP Amendment

Update Chapter 6 (Scenic and Visual Resources), Land Use Policy 6.7 regarding height of structures to allow a maximum height of 30 feet in the Affordable Housing Overlay Zone to accommodate an affordable housing project, an increase from the existing allowance of 24 feet for flat roofs and 28 feet for pitched roofs. The requirement to remove the two-story limit is addressed in the LIP Amendment (see further above under the same Housing Element Program 4.2 and Objective 4.3.d.).

The purpose of the amendment is to promote the feasibility of developing affordable housing on the sites in the AHO at the currently allowed density of 27 dwelling units per acre. The height limitation of 24 to 28 feet is considered a deterrent to achieving the allowed density.

Consistency Analysis

Additional building height can be accommodated in a development without necessarily adversely affecting public views from scenic roads and areas by thoughtful site planning and building design. An affordable housing project that proposes development would require a CDP. A CDP would only be issued if it was determined that the proposed development is consistent with the findings in LIP Section 13.9, including protecting sensitive environmental habitat, public access, and overall conformance with the LIP provisions, including but not limited to, protecting public views from scenic roadways and areas. As such, the amendment is consistent with LUP Chapter 6. SCENIC AND VISUAL RESOURCES, Section C. Land Use Plan Policies, Item 1. Scenic and Visual Resource Identification, Policies 6.3 (scenic roads) and 6.4 (scenic areas) and Item 2. New Development, Policy 6.5. Policy 6.5 is to site and design new development to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent, and if there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas. Therefore, the amendment will not conflict with Coastal Act Section 30251 requiring that development be sited and designed to protect views to and along the ocean and other scenic coastal areas.

Because the amendment promotes affordable housing that would need to be consistent with Coastal Act, LIP and LUP public view protection provisions, the amendment is consistent with Coastal Act Section 30604(f) to encourage housing opportunities for persons of low and moderate income and Coastal Act Section 30604(g) declaring the importance of protecting existing and providing new affordable housing opportunities for persons of low and moderate income in the coastal zone.

C. Findings

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP Amendment, the City Council of the City of Malibu must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. On September 23, 2024, the City Council found the LIP and LUP Amendments in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows:

The requirements and standards in the amendments for various housing types ensure that development of affordable housing may occur in compliance with state housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community, as well as those individuals with special needs, (California Public Resources Code (Coastal Act) Sections 30604(f) and 30604(g); and LIP Sections 3.7 (affordable housing), 3.4.5 (Affordable Housing Overlay District), and 13.30 (Housing Accessibility – Request For Reasonable Accommodation), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

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CITY OF MALIBU

LEGISLATIVE HEARING ADMINISTRATIVE INDEX

LCPA 24-001: Housing Element (2021-2029 6th RHNA Cycle)

DATE	**LEGISLATIVE EXHIBITS**
8/19/2024	PLANNING COMMISSION - AGENDA - 8/19/2024
8/19/2024	PLANNING COMMISSION - AGENDA REPORT - 8/19/2024 - 5A
8/19/2024	PLANNING COMMISSION - CORRESPONDENCE - 8/19/2024 - 5A
8/19/2024	PLANNING COMMISSION - STAFF CORRESPONDENCE - 8/19/2024 - 5A
8/19/2024	PLANNING COMMISSION - STAFF PRESENTATION - 8/19/2024 - 5A
8/19/2024	PLANNING COMMISSION - ACTIONS - 8/19/2024
8/19/2024	PLANNING COMMISSION - RESOLUTION - 24-59
9/23/2024	CITY COUNCIL - AGENDA - 9/23/2024
9/23/2024	CITY COUNCIL - AMENDED AGENDA - 9/23/2024
9/23/2024	CITY COUNCIL - AGENDA REPORT - 9/23/2024 - 4A
9/23/2024	CITY COUNCIL - CORRESPONDENCE - 9/23/2024 - 4A
9/23/2024	CITY COUNCIL - STAFF PRESENTATION - 9/23/2024 - 4A
9/23/2024	CITY COUNCIL - ACTIONS - 9/23/2024
9/23/2024	CITY COUNCIL - RESOLUTION - 24-48
9/23/2024	CITY COUNCIL - RESOLUTION - 24-49
10/14/2024	CITY COUNCIL - AGENDA - 10/14/2024
10/14/2024	CITY COUNCIL - AMENDED AGENDA - 10/14/2024
10/14/2024	CITY COUNCIL - AGENDA REPORT - 10/14/2024 - 1A1
10/14/2024	CITY COUNCIL - ADOPTED ORDINANCE - 523
10/16/2024	**LIST OF ORAL & WRITTEN TESTIMONY**

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and teleconferenced via Zoom.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to planningcommission@malibucity.org at least three days prior to the meeting to provide adequate time for Commissioner consideration. Correspondence will continue to be processed until thirty minutes prior to the start of the meeting or as practical.

HOW TO PARTICIPATE IN-PERSON DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form and be present in the Council Chambers when the item is called by the Chair. In-person participants may also surrender their opportunity to speak on a particular item to donate one minute to another in-person speaker, not to exceed a total of eight minutes.

HOW TO PARTICIPATE REMOTELY DURING THE MEETING: In order to participate remotely, you must be present in the Zoom meeting and use the Raise Hand feature to request to speak when the Chair calls the item. When you join the Zoom meeting you may see a pop-up asking you to enter an email address, but a valid email address is not required. Be advised that those participating via Zoom do so at their own risk; remote participants should not expect the meeting to be cancelled or continued due to the inability of some members of the public to access the remote meeting.

Please visit https://malibucity.org/VirtualMeeting and follow the directions to stream the live meeting or learn how to use the Zoom application.

Malibu Planning Commission
Regular Meeting Agenda

Monday, August 19, 2024

6:30 P.M. – REGULAR PLANNING COMMISSION MEETING

City Hall – Council Chambers
23825 Stuart Ranch Road

Zoom Meeting Link:
https://us02web.zoom.us/j/81989371570

Call to Order - Chair

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – August 9, 2024

1. Ceremonial/Presentations

None.

2. Written and Oral Communications from the Public

A. Communications from the public concerning matters which are not on the agenda but for which the Planning Commission has subject matter jurisdiction. The Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Planning Commission and staff comments and inquiries

3. Consent Calendar

A. Previously Discussed Items

1. Coastal Development Permit No. 22-003, Variance No. 22-024, Variance No. 23-004, and Site Plan Review No. 22-029 - An application to construct a new, two-story single-family residence and associated development

   Location: 20741 Las Flores Mesa Drive, not within the appealable coastal zone
   APN: 4450-030-021
   Owner: LFMAC, LLC
   Case Planner: Contract Planner Pisarkiewicz, AICP, 949-489-1442

   Recommended Action: Adopt Planning Commission Resolution No. 24-58 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 22-003 for construction of a new two-story, 8,520 single-family residence plus a 4,884 square foot basement, swimming pool, spa, driveway, retaining walls, grading, landscaping, and new onsite wastewater treatment system; including Variance No. 22-024 for a reduction of the required 100-foot Environmentally Sensitive Habitat Area Buffer; Variance No. 23-004 for construction on slopes steeper than 2.5 to 1; and Site Plan Review No. 22-029 for construction over 18 feet up to a maximum of 28 feet for a pitched roof located in the Rural Residential, Two-Acre zoning district at 20741 Las Flores Mesa Drive (LFMAC, LLC).

B. New Items

1. Administrative Coastal Development Permit No. 22-067 - An application to construct a new single-family residence, install a new onsite wastewater treatment system, and associated development

   Location: 30000 Zenith Point Road, not within the appealable coastal zone
   APN: 4469-006-013
   Owners: Andre and Susanne Andresian and Pensco Trust Co.
   Case Planner: Contract Planner Cook, AICP, 805-415-1991

   Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 22-067.

4. Continued Public Hearings

A. Coastal Development Permit No. 19-014, Lot Merger No. 23-002, Conditional Certificate of Compliance No. 19-011, Variance Nos. 19-008 and 19-009, Site Plan Review Nos. 19-019 and 23-011, Minor Modification No. 19-004, and Demolition Permit No. 19-018 – An application for a new single-family residence and associated development (Continued from June 3, 2024)

Location: 27061 Sea Vista Drive, not within the appealable coastal zone
APNs: 4460-010-013 and 4460-013-001
Owners: Julian and Karen Aldridge
Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Continue the item to the September 3, 2024 Regular Planning Commission meeting.

B. Coastal Development Permit-Woolsey Fire No. 21-006, Lot Line Adjustment No. 21-002, Variance No. 23-026, and Site Plan Review No. 23-028 – An application for an after-the-fact lot line adjustment, construction of a new, two-story, single-family residence with an attached garage, grading, landscape, hardscape and other associated development, and installation of a new onsite wastewater treatment system (Continued from August 5, 2024)

Locations: Lot A - 29280 Greenwater Road (Assessor Parcel Number [APN] 4468-005-033), not within the appealable coastal zone
Lot B - APN 4468-005-028, not within the appealable coastal zone
Owners: Lot A - Edward and Nancy Kummer Family Trust
Lot B - Robert Dylan
Case Planner: Contract Planner Shah, 456-2489, ext. 385

Recommended Action: Adopt Planning Commission Resolution No. 24-56 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit–Woolsey Fire No. 21-006 for the construction of a new, two-story, single-family residence with an attached garage, grading, landscape, hardscape and other associated development, and installation of a new onsite wastewater treatment system; including after-the-fact Lot Line Adjustment No. 21-002 for a historical land transfer between APNs 4468-004-033 and 4468-005-028, Variance No. 23-026 for a non-conforming lot size, and Site Plan Review No. 23-028 for building height in excess of 18 feet not to exceed 28 feet for a pitched roof for replacement of a residence destroyed in the Woolsey Fire located in the Rural Residential, One-Acre zoning district at 29280 Greenwater Road (Kummer Family Trust).

5. New Public Hearings

A. 2021-2029 Housing Element and Code Amendments

Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 24-59, determining the project exempt from the California Environmental Quality Act, and recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element relative to the provision of housing for all income levels consistent with all applicable state housing element laws and adopt Local Coastal Program Amendment No.

24-001 to amend the Local Coastal Program Local Implementation Plan and Land Use Plan, and Zoning Text Amendment No. 24-002 to amend Title 17 of the Malibu Municipal Code, as required to implement the goals, objectives, policies and implementation programs, as set forth in the 2021-2029 General Plan Housing Element.

6. Old Business

None.

7. New Business

None.

8. Planning Commission Items

None.

Adjournment

Future Meetings

Tuesday, September 3, 2024	6:30 p.m. Regular Planning Commission Meeting	City Hall Council Chambers
Monday, September 16, 2024	6:30 p.m. Regular Planning Commission Meeting	City Hall Council Chambers
Monday, October 7, 2024	6:30 p.m. Regular Planning Commission Meeting	City Hall Council Chambers

Guide to the Planning Commission Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff, unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three minutes. Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom meeting and use the Raise Hand feature to request to speak when the Chair calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Chair. In person participants may surrender their time by donating one minute to another speaker, not to exceed a total of eight minutes. The speaker wishing to donate time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are donating time to. Speakers are taken in the order slips are submitted. In-person speakers will be called prior to Zoom speakers.

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for

which public speaker requests have been submitted.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Planning Commission Items are items which individual members of the Planning Commission may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a majority vote of the Planning Commission.

Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are available upon request by emailing planningcommission@malibucity.org.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

Requests to show an audio or video presentation during a Commission meeting should be directed to the Media Team at media@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 9th day of August 2024 at 1:30 p.m.



Rebecca Evans, Senior Management Analyst

Commission Agenda Report

Planning Commission Meeting
08-19-24
Item 5.A.

To: Chair Mazza and Members of the Planning Commission

Prepared by: Joyce Parker-Bozylinski, AICP, Contract Planner
Allison Cook, AICP, Contract Planner

Reviewed by: Tyler Eaton, Senior Planner

Approved by: Salvador Lopez, Jr., Interim Assistant Planning Director

Date prepared: August 8, 2024 Meeting date: August 19, 2024

Subject: 2021-2029 Housing Element and Code Amendments

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 24-59 (Attachment 1), determining the project exempt from the California Environmental Quality Act (CEQA), and recommending that the City Council adopt General Plan Amendment (GPA) No. 20-001 adopting the 2021-2029 Housing Element relative to the provision of housing for all income levels consistent with all applicable state housing element laws and adopt Local Coastal Program Amendment (LCPA) No. 24-001 to amend the Local Coastal Program Local Implementation Plan (LIP) and Land Use Plan (LUP), and Zoning Text Amendment (ZTA) No. 24-002 to amend Title 17 of the Malibu Municipal Code (MMC), as required to implement the goals, objectives, policies and implementation programs, as set forth in the 2021-2029 General Plan Housing Element.

DISCUSSION: This agenda report provides information to consider an amendment to the Malibu General Plan for the 2021-2029 Housing Element Update and related LCP and MMC amendments to implement mandatory programs in the 2021-2029 Housing Element.

2021-2029 Housing Element

The Housing Element Update includes analysis of the community's housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community. Every city and county in California is required by law to prepare a Housing Element update for the "6th housing element update cycle". The statutory deadline to adopt

a certified 2021-2029 (6th cycle) Housing Element for all jurisdictions in the Southern California Association of Governments (SCAG) region, including the City of Malibu, was October 15, 2021.

On August 23, 2021, the City Council held a study session of a draft of the 6th Cycle Housing Element and directed staff to transmit it to the California Department of Housing and Community Development (HCD) for review. HCD plays the critical role of reviewing every local government's housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a local government can adopt its housing element as part of its overall General Plan.

Following the initial review, the City received a comment letter from HCD (October 22, 2021) indicating that while the Revised Housing Element met many statutory requirements of State Housing Element law, revisions would be necessary to fully comply with State Housing Element law. The City subsequently submitted revised Housing Elements to HCD on January 10, 2022, February 7, 2024, and May 7, 2024. HCD issued comment letters (March 22, 2022, March 22, 2024, and June 21, 2024) for each of the submittals indicating further revisions would be needed to comply with State Housing Element law. Copies of the letters and other documents related to the history of the Housing Element adoption process can be found on the City's Housing Element webpage at https://www.malibucity.org/housingelement. City staff and the Housing Element consultant continued to work closely with HCD staff to address HCD comments. On July 19, 2024, a Revised Draft Housing Element, which HCD indicated met statuary requirements pending formal review, was circulated for the required seven-day public review period (July 19 – July 26th). On July 29, 2024, the revised Draft Housing Element was re-submitted to HCD and on July 31, 2024, the City received a letter from HCD stating that the Housing Element meets the statutory requirements of State Housing Element law (Attachment 2). Any changes to the Housing Element subsequent to the July 29, 2024 submittal would open up the possibility of HCD rescinding the letter and lead to further delays while HCD reviews the changes.

Regional Housing Needs Assessment (RHNA)

State law requires the Housing Element to address several issues including preservation of the existing housing stock, future housing needs of the community, resources and constraints affecting housing, and fair housing. One of the requirements of State Housing Element law is that each city must adopt land use plans and regulations that create sufficient opportunities for residential development to accommodate its assigned share of statewide housing need. The Regional Housing Needs Assessment (RHNA) is the process by which each city's need for additional housing is determined.

The City was assigned a RHNA of 79 units for the 2021-2029 Housing Element planning period. The 6th cycle RHNA allocation by income category for Malibu is shown in Table 1.

Table 1 - RHNA by Income Category				
Very Low[1]	Low	Moderate	Above Moderate	Total
28[2]	19	17	15	79

Source: SCAG 2021

Notes:

1 Includes the Extremely-Low-Income (ELI) Category

2 14 units are assumed to be ELI pursuant to Government Code §65583.a.1

After accounting for planned and approved projects and projected Accessory Dwelling Units (ADUs), the remaining RHNA units (30 lower-income and 16 moderate-income units) must be accommodated through adequate site planning. The site inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Appendix B, *Residential land Inventory* in the Housing Element, for more information).

In 2013, the City amended the General Plan, LCP, and MMC to establish the Affordable Housing Overlay (AHO) District (LIP Section 3.4.5 and MMC Section 17.42.020(L)) allowing multi-family development at a minimum density of 20 units/acre and a maximum of 27 units/acre (which includes any density bonus) by-right when affordable housing is provided. The AHO zone was placed on three parcels on Pacific Coast Highway and one parcel in the Civic Center known as La Paz Lane. The three parcels on Pacific Coast Highway and projected ADUs will be utilized to meet the remaining lower and moderate income RHNA units. While the La Paz Lane site will not be needed to meet RHNA, the AHO zone will remain on the parcel until a decision is made on the use of the parcel as part of the on-going development of a master plan for future uses of vacant City-owned land. In addition, Government Code Section 65863 and Housing Program Objective 2.2.a**.** requires the City to monitor the development of properties identified to meet RHNA requirements and if the City approves a project on the AHO sites that would result in a loss of land available to accommodate the RHNA, the City will need to identify adequate sites to accommodate any shortfall and/or rezone additional sites to accommodate lower and moderate-income households within 180 days of approval of said development.

Affirmatively Furthering Fair Housing (AFFH)

All housing elements due on or after January 1, 2021 must include an assessment of fair housing. This is a new requirement that was instituted for all 6th cycle Housing Elements. Appendix F in the Housing Element provides that assessment for the City. The AFFH analysis identifies meaningful actions to address factors that contribute to fair housing issues in Malibu in Table F-13. The meaningful actions to address these fair housing issues are incorporated into programs and actions in Chapter 7.5 *(Housing Plan).* Based on community feedback and data analysis, it was determined that high-priority issues in the City are lack of affordable housing, fair housing enforcement and outreach, and segregation of low-income residents.

As noted in the AFFH analysis, the entire City is designated a highest resource, highest income, and racially concentrated area of affluence (RCAA). HCD's June 21, 2024 letter states the Housing Element must "include a significant suite of programs to facilitate housing mobility and promote housing choices and affordability throughout the City. These programs should not be limited to the Regional Housing Needs Allocation (RHNA) and, instead, target significant and meaningful change to promote housing choices and affordability throughout the City. Examples include promoting more housing choices and affordability in lower-density areas (e.g., missing middle housing types), identifying additional multifamily sites and increasing densities in multifamily zones, religious institutional sites, city-owned sites, enhancing accessory dwelling units (ADU), junior accessory dwelling units (JADU) or additional conversion of existing space, and home sharing strategies. Programs must have specific commitment, milestones, geographic targeting and metrics or numerical targets." To address this comment, Housing Programs were added to enhance housing mobility strategies as described in the Housing Plan and shown in Table F-13 in Appendix F AFFH.

Two examples of programs/objectives that were added to facilitate housing mobility and promote housing choices and affordability throughout the City are Objective 4.1.f., which would allow up to two JADUs per single-family lot. At least one JADU must be rent restricted to lower or moderate-income households. Allowing one additional rent restricted JADU will provide more rental opportunities which would promote more housing choices and affordability in lower-density areas. In addition, Objective 3.3.b promotes shared housing opportunities such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners so they can remain in their home. Information on shared housing programs will be posted on the City's website, and the ALA and/or similar organizations would be invited to attend the City's senior resource fair as a vendor.

Chapter 7 - Housing Plan

An important part of the Housing Element is the Housing Plan (Section 7.5) because it describes the City's policies, programs, and objectives for the 2021-2029 planning period. This section has been updated to reflect current laws including fair housing requirements and includes commitments for specific actions through the end of the Housing Element planning period (2029). In addition to updating the code to meet current laws, the Housing Plan provides a variety of actions that will commit the City to be more proactive in providing information to the public on housing opportunities and services offered by outside agencies and the availability of the AHO sites for affordable housing. See Housing Program 5 for proactive actions the City will need to take.

A description of all required LCP and MMC amendments are discussed below in the LCP and MMC Amendments section of the staff report. These amendments include, among other amendments, updates to the City's Density Bonus Ordinance and Affordable Housing Overlay District, changes to the allowed location and development standards for emergency shelters, and changes to the permitted uses in most residential zones. As

noted below, two of the Housing Programs will be implemented through amendments undertaken in the future. In addition to these two Housing Programs, Objective 4.1.e requires the City to update the ADU ordinance in the MMC in compliance with State law within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later. The City's MMC ADU Ordinance was transmitted to HCD on February 1, 2024. To date, the City has not received comments from HCD on the ordinance. On March 19, 2024, the City received comments from the California Coastal Commission staff on the ADU ordinance, and additional information and analysis is required. https://www.malibucity.org/ADU. An amendment to the ADU ordinance would also be needed to implement Objective 4.1.f, which would allow one additional rent restricted (to lower or moderate-income household) Junior ADU. Staff's goal is to work on any needed amendments to the LIP and MMC ADU ordinance concurrently.

Consequences for Non-Compliance

An important difference between the Housing Element and other elements of the General Plan is the extent of State oversight. Under California law, land use and development are generally within the authority of cities through the adoption of policies and regulations in General Plans, Local Coastal Programs, and municipal codes. However, State law establishes many specific limitations on city land use authority with regard to housing. The State legislature has also declared an adequate supply of housing to be a matter of statewide importance and has delegated authority to the HCD to review local government Housing Elements and issue opinions regarding their compliance with State Housing Element law. A finding of Housing Element compliance by HCD is referred to as "certification" of the Housing Element. Certification is important to enhance cities' eligibility for grant funds and to support the legal validity of the City's General Plan and land use regulations.

In addition, on May 19, 2023, the City received a "Letter of Inquiry" from HCD seeking a timeline for the City to adopt a compliant Housing Element and advising the City of the consequences of not obtaining a compliant Housing Element. On June 27, 2023, the City issued a schedule for completion of the Housing Element and on July 20, 2023, the City received a second "Letter of Inquiry" finding that the City had "failed to adopt a housing element that meets the requirements of State Housing Element Law and is therefore in violation of those statutes". Copies of the Letters of Inquiry can be found at https://www.malibucity.org/housingelement. During this period, the City Council entered into a Stipulated Judgment[1] with HCD establishing deadlines for the City to adopt a compliant Housing Element.

The Stipulated Judgment includes deadlines to obtain certification as follows:

[1] https://oag.ca.gov/news/press-releases/attorney-general-bonta-newsom-administration-reach-agreement-city-malibu

1) No later than August 19, 2024, the Planning Commission must hold a public hearing to consider the Housing Element and code amendments;
2) No later than September 23, 2024, the City Council must hold a public hearing to re-adopt the Housing Element and hold first readings on the MMC and LCP amendments;
3) Prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments would need to be submitted to HCD by October 4, 2024;
4) On October 14, 2024, the City Council would need to conduct the second reading of, and adopt, the MMC and LCP amendments; and
5) By October 18, 2024, the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

To comply with these deadlines, the Planning Commission will need to make a recommendation to the City Council on the 2021-2029 Housing Element and related LCP and MMC amendments at its August 19, 2024 hearing.

LCP and MMC Amendments

The Housing Element programs and objectives that require amendments to the LCP and the MMC are listed and described below, along with the sections of the LUP, LIP, and MMC that are proposed for amendment. The relevant California Government Code (Govt. Code) Section or Health and Safety Code Section that the program and/or objective is meant to implement is also listed, if applicable. Often, the Government Code Section specifies the requirements the program and/or objective must meet. One program/objective requires an amendment to the LUP.

Two objectives that require LIP and MMC amendments have a timeframe of the end of 2025 to adopt these amendments. Therefore, staff will bring these amendments back for Planning Commission and City Council consideration at a later date. The two objectives are Objective 2.4.b. regarding large residential care facilities and Objective 4.3.b regarding Site Plan Review (SPR) findings.

The large (7 or more) residential care facilities amendment would, as required by HCD, allow large residential care facilities in residential zones with an administrative permit. Findings for approval of the permit would be based on objective standards that the City develops. The type of permit and objective findings will be developed as part of the future amendment. In addition, the provision allowing a “residential care facility for the elderly limited to operation by a nonprofit only” with a Conditional Use Permit (CUP) will need to be amended. That section will be updated in 2025 as part of the large residential care facility amendment.

The amendment to SPR findings is required by HCD to ensure approval certainty for proposed multi-family projects with heights over 18 feet. In order to ensure approval

certainty for multi-family projects, findings for approval must be objective. These findings will be developed as part of the future code amendment.

A summary of the draft LCP and MMC amendments are provided below.

Program 2.3 Replacement Housing, Objective 2.3.a.

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will amend the LIP and MMC to require the replacement of existing residential units on nonvacant RHNA sites as a condition of project approval for development. Specifically, sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households are subject to this requirement. Those units shall be replaced with units affordable to the same or lower-income level as a condition of any development on the site. Replacement requirements shall also be consistent with those set forth in the State Density Bonus Law.

Amend the LIP and MMC to establish the replacement requirements pursuant to AB 1397.

Applicable Govt. Code Sections: 66300(d) and 65915(c)(3)

MMC Amendment:

Add subsection 17.42.020(L)(6) (Replacement Housing) to Section 17.42.020(L) (Affordable Housing Overlay District). The amendment applies to new affordable housing developments on sites in the Affordable Housing Overlay District that currently have residential uses, or within the past five years have had residential uses, that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low or very low income households. These new affordable housing development projects are required to replace affordable dwelling units meeting the conditions listed above with those affordable to the same or lower category of income level as part of a new project.

LIP Amendment:

Add subsection 3.4.5(F)(3) (Replacement Housing) to Section 3.4.5(F) (Affordable Housing Overlay District), similar to that for MMC Section 17.42.020(L)(6).

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.a.

Amend the LIP and MMC to allow transitional and supportive housing in all zones allowing residential uses, including the CC zone, as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone. Amend the LIP and MMC to allow supportive housing by right (AB 2162).

Applicable Govt. Code Sections: 8698.4(c)(2), 65582(g) and (j), 65583, 65650, and 65651(a)

MMC Amendment

- Add transitional housing and supportive housing as permitted uses in all zoning districts where housing is allowed. These include Chapters 17.24 (Community Commercial - CC), 17.30 (Commercial General - CG), 17.34 (Institutional - I), and 17.39 (Malibu Estates Planned Development - PD) where they need to be allowed in the same manner as other residential uses in the same zone (either single-family or multiple family housing depending on what the zone allows). In the CC zone, supportive housing would only be allowed on the La Paz parcel (4458-022-908) which is in the Affordable Housing Overlay since that is the only housing permitted in the CC zone.

  Transitional housing and supportive housing uses are currently permitted, and would remain permitted, in the Rural Residential (RR), Single Family (SF), Multiple-Family (MF), and Multifamily Beach Front (MFBF) zones, but transitional housing and supportive housing are now referenced separately (previously, they were combined as one item), and, in the MF and MFBF zones, a provision has been added to distinguish between supportive housing and the new use of permanent by right supportive housing, with a reference to a new Section 17.40.12(C) for permanent by right supportive housing provisions. The provisions in Section 17.40.12(C) implement the Govt. Code by allowing the use by right (no discretionary review) if it meets all the requirements stipulated in the Govt. Code. Such use must be allowed in all zoning districts that allow multi-family residential or mixed-use developments (MF, MFBF, CC, and CG).

- Update Title 17 Appendix 1 (Permitted Uses) Table) to add transitional housing and supportive housing as permitted uses in the RR, SF, MF, MFBF, CC, and CG, zoning districts.
- Update Section 17.02.060 Definitions to be consistent with the Govt. Code definition for supportive housing.
- Update Section 17.48.030(A) (Specific parking requirements) (Residential uses), to add transitional and supportive housing minimum parking space requirements the same as other uses of the same housing type in the same zone.

LIP Amendment:

- Update Section 2.1 (General Definitions) similar to that for MMC 17.02.060 for supportive housing and permanent supportive housing.
- Update Section 3.3(Q)(2) (Planned Development Zone (PD)) for Lots 1-5 to allow transitional housing and supportive housing similar to that for MMC Chapter 17.39.
- Add new Section 3.11.5(D) for by right permanent supportive housing required provisions, similar to that for MMC Section 17.40.12(C).
- Update Section 3.14.3 (Specific Parking Requirements) similar to that of MMC Section 17.48.030(A) for transitional housing, supportive housing, and by right permanent supportive housing.
- Update LIP Appendix 1 (Table B Permitted Uses) similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table) for transitional housing, supportive housing, and permanent supportive housing by right.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.c.

Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities for emergency shelters to meet the requirements of AB 2339. Remove any requirements that are not required for other residential uses in the same zone. Amend LIP and MMC parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code Section 65583, subdivision (a)(4)(A).

Applicable Govt. Code Sections: 50801(e), 65583(a)(4)(A)

MMC Amendment:

- Portions of the existing text in Section 17.40.120 (Emergency shelters) have been updated to comply with current Govt. Code requirements. In particular, the maximum capacity limit for an emergency shelter has been increased from 25 to 55, based on a survey of the number of homeless individuals conducted in the City (2024 Greater Los Angeles Homeless Count – see Housing Constraints section of the Housing Element for more information). Section 17.40.120 has also been reorganized to become 17.40.120 (Special housing projects), with A. Emergency shelters (some changes), B. Low barrier navigation centers (new), C. By-right permanent supportive housing (new), and D. Single-room occupancy facilities (no changes). The reorganization is to better present provisions for various types of special housing, two of which are new categories, under an overall section addressing types of special housing. The new low barrier navigation centers

and by-right permanent supportive housing updates are addressed elsewhere in this report (Objectives 2.4.d. and 2.4.a., respectively).
- Update Section 17.02.060 (Definitions) to be consistent with the Govt. Code definition for emergency shelters.
- Update Section 17.48.030(A) (Specific parking requirements) (Residential uses), for emergency shelters to be consistent with Govt. Code.

LIP Amendment:

- Update Section 2.1 (General Definitions) similar to that for MMC Section 17.02.060 (Definitions) to be consistent with the Govt. Code definition for emergency shelters.
- Update Section 3.14.3 (Specific Parking Requirements), similar to that for MMC Section 17.48.030(A) (Specific parking requirements) (Residential uses) for emergency shelters to be consistent with Govt. Code.
- Update Section 3.11 (Development Standards for Special Uses) to create a new subsection 3.11.5 (Special Housing Projects), similar to that of MMC Section 17.40.120, including reorganization, revisions to provisions for emergency shelters, and addition of provisions for low barrier navigation centers (see Objective 2.4.d.) and by-right permanent supportive housing (see Objective 2.4.a.).

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.d.

Amend the LIP and MMC to comply with Government Code Section 65661 which requires a Low Barrier Navigation Center to be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided specific requirements of the law are met.

Applicable Govt. Code Sections: 65660(a), 65661

MMC Amendment:

- Add low barrier navigation center as a permitted use in the following MMC Chapters: 17.24 (CC), 17.26 (CV-1), 17.28 (CV-2), and 17.30 (CG). Note that only the text in Section 17.24 (CC) is proposed to change, as Sections 17.26 (CV-1), 17.28 (CV-2), and 17.30 (CG) tier off each of the previous sections for permitted uses (i.e., they all allow the same permitted uses as the CC zone).
- Add new Section 17.40.120(B) for low barrier navigation center requirements and provisions.
- Add to Section 17.02.060 Definitions a definition for low barrier navigation center consistent with Govt. Code, and a definition for coordinated entry system, which is a requirement of a low barrier navigation center.

- Add to Section 17.48.030(A) (Specific parking requirements) (Residential uses) parking requirements for low barrier navigation centers.
- Add to Title 17 Appendix 1 (Permitted Uses Table) low barrier navigation center as a permitted use in the CC, CV-1, CV-2, and CG zoning districts.

LIP Amendment:

- Add new Section 3.11.5(B), similar to that of MMC 17.40.120(B), for low barrier navigation center requirements and provisions.
- Add to Section 2.1 (General Definitions), similar to that for MMC 17.02.060 Definitions, a definition for low barrier navigation center and coordinated entry system consistent with Govt. Code.
- Add to Section 3.14.3 (Specific Parking Requirements) parking requirements for a low barrier navigation center, similar to that for MMC Section 17.48.030(A).
- Add to LIP Appendix 1 (Table B Permitted Uses), similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table), low barrier navigation center as a permitted use in the CC and CG zoning districts.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.e.

Amend the LIP and MMC to comply with State Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

Applicable CA Health and Safety Code Section: 17021.5(b)

MMC Amendment:

- Add employee housing for six or fewer persons as a permitted use in Chapters 17.08 (RR), 17.10 (SF), 17.12 (MF), 17.14 (MFBF) in the same manner as a single-family residence.
- Add to Title 17 Appendix 1 (Permitted Uses Table) employee housing for six or fewer persons as a permitted use in the RR, SF, MF, and MFBF zoning districts in the same manner as a single-family residence.

LIP Amendment:

- Add to LIP Appendix 1 (Table B Permitted Uses), similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table), employee housing for six or fewer persons as a permitted use in the RR, SF, MF, and MFBF zoning districts in the same manner as a single-family residence.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.f.

Amend the parking requirements for studios/1-bedroom and 2 or more bedroom multi-family units to reduce the number required and remove the enclosure requirement.

Applicable Govt. Code Section: N/A

MMC Amendment:

- Update MMC Section 17.48.030(A) (Specific parking requirements) (Residential uses) for multi-family residential uses such that efficiency and one-bedroom units require one parking space and units with two or more bedrooms require two spaces; requirements for covered and enclosed spaces are removed; and the same parking requirements apply the same to market rate and affordable dwelling units. Provisions for guest parking are not changed.

LIP Amendment:

- Update Section 3.14.3 (Specific Parking Requirements), for multi-family residential uses such that efficiency and one-bedroom units require one parking space and units with two or more bedrooms require two spaces. Provisions for guest parking are not changed. (Note: Existing requirements do not stipulate covered or enclosed spaces, nor differentiate between market rate and affordable dwelling units).

Program 3.1 Facilitate the Development of New Housing for Extremely Low-, Very Low-, and Moderate-Income Households, Objective 3.1.e.

Amend the development standards of the Affordable Housing Overlay Zone as described in the MMC and LIP to include a maximum density independent of the state density bonus.

Applicable Govt. Code Section: 65583.2

MMC Amendment:

- Update Section 17.42.020(L) (Affordable Housing Overlay District) to clarify the density bonus provision.
- Update Section 17.42.020(L) Table 1 – AHO Districts Sites with new assessor's parcel number for the La Paz site

LIP Amendment:

- Update Section 3.4.5(D) (Affordable Housing Overlay District Standards), similar to that of MMC Section 17.42.020(L).
- Update Section 3.4.5 Table 1 (AHO Districts Sites) with new assessor's parcel number for the La Paz site

Program 3.3 Housing for Persons with Special Needs, Objective 3.3.d.

Amend the MMC and the Local Implementation Plan (LIP) to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, clarify in the MMC and LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

Applicable Govt. Code Sections: 12927(c)(1) and 12955, CA Fair Employment and Housing Act

MMC Amendment:

Update Chapter 17.63 (Housing Accessibility – Request for Reasonable Accommodation) to comply with requirements for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies, and procedures.

LIP Amendment:

Update Section 13.30 (Housing Accessibility – Request for Reasonable Accommodation), similar to that of MMC Chapter 17.63.

Program 3.4 Density Bonus, Objective 3.4.a.

Amend city density bonus regulations consistent with state law (Government Code Section 65915 et seq.).

Applicable Govt. Code Section: 65915

MMC Amendment:

Update Section 17.41.1.010 (Residential density bonus) to be consistent with Govt. Code provisions, including multiple legislative changes in recent years to state density bonus law. Due to the complexity and frequent amendments to state density

bonus law, many of the MMC provisions reference specific Govt. Code sections as opposed to enumerating each Govt. Code provision in the MMC.

LIP Amendment:

Update Section 3.7.1 (Residential Density Bonus), similar to that for MMC Section 17.41.1.010.

Program 3.5 By-Right Approval, Objective 3.5.a.

Program 3.5

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower income RHNA are subject to by-right approval without discretionary actions and exempt from CEQA and subject only to design review based on objective standards when a project includes 20 percent of the units affordable to lower-income households.

Reuse Sites (No Rezoning Required):

- *Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and*

- *Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower income RHNA.*

The AHO parcels included in the Sites Inventory are subject to the by-right approval requirements of Government Code section 65583.2. The AHO designation on these parcels already allows by-right approval by the City with a certain threshold of units affordable to lower-income households. The City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while complying with the MMC and LIP.

Objective 3.5.a.

Modify existing threshold requirements to implement the by-right approval requirement without discretionary review for 20 percent affordability to lower-income households for the AHO parcels in the Sites Inventory concurrent with readoption of the Housing Element and pursue LIP amendment, if necessary, to be consistent with state law (Government Code Section 65583.2).

Applicable Govt. Code Section: 65583.2

MMC Amendment:

Update Section 17.42.020(L) (Affordable Housing Overlay District) for Sites 1 and 2 (RHNA site inventory) for by right approval of use and subdivisions if the required affordable units are provided, including providing objective development standards for affordable housing projects.

LIP Amendment:

Update Section 3.4.5 (Affordable Housing Overlay District), similar to that for MMC Section 17.42.020(L).

Program 4.2 Expedite the Project Review Process, Objective 4.3.a.

Remove the CUP requirement for multi-family development in the MF and MFBF zoning districts and allow multi-family development as a permitted use in those zoning districts.

Applicable Govt. Code Section: N/A

MMC Amendment:

- Update Chapter 17.12 (MF) to remove, "multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments" from Section 17.12.040 (Conditionally permitted uses) and add it to Section 17.12.020 (Permitted uses), along with "-new or the expansion of over 500 square feet of multiple-family residential use" to be consistent with Appendix 1 (Permitted Uses Table) and LIP Appendix 1 (Table B Permitted Uses). Such use continues to be allowed as a permitted use in Section 17.24.020 in the CC zoning district if an affordable housing development project.
- Update Chapter 17.14 (MFBF) to remove, "new, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments" from Section 17.14.040 (Conditionally permitted uses), and add it to Section 17.14.020 (Permitted uses).
- Update Title 17 Appendix 1 (Permitted Uses Table) to allow, "multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion over 500 sf of existing multifamily residential use" as a permitted use and remove the requirement for a CUP in the MF and MFBF zoning districts.

LIP Amendment:

- Update LIP Appendix 1 (Table B Permitted Uses Table), similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table), making "multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion over 500 sf of existing multifamily residential use" a permitted use in the MF and MFBF zoning districts, and removing the requirement for a CUP.

Program 4.2. Expedite the Project Review Process, Objective 4.3.c.

Clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

Applicable Govt. Code Section: N/A

MMC Amendment:

Update Section 17.40.040(A)(11)(b) Residential development standards to exempt multi-family residential development beachfront lots from impermeable coverage maximum requirements. The MMC currently provides that other residential uses on beachfront lots are not required to comply with this impermeable coverage standard.

LIP Amendment:

Update 3.6 (Residential Development Standards) subsection E (Height), similar to that of MMC Section 17.040(A)(11)(b). The LIP currently provides that other residential uses on beachfront lots are not required to comply with this impermeable coverage standard.

Program 4.2. Expedite the Project Review Process, Objective 4.3.d.

For Affordable Housing Development in the AHO, as defined in LIP, allow a maximum height of 30 feet and remove the two-story limit to accommodate a density of 27 dwelling units/acre.

Applicable Govt. Code Section: N/A

MMC Amendment:

- Update Section 17.42.020(L) (Affordable Housing Overlay District) to allow affordable housing projects (multi-family residential) to exceed two stories but not exceed 30 feet in height.

- Update Section 17.40.040(A)(5)(a), (b), and (c) Residential development standards, height, to reference Section 17.42.020(L)(3)(b)(iii) for height standards (Affordable Housing Overlay District).

LIP Amendment:

- Update Section 3.4.5 (Affordable Housing Overlay District), similar to that of Section MMC 17.42.020(L) (Affordable Housing Overlay District), to allow affordable housing projects (multi-family residential) to exceed two stories but not exceed 30 feet in height.
- Update Section 3.6 (Residential Development Standards) subsection E. (Height), height, similar to that of MMC Section 17.40.040(A)(5)(a), (b), and (c) to reference LIP Section 3.4.5(D)(2)(c) for height standards (Affordable Housing Overlay District).

LUP Amendment:

Update Chapter 6 (Scenic and Visual Resources), Land Use Policy 6.7 regarding height of structures to allow a maximum height of 30 feet in the Affordable Housing Overlay Zone to accommodate an affordable housing project.

Program 4.2. Expedite the Project Review Process, Objective 4.3.e.

For multi-family development, allow alternatives to story poles, such as photo simulations, for development subject to story pole requirements under Chapter 6 of the LIP.

Applicable Govt. Code Section: N/A

MMC Amendment:

N/A

LIP Amendment:

Update Chapter 6 (Scenic, Visual, and Hillside Resource Protection Ordinance), Section 6.7 (Application Submittal Requirements), to allow for photo simulations and/or other visual impact analysis exhibits, in-lieu of story poles, for multi-family residential development view analysis.

Other

In addition to the proposed amendments to implement the Housing Element programs and objectives, the following items were identified during review of the LIP, LUP, and MMC,

and although are not directly related to the Housing Element programs and objectives, are proposed for amendment "as clean-up" items:

- Add definition of "by right use" to MMC Section 17.02.060 (Definitions) and LIP Section 2.1 General Definitions since the term is referenced in amendment text.
- Update definition of "lower income household" in MMC Section 17.02.060 Definitions and LIP Section 2.1 (General Definitions) to be consistent with Govt. Code.
- Update definition of "residential care facilities, small" to be consistent with Govt. Code in MMC Section 17.02.060 Definitions and LIP Section 2.1 (General Definitions).
- Separate "residential care facilities serving six or fewer persons" from "small family day care and residential care facilities serving six or fewer persons" in MMC Sections 17.08.020 (RR), 17.10.020 (RS), 17.12.020 (MF), and 17.14.020 (MFBF) Permitted uses because they are two different types of uses. List "residential care facilities, small" and "small family day care" separately as permitted uses in these zoning districts. (Note: the proposed definition of, "residential care facilities, small" in MMC Section 17.02.060 and the existing definition in LIP Section 2.1 includes six as the maximum number of persons served).
- Remove, "Residential care facilities (serving 6 or fewer persons)" from MMC Appendix 1 (Permitted Uses Table) and LIP Appendix 1 (Table B Permitted Uses), as it is duplicative of the existing, "Small residential care facilities (serving 6 or fewer persons)."
- Added "Mixed Use (commercial and residential)" to Section 17.30.030 Conditionally permitted uses (CG) and to MMC Appendix 1 (Permitted Use Table), to be consistent with LIP Appendix 1 (Table B Permitted Uses) and the City General Plan. Mixed use is currently conditionally allowed in the CG zoning district in the LIP and in the CG land use designation in the General Plan. It was inadvertently not included in MMC Section 17.30.030.
- Added, "Multifamily" before "Affordable housing development projects" in MMC Section 17.24.020 Permitted uses (CC) to clarify that the affordable housing shall apply to multi-family uses (and not single-family residential uses, since single-family residential uses are not allowed in the CC district) and added, "in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L))" to clarify that such use is only allowed in the CC district within the AHO.
- Add a parking requirement of two enclosed and two unenclosed parking spaces for a single-family residence to MMC Section 17.48.030. (Specific parking requirements) and LIP 3.14.3. (Specific Parking Requirements). A parking space requirement for a single-family residence was inadvertently removed from prior LIP and MMC amendments. The requirement for two enclosed and unenclosed spaces for a single-family residence is consistent with LIP Section 3.3(Q)(4)(a)(vi) for the PD district and MMC 17.39.040(A)(6)(A) for the PD district.

ENVIRONMENTAL REVIEW: The proposed 2021-2029 Housing Element Update is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document which does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City's General Plan, it can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application includes amendments to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Title 17 Zoning Ordinance. In order to prevent inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment 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.

NEXT STEPS: After Planning Commission reviews and makes a recommendation to the City Council, a public hearing will be conducted by the City Council to consider the adoption of the 2021-2029 Housing Element and related LCP and MMC code amendments. After adoption, Housing Elements will be submitted to HCD for certification.

ATTACHMENTS:

1. Planning Commission Resolution No. 24-59 with Attachment A (2021-2029 Housing Element)
2. HCD Compliance Letter, dated July 31, 2024
3. LCP and MMC Redlines
4. Notice of Public Hearing

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 24-59

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT NO. 20-001 ADOPTING THE 2021-2029 HOUSING ELEMENT RELATIVE TO THE PROVISION OF HOUSING FOR ALL INCOME LEVELS CONSISTENT WITH ALL APPLICABLE STATE HOUSING ELEMENT LAWS AND ADOPT LOCAL COASTAL PROGRAM AMENDMENT NO. 24-001 TO AMEND THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AND LAND USE PLAN , AND ZONING TEXT AMENDMENT NO. 24-002 TO AMEND TITLE 17 OF THE MALIBU MUNICIPAL CODE, AS REQUIRED TO IMPLEMENT THE GOALS, OBJECTIVES, POLICIES AND IMPLEMENTATION PROGRAMS, AS SET FORTH IN THE 2021-2029 GENERAL PLAN HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies and objectives/programs that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment, and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD’s comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element by September 23, 2024.

T. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

U. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

V. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

W. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

X. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

Y. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

Z. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

AA. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment, Local Coastal Program amendment, and Zoning Text amendment, and at that hearing the Planning Commission reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, the amendments to the Local Coastal Program LIP and LUP and Title 17 of the MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element, CEQA findings, the staff report, public testimony, and other information in the record. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

SECTION 2. Environmental Review.

The proposed 2021-2029 Housing Element Update is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document that does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City's General Plan, it can therefore be seen with certainty that there

is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application includes amendments to the LCP, which must be certified by the California Coastal Commission before it takes effect. The 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment 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.

SECTION 3. General Plan Amendment Housing Element.

The revised 2021-2029 Housing Element Update is provided in Exhibit A. GPA No. 20-001 constitutes a complete deletion of the existing text in the General Plan Housing Element and replacement of it with new text.

SECTION 4 General Plan Amendment Findings.

A. The Housing Element is part of the City's General Plan, which sets forth guiding policies for future development. The requirement for each city to adopt a General Plan is contained in California Government Code Section 65300 *et seq.,* which also lays out specific requirements for each element. The Housing Element provides an overarching statement of City policies and programs to maintain and improve existing housing, and also accommodate the City's assigned share of the region's future housing needs. Among the requirements in California Government Code Section 65580 *et seq.* for Housing Elements are the following:

1. Ensure adequate sites for new housing for persons of all income levels;
2. Encourage and facilitate the development of affordable housing;
3. Conserve and improve the existing affordable housing stock;
4. Analyze and remove governmental constraints on new housing development;
5. Promote equal housing opportunities;
6. Preserve assisted housing; and
7. Affirmatively further fair housing.

The 2021-2029 Housing Element meets each of the aforementioned requirements and, therefore, would be consistent with State law.

B. The 2021-2029 Housing Element is consistent with the goals and policies of the General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade

the environment, and LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.

SECTION 5. Local Coastal Program Amendment.

LCPA No. 24-001 includes the following amendments to the LIP and LUP portions of the LCP:

A. Amend Policy 6.7 in the LUP Chapter 6 (Scenic and Visual Resources), C. (Land Use Policies), 2 (New Development), as follows:

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

B. Amend existing definitions and add the following definitions to LIP Section 2.1 (General Definitions) as follows:

BY-RIGHT USE – means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless person. ~~person and is operated by a government agency or private non-profit organization.~~ No individual or household may be denied emergency shelter because of an inability to pay.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

LOWER INCOME HOUSEHOLDS – ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include Very-Low Income Households, as defined in Section 50105 of the California Health and Safety Code, and Extremely-Low Income Households,~~ means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

PERMANENT SUPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

RESIDENTIAL CARE FACILITY, SMALL ~~any family home or group care facility serving 6 or fewer persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities~~ - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour non-medical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "PERMANENT SUPPORTIVE HOUSING").

C. Add subsections v. and vi. to LIP Section 3.3 (Zoning Districts), Q (Planned Development (PD) Zone), as follows:

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" 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, 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. Domestic animals, kept as pets.
   iv. Landscaping.
   v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
   vi. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

D. Amend LIP Section 3.4.5 (Affordable Housing Overlay District) as follows:

3.4.5. Affordable Housing Overlay District

A. Purpose and Applicability. The Affordable Housing Overlay (AHO) District is intended to identify sites within the City where affordable housing developments may be established and maintained in compliance with this section. In addition to (and not as a limitation of) uses allowed within the underlying zoning district and any other applicable overlay, each property within the AHO District may be developed with an Affordable Housing Development, subject to the provisions set forth below. All requirements for the Malibu LIP that are not inconsistent with the criteria listed below shall remain in effect for those parcels in the Affordable Housing Overlay.

B. Description of Area Subject to LIP Section 3.4.5.

Table 1 – AHO District Sites		
Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway

Table 1 – AHO District Sites		
Site Number	APNs	Address
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

C. Permitted Uses.

1. Affordable housing development is permitted in the AHO subject to the development standards set forth in this Section. Specifically, on AHO Site Number 3 (2.3 acre portion of 23465 Civic Center Way also known as the La Paz site) an affordable housing development is only permitted if the affordable housing development is either directly developed/constructed by the City, or if the City partners with an affordable housing developer; and eighty percent (80%) of the units are affordable for lower and moderate households, to serve as a public benefit to the City.

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area ~~including the~~, exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, ~~all units in excess of the permitted base density of 6 dwelling units per acre, shall be affordable to lower and moderate income households as set forth in Subsection F below. A~~ a minimum of twenty ~~fifty~~ percent (~~50~~20%) of all units ~~in excess of the 6 dwellings units per acre~~ shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s) ~~or units~~, shall be affordable to lower and moderate income households as set forth in Subsection ~~F~~ E below,~~.~~ and ~~A~~ a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

~~E~~2. Development ~~Standards~~.

~~1~~a. ~~Site of Construction.~~ Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments, unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

~~2. General Guidelines. The lower-income multi-family dwelling units required under this Section:~~ 3. Restricted Units. The ~~lower-income~~ restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units;~~ Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. ~~The construction materials and practices shall be comparable to those used for the market rate units~~; The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. ~~The exterior grounds shall be landscaped and well maintained; and~~ May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. ~~The units shall be disbursed throughout the project site and not clustered in a single location.~~ Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

~~F.~~E. Affordability.

1. Rental ~~u~~Units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.2 of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-sale or O~~o~~wner-O~~o~~ccupied U~~u~~nits. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to ~~levels~~ affordable levels according to Section 3.4.5(D)(1)(d) ~~lower-income households~~ and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

a. The number of restricted units proposed.

b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

c. The proposed location of the restricted units.

d. Amenities and services provided for the unit residents.

e. Specific level of affordability for each of the restricted units.

f. Schedule for production of the restricted and market-rate units.

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

   a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

   b. Subject to any other form of rent or price control; or

   c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is

sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

   h. Specific level of affordability for each of the replacement units.

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

E. Amend LIP Section 3.6 (Residential Development Standards) as follows:

3.6 RESIDENTIAL DEVELOPMENT STANDARDS

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

A. Every residence shall have a roof constructed with roofing material in compliance with rating as specified by Title 15 of the Malibu Municipal Code;

B. Every residence shall have an exterior siding of brick, wood, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited;

C. Except as specifically provided herein, every single-family residence shall be not less than twenty (20) feet in width. A single-family residence need only be a minimum of eighteen (18) feet wide when it is to be located on a lot or parcel of land less than twenty-six (26) feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than twenty (20) feet wide, but not less than twelve (12) feet, if the floor area, exclusive of appurtenant structures, is at least nine hundred (900) square feet and the side or sides oriented toward a public street, highway or parkway have a dimension to width;

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

1. For a single-family residence, not less than eight hundred (800) square feet, exclusive of any appurtenant structures.

2. For each multifamily dwelling unit, not less than three hundred (300) square feet, exclusive of any appurtenant structures.

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), eEvery residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), fFor new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

   For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

F. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:

1. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.

2. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.

3. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.

4. For the purposes of calculating yards, slopes equal to a greater than 1:1 shall not be included in the lot dimensions.

5. Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.

6. Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

    a. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.

    b. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.

    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.

7. Setbacks shall also be in compliance with Article VIII of the Malibu Municipal Code (Building Code).

G. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:

1. Front. 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. Side. 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum, except as required for view corridors under Section 6.5(E)(2) of the Malibu LIP.

3. Rear. Setbacks for infill development are determined by the stringline rule. Separate setback standards apply to dwellings and decks, as indicated below. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible.

    a. Dwellings. For a dwelling, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast dwelling. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast dwelling.

    b. Decks and patios. For a deck or patio, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast deck or patio. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast deck or patio.

    c. All infill development shall be set back a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. The location of the mean high tide shall be determined in consultation with the State Lands Commission.

4. Stringline modification. Where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development, the applicant may apply for a minor modification pursuant to LIP Section 13.27.1(B)(3). Alternatively, the applicant may apply for a variance pursuant to LIP Section 13.26.

5. Accessory structures. No accessory structure (including, without limitation, a gazebo, cabana) may project seaward of the dwelling stringline.

6. Swimming pools and spas. Pools and spas may project seaward of the dwelling stringline, but in no case may they project seaward of the deck stringline.

7. Stairways. Stairways from decks to the beach may not project seaward of the deck stringline.

8. Fences. Fences, shall not project seaward of the structure stringline, with the exception of any required safety railing around decks that is a maximum of 42 inches in height, and fencing constructed of transparent material such as plexiglass.

9. Shoreline protective devices. A shoreline protective device shall be permitted only if the Planning Manager and the Building Official determine that the device is necessary to protect an existing structure as defined in paragraphs L. and M. of

Section 10.4 of the LIP or an existing or new sewage disposal system. A shoreline protective device shall be located as far landward as possible, consistent with the provisions of Chapter 10 of the Malibu LIP.

10. Bluffs. Setbacks shall be consistent with the requirements of Chapter 10 of the Malibu LIP.

H. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed 2 acres, except where otherwise restricted by provisions of the ESHA Overlay Chapter (Chapter 4), Scenic and Visual Resources Chapter (Chapter 6), or Grading Chapter (Chapter 8) of the Malibu LIP.

I. Single Family.

1. Use of permeable surfaces is encouraged, especially for driveways. However, including the primary structure, impermeable surfaces are permitted for residential lot areas (excluding slopes equal to or greater than 1:1), up to 1/4 acre at 45%; for lot areas greater than 1/4 acre but a ½ acre or less, at 35% and for lots greater than 1/2 acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this Paragraph.

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

F. Amend LIP Section 3.7 (Affordable Housing), subsection 3.7.1 (Residential Density Bonus), as follows:

3.7 AFFORDABLE HOUSING

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement ~~the incentive program provided in the~~ State Dd~~d~~ensity Bb~~b~~onus Law (Government Code sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code

sections 65915 through 65918 are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915. ~~in any residential district through approval by the city council (after recommendation from the planning commission) of a CDP. In order to qualify for a density bonus or other financial incentives or equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~

~~1. At least ten (10) percent of the total units of a housing development for persons and families of lower income;~~

~~2. At least five (5) percent of the total units of a housing development for very low income households;~~

~~3. A senior citizen housing development; or~~

~~4. At least ten (10) percent of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of thirty-five (35) percent shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

C. General Provisions. ~~for Density Bonuses and Incentives/Concessions. In accordance with Government Code Section 65915, the City shall consider a density bonus and provide incentives or concessions for a housing development subject to the following provisions:~~

~~1. Determination of unit count. When determining percentage of housing units which are to be affordable, the density bonus units shall not be included.~~

~~2. Minimum project size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~

~~3. Previous density bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

~~4. Dispersal of affordable units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.~~

~~5. Regulatory incentives. In accordance with Government Code Section 65915, in addition to a density bonus the City shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost:~~

~~a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.~~

~~b. Approval of mixed-use development in conjunction with a multi-family residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.~~

~~c. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.~~

~~D. Procedures for Approval.~~

~~1.Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.~~

~~2.Findings. When required by Government Code Section 65915, the City shall grant a density bonus that allows the applicant to build no more than thirty-five (35) percent more units than a property's zoning would ordinarily allow, if the City finds:~~

~~c.The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~d.The developer has demonstrated that the density bonus and adjustment of standards is necessary to make the project economically feasible;~~

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act~~, Government Code Section 65915 and Section 3.7.1 of the Local Coastal Program~~.

ii. ~~If located within the coastal zone, t~~The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions; and

iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

~~3. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the LCP.~~

~~4. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program coastal resource protection policies and development standards, with the exception of the density provisions.~~

d. If~~, however,~~ the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

~~5~~e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

~~6. For any housing development where the City approves a density bonus, prior to issuing~~

~~the coastal development permit, the owner must record an affordable housing agreement~~

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

   a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon

public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~2. Notification to Developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

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4. ~~3.7.2~~ Affordable Housing Agreement. ~~An applicant that chooses any option for satisfying the affordability requirements of this chapter shall enter into an affordable housing agreement ("agreement") with the City. The agreement shall be executed in a recordable form prior to the issuance of a CDP and building permit for any portion of a project including affordable units, subject to the requirements of this chapter.~~ For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

~~1. Low and Very-Low Income Households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of fifty five (55) years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household and the sale price must be affordable to moderate income households and household and the sale price must be affordable to moderate income households.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Affordable Housing Agreement Requirements.

~~A.~~1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

~~B.~~

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

~~C.~~

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

~~3.7.3 Affordable Housing Fund~~

H. Affordable Housing Fund.

~~A. Fund Revenues.~~

~~B. Purpose and Limitations.~~

1. Fund Revenues. The fund shall receive all in-lieu fees paid ~~under Section 3.7.1(E)(2)~~ and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

   k. Other costs associated with the construction or financing of affordable housing;

   l. Reasonable administrative charges or related expenses; and

   m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

G. Amend LIP Section 3.11 (Development Standards For Special Uses) as follows:

3.11. DEVELOPMENT STANDARDS FOR SPECIAL USES

3.11.5 ~~Emergency Shelter Requirements~~ Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

~~B.~~

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 3.11.5 shall be a permitted use established by-right. ~~if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in~~ each ~~case~~

4. Regulations. An emergency shelter is ~~allowed~~ subject ~~to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, consistent with the LCP and subject~~ to the following standards ~~in each case~~. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~C.~~

~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~2.~~

a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty-~~fifty-five (~~2~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~3.~~

b. Facility Requirements.

i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to

collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

~~D. Reviewing Authority.~~

~~1. Coastal Development Permit applications for emergency shelters shall be reviewed by the appropriate decision making authority in accordance with Section 13.7.~~

5. Reviewing Authority. ~~A coastal development permit application is required for emergency shelters, unless determined to be exempt, consistent with the LCP, pursuant to LIP Section 13.4, and shall be reviewed by the appropriate decision making authority in accordance with LIP Section 13.7.~~ Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B) (4) shall be permitted uses established by-right.

4. Regulations.

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right Permanent Supportive Housing

1. Purpose. The purpose of this section is to provide standards for by-right permanent supportive housing. By-right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(D)(2) and (4). Permanent supportive housing that does not comply with the provisions of this section shall be subject to the standards, requirements, and review process for residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. By-right permanent supportive housing uses that comply with the standards in sections 3.11.5(C)(4) shall be established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

a. All provisions of Government Code section 65651(a).

b. Unless specifically modified by standards detailed in this section, the supportive housing development is consistent with all objective standards that apply to other multi-family residential use within the same zoning district.

c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP Section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

~~3.11.6 Single-Room Occupancy Facility Requirements~~

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

H. Amend LIP Section 3.14. (Parking Standards), subsection 3 (Specific Parking Requirements), Residential Units, as follows:

Emergency shelters	~~One parking space per 10 adult beds, plus 1~~ <u>One</u> parking space per employee on the ~~largest~~ <u>maximum staff</u> shift.
Large residential care facility	One space for every two beds and 1 space for every employee

	In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
~~Multi-family units (market rate)~~	~~For each efficiency dwelling unit, 2 spaces which shall be either enclosed or covered~~ ~~For each one-bedroom or two-bedrooms unit, 3 spaces, two both of which shall be enclosed~~ ~~For each additional bedroom above two, 1 space which shall be enclosed or covered~~ ~~Guest parking for each 4 units or fraction thereof, 1 space~~
Multi-family units ~~(affordable)~~	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms ~~bedroom or three-unit,~~ 2 ~~½~~ spaces.~~,~~ ~~inclusive of guest parking~~ ~~For each four-bedroom or larger unit, 2 ½ spaces~~ Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(D)(4)(c).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

I. Amend LIP Section 6.7 (Application Submittal Requirements) as follows:

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading <u>for all proposed single-family residential and non-residential developments</u>.

5. <u>For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.</u>

6. An analysis of the potential impacts of the proposed development on the identified public views.

7. Project alternatives designed to avoid and minimize impacts to visual resources.

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

9. Applications for land divisions shall include a grading plan, drainage/polluted runoff control plan, landscape plan, conceptual fuel modification plan (based on anticipated location of future structures), line of sight analysis showing the view of the project site from public viewing areas, and landscaping plans for any proposed slopes. These plans shall depict the proposed building pad or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel. If deemed necessary the visual analysis shall include the placement of story poles and stakes to indicate the location and extent of building pads and grading necessary to develop the site.

J. Amend LIP Section 13.30 (Housing Accessibility – Request For Reasonable Accommodation) as follows:

13.30 HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

A. Purpose and Intent. This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making, and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits ~~or substantially limits~~ one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

C. Application Submittal.

1. Any person with a disability may file an application for a request for reasonable accommodation with the Planning Department, on a form approved by the Planning Director and shall contain the following information, accompanied by a fee established by resolution of the City Council:

a. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

b. The address of the property for which the request is being made;

c. Current actual use of the property;

d. The basis for the claim that the individual is considered disabled under the Acts;

e. The specific code provision, regulation, procedure or policy of the LCP from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

f. The length of time the reasonable accommodation is necessary;

g. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

h. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

i. A site plan or illustrative drawing showing the proposed accommodation; and

j. Any other information required to make the findings required by subsection (F)(5) of this section consistent with the Acts.

2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a CDP, then the applicant shall file the application submittal information together with the application for the CDP for concurrent review.

3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation. ~~The Director may, in his/her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources~~.~~, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be considering the application and inviting written comments on the requested accommodation.

~~3. Upon referral from the Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The Commission shall issue a written determination within forty-five (45) calendar days after such public meeting.~~

3. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

    a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date

of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

K. Amend LIP Appendix 1 (Table B Permitted Uses) as follows:

KEY TO TABLE: (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table).	
P	**Permitted use**
MCUP	**Requires the approval of a minor Conditional Use Permit by the Director**
CUP	**Requires the approval of a Conditional Use Permit**
A	**Permitted only as an accessory use to an otherwise permitted use**
LFDC	**Requires the approval of a Large Family Day Care permit**
WTF	**Requires the approval of a Wireless Telecommunications Facility**
•	**Not permitted (Prohibited)**

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RESIDENTIAL																
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments[18]) – new or the expansion of over 500 sf of multifamily residential use			~~CUP~~P[19]	~~CUP~~P[19]					P[20]							
~~Residential care facilities (serving 6 or fewer persons)~~	~~P~~	~~P~~	~~P~~	•	•	•	•	•	•	•	•	•	•	•	•	•
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care		•	•		•	•	•	•		•		CUP	•		•	•

facilities (serving 7 or more persons)																
Small residential care facilities (serving 6 or ~~fewer~~ less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Supportive housing, by-right			P[22]	P[22]					P[25]	•	•	P[22]				
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[23]	•	•	P[26]	•	•	•	•

Notes:

17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.

19. Multi-family development associated with an affordable housing development project is permitted by right.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APN~~s 4458-022-023 and 4458-022-024~~ 4458-022-908 only), in compliance with Section 3.4.5.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.
26. Allowed pursuant to Section 3.11.5.

Section 6. Local Coastal Program Amendment Findings

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP Amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The Planning Commission recommends, based on evidence in the whole record, that the City Council find the LIP and LUP Amendments in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows:

A. The requirements and standards in the amendments for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community, as well as those individuals with special needs, (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 (affordable housing), 3.4.5 (Affordable Housing Overlay District), and 13.30 (Housing Accessibility – Request For Reasonable Accommodation), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 7. Malibu Municipal Code Amendment

ZTA No. 24-022 includes the following amendments to Title 17 of the MMC:

A. Amend existing definitions and add new definitions to MMC Section 17.02.060 (Definitions), as follows:

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in

Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. ~~and is operated by a government agency or private nonprofit organization.~~

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Lower income households" ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include very-low income households, as defined in Section 50105 of the California Health and Safety Code, and extremely-low income households, as defined in Section 50106 of the California Health and Safety Code.~~ means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "permanent supportive housing").

B. Amend MMC Chapter 17.08 (RR Rural Residential District), subsection 17.08.020 (Permitted uses), as follows:

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. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

   a. That the animals are located not less than 150 feet from any highway and not less than 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;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

I. Private equestrian and/or hiking trails;

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18).;

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

C. Amend MMC Chapter 17.10 (SF Single Family Density Residential District), subsection 17.10.020 (Permitted uses), as follows:

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. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

D. Amend MMC Chapter 17.12 (MF Multiple-Family Residential District), subsection 17.12.020 (Permitted uses) and subsection 17.12.040 (Conditionally permitted uses), as follows:

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

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

C. Small family day care ~~and residential care facilities serving six or fewer persons~~;

D. Residential care facilities, small;

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

17.12.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

H. Parks and playgrounds;

I. Emergency communication and service facilities.

E. Amend MMC Chapter 17.14 (MFBF Multifamily Beach Front District), subsection 17.14.020 (Permitted uses) and subsection 17.12.040 (Conditionally permitted uses), as follows:

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

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

E. Manufactured homes, pursuant to Government Code Section 65852.3;

E. Second units, pursuant to Government Code Section 65852.2~~.~~;

F. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

G. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

H. ~~Small r~~ Residential care facilities, small; ~~involving six or fewer persons~~

I. Affordable housing development projects~~.~~;

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

§ 17.14.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~

A. Utility facilities related to public projects;

B. Lighted sports courts;

C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

D. Parks and playgrounds;

E. Emergency communication and service facilities.

F. Amend MMC Chapter 17.24. (CC Community Commercial District), subsection 17.24.020 (Permitted uses), as follows:

17.24.020 Permitted uses.
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily ~~A~~affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L))~~.~~;

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO~~.~~;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

G. Amend MMC Chapter 17.30 (CG Community General District), Section 17.30.020 (Permitted uses) and Section 17.30.030 (Conditionally permitted uses), as follows:

17.30.020 Permitted uses.
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

E. Cultural and artistic uses, such as museums, galleries, performing arts studios;

F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,
2. Manufacturing, processing or treatment of products,
3. Research and development and testing facilities,
4. Wholesale, storage and distribution,
5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

G. Movie theaters;

H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

I. Large residential care facilities involving seven or more persons.

J. Mixed Use (commercial and residential)

H. Amend MMC Chapter 17.34 (I Institutional District), subsection 17.34.020 (Permitted uses) and subsection 17.34.030 (Conditionally permitted) uses, as follows:

§ 17.34.020 Permitted uses.
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel)~~.~~;

G. Emergency shelters~~.~~;

H. Transitional ~~and supportive~~ housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses; and

I. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

§ 17.34.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Public or private educational institutions;

B. Towing and automobile storage;

C. Maintenance yards;

D. Public utility facilities;

E. Libraries, museums;

F. Community centers;

G. Health care facilities;

H. Religious institutions;

I. Day care facilities, nursery schools;

J. Accessory uses when part of an educational or nonprofit use (noncommercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, green-houses, and similar uses;

K. Educational (nonprofit) activities;

L. Emergency communication and service facilities;

M. Farmers' markets operated by a nonprofit charitable organization;

N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));

O. Helipad sites (public agency use only and not for private use);

P. Charitable, philanthropic activities;

Q. Parks, beaches, and playgrounds;

R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);

S. Residential care facilities for the elderly ~~(limited to operation by a nonprofit only)~~.

I. Amend MMC Chapter 17.39 (Malibu Coast Estate Planned Development (PD) District), subsection 17.39.020 (Permitted uses), as follows:

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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. <u>Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.</u>

6. <u>Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.</u>

J. Amend MMC Section 17.40.040 (Residential development standards), subsections (A)(5) and (A)(11), as follows:

5. Height.

   a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), f~~F~~or new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

      For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

   c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

11. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

   a. Single-family. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

   b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. “Green or living walls” shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25%

requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

K. Amend MMC Section 17.40.120 (Emergency shelters), as follows:

§ 17.40.120 ~~Emergency shelters.~~ Special housing projects.

A. Emergency shelters. ~~Purpose. The purpose of this section is to provide development standards for emergency shelters in the city of Malibu~~.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. Regulations. An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards. ~~An emergency shelter is an allowed use, subject to the issuance of an administrative plan review (per Section 17.62.030 of this title) if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case:~~

~~Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~1.~~ a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed ~~25~~55 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~2.~~ b. Facility Requirements.

i. Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

c. ~~4.~~ Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. ~~5.~~ Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. ~~6~~.Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. ~~7.~~Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

~~D. Reviewing Authority.~~

~~1. Applications for emergency shelters shall be reviewed by the director or designee,.if no approval is sought other than the request for use of an existing facility. If the proposed use meets the requirements of this Section and is consistent with the applicable sections of Chapter 17.40, the director shall issue a permit.~~

~~2. Applications for the emergency shelter use submitted for concurrent review with another discretionary land use application (e.g., a coastal development permit to construct the facility) shall be reviewed by the authority reviewing the discretionary land use application.~~

~~17.40.130 B.~~

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district where the Affordable Housing Overlay (AHO) also applies, and Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial), and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Multiple Family Residential (MF), Multifamily Beach Front (MFBF), Community Commercial (CC), Commercial General (CG),

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

a. All provisions of Government Code section 65651(a).

b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. ~~17.40.130~~ Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

~~A.~~ 1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

~~B.~~ 2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

~~C.~~ 3. Laundry facilities must be provided onsite.

~~D.~~ 4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

~~E.~~ 5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

~~F.~~ 6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

~~G.~~ 7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

~~H.~~ 8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

L. Amend MMC Section 17.41.1 (Affordable Housing), subsection 17.41.1.010 (Residential density bonus), as follows:

~~B.~~

C. Eligibility. A density bonus may be granted to an eligible housing development ~~in any residential district through approval of a use permit by the city council (after recommendation from the planning commission). In order to qualify for a density bonus or other financial incentives of equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~, as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915.

~~1. At least 10% of the total units of a housing development for persons and families of lower income;~~

~~2. At least five percent of the total units of a housing development for persons and families of lower income;~~

~~3. A senior housing development; or~~

~~4. At least 10% of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of 35% shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

~~C.~~

D. General Provisions. ~~for Density Bonuses and Incentives/Concessions. As required by Government Code Section 65915, the city of Malibu shall consider a density bonus and provide incentives or concessions for a housing development that shall be subject to the following provisions:~~

~~1. Determination of Unit Count. When determining the percentage of housing units which are to be affordable, the density bonus units shall not be included.~~

~~2. Minimum Project Size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~

~~3. Previous Density Bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

4. Dispersal of Affordable Units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project shall not differ in appearance from other units in the development.

5. Regulatory Incentives. In accordance with Government Code Section 65915, in addition to a density bonus the city shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost"

   a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.
   b. Approval of mixed use development in conjunction with a multifamily residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.
   c. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions.

D.

Procedures. The procedures for implementing this section shall be as follows:

1. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:

   a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;

   b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;

   c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1 of this title; and

   d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.

      1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any

incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   ~~a~~

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

   c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

   d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

~~D~~.

E. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

~~2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~

~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1. of this title; and~~

~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

~~3.~~

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

~~1. Low and very-low income households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of 55 years or longer term under another agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's. proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation; which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

M. Amend MMC Section 17.42.020(L) (Affordable Housing Overlay District) as follows:

L. Affordable Housing Overlay District.

3. Standards. ~~The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply, unless specifically modified by standards detailed in subsection L. The following special specific regulations shall apply to the AHO sites identified in Table 1 below.~~

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units ~~in excess of the permitted base density of six dwelling units per acre, shall be affordable to lower and moderate income households as set forth in subsection 5 of this section. A minimum of 50%of all units in excess of the six units per acre~~ shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section~~.~~, and a ~~A~~ minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

~~3. Development Standards.~~

b. Development

i. Site of Construction. Structures may be constructed on slopes flatter than 1½ ~~1/2~~:1.

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units ~~General Guidelines~~. The ~~lower-income~~ restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall ~~be comparable in number of bedrooms, exterior appearance and overall quality of construction to nonrestricted units~~ have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common

open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

~~vi. The construction materials and practices shall be comparable to those used for the market rate units;~~

~~vii. The exterior grounds shall be landscaped and well maintained; and~~

~~viii.The units shall be disbursed throughout the project site and not clustered in a single location;~~

v. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

vi. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

    a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

        i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

        ii. Subject to any other form of rent or price control; or

        iii. Occupied by low- or very-low-income households.

    b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

    c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

    d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

    e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

    f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

N. Amend MMC Section 17.48.030 (Specific parking requirements) subsection A (Residential uses), as follows:

Parking Standards	
A. Residential Uses.	
Emergency shelters	~~For each 10 adult beds, one space plus o~~One ~~additional~~ space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee. In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
~~Multifamily units~~	~~For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.~~
Multifamily units	For each efficiency or one-bedroom dwelling unit, ~~(affordable)~~ one space. For each dwelling unit with two~~-bedroom or three-~~ or more bedrooms ~~unit~~, two spaces.~~, one of which shall be either enclosed or covered inclusive of guest parking~~. ~~For each four-bedroom or larger unit, two and one-half spaces.~~ Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive

	housing parking shall be as required in Section 17.40.120(C)(4)(c) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

O. Amend MMC Chapter 17.63 (Housing Accessibility – Request For Reasonable Accommodation) as follows:

17.63.020. Applicability.

C. A person with a disability is a person who has a physical or mental impairment that ~~substantially limits or~~ substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

§ 17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation. ~~The director may, in his or her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

§ 17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources, including:

a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

~~B. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings:~~

~~1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in subsection A above.~~

~~2. The request for reasonable accommodation is necessary to make housing available to a person with a disability as defined in subsection A above.~~

~~3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.~~

~~4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.~~

~~5. The requested reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat area, public access and/or public views, and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation shall be included to address significant impacts.~~

~~6. The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat area, public access and/or public views.~~

§ 17.63.060. Decision.

A. The director shall consider an application, and issue a written determination within 45 calendar days of the date of receipt of a completed application. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.

~~C. Upon referral from the director, the planning commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The commission shall issue a written determination within 45 calendar days after such public meeting.~~

C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

D. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.

E. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.

F. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

P. Amend MMC Appendix 1 (Permitted Uses Table), as follows:

KEY TO TABLE: (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table).	
P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
•	Not permitted (Prohibited)

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development[29]) – new or the expansion over 500 sf of existing multifamily residential use	•	•	~~CUP~~ P[30]	~~CUP~~ P[2, 30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
~~Residential care facilities (serving 6 or fewer persons)~~	~~P~~	~~P~~	~~P~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~
Large residential care facilities (serving 7 or more persons)		•		•	•	•	•	•	•		•	CUP	•	•	•	•
Small residential care facilities (serving 6 or ~~fewer~~ less persons)	P	P	P	P		•	•	•	•	•	•	•	•	•	•	•

Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Employee housing for 6 or fewer persons	P[32]	P[32]	P[32]	P[32]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Supportive housing, by-right	•	•	P[33]	P[33]	•	•	•	•	P[36]	•	•	P[33]	•	•	•	•
Transitional housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[34]	•	•	P[37]	•	•	•	•
~~New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments~~	•	•	•	~~CUP~~	•	•	•	•	•	•	•	•	•	•	•	•
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP[38]	CUP[38]	CUP	CUP	CUP	•	•	•	CUP

Notes:

[28] Transitional and supportive housing is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.

[29] Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses.

[30] Multifamily development associated with an affordable housing development project is permitted by right.

[31] Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (~~APNs 4458-022-023 and 4458-022-024~~ APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.

[32] Employee housing for 6 or fewer persons is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.
[33] Allowed pursuant to Section 17.40.120(C).
[34] Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and pursuant to Section 17.140.120(B).
[35] Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
[36] By-right permanent supportive housing is permitted pursuant to Section 17.40.120(C). Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
[37] Allowed pursuant to Section 17.140.120(B).
[38] Unless the use is an emergency shelter, low barrier navigation center, or by-right supportive housing, each of which is allowed by right pursuant to Section 17.40.120.

SECTION 8. Malibu Municipal Code Amendment Findings.

MMC Section 17.74.040(C) states that before approval of any zoning text amendment, the City Council must make the finding that such amendment is consistent with the general plan as adopted. The Planning Commission recommends, based on evidence in the whole record, that the City Council make the finding as follows:

A. The proposed amendment implements the programs of the City of Malibu Housing Element 2021-2029, which is consistent with the City of Malibu General Plan as identified in Section 4 of this resolution; and

B. The amendment is consistent with the following General Plan objective and policies in the Land Use Element: LU Objective 1.1: Development that Does Not Degrade the Environment, LUP Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment, and LUP Policy 1.14: The City shall preserve the City's rural residential character, as the amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 9. Planning Commission Action.

Pursuant to MMC Section 17.74.030, the Planning Commission hereby recommends that the City Council adopt GPA No. 20-001, LCPA No. 24-001, and ZTA No. 24-002, adopting the 2021-2029 Housing Element and the General Plan and amending the Land Use Plan and Local Implementation Plan of the Local Coastal Program.

SECTION 10. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 19th day of August 2024.

JOHN G. MAZZA, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-59 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 19th day of August 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

EXHIBIT A

2021-2029 Housing Element

https://malibucity.org/DocumentCenter/View/34409/City-of-Malibu-2021-2029-Housing-Element_July-29-2024

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 31, 2024

Richard Mollica, Director
Planning Department
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Dear Richard Mollica:

RE: City of Malibu's 6th Cycle (2021-2029) Revised Draft Housing Element

Thank you for submitting the City of Malibu's (City) revised draft housing element received for review on July 30, 2024. The revised draft was posted and made available to the public for seven days prior to review. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). However, the housing element cannot be found in substantial compliance until the City has completed necessary rezones as described below. The housing element will comply with State Housing Element Law when the rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that did not adopt a compliant housing element within one year from the statutory deadline (October 15, 2021) cannot be found in compliance until rezones to make prior identified sites available or accommodate a shortfall of sites are completed pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c). As the City did not adopt a compliant housing element by October 15, 2022 and the necessary rezones are not complete, HCD cannot find the element in compliance. The element can be found in compliance when Program 3.5 (By-Right Approval) is complete. Upon completion of rezones, the City should submit appropriate documentation (e.g., resolution, ordinance) for HCD's review. HCD will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD

encourages the City to expeditiously adopt, rezone and submit to HCD to regain housing element compliance.

For your information, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities programs, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD appreciates the hard work and dedication the housing element update team provided throughout the housing element review and update process. HCD looks forward to working with the City through adoption and rezoning. If you have any questions or need additional technical assistance, please contact Sayed Murad of our staff, at Sayed.Murad@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

City of Malibu
Housing Element Implementation
Local Coastal Program (LCP) Amendments

August 7, 2024

LAND USE PLAN (LUP) AMENDMENT

CHAPTER 6 – SCENIC AND VISUAL RESOURCES

C. Land Use Policies

2. New Development

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

LOCAL IMPLEMENTATION PLAN (LIP) AMENDMENTS

CHAPTER 2—DEFINITIONS

2.1. GENERAL DEFINITIONS

BY-RIGHT USE – the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless person. ~~person and is operated by a government agency or private non-profit organization.~~ No individual or household may be denied emergency shelter because of an inability to pay.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health

services, shelter, and housing. “Low barrier” includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

LOWER INCOME HOUSEHOLDS – ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include Very-Low Income Households, as defined in Section 50105 of the California Health and Safety Code, and Extremely-Low Income Households,~~ include those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

PERMANENT SUPPPORTIVE HOUSING – means the same as “SUPPORTIVE HOUSING.”

RESIDENTIAL CARE FACILITY, SMALL ~~any family home or group care facility serving 6 or fewer persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities~~ - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a “target population,” and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, “PERMANENT SUPPORTIVE HOUSING”).

3.3. ZONING DISTRICTS

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” 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, 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. Domestic animals, kept as pets.
iv. Landscaping.
v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
vi. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

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.
ii. 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.
iii. Onsite wastewater treatment facilities

3.4.5. Affordable Housing Overlay District

A. Purpose and Applicability. The Affordable Housing Overlay (AHO) District is intended to identify sites within the City where affordable housing developments may be established and maintained in compliance with this section. In addition to (and not as a limitation of) uses allowed within the underlying zoning district and any other applicable overlay, each property within the AHO District may be developed with an Affordable Housing Development, subject to the provisions set forth below. All requirements for the Malibu LIP that are not inconsistent with the criteria listed below shall remain in effect for those parcels in the Affordable Housing Overlay.

B. Description of Area Subject to LIP Section 3.4.5.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

C. Permitted Uses.

1. Affordable housing development is permitted in the AHO subject to the development standards set forth in this Section. Specifically, on AHO Site Number 3 (2.3 acre portion of 23465 Civic Center Way also known as the La Paz site) an affordable housing development is only permitted if the affordable housing development is either directly developed/constructed by the City, or if the City partners with an affordable housing developer; and eighty percent (80%) of the units are affordable for lower and moderate households, to serve as a public benefit to the City.

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area ~~including the~~, exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, ~~all units in excess of the permitted base density of 6 dwelling units per acre, shall be affordable to lower and moderate income households as set forth in Subsection F below. A~~ a minimum of twenty ~~fifty~~ percent (~~50~~20%) of all units ~~in excess of the 6 dwellings units per acre~~ shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s) ~~or units~~, shall be affordable to lower and moderate income households as set forth in Subsection ~~F~~ E below, ~~and~~ ~~A~~ a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

~~E~~2. Development Standards.

~~1~~a. ~~Site of Construction.~~ Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

~~2. General Guidelines. The lower-income multi-family dwelling units required under this Section:~~ 3. Restricted Units. The ~~lower-income~~ restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units;~~ Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. ~~The construction materials and practices shall be comparable to those used for the market rate units~~ The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. ~~The exterior grounds shall be landscaped and well maintained; and~~ May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. ~~The units shall be disbursed throughout the project site and not clustered in a single location.~~ Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

~~F~~E. Affordability.

1. Rental ~~u~~Units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.2 of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-sale or O~~o~~wner-O~~o~~ccupied U~~u~~nits. Prior to the issuance of any building permit for an A~~a~~ffordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to ~~levels~~ affordable levels according to Section 3.4.5(D)(1)(d) ~~lower-income households~~ and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

   a. The number of restricted units proposed.

   b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

   c. The proposed location of the restricted units.

   d. Amenities and services provided for the unit residents.

e. Specific level of affordability for each of the restricted units.

f. Schedule for production of the restricted and market-rate units.

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

   a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

   b. Subject to any other form of rent or price control; or

   c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

d. Number of replacement units proposed;

e. Unit square footage and number of bedrooms of the replacement units;

f. Proposed location of the replacement units;

g. Amenities and services provided for the replacement unit residents; and

h. Specific level of affordability for each of the replacement units.

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

3.6 RESIDENTIAL DEVELOPMENT STANDARDS

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

A. Every residence shall have a roof constructed with roofing material in compliance with rating as specified by Title 15 of the Malibu Municipal Code;

B. Every residence shall have an exterior siding of brick, wood, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited;

C. Except as specifically provided herein, every single-family residence shall be not less than twenty (20) feet in width. A single-family residence need only be a minimum of eighteen (18) feet wide when it is to be located on a lot or parcel of land less than twenty-six (26) feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than twenty (20) feet wide, but not less than twelve (12) feet, if the floor area, exclusive of appurtenant structures, is at least nine hundred (900) square feet and the side or sides oriented toward a public street, highway or parkway have a dimension to width;

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

1. For a single-family residence, not less than eight hundred (800) square feet, exclusive of any appurtenant structures.

2. For each multifamily dwelling unit, not less than three hundred (300) square feet, exclusive of any appurtenant structures.

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), e~~E~~very residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), f~~F~~or new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

   For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

F. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:

1. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.

2. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.

3. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.

4. For the purposes of calculating yards, slopes equal to a greater than 1:1 shall not be included in the lot dimensions.

5. Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.

6. Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

a. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.

b. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.

   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.

7. Setbacks shall also be in compliance with Article VIII of the Malibu Municipal Code (Building Code).

G. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:

1. Front. 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. Side. 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum, except as required for view corridors under Section 6.5(E)(2) of the Malibu LIP.

3. Rear. Setbacks for infill development are determined by the stringline rule. Separate setback standards apply to dwellings and decks, as indicated below. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible.

    a. Dwellings. For a dwelling, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast dwelling. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast dwelling.

    b. Decks and patios. For a deck or patio, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast deck or patio. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast deck or patio.

    c. All infill development shall be set back a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. The location of the mean high tide shall be determined in consultation with the State Lands Commission.

4. Stringline modification. Where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development, the applicant may apply for a minor modification pursuant to LIP Section 13.27.1(B)(3). Alternatively, the applicant may apply for a variance pursuant to LIP Section 13.26.

5. Accessory structures. No accessory structure (including, without limitation, a gazebo, cabana) may project seaward of the dwelling stringline.

6. Swimming pools and spas. Pools and spas may project seaward of the dwelling stringline, but in no case may they project seaward of the deck stringline.

7. Stairways. Stairways from decks to the beach may not project seaward of the deck stringline.

8. Fences. Fences, shall not project seaward of the structure stringline, with the exception of any required safety railing around decks that is a maximum of 42 inches in height, and fencing constructed of transparent material such as plexiglass.

9. Shoreline protective devices. A shoreline protective device shall be permitted only if the Planning Manager and the Building Official determine that the device is necessary to protect an existing structure as defined in paragraphs L. and M. of Section 10.4 of the LIP or an existing or new sewage disposal system. A shoreline protective device shall be located as far landward as possible, consistent with the provisions of Chapter 10 of the Malibu LIP.

10. Bluffs. Setbacks shall be consistent with the requirements of Chapter 10 of the Malibu LIP.

H. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed 2 acres, except where otherwise restricted by provisions of the ESHA Overlay Chapter (Chapter 4), Scenic and Visual Resources Chapter (Chapter 6), or Grading Chapter (Chapter 8) of the Malibu LIP.

I. Single Family.

1. Use of permeable surfaces is encouraged, especially for driveways. However, including the primary structure, impermeable surfaces are permitted for residential lot areas (excluding slopes equal to or greater than 1:1), up to 1/4 acre at 45%; for lot areas greater than 1/4 acre but a ½ acre or less, at 35% and for lots greater than 1/2 acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this Paragraph.

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. “Green or living walls” shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

3.7 AFFORDABLE HOUSING

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement ~~the incentive program provided in the~~ State Dd~~d~~ensity Bb~~b~~onus Law (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code Sections 65915 through 65918 et seq. are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915 et seq. . ~~in any residential district through approval by the city council (after recommendation from the planning commission) of a CDP. In order to qualify for a density bonus or other financial incentives or equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~

~~1. At least ten (10) percent of the total units of a housing development for persons and families of lower income;~~

~~2. At least five (5) percent of the total units of a housing development for very low income households;~~

~~3. A senior citizen housing development; or~~

4. At least ten (10) percent of the units in a common interest subdivision for persons and families of moderate income.

Only one density bonus up to a maximum of thirty-five (35) percent shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.

C. General Provisions. for Density Bonuses and Incentives/Concessions. In accordance with Government Code Section 65915, the City shall consider a density bonus and provide incentives or concessions for a housing development subject to the following provisions:

1. Determination of unit count. When determining percentage of housing units which are to be affordable, the density bonus units shall not be included.

2. Minimum project size. A project must contain at least five dwelling units in order to be considered for a density bonus.

3. Previous density bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.

4. Dispersal of affordable units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.

5. Regulatory incentives. In accordance with Government Code Section 65915, in addition to a density bonus the City shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost:

    a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.

    b. Approval of mixed-use development in conjunction with a multi-family residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.

    c. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

D. Procedures for Approval.

1. Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

~~2. Findings. When required by Government Code Section 65915, the City shall grant a density bonus that allows the applicant to build no more than thirty-five (35) percent more units than a property's zoning would ordinarily allow, if the City finds:~~

~~c. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~d. The developer has demonstrated that the density bonus and adjustment of standards is necessary to make the project economically feasible;~~

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code Section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

   b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

   c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

      i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act~~, Government Code Section 65915 and Section 3.7.1 of the Local Coastal Program~~.

      ii. ~~If located within the coastal zone, t~~The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions; and

      iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

~~3. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the LCP.~~

~~4. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program coastal resource protection policies and development standards, with the exception of the density provisions.~~

   d. If~~, however,~~ the City determines that the means for accommodating the density

increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

~~5~~e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code Section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

~~6. For any housing development where the City approves a density bonus, prior to issuing the coastal development permit, the owner must record an affordable housing agreement~~

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code Section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of Section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~

2. Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

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4. ~~3.7.2~~ Affordable Housing Agreement. ~~An applicant that chooses any option for satisfying the affordability requirements of this chapter shall enter into an affordable housing agreement ("agreement") with the City. The agreement shall be executed in a recordable form prior to the issuance of a CDP and building permit for any portion of a project including affordable units, subject to the requirements of this chapter.~~ For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

~~1. Low and Very-Low Income Households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of fifty-five (55) years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household and the sale price must be affordable to moderate income households and household and the sale price must be affordable to moderate income households.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the~~

~~down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Affordable Housing Agreement Requirements.

~~A.~~

1. The agreement shall:

   a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

   b. Identify the type, size and location of each affordable housing unit required hereunder;

   c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

   d. Identify limits on income, rent, and sales price of affordable units;

   e. Identify the term of the agreement, which would then define the term of affordability of the required units;

   f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

   g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

   h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

   i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

   j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

   k. Include provisions for the enforcement and penalties for violation of the agreement; and

   l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

~~B.~~

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

~~C.~~

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915 et seq. The requirements of Government Code section 65915 et seq., and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915 et seq. Any changes to Government Code section 65915 et seq. shall be deemed to supersede and govern over any conflicting provisions contained herein.

~~3.7.3 Affordable Housing Fund~~

H. Affordable Housing Fund.

~~A. Fund Revenues.~~

~~B. Purpose and Limitations.~~

1. Fund Revenues. The fund shall receive all in-lieu fees paid ~~under Section 3.7.1(E)(2)~~ and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

d. Pre-home ownership co-investment;

e. Predevelopment loan funds;

f. Participation leases;

g. Other public-private partnership arrangements;

h. The acquisition of property and property rights;

i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

k. Other costs associated with the construction or financing of affordable housing;

l. Reasonable administrative charges or related expenses; and

m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

3.11. DEVELOPMENT STANDARDS FOR SPECIAL USES

3.11.5 ~~Emergency Shelter Requirements~~ Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

~~B.~~

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in section 3.11.5 (A)(4) shall be a permitted use established by-right. ~~if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in~~ each ~~case~~

~~C.~~

4. Regulations. An emergency shelter is ~~allowed~~ subject ~~to~~ ~~a coastal development permit, unless determined to be exempt pursuant to Section 13.4, consistent with the LCP and subject~~ to the following standards ~~in each case~~. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the~~

~~City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty-~~fifty-five (~~2~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

b. Facility Requirements.

i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

(3) Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

~~D.~~

5. Reviewing Authority.

~~1. Coastal Development Permit applications for emergency shelters shall be reviewed by the appropriate decision making authority in accordance with Section 13.7. A coastal development permit application is required for emergency shelters, unless determined to be exempt, consistent with the LCP, pursuant to LIP Section 13.4, and shall be reviewed by the appropriate decision making authority in accordance with LIP Section 13.7.~~ Applications for a emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B)(2) and (4) shall be permitted use established by-right.

4. Regulations.

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

4. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. By right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(C)(2) and (4). Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (LIP section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

~~3..11.6.~~

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

3.14.3 Specific Parking Requirements

Parking shall be provided in accordance with the list of uses under this section. Where the standards result in a fraction, the next larger whole number shall be the number of spaces required. For additions to existing developments, the increased parking requirement shall be based only on the addition. A minimum of two spaces shall be provided for any use or development regardless of the size or scope of the use or development. The minimum size for a residential parking space shall be 18 feet long by 10 feet wide. If the specific use is not listed in the following table, the parking requirements listed in each zone district shall apply:

PARKING STANDARDS

Residential Units

Emergency shelters	~~One parking space per 10 adult beds, plus 1~~ One parking space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	One space for every two beds and 1 space for every employee. In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
~~Multi-family units (market rate)~~	~~For each efficiency dwelling unit, 2 spaces which shall be either enclosed or covered~~ ~~For each one-bedroom or two-bedrooms unit, 3 spaces, two both of which shall be enclosed~~ ~~For each additional bedroom above two, 1 space which shall be enclosed or covered~~ ~~Guest parking for each 4 units or fraction thereof, 1 space~~
Multi-family units ~~(affordable)~~	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms ~~-bedroom or three-~~bedrooms ~~unit,~~ 2 ~~½~~ spaces.~~,~~ ~~inclusive of guest parking~~ ~~For each four-bedroom or larger unit, 2 ½ spaces~~ Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.

Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(C)(3)(j).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

6.7 APPLICATION SUBMITTAL REQUIREMENTS

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.

5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.

6. An analysis of the potential impacts of the proposed development on the identified public views.

7. Project alternatives designed to avoid and minimize impacts to visual resources.

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

9. Applications for land divisions shall include a grading plan, drainage/polluted runoff control plan, landscape plan, conceptual fuel modification plan (based on anticipated location of future structures), line of sight analysis showing the view of the project site from public viewing areas, and landscaping plans for any proposed slopes. These plans shall depict the proposed building pad or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel. If deemed necessary the visual analysis shall include the placement of story poles and stakes to indicate the location and extent of building pads and grading necessary to develop the site.

13.30 HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

A. Purpose and Intent. This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making, and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits ~~or substantially limits~~ one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

C. Application Submittal.

1. Any person with a disability may file an application for a request for reasonable accommodation with the Planning Department, on a form approved by the Planning Director and shall contain the following information, accompanied by a fee established by resolution of the City Council:

   a. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

   b. The address of the property for which the request is being made;

   c. Current actual use of the property;

   d. The basis for the claim that the individual is considered disabled under the Acts;

   e. The specific code provision, regulation, procedure or policy of the LCP from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

f. The length of time the reasonable accommodation is necessary;

g. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

h. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

i. A site plan or illustrative drawing showing the proposed accommodation; and

j. Any other information required to make the findings required by subsection (F)(5) of this section consistent with the Acts.

2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a CDP, then the applicant shall file the application submittal information together with the application for the CDP for concurrent review.

3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation. ~~The Director may, in his/her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings <u>in compliance with the Acts</u>:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The ~~approved~~ reasonable accommodation is necessary to make <u>the specific</u> housing available to a person with a disability as defined in subsection (B)(3) above.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources~~.~~, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be considering the application and inviting written comments on the requested accommodation.

~~3. Upon referral from the Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The Commission shall issue a written determination within forty-five (45) calendar days after such public meeting.~~

4. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

5. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

6. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

7. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

8. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

~~G~~. H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

~~H.~~ I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

~~I.~~J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time

sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required [time period set forth in this section.

~~J~~.K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacate<u>s</u>, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

    a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

City of Malibu
Housing Element 2021-2029 (6th Cycle) Implementation
Malibu Municipal Code (MMC) Amendments, Title 17 Zoning

August 7, 2024

Chapter 17.02. INTRODUCTORY PROVISIONS AND DEFINITIONS

17.02.060 **Definitions.**

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. ~~and is operated by a government agency or private nonprofit organization.~~

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Lower income households" ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include very-low income households, as defined in Section 50105 of the California Health and Safety Code, and extremely-low income households, as defined in Section 50106 of the California Health and Safety Code.~~ means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual.

This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population", and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population", and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "permanent supportive housing").

Chapter 17.08 RR RURAL RESIDENTIAL DISTRICT

§ 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. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

a. That the animals are located not less than 150 feet from any highway and not less than 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;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

I. Private equestrian and/or hiking trails;

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.10 SF SINGLE FAMILY DENSITY RESIDENTIAL DISTRICT

§ 17.10.010. **Purpose.**
The SF district will serve the majority of the city's single-family residential parcels. The intent of the district is to enhance the rural characteristics of the community by maintaining low density residential development in a manner which respects surrounding property owners and the natural environment.

§ 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. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.12 MF MULTIPLE-FAMILY RESIDENTIAL DISTRICT

§ 17.12.010. **Purpose.**
The MF district consists of existing multifamily development in the city and is intended to provide for a variety of residential opportunities ranging from single-family to multiple-family and residential uses at a moderate density range.

§ 17.12.020. **Permitted uses.**
The following uses and structures are permitted in the MF district:

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

C. Small family day care ~~and residential care facilities serving six or fewer persons~~;

D. Residential care facilities, small;

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(D) of this title~~;~~

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

§ 17.12.040. **Conditionally permitted uses.**
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

H. Parks and playgrounds;

I. Emergency communication and service facilities.

Chapter 17.14 MFBF MULTIFAMILY BEACH FRONT DISTRICT

§ 17.14.020. **Permitted uses.**
The following uses and structures are permitted in the MFBF district:

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2~~.~~;

G. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

H. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

I. ~~Small r~~Residential care facilities, small; ~~involving six or fewer persons~~

I. Affordable housing development projects~~.~~;

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

§ 17.14.030. **Uses subject to director's review.**
The following uses and structures may be permitted subject to obtaining a minor conditional use permit:

A. Mobilehome used as a residence during construction, subject to Section 17.40.040(A) (18);

B. Home occupations, subject to Section 17.40.040(A)(19).

§ 17.14.040. **Conditionally permitted uses.**
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~

A. Utility facilities related to public projects;

B. Lighted sports courts;

C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

D. Parks and playgrounds;

E. Emergency communication and service facilities.

Chapter 17.24. CC COMMUNITY COMMERCIAL DISTRICT

§ 17.24.020. **Permitted uses.**
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily ~~A~~affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L))~~.~~;

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO~~.~~;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120 (C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

Chapter 17.30 CG COMMERCIAL GENERAL DISTRICT

§ 17.30.020. **Permitted uses.**
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

§ 17.30.030. **Conditionally permitted uses.**
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

J. Wastewater storage and hauling;

K. Communication facilities;

L. Cultural and artistic uses, such as museums, galleries, performing arts studios;

M. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,
2. Manufacturing, processing or treatment of products,
3. Research and development and testing facilities,
4. Wholesale, storage and distribution,
5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

N. Movie theaters;

O. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

P. Large residential care facilities involving seven or more persons.

Q. Mixed Use (commercial and residential)

Chapter 17.34 I INSTITUTIONAL DISTRICT

§ 17.34.020. **Permitted uses.**
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel)~~.~~;

G. Emergency shelters~~.~~;

H. Transitional ~~and supportive~~ housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses;

I. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.39. MALIBU COAST ESTATE PLANNED DEVELOPMENT (PD) DISTRICT

§ 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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

6. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

§ 17.40.040 Residential development standards.

A. All residential development shall be subject to the following development standards:

1. Every residence shall have a roof constructed with roofing material in compliance with a rating as specified by Section 1603 (Fire Zone 4) of Title 26 (Los Angeles Building Code) of this code (see Chapter 15.04).

2. Every residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited.

3. Except as specifically provided by this chapter, every single-family residence shall be not less than 20 feet in width. A single-family residence need only be a minimum of 18 feet wide when it is to be located on a lot or parcel of land less than 26 feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than 20 feet wide, but not less than 12 feet, if the floor area, exclusive of appurtenant structures, is at least 900 square feet and the side or sides oriented toward a public street, highway or parkway have a dimension of at least 20 feet. Additions to single-family residences are not restricted as to width.

4. The minimum floor area of a residential unit shall be as follow:

   a. For a single-family residence, not less than 800 square feet, exclusive of any appurtenant structures.

   b. For each multifamily dwelling unit, not less than 300 square feet, exclusive of any appurtenant structures.

5. Height.

   a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), fFor new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched

roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

6. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:

a. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.

b. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, on no event, shall a single side yard setback be less than 10% of the width of the lot or five feet, whichever is greater.

c. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.

d. For the purpose of calculating yards, slopes equal to or greater than 1:1 shall not be included in the lot dimensions.

e. All structures must be set back at least 25 feet from the top of a 45 degree angle (1:1 slope) starting at the toe of an inland bluff or coastal bluff. For slopes greater than 45 degrees setback shall be 25 feet horizontal as measured from the top of the slope at the end of the 45 degree line commencing at the base of the slope. For the purposes of this section, an inland or coastal bluff is a topographic-feature not primarily composed of sand and at least 25 feet from top to toe with a slope of 1:1 or greater.

f. Notwithstanding any provision of this section, where feasible, all structures shall be set back a minimum of 100 feet from an environmentally sensitive habitat area and other designated environmentally sensitive areas and a minimum of 100 feet from park natural vegetation. For the purposes of this section, “park natural vegetation” means native vegetation comprised of plan species identified as indigenous in the 1986 Edition of Flora of the Santa Monica Mountains (Raven, Thompson and Prigge).

7. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:

a. Front. Twenty feet maximum or the average of the two immediate neighbors, whichever is less.

b. Side. Ten percent of lot width on each side, with a three feet minimum and five feet maximum.

c. Rear. Setbacks are determined by the stringline rule. Separate setback standards apply to dwellings, decks, accessory structures, and shoreline protective devices, as indicated below:

1. Dwellings and Decks. For a dwelling or deck, new construction shall not extend seaward of a stringline drawn by the following procedure:

a. General Rule. The stringline shall be drawn from a point on the closest upcoast and downcoast property with the same type of structure (dwelling or deck). The stringline point shall be located as follows: first, the predominant seaward projection of the structure on the upcoast and downcoast property shall be identified; second, the corner of the predominant seaward projection which is closest to the subject property shall be located, and shall constitute the stringline point. Predominant seaward projection shall be calculated using the formula in subsection (b).

b. Predominant Seaward Projection. The “predominant seaward projection” shall be that portion of a structure closest to the ocean, which has a width (i.e., the dimension which is on a plane parallel to the ocean front) at least 30% of the maximum width of the structure.

2. Stringline Determination. After an application is determined to be complete and a preliminary stringline determination is made, the planning manager/director shall notify in writing the owners and residents of all beachfront property within 500 linear feet of the proposed stringline determination and in no event less than 10 developed properties. Not sooner than 21 days after the resident and owners are notified nor later than 30 days after the notification, the planning manager/director will consider all comments submitted in writing and orally. These deadlines are directory and no decision shall be subject to invalidation solely on the ground that it was made after the deadline. Thereafter, the planning manager/director shall approve, deny, or modify the preliminary stringline determination and issue a written decision.

3. Stringline Modification. Where the application of the general rule results in a stringline substantially inconsistent with the adjacent development, the applicant may apply for a stringline modification pursuant to Section 17.72.100(C).

4. Accessory Structures. No accessory structure (including, without limitation, a gazebo, pool, cabana) may project seaward of the deck stringline. Accessory structures may be permitted seaward of the dwelling stringline, provided that ocean views from adjacent developed properties are maintained to the maximum reasonable extent, as determined by the planning manager/director.

5. Shoreline Protective Devices. A shoreline protective device including sea walls, bulkheads or other similar devices shall be subject to site plan review approval pursuant to Section 17.62.040(A)(10). A shoreline protective device shall not extend seaward of a stringline drawn between the nearest corners of the closest

existing shoreline protective device(s), as determined by the planning manager/director.

d. Bluff.

i. Beachfront Bluffs. Consistent with the stringline rule, structures may extend over a bluff which is 10 feet or less in height, from toe to top, as established by average beach profile and having underlying geology composed mostly of sand and/or naturally or artificially deposited fill materials.

ii. Shoreline Bluffs. Structures on non-infill lots shall not extend over a bluff which is greater than 10 feet but less than 25 feet and all structures shall be set back to comply with the requirements of Title 26 (Los Angeles Building Code) for foundations adjacent to descending slopes. Structures on infill lots on shoreline bluffs shall conform to the stringline rule.

8. Ridgelines.

1. Primary Ridgelines.

a. A primary ridgeline shall be defined as follows: a hill, ridge or promontory which drops on either side of the top of this landform feature, and includes at least one of the following conditions:

i. Forms a distinct part of the skyline when viewed from a public street or highway; or

ii. Is seen as a distinct and prominent edge against a backdrop of land at least 500 feet behind it when viewed from a public street and contains an average slope of at least 3:1.

2. Secondary Ridgelines.

a. A secondary ridgeline is defined as hills, ridges, and promontories other than primary ridgelines, but on which the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of this landform feature.

b. Any structures proposed on secondary ridgelines shall be subject to the planning director's review. If the structure projects above the top of the secondary ridgeline, as viewed from a public or private street, the planning director may impose conditions to minimize potential scenic impacts based on such factors as the prominence of the site and structure, the severity of visual impact to public view, and the existing development pattern in the surrounding area. These conditions would be based on the following secondary ridgeline development criteria:

i. Proposed structures are encouraged to be maintained at a low profile to mitigate visual impacts of the secondary ridgeline.

ii. The proposed design of the structure, including grading of the site should incorporate development techniques which sensitively conform to the natural terrain, including such measures as split level designs or second stores which

are stepped back as viewed from the downhill side of the property, reduced building pads and roof pitches which parallel existing slopes.

3. Grading or berms which alter the natural contours of, or change the elevation of the crest of the ridgeline in order to create a pad shall be avoided.

4. Berms, contour or landform grading, and landscaping should be used, when necessary, to soften the visual impacts to secondary ridgelines created by structures and grading.

   c. Ridgetop development is particularly susceptible to wildfire hazard. In addition to the criteria to reduce visual impact, the planning director shall evaluate all ridgeline development on slopes of at least 3:1 to incorporate adequate setbacks to address potential fire hazard concerns.

9. Grading. Notwithstanding any other provisions of this code, grading (total cut and fill) is limited to 1,000 cubic yards as follows:

   a. Maximum Quantity. In conjunction with any grading, so that the maximum is not greater than 1,000 cubic yards (exclusive of remedial grading) cut and fill may be allocated as follows: (i) balanced cut and fill up to 1,000 cubic yards; or (ii) export of no more than 1,000 cubic yards; or (iii) import of no more than 500 cubic yards, where additional grading on site does not exceed 500 cubic yards in conjunction with any landform alteration so that the maximum is no greater than 1,000 cubic yards; or (iv) any combination of the above that does not exceed 1,000 cubic yards per lot for single-family residential development or per acre of multi-family residential development.

   b. Maximum height cut or fill: six feet in height for any one wall, or 12 feet for any combination of walls, where a minimum three foot separation exists between walls, except single cuts up to 12 feet in height which are an integral part of the structure are permitted.

   c. Maximum grade cut or fill: 3:1 for areas created for development of structures and open yard areas. Transition slopes may not exceed 2:1 and shall not exceed the maximum height permitted for cuts and fills.

   d. Criteria. Grading plans shall be submitted for approval with building plans. No grading permits shall be issued until a building permit is approved. Contour grading shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

   e. Remedial Grading. Notwithstanding the limitations of this subsection, the director may permit remedial grading pursuant to site plan review, Section 17.62.040. For the purposes of this section, “remedial grading” is defined as grading recommended by a full site geotechnical report approved by the director and city geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development.

f. Exceptions. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.

10. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed two acres.

1. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

a. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25% requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

§ 17.40.120 ~~**Emergency shelters.**~~ **Special housing projects.**

A. Emergency shelters. ~~Purpose. The purpose of this section is to provide development standards for emergency shelters in the city of Malibu~~.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. ~~B~~. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. ~~C.~~ Regulations. ~~An emergency shelter is an allowed use, subject to the issuance of an administrative plan review (per Section 17.62.030 of this title) if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case:~~ An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~2.~~ a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed ~~25~~55 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~3.~~ b. Facility Requirements.

i. ~~a.~~ Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

ii. ~~b.~~ Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. ~~c.~~ Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. ~~d.~~The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) ~~i.~~ Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) ~~ii.~~Dining area;

(3) ~~iii.~~ Laundry room;

(4) ~~iv.~~ Recreation room;

(5) ~~v.~~ Support services (e.g. training, counseling, etc.); and

(6) ~~vi.~~ Child care facilities.

c. ~~4.~~ Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. ~~5.~~ Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. ~~6.~~ Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. ~~7.~~ Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. ~~a.~~ Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. ~~b.~~ Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. ~~8.~~ Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

~~D. Reviewing Authority.~~

~~1. Applications for emergency shelters shall be reviewed by the director or designee,~~ if ~~no approval is sought other than the request for use of an existing facility. If the proposed use meets the requirements of this Section and is consistent with the applicable sections of Chapter 17.40, the director shall issue a permit.~~

~~2. Applications for the emergency shelter use submitted for concurrent review with another discretionary land use application (e.g., a coastal development permit to construct the facility) shall be reviewed by the authority reviewing the discretionary land use application.~~

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

~~2.~~ Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial) ~~along with~~ Section 17.42.020(L) Affordable Housing Overlay, and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 17.42.020(L)) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

a. All provisions of Government Code section 65651(a).

b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. ~~17.40.130~~ Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

~~A.~~ 1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

~~B.~~ 2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

~~C.~~ 3. Laundry facilities must be provided onsite.

~~D.~~ 4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

~~E.~~ 5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

~~F.~~ 6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

~~G.~~ 7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

~~H.~~ 8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

Chapter 17.41.1 AFFORDABLE HOUSING

§ 17.41.1.010. Residential density bonus.

~~B.~~

C. Eligibility. A density bonus may be granted to an eligible housing development ~~in any residential district through approval of a use permit by the city council (after recommendation from the planning commission). In order to qualify for a density bonus or other financial incentives of equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~, as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915 et seq.

~~1. At least 10% of the total units of a housing development for persons and families of lower income;~~

2. At least five percent of the total units of a housing development for persons and families of lower income;

3. A senior housing development; or

4. At least 10% of the units in a common interest subdivision for persons and families of moderate income.

Only one density bonus up to a maximum of 35% shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.

C.

D. General Provisions for Density Bonuses and Incentives/Concessions. As required by Government Code Section 65915, the city of Malibu shall consider a density bonus and provide incentives or concessions for a housing development that shall be subject to the following provisions:

1. Determination of Unit Count. When determining the percentage of housing units which are to be affordable, the density bonus units shall not be included.

2. Minimum Project Size. A project must contain at least five dwelling units in order to be considered for a density bonus.

3. Previous Density Bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.

4. Dispersal of Affordable Units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project shall not differ in appearance from other units in the development.

5. Regulatory Incentives. In accordance with Government Code Section 65915, in addition to a density bonus the city shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost"

   a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.
   b. Approval of mixed-use development in conjunction with a multifamily residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.
   c. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions.

E. Procedures. The procedures for implementing this section shall be as follows:

1. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

~~2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~

~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1 of this title; and~~

~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

   b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

   c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical

Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

   a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

   a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that

qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

~~D.~~

E. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

~~3. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~

~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1. of this title; and~~

~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

~~1. Low and very-low income households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of 55 years or longer term under another agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's. proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation; which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915 et seq. The requirements of Government Code section 65915 et seq, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915 et seq. Any changes to Government Code section 65915 et seq. shall be deemed to supersede and govern over any conflicting provisions contained herein.

Chapter 17.42 OVERLAY DISTRICTS

§ 17.42.020. Purpose and intent.

L. Affordable Housing Overlay District.

3. Standards. ~~The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply, unless specifically modified by standards detailed in subsection L. The following special specific regulations shall apply to the AHO sites identified in Table 1 below.~~

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units ~~in excess of the permitted base density of six dwelling units per acre, shall be affordable to lower and moderate income households as set forth in subsection 5 of this section. A minimum of 50%of all units in excess of the six units per acre~~ shall be deed restricted ("restricted units") as ~~very low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section~~.~~, and a ~~A~~ minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites

Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
		formerly known as 3700 La Paz Lane)

4. b. Development Standards.

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i. Site of Construction. Structures may be constructed on slopes flatter than 1½ ~~1/2~~:1.

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units ~~General Guidelines~~. The ~~lower-income~~ restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall ~~be comparable in number of bedrooms, exterior appearance and overall quality of construction to nonrestricted units~~ have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

~~vi. The construction materials and practices shall be comparable to those used for the market rate units;~~

~~vii. The exterior grounds shall be landscaped and well maintained; and~~

viii. ~~The units shall be disbursed throughout the project site and not clustered in a single location;~~

ix. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

x. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and

maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

ii. Subject to any other form of rent or price control; or

iii. Occupied by low- or very-low-income households.

b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household

income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

§ 17.48.030. Specific parking requirements.

Parking Standards	
A. Residential Uses.	
Emergency shelters	~~For each 10 adult beds, one space plus o~~One ~~additional~~ space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee. In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
~~Multifamily units~~	~~For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.~~
Multifamily units	For each efficiency or one-bedroom dwelling unit, ~~(affordable)~~ one space. For each dwelling unit with two~~-bedroom or three-~~ or more bedrooms ~~unit~~, two spaces.~~, one of which shall be either enclosed or covered inclusive of guest parking~~. ~~For each four-bedroom or larger unit, two and one-half spaces.~~ Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces.
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 17.40.120(C)(3)(j) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

Chapter 17.63
HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

§ 17.63.020. Applicability.

C. A person with a disability is a person who has a physical or mental impairment that ~~substantially limits or~~ substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

§ 17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation. ~~The director may, in his or her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

§ 17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

B. ~~A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings:~~

1. ~~The housing, which is the subject of the request, will be occupied by a person with a disability as defined in subsection A above.~~

2. ~~The request for reasonable accommodation is necessary to make housing available to a person with a disability as defined in subsection A above.~~

3. ~~The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.~~

4. ~~The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.~~

5. ~~The requested reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat area, public access and/or public views, and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation shall be included to address significant impacts.~~

6. ~~The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat area, public access and/or public views.~~

§ 17.63.060. Decision.

C. ~~Upon referral from the director, the planning commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The commission shall issue a written determination within 45 calendar days after such public meeting.~~

C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
PLANNING COMMISSION

NOTICE OF AVAILABILITY
OF LCP AMENDMENT MATERIALS

The Malibu Planning Commission will hold a public hearing on **MONDAY, August 19, 2024, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA and via teleconference on the projects identified below.

HOUSING ELEMENT

General Plan Amendment No. 20-001, Local Coastal Program Amendment No. 24-001, and Zoning Text Amendment No. 24-002 – The proposed project involves a General Plan Amendment to adopt the 2021-2029 Housing Element Sixth Cycle update. The Housing Element includes an analysis of the community's housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community.

The proposed project includes corresponding amendments to the Local Coastal Program and Malibu Municipal Code including amendments to the following sections: definitions, permitted uses, residential development standards, density bonus, Affordable Housing Overlay, development standards for special uses, parking standards and reasonable accommodation.

APPLICANT:	City of Malibu
LOCATION:	Citywide
APPLICATION FILED:	November 15, 2021
CASE PLANNER:	Joyce Parker-Bozylinski, Contract Planner jparkerbozylinski@gmail.com

California Environmental Quality Act (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 that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document which does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City's General Plan, it can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

In addition, pursuant to 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. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. LCP Local Implementation Plan (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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment 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.

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents can be reviewed by any interested person on the City's website at malibucity.org/housingelement and at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

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

Richard Mollica, Planning Director

Publish Date: July 25, 2024

Received
08/19/24
Planning Dept.

Planning Commission

From: Cindy Martin [redacted]
Sent: Monday, August 19, 2024 11:55 AM
To: Planning Commission; Salvador Lopez; [redacted]; [redacted]; Tyler Eaton; Rebecca Evans
Cc: Cindy Martin; Don Schmitz; Erin Schrang; Amy Ablakat; Scott Hoeft
Subject: TONIGHT'S PLANNING COMMISSION MEETING - CORRESPONDENCE TO COMMISSIONERS - HOUSING ELEMENT - ITEM 5A - 8-19-2024
Attachments: Housing Element Item 5A Correspondence to Planning Commission - 8-19-2024.pdf

Good morning,

Please forward the attached correspondence to the Planning Commissioners, related to tonight's Planning Commission Hearing re: Housing Element - Item 5A - 8-19-2024.

Please confirm receipt of this email and attachment.

Thank you for your time.

[redacted]

Cindy Martin, JD
Director of Special Projects, Schmitz and Associates

[redacted]

[redacted]

.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 08/19/24 Time 11:55AM
Planning Commission meeting of 08/19/24
Agenda Item No. 5A
Total No. of Pages 5

Via Email: planningcommission@malibucity.org; slopez@malibucity.org; [redacted]; [redacted]; teaton@malibucity.org; revans@malibucity.org

August 18, 2024

Malibu Planning Commission
23825 Stuart Ranch Rd.
Malibu, CA 90265
Attn: Chair Hill and the Honorable Members of the Planning Commission

Re: Item 5A - Proposed Housing Element – Additional Content Required to Comply with State Housing Laws

Dear Chair Hill and the Honorable Members of the Planning Commission,

I. Introduction and the Proposed 2021-2029 Housing Element ("Proposed Housing Element")

Clearly the City should be commended for putting in time and considerable effort carefully developing the substantively strong Proposed Housing Element. This includes the proposed "Affordable Housing Overlay" which is comprised of the City's Civic Center parcel, and three contiguous privately owned parcels off Pacific Coast Highway and Zumirez Drive/Zuma View Place. The overlay includes several density bonuses related to heights, number of units, etc.

The Proposed Housing Element is a great leap forward but needs more to comply with State law and to meet the RHNA requirement of 79 units. Additionally, the proposed Affordable Housing Overlay has no requirement to provide any of the 28 very-low-income units included in the City's RHNA numbers[1].

II. The Proposed Housing Element is Not Compliant with AB 686 or the Requirements of Affirmatively Furthering Fair Housing (AFFH)

The Fair Housing Act, also known as "affirmatively further fair housing" or "AFFH" requires HUD and its recipients of federal financial assistance to take meaningful actions to overcome patterns of segregation and foster inclusive communities[2].

Pursuant to Assembly Bill 686, local governments are required to actively promote fair housing and ensure that affordable housing is not segregated or concentrated to a few specific parcels. This includes assessing and addressing patterns of segregation, disparities in access to opportunities, and disproportionate housing needs.

Clustering affordability on four parcels does not comply with State law. Additionally, the proposed Affordable Housing Overlay provides the *opportunity* for property owners within the overlay to develop

[1] RHNA and City's settlement with Governor Newsom, Attorney General and HCD, 4/24/2024, requires the City to Adopt a Housing Plan by 9/23/24, including 79 housing units:

- Very Low: 28
- Low: 19
- Moderate: 17
- Above Moderate: 15

[2] Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, requires HUD and recipients of federal funds from HUD to affirmatively further the policies and purposes of the Fair Housing Act, also known as "affirmatively further fair housing" or "AFFH."

affordable housing in exchange for density bonuses, *but it is not required*. The property owner can choose not to develop the 20% affordable units pursuant to the proposed Affordable Housing Overlay:

- The current property owner, within the overlay, has listed the property for sale rather than develop affordable units pursuant to the current Affordable Housing Overlay[3]. See attached listing.
- The new property owner could also choose not to develop affordable units.
- As previously stated, the Affordable Housing Overlay does not require any of the RHNA requirements for very low income.

Locating additional properties throughout the City, to cite additional affordable units is required to meet State housing laws. However, there are a few stumbling blocks pursuant to the Proposed Housing Element:

- The Affordable Housing Overlay density bonus includes heights up to 30'. Most Malibu residents would not support affordable units developed throughout the City with heights of 30'.
- Affordable projects do not pencil out for private developers:
    - State mandated affordable rents are too low; a developer cannot turn a profit or breakeven without substantial density bonuses which negatively compromise normal development standards.
    - The maximum affordable rents for a family of four, based on the 2021 rates, cited in the City's Proposed Housing Element, range from $1478/month to $2400/month.

      That does not work in Malibu.

      That is not going to help the City reach its RHNA requirement of 79 affordable units.

III. What Makes More Sense is to Allocate a Percentage of the City's TOT Revenue to Affordable Housing for Various Properties Throughout the City. This is Currently Being Applied in the City of Napa.

- The City of Malibu's transient occupancy tax (TOT) revenues, for the last three fiscal years, total $5 – $6 ½ million per year.
- A percentage of those funds should be allocated to an "Affordable Rent Subsidy Trust" to subsidize affordable rents, so that affordable projects will go forward. Currently, TOT revenues are not allocated and go directly into the City's general fund.
- There's a symmetry to this. A percentage of TOT revenues generated from short term rentals, which can reduce longer term housing stock (and from hotels), can be used to subsidize affordable rents, creating and replenishing the longer-term housing stock.
- The City should look beyond properties currently zoned multi-family and should also include additional potential privately owned sites for affordable housing and rent subsidies, in addition the three privately owned proposed overlay properties.

[3] Current Affordable Housing Overlay requires 50% affordability.

- The City owned Civic Center site is included in the affordable housing overlay. Privately owned sites throughout the Civic Center area would also be ideal for receiving rental subsidies.

- Zone changes, permissible pursuant to State housing laws, should be considered for select additional privately owned parcels, especially throughout Civic Center, determined on a case-by-case basis, to create affordable housing. Civic Center parcels are in close proximity to public transportation, grocery stores and other necessary amenities.

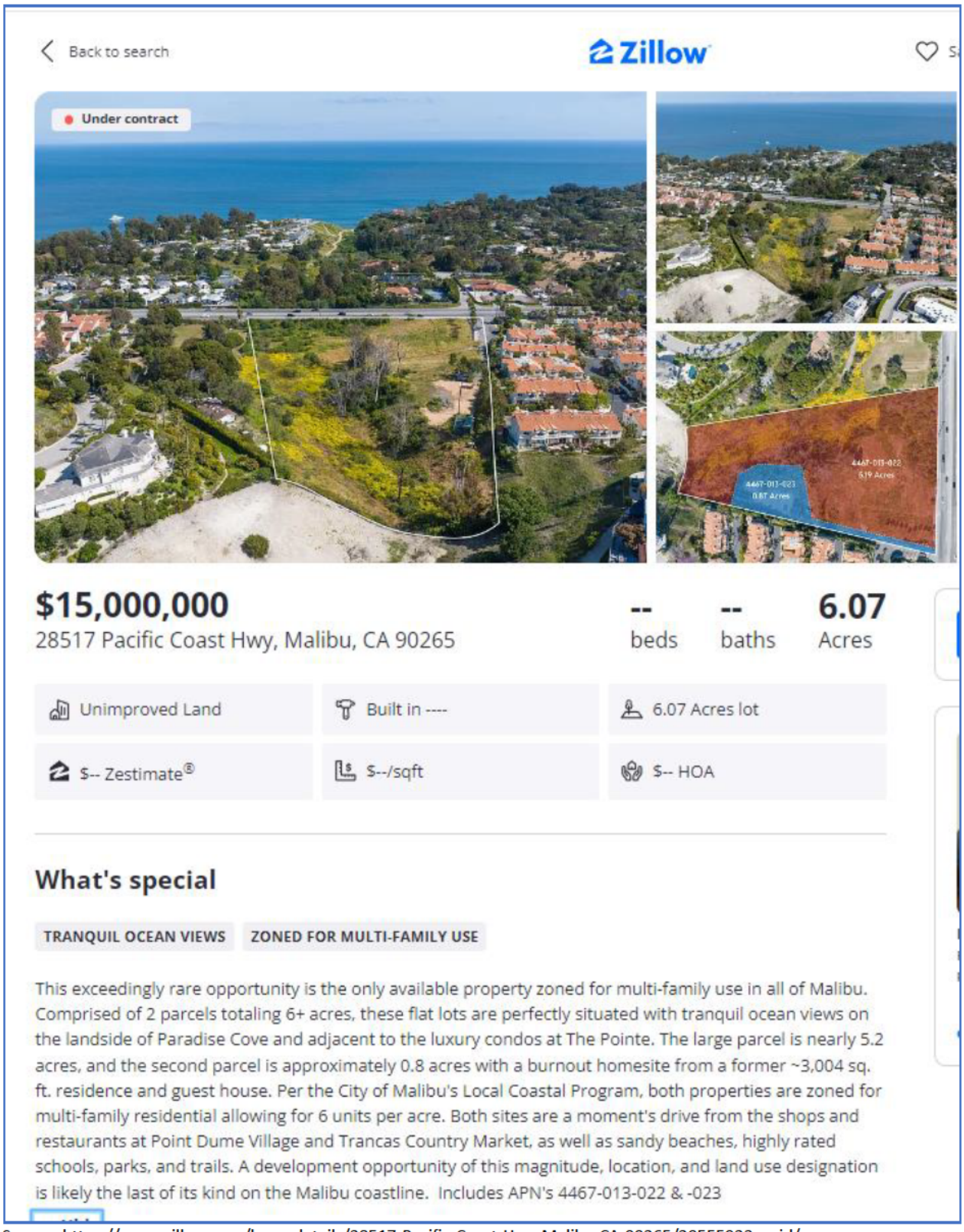
Conclusion

The City's Proposed Housing Element and proposed Affordable Housing Overlay, is a tremendous leap forward toward meeting the City's RHNA numbers, but more is needed. Allocating a percentage of TOT revenues for affordable housing subsidies, coupled with allowing custom zone changes throughout the City, on a case-by-case basis, to allow affordable housing projects to receive the TOT rent subsidies, especially throughout the Civic Center, will help close the gap to enable the City to fully comply with State Housing laws and its RHNA numbers.

Respectfully submitted,

Cynthia Martin

Cynthia M. Martin, JD,
Schmitz & Associates |Director of Special Projects
Phone: [redacted]
Email: [redacted]



Source: https://www.zillow.com/homedetails/28517-Pacific-Coast-Hwy-Malibu-CA-90265/20555923_zpid/

Received
08/19/24
Planning Dept.

August 19, 2024 Regular Planning Commission Meeting
Item No. 5.A.: Staff Responses

1. How much discretion does the Commission have regarding the Housing Element.

The Commission can make recommendations on the Housing Element and code amendments for City Council consideration. This Housing Element Resolution must be voted on at this meeting in order to meet settlement deadlines.

2. How were constraints analyzed.

The Housing Element must analyze both governmental and non-governmental constraints to the maintenance, improvement, or development of housing for all income levels. This analysis is provided in Section 7.4 of the Housing Element. The City has just begun the process of updating the Safety Element in the General Plan which will address evacuation from wildfires. Constraints to housing that are identified in the Housing Element must be addressed as programs to remove or mitigate constraints when possible. Much of our coordination with HCD revolved around appropriately identifying and addressing constraints to housing.

3. Are there exceptions available for Malibu due to its Very High Fire Hazard Severity Zone?

The City must accommodate their fair share of housing for all income groups as provided in State law.

4. How does the Housing Element address low availability of parcels suitable for multi-family development?

The City's obligation is to ensure the code does not place constraints on multi-family development. The AHO parcels used to accommodate the City's low- and moderate-income units are the only parcels the City must demonstrate can accommodate the City's RHNA requirements. When the AHO overlay was created in 2013, an EIR was completed for the RHNA parcels.

5. Can you provide evidence that the current zoning code and General Plan are outdated?

The General Plan was adopted in 1995 and other than the Housing Element, which is required to be updated every 8 years, has not undergone a comprehensive update. The General Plan is outdated because the deadline to adopt a certified

Date Received 08/19/2024 Time 1:30PM
Planning Commission meeting of 08/19/24
Agenda Item No. 5A
Total No. of Pages 4

CC: Planning Commission, PD,

Recording Secretary, File

housing element was October 15, 2021, and the City has not met that deadline. Updating the Safety Element was initiated at the August 12, 2024 City Council meeting.

The Zoning Code is outdated due to the fact that it hasn't been updated consistent with existing Government Code provisions. The purpose of the amendments before the Commission is to update the Zoning Code consistent with State law.

6. How was community input obtained?

Appendix C – Public Participation Summary provides information on stakeholders that were contacted to provide community feedback. In addition, comment letters on the Housing Element were utilized for community feedback. The data analysis was conducted using available AFFH data. Page F-1 in the AFFH (Appendix F) lists the data sources.

"To conduct this analysis, the City utilized data from a variety of sources, including Housing and Community Development's (HCD) AFFH Viewer, Urban Displacement Project (UDP), CalEnviroScreen, California Tax Credit Allocation Committee (TCAC), and the 2018 Analysis of Impediments to Fair Housing Choice (AI) for the Community Development Commission and Housing Authority of the County of Los Angeles."

7. Provide background on analysis of segregation of low-income residents.

The analysis of segregation is done at a regional and census tract level. Segregation of low-income residents can occur if all the multi-family properties are located in one area of a city. This is one of the reasons HCD requires the City to provide more housing choices throughout the City. See Appendix F Affirmatively Furthering Fair Housing for details on segregation in the city.

8. Why do the income categories related to rental prices reflect lower rental costs than those available in Malibu?

State law establishes the income categories for purposes of housing programs based on the County's area median.

9. Provide a simple explanation of the impact of the proposed amendment.

The replacement housing requirement requires developers who propose a market rate project on one of the City's RHNA sites to replace any existing deed restricted affordable housing units. The City's RHNA sites do not include any deed restricted units.

10. What programs are we required to facilitate housing for very-low-income and low-income categories? Where could the city promote affordable housing?

See Program 4-Facilitation of Affordable Housing in the Housing Element

The two Housing Programs proposed in the Housing Element are the second deed restricted JADU and promoting shared housing agencies for seniors. Both of these programs would increase housing choices and allow opportunities for renters to choose to live in a low-density area of the City.

The program to allow a second deed restricted JADU will provide low- and moderate-income units. Providing housing choice and mobility is required by State law.

11. Were the Riddick decision and CCC responses to the ADU Ordinance considered?

California Coastal Commission staff has responded to the City's Accessory Dwelling Unit Ordinance. The link to the CCC letter was provided in the staff report.

12. How were parcels in the AHO zone identified?

The parcels in the AHO zone were identified in 2013 when the AHO zone was created. The AHO parcels have been utilized to meet the City's RHNA in the previous two Housing Elements. The 20 DU/acre is the density the State has determined is necessary to provide affordable housing.

13. Why is the City unable to block residential care facilities in areas with residential zoning?

The proposed provisions to allow residential care facilities in residential zones are required by State law.

14. Why are definitions for emergency shelters changing and why is there no requirement for access to a transit stop and adequate water/sewer?

State law requires cities to remove any requirements that are not required of other residential uses in the same zone. Water and sewerage are essential for any development. The removal of a requirement for a transit stop is required by State law.

15. What is a Low Barrier Navigation Center?

A Low Barrier Navigation Center is a type of emergency shelter that provides support services.

16. What groups of employees would be considered under changes regarding the State Employee Housing Act?

The State Employee Housing Act applies generally to those industries that provide employee housing such as agricultural workers. A permit is required by HCD in order to operate employee housing.

17. Why are reduced parking requirements for multi-family units being considered?

HCD requires cities to remove constraints to multi-family housing and the provision of parking spaces can limit the buildable area for housing units and increase the cost of building a multi-family project. Multi-family residential units are inherently more affordable than single-family residences.

18. Provide a simplified explanation of the Density Bonus, Reasonable Accommodations and By Right Approval.

The Density Bonus Amendment will update the City's Density Bonus provisions consistent with State law.

The Reasonable Accommodation Amendment will update the existing Reasonable Accommodations provisions to remove subjective language. An example of a reasonable accommodation request might be a request to build a handicap ramp that encroaches into the front yard. Depending on the exact nature of the request this could be allowed under the reasonable accommodations provisions and eliminate the need to apply for a variance. The only proposed change is to remove the subjective language used by the Director to make a decision on a reasonable accommodation request.

By Right Approvals – State law provides that projects that provide 20% affordable must be allowed by right without a use permit (Conditional Use Permit).

19. Provide rationale for removing the impermeability criteria for beachfront lots.
Properties constructed on a beach are generally built on piers and not directly on the sand so impermeable coverage would not apply. This amendment will clarify, but not substantially change, the fact that the impermeability exemption also applies to multi-family development on beachfront lots.

Revised 2021-2029 Housing Element
Planning Commission Hearing

August 19, 2024
Planning Commission Meeting
Item No. 5.A.

Preface

- Purpose: compliance with state housing law
- Process: multiple iterations to balance state law compliance and maintaining City land use goals
- Content: analysis and City commitments necessary to obtain certification from HCD

Background Information

- Housing Element updated every 8 years
  - 6th Cycle Housing Element: 2021-2029 planning period
  - Certification by the Housing and Community Development (HCD) required by October 15, 2021

- HCD Review and Revisions
  - August 24, 2021 - First draft submitted to HCD
  - October 22, 2021 - HCD review letter
  - January 10, 2022 - City Council adoption of revised draft and resubmittal to HCD
  - March 22, 2022 - HCD review letter
  - February 7, 2024 – Revised draft submitted to HCD
  - March – July 2024 - Subsequent submittals, HCD review letters
  - July 31, 2024 – Meets statutory requirements of State Housing Element Law
  - HCD will certify upon readoption and completion of zoning code update modifying by-right approval on Affordable Housing Overlay (AHO) sites

Stipulated Judgement

- City must readopt the Housing Element and introduce Zoning Code amendments by September 23, 2024
- By October 4, 2024, the City must submit the adopted Housing Element and copies of the to be adopted ordinances introducing the Zoning Ordinance Amendments and Local Coastal Plan Amendments to HCD.
- Deadlines require Planning Commission to make a recommendation to the City Council on the Housing Element and related LCP and MMC amendments at this meeting

Housing Element Components

- Description of the community's housing needs
- Analysis of constraints to housing development
- Evaluation of existing housing programs
- Plan to meet the City's Regional Housing Needs Allocation (RHNA)
- Analysis of Affirmatively Furthering Fair Housing (AFFH)
- Policies and programs to facilitate housing construction, rehabilitation, and preservation

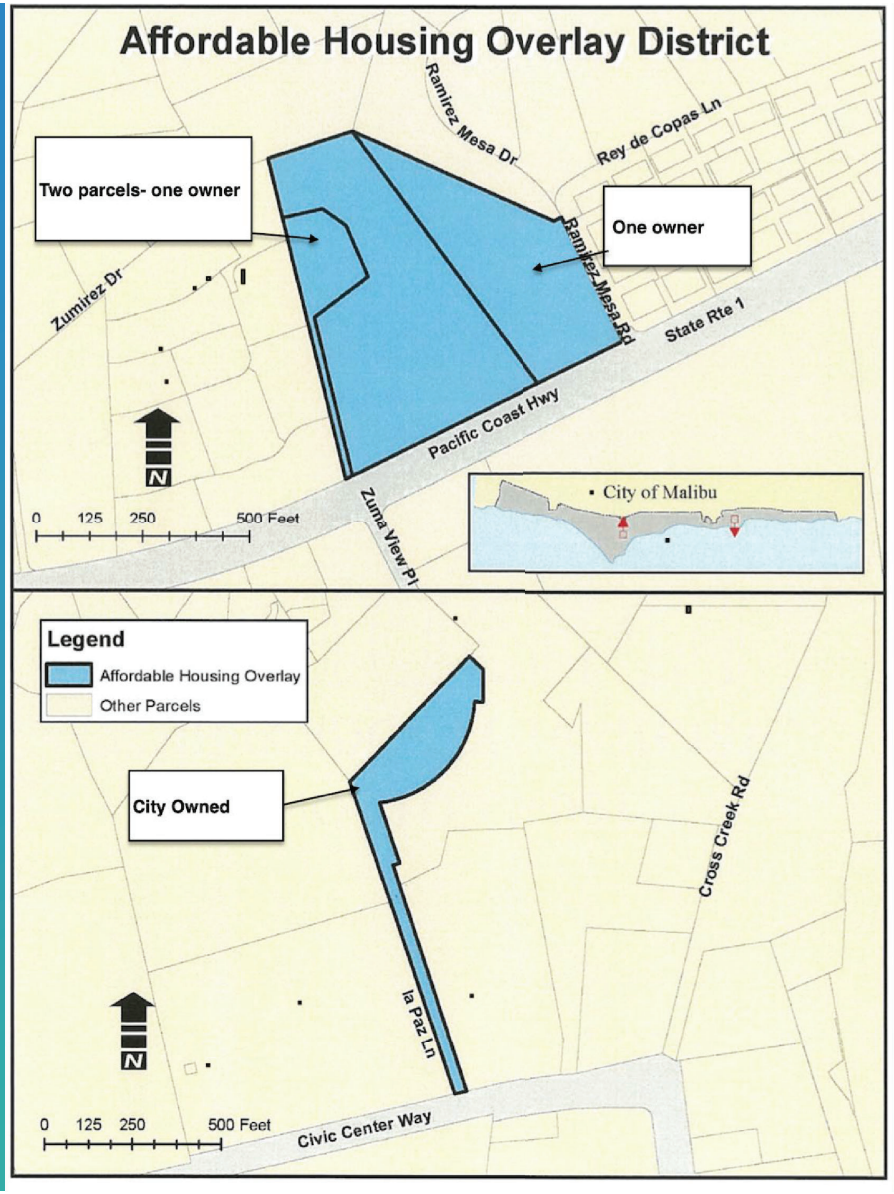
Regional Housing Needs Allocation (RHNA)

Housing Units	Household Income Category (Based on Area Median Income)				
	Very-Low	Low	Moderate	Above Moderate	Total
RHNA 2021-2029	28	19	17	15	79

- Appendix B – Housing Element - with planned and approved projects and projected ADUs City can meet RHNA – No rezoning necessary

Affordable Housing Overlay (AHO)

- Two sites (3 parcels) on PCH in AHO
  - Minimum 20 units/acre/maximum 27 units/acre
  - 30 feet in height
- La Paz site in the Civic Center removed from RHNA
  - Parcels in inventory must be available during entire 2021-2029 planning period
  - AHO will remain on La Paz site


Affordable Housing Overlay District
Ramirez Mesa Dr
Rey de Copas Ln
Two parcels- one owner
One owner
Zumirez Dr
Ramirez Mesa Rd
State Rte 1
Pacific Coast Hwy
N
0 125 250 500 Feet
Zuma View Pl
City of Malibu
Legend
Affordable Housing Overlay
Other Parcels
City Owned
Cross Creek Rd
la Paz Ln
N
0 125 250 500 Feet
Civic Center Way

RHNA Sites Inventory

Table B-3
Sites Inventory Summary

Housing Sites	Income Category		
	Lower	Moderate	Above
RHNA 2021-2029	47	17	15
RHNA Credits - Planned and Approved Units (Table B-2)	0	0	142
RHNA Credits - Potential new ADUs	17	1	12
Remaining RHNA after Credits	30	16	0
Potential new multi-family units (Table B-4)	36	22	53
Buffer provided above remaining RHNA	20%	38%	
Adequate Capacity?	Yes	Yes	Yes

Source: City of Malibu, 2024

Housing Plan (Section 7.5)

- Contains goals, policies, and programs the City is committed to accomplish during the planning period
- New programs added to the Housing Plan:
  - MMC and LIP amendments to address new State laws and remove constraints to development
  - Programs to address Affirmatively Furthering Fair Housing considerations (housing access and opportunities)
- Existing programs' actions, objectives, and timelines were strengthened or clarified as needed

Affirmatively Furthering Fair Housing (AFFH)

New Appendix F – Housing Element

- HCD requires a full assessment of fair housing:
  - Fair housing enforcement and outreach
  - Geographic analysis of trends related to disparities and segregation
  - Assessment of contributing factors to fair housing concerns
- The Housing Element was revised to provide a complete assessment using HCD's guidance
- Code amendments were necessary to comply with AFFH

AFFH Programs

- Fair housing enforcement and outreach:
  - Promote fair housing services, education, and resources
  - Provide info on housing resources with ADU applications
  - Create a Housing Resources page on City website
- Support housing choice and opportunities:
  - Promote affordable housing on AHO sites
  - Promote or support housing assistance programs for homeowners and renters (e.g., housing rehabilitation, housing choice vouchers, shared housing programs)
  - Publish pre-approved ADU plans
  - Subject to funding, offer grants to construct rent-restricted ADUs
- Support special housing needs residents
  - Provide information on housing and transportation services to seniors

MMC/LIP Code Amendments

- Require replacement housing for new development if there are/were rent-restricted units on property (AB 1397)
- Allow transitional and supportive housing as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone; allow by right permanent supportive housing by-right where multi-family and mixed uses are permitted (SB 745, AB 2162)
- Allow multi-family residential uses by right - no Conditional Use Permit (remove constraints)
  - Coastal Development Permit required for construction

MMC/LIP Code Amendments (continued)

- Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities (AB 1397)
- Create new land use category – Low Barrier Navigation Centers (Government Code Sections 65660(a), 65661)
- Amend parking regulations for Emergency Shelters and Navigation Centers (Government Code Section 65583)
- Ensure that employee housing for six or fewer persons is treated as a single-family use (Employee Housing Act)
- Amend parking requirements for studios/1-bedroom and 2 or more-bedroom multi-family units to reduce the number required and remove the enclosure requirement (remove constraints)

MMC/LIP Code Amendments (continued)

- AHO: include a maximum density independent of state density bonus, modify by-right approval threshold to 20% affordable units (Government Code Section 65583.2)
- AHO: allow a maximum height of 30 feet and remove the 2-story limit to accommodate 27 units/acre (remove constraints)
- Amend City density bonus regulations consistent with state law (Government Code Section 65915)

MMC/LIP Code Amendments (continued)

- For multi-family development, allow alternatives to story poles, such as photo simulations, for development subject to story pole requirements under Chapter 6 of the LIP (remove constraints)
- Request for reasonable accommodation: remove provision of review on the basis that the request may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director (AFFH concern)
- Clean Up Items
  - MMC - Allow Mixed Use with CUP in CG zone (Currently allowed with CUP in the CG zone in LIP)
  - MMC/LIP – Add parking requirements for single family dwellings

Future Code Amendments

- Allow residential care facilities for 7+ persons (large) in all residential zones with an administrative permit or without discretionary review
  - Currently allowed only in CG Zone with CUP
  - Findings of an administrative permit must use objective standards (AFFH concern)
  - Timeline: End of 2025
- Revise the Site Plan Review finding, "that the project does not adversely affect neighborhood character" to establish objective findings for multi-family projects
  - Ensure approval certainty for proposed multi-family developments with heights over 18 feet while establishing strategies to protect scenic, visual, and hillside resources Timeline: End of 2025

Future Code Amendments (continued)
ADU Housing Program

- Allow up to two JADUs per single-family lot.
  - At least one JADU must be rent restricted to lower or moderate-income households. (Fair Housing-Housing Mobility)
  - Timeline - within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later

Public Notification

- The revised Housing Element was available for review on the City's web page at: malibucity.org/HousingElement.
- State law required a 7-day public review process before resubmitting the revised draft to HCD.
- Notice of availability of the revised Housing Element were sent to 840 individuals and public agencies published in the newspaper and advertised on the City's social media platforms and the City's webpage.
- Comments on the Housing Element were incorporated into the public participation description.

Recommendation

Adopt Planning Commission Resolution No. 24-59 recommending that the City Council:

1) determine that the project exempt from the California Environmental Quality Act (CEQA), and

2) adopt General Plan Amendment (GPA) No. 20-001 adopting the 2021-2029 Housing Element, and

3) adopt Local Coastal Program Amendment (LCPA) No. 24-001 to amend the Local Coastal Program Local Implementation Plan (LIP) and Land Use Plan (LUP), and

4) adopt Zoning Text Amendment (ZTA) No. 24-002 to amend Title 17 of the Malibu Municipal Code (MMC), as required to implement the goals, objectives, policies and implementation programs, as set forth in the 2021-2029 General Plan Housing Element

Revised 2021-2029 Housing Element
Planning Commission Hearing

August 19, 2024
Planning Commission Meeting
Item No. 1.A.

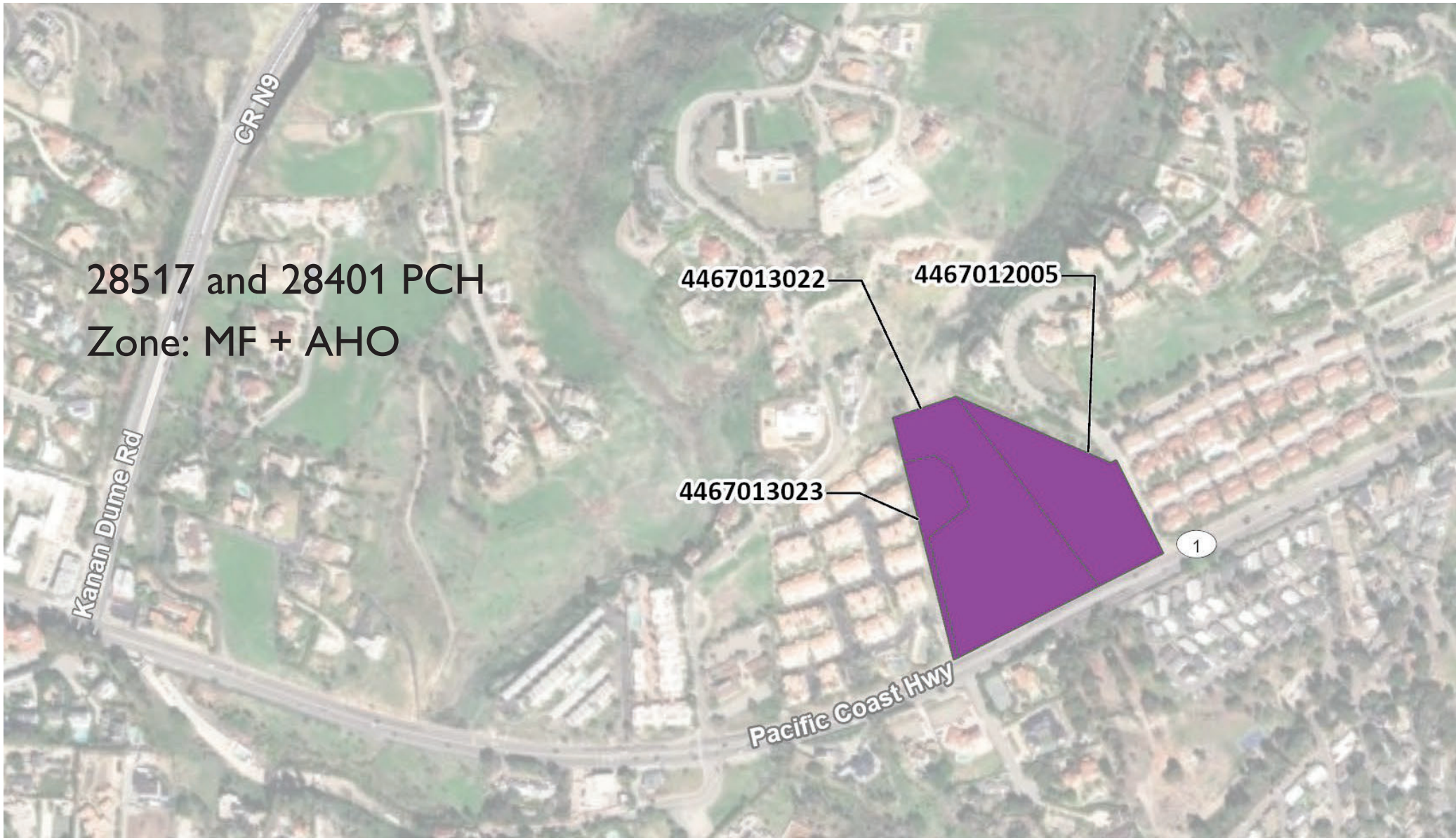

28517 and 28401 PCH
Zone: MF + AHO
4467013022
4467012005
4467013023
CR N9
Kanan Dume Rd
Pacific Coast Hwy
1

Table B-4
Sites Inventory

APN	Address	Street	Parcel Size (acres)	General Plan/ Zone	Realistic Density (units/acre)	Potential Units		
						Lower	Moderate	Above-Moderate
4467013022	28517	PACIFIC COAST HWY	5.12	MF/AHO	20	19	12	30
4467013023			0.74					
4467012005	28401	PACIFIC COAST HWY	3.25	MF/AHO	20	17	10	23
TOTALS						**36**	**22**	**53**

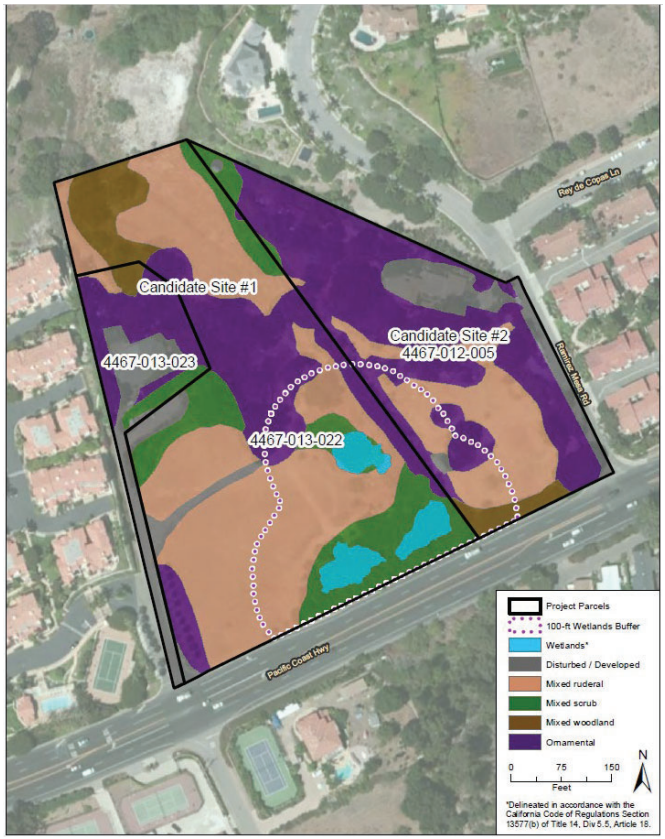
Source: City of Malibu, 2024

Note: Realistic density is based on excluding the non-buildable ESHA.

Sites Inventory

- Revised to be limited to sites that could support a realistic development capacity and achieve RHNA
- City-owned La Paz site in the Civic Center removed. Parcels in inventory must be available during entire 2021-2029 planning period
- Capacity assumptions of two AHO sites on Pacific Coast Highway revised
- Updated assumptions for the projected number of Accessory Dwelling Units (ADUs) and list of planned projects

AHO Sites Environmental Constraints



A 2013 study identified wetlands and environmentally-sensitive habitat.

- Assumed developable area excludes the sensitive habitat and 100-foot buffer (dotted line).
- AHO site development assumptions: 36 lower-income, 22 moderate-income, and 53 above moderate-income units.

Housing Element Resources

- Housing Element Building Blocks: https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks
  - Site Inventory: https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/inventory-of-land-suitable
- Affirmatively Furthering Fair Housing Guidance: https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing
- Housing Element legislation and updates: https://www.hcd.ca.gov/planning-and-community-development/hcd-memos

City of Malibu

MEMORANDUM

To: Mayor Stewart and the Honorable Members of the City Council, Chair Mazza and Members of the Planning Commission, City Manager, Department Heads, City Attorney, Planning Department, Malibu Times and Malibu Patch

From: Rebecca Evans, Senior Management Analyst

Date: August 22, 2024

Re: Actions from the August 19, 2024 Regular Planning Commission meeting

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At the Regular Planning Commission meeting on August 19, 2024, the Planning Commission took the actions listed below with follow-up by various staff members shown in parentheses:

1) Adopted Planning Commission Resolution No. 24-58, as amended, 1) removing Condition No. 108; and 2) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 22-003 for construction of a new two-story, 8,520 single-family residence plus a 4,884 square foot basement, swimming pool, spa, driveway, retaining walls, grading, landscaping, and new onsite wastewater treatment system; including Variance No. 22-024 for a reduction of the required 100-foot Environmentally Sensitive Habitat Area Buffer; Variance No. 23-004 for construction on slopes steeper than 2.5 to 1; and Site Plan Review No. 22-029 for construction over 18 feet up to a maximum of 28 feet for a pitched roof located in the Rural Residential, Two-Acre zoning district at 20741 Las Flores Mesa Drive (Contract Planner Pisarkiewicz)

2) Received and filed the Planning Director's report on the approval of Administrative Coastal Development Permit No. 22-067 (30000 Zenith Point Road) (Contract Planner Cook)

3) Continued to the September 3, 2024 Regular Planning Commission meeting – Coastal Development Permit No. 19-014, Lot Merger No. 23-002, Conditional Certificate of Compliance No. 19-011, Variance Nos. 19-008 and 19-009, Site Plan Review Nos. 19-019 and 23-011, Minor Modification No. 19-004 and Demolition Permit No. 19-018, an application for a new single-family residence and associated development (27061 Sea Vista Drive) (Senior Planner Eaton)

4) Adopted Planning Commission Resolution No. 24-56, as amended, 1) adding a condition of approval stating, "No irrigation shall be installed on 4 to 1 slopes or steeper."; and 2) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit-Woolsey Fire No. 21-006 for the construction of a new, two-story, single-family residence with an attached garage, grading, landscape, hardscape and other associated development, and installation of a new onsite wastewater treatment system; including after-the-fact Lot Line Adjustment No. 21-002 for a historical land transfer between APNs 4468-004-033 and 4468-005-028, Variance No. 23-026 for a non-

conforming lot size, and Site Plan Review No. 23-028 for building height in excess of 18 feet not to exceed 28 feet for a pitched roof for replacement of a residence destroyed in the Woolsey Fire located in the Rural Residential, One-Acre zoning district at 29280 Greenwater Road (Contract Planner Shah)

5) Adopted Planning Commission Resolution No. 24-59, as amended, 1) recommending requirement of a development agreement for very-low or low-income housing built within the Affordable Housing Overlay zone; 2) recommending very-low or low-income housing built within the Affordable Housing Overlay zone include a minimum fifty-five-year deed restriction; and 3) determining the project exempt from the California Environmental Quality Act, and recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element relative to the provision of housing for all income levels consistent with all applicable state housing element laws and adopt Local Coastal Program Amendment No. 24-001 to amend the Local Coastal Program Local Implementation Plan and Land Use Plan, and Zoning Text Amendment No. 24-002 to amend Title 17 of the Malibu Municipal Code, as required to implement the goals, objectives, policies and implementation programs, as set forth in the 2021-2029 General Plan Housing Element (Senior Planner Eaton)

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 24-59

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT NO. 20-001 ADOPTING THE 2021-2029 HOUSING ELEMENT RELATIVE TO THE PROVISION OF HOUSING FOR ALL INCOME LEVELS CONSISTENT WITH ALL APPLICABLE STATE HOUSING ELEMENT LAWS AND ADOPT LOCAL COASTAL PROGRAM AMENDMENT NO. 24-001 TO AMEND THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AND LAND USE PLAN, AND ZONING TEXT AMENDMENT NO. 24-002 TO AMEND TITLE 17 OF THE MALIBU MUNICIPAL CODE, AS REQUIRED TO IMPLEMENT THE GOALS, OBJECTIVES, POLICIES AND IMPLEMENTATION PROGRAMS, AS SET FORTH IN THE 2021-2029 GENERAL PLAN HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies and objectives/programs that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment, and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element by September 23, 2024.

T. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

U. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

V. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

W. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

X. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

Y. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

Z. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

AA. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment, Local Coastal Program amendment, and Zoning Text amendment, and at that hearing the Planning Commission reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, the amendments to the Local Coastal Program LIP and LUP and Title 17 of the MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element, CEQA findings, the staff report, public testimony, and other information in the record. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

SECTION 2. Environmental Review.

The proposed 2021-2029 Housing Element Update is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document that does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City's General Plan, it can therefore be seen with certainty that there

is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application includes amendments to the LCP, which must be certified by the California Coastal Commission before it takes effect. The 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment 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.

SECTION 3. General Plan Amendment Housing Element.

The revised 2021-2029 Housing Element Update is provided in Exhibit A. GPA No. 20-001 constitutes a complete deletion of the existing text in the General Plan Housing Element and replacement of it with new text.

SECTION 4 General Plan Amendment Findings.

A. The Housing Element is part of the City's General Plan, which sets forth guiding policies for future development. The requirement for each city to adopt a General Plan is contained in California Government Code Section 65300 *et seq.*, which also lays out specific requirements for each element. The Housing Element provides an overarching statement of City policies and programs to maintain and improve existing housing, and also accommodate the City's assigned share of the region's future housing needs. Among the requirements in California Government Code Section 65580 *et seq.* for Housing Elements are the following:

1. Ensure adequate sites for new housing for persons of all income levels;
2. Encourage and facilitate the development of affordable housing;
3. Conserve and improve the existing affordable housing stock;
4. Analyze and remove governmental constraints on new housing development:
5. Promote equal housing opportunities;
6. Preserve assisted housing; and
7. Affirmatively further fair housing.

The 2021-2029 Housing Element meets each of the aforementioned requirements and, therefore, would be consistent with State law.

B. The 2021-2029 Housing Element is consistent with the goals and policies of the General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade

the environment, and LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.

SECTION 5. Local Coastal Program Amendment.

LCPA No. 24-001 includes the following amendments to the LIP and LUP portions of the LCP:

A. Amend Policy 6.7 in the LUP Chapter 6 (Scenic and Visual Resources), C. (Land Use Policies), 2 (New Development), as follows:

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

B. Amend existing definitions and add the following definitions to LIP Section 2.1 (General Definitions) as follows:

BY-RIGHT USE – means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless person, ~~person and is operated by a government agency or private non-profit organization.~~ No individual or household may be denied emergency shelter because of an inability to pay.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

LOWER INCOME HOUSEHOLDS – ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include Very Low Income Households, as defined in Section 50105 of the California Health and Safety Code, and Extremely Low Income Households,~~ means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

PERMANENT SUPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

RESIDENTIAL CARE FACILITY, SMALL ~~any family home or group care facility serving 6 or fewer persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities~~ - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour non-medical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "PERMANENT SUPPORTIVE HOUSING").

C. Add subsections v. and vi. to LIP Section 3.3 (Zoning Districts), Q (Planned Development (PD) Zone), as follows:

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" 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, 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. Domestic animals, kept as pets.
   iv. Landscaping.
   v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
   vi. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

D. Amend LIP Section 3.4.5 (Affordable Housing Overlay District) as follows:

3.4.5. Affordable Housing Overlay District

A. Purpose and Applicability. The Affordable Housing Overlay (AHO) District is intended to identify sites within the City where affordable housing developments may be established and maintained in compliance with this section. In addition to (and not as a limitation of) uses allowed within the underlying zoning district and any other applicable overlay, each property within the AHO District may be developed with an Affordable Housing Development, subject to the provisions set forth below. All requirements for the Malibu LIP that are not inconsistent with the criteria listed below shall remain in effect for those parcels in the Affordable Housing Overlay.

B. Description of Area Subject to LIP Section 3.4.5.

Table 1 – AHO District Sites

Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway

Table 1 – AHO District Sites		
Site Number	APNs	Address
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

C. Permitted Uses.

1. Affordable housing development is permitted in the AHO subject to the development standards set forth in this Section. Specifically, on AHO Site Number 3 (2.3 acre portion of 23465 Civic Center Way also known as the La Paz site) an affordable housing development is only permitted if the affordable housing development is either directly developed/constructed by the City, or if the City partners with an affordable housing developer; and eighty percent (80%) of the units are affordable for lower and moderate households, to serve as a public benefit to the City.

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area ~~including the~~, exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, ~~all units in excess of the permitted base density of 6 dwelling units per acre, shall be affordable to lower and moderate income households as set forth in Subsection F below. A~~ a minimum of twenty ~~fifty~~ percent (~~50~~20%) of all units ~~in excess of the 6 dwellings units per acre~~ shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s) ~~or units~~, shall be affordable to lower and moderate income households as set forth in Subsection ~~F~~ E below, ~~and~~ ~~A~~ a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

~~E~~2. Development ~~Standards~~.

~~1~~a. ~~Site of Construction.~~ Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments, unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

~~2. General Guidelines. The lower-income multi-family dwelling units required under this Section:~~ 3. Restricted Units. The ~~lower-income~~ restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units;~~ Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. ~~The construction materials and practices shall be comparable to those used for the market rate units;~~ The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. ~~The exterior grounds shall be landscaped and well maintained; and~~ May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. ~~The units shall be disbursed throughout the project site and not clustered in a single location.~~ Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

~~F.~~E. Affordability.

1. Rental ~~u~~Units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.2 of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-sale or ~~O~~owner-~~O~~occupied ~~U~~units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to ~~levels~~ affordable levels according to Section 3.4.5(D)(1)(d) ~~lower-income households~~ and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

a. The number of restricted units proposed.

b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

c. The proposed location of the restricted units.

d. Amenities and services provided for the unit residents.

e. Specific level of affordability for each of the restricted units.

f. Schedule for production of the restricted and market-rate units.

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

   a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

   b. Subject to any other form of rent or price control; or

   c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is

sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

   h. Specific level of affordability for each of the replacement units.

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

11. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

E. Amend LIP Section 3.6 (Residential Development Standards) as follows:

3.6 RESIDENTIAL DEVELOPMENT STANDARDS

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

A. Every residence shall have a roof constructed with roofing material in compliance with rating as specified by Title 15 of the Malibu Municipal Code;

B. Every residence shall have an exterior siding of brick, wood, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited;

C. Except as specifically provided herein, every single-family residence shall be not less than twenty (20) feet in width. A single-family residence need only be a minimum of eighteen (18) feet wide when it is to be located on a lot or parcel of land less than twenty-six (26) feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than twenty (20) feet wide, but not less than twelve (12) feet, if the floor area, exclusive of appurtenant structures, is at least nine hundred (900) square feet and the side or sides oriented toward a public street, highway or parkway have a dimension to width;

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

1. For a single-family residence, not less than eight hundred (800) square feet, exclusive of any appurtenant structures.

2. For each multifamily dwelling unit, not less than three hundred (300) square feet, exclusive of any appurtenant structures.

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), ~~e~~Every residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), ~~f~~For new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

   For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

F. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:

1. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.

2. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.

3. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.

4. For the purposes of calculating yards, slopes equal to a greater than 1:1 shall not be included in the lot dimensions.

5. Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.

6. Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

   a. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.

   b. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.

   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.

7. Setbacks shall also be in compliance with Article VIII of the Malibu Municipal Code (Building Code).

G. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:

1. Front. 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. Side. 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum, except as required for view corridors under Section 6.5(E)(2) of the Malibu LIP.

3. Rear. Setbacks for infill development are determined by the stringline rule. Separate setback standards apply to dwellings and decks, as indicated below. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible.

    a. Dwellings. For a dwelling, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast dwelling. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast dwelling.

    b. Decks and patios. For a deck or patio, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast deck or patio. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast deck or patio.

    c. All infill development shall be set back a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. The location of the mean high tide shall be determined in consultation with the State Lands Commission.

4. Stringline modification. Where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development, the applicant may apply for a minor modification pursuant to LIP Section 13.27.1(B)(3). Alternatively, the applicant may apply for a variance pursuant to LIP Section 13.26.

5. Accessory structures. No accessory structure (including, without limitation, a gazebo, cabana) may project seaward of the dwelling stringline.

6. Swimming pools and spas. Pools and spas may project seaward of the dwelling stringline, but in no case may they project seaward of the deck stringline.

7. Stairways. Stairways from decks to the beach may not project seaward of the deck stringline.

8. Fences. Fences, shall not project seaward of the structure stringline, with the exception of any required safety railing around decks that is a maximum of 42 inches in height, and fencing constructed of transparent material such as plexiglass.

9. Shoreline protective devices. A shoreline protective device shall be permitted only if the Planning Manager and the Building Official determine that the device is necessary to protect an existing structure as defined in paragraphs L. and M. of

Section 10.4 of the LIP or an existing or new sewage disposal system. A shoreline protective device shall be located as far landward as possible, consistent with the provisions of Chapter 10 of the Malibu LIP.

10. Bluffs. Setbacks shall be consistent with the requirements of Chapter 10 of the Malibu LIP.

H. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed 2 acres, except where otherwise restricted by provisions of the ESHA Overlay Chapter (Chapter 4), Scenic and Visual Resources Chapter (Chapter 6), or Grading Chapter (Chapter 8) of the Malibu LIP.

I. Single Family.

1. Use of permeable surfaces is encouraged, especially for driveways. However, including the primary structure, impermeable surfaces are permitted for residential lot areas (excluding slopes equal to or greater than 1:1), up to 1/4 acre at 45%; for lot areas greater than 1/4 acre but a ½ acre or less, at 35% and for lots greater than 1/2 acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this Paragraph.

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

F. Amend LIP Section 3.7 (Affordable Housing), subsection 3.7.1 (Residential Density Bonus), as follows:

3.7 AFFORDABLE HOUSING

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement ~~the incentive program provided in the~~ State Ddensity Bbonus Law (Government Code sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code

sections 65915 through 65918 are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915. ~~in any residential district through approval by the city council (after recommendation from the planning commission) of a CDP. In order to qualify for a density bonus or other financial incentives or equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~

~~1. At least ten (10) percent of the total units of a housing development for persons and families of lower income;~~

~~2. At least five (5) percent of the total units of a housing development for very low income households;~~

~~3. A senior citizen housing development; or~~

~~4. At least ten (10) percent of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of thirty-five (35) percent shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

C. General Provisions. ~~for Density Bonuses and Incentives/Concessions. In accordance with Government Code Section 65915, the City shall consider a density bonus and provide incentives or concessions for a housing development subject to the following provisions:~~

~~1. Determination of unit count. When determining percentage of housing units which are to be affordable, the density bonus units shall not be included.~~

~~2. Minimum project size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~

~~3. Previous density bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

~~4. Dispersal of affordable units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.~~

~~5. Regulatory incentives. In accordance with Government Code Section 65915, in addition to a density bonus the City shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost:~~

~~a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.~~

~~b. Approval of mixed-use development in conjunction with a multi-family residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.~~

~~c. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.~~

~~D. Procedures for Approval.~~

~~1.Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.~~

~~2.Findings. When required by Government Code Section 65915, the City shall grant a density bonus that allows the applicant to build no more than thirty-five (35) percent more units than a property's zoning would ordinarily allow, if the City finds:~~

~~c.The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~d.The developer has demonstrated that the density bonus and adjustment of standards is necessary to make the project economically feasible;~~

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act~~, Government Code Section 65915 and Section 3.7.1 of the Local Coastal Program~~.

ii. ~~If located within the coastal zone, t~~The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions; and

iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

~~3. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the LCP.~~

~~4. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program coastal resource protection policies and development standards, with the exception of the density provisions.~~

d. If~~, however,~~ the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

~~5~~e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

~~6. For any housing development where the City approves a density bonus, prior to issuing~~

~~the coastal development permit, the owner must record an affordable housing agreement~~

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

   a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon

public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~2. Notification to Developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. ~~3.7.2~~ Affordable Housing Agreement. ~~An applicant that chooses any option for satisfying the affordability requirements of this chapter shall enter into an affordable housing agreement ("agreement") with the City. The agreement shall be executed in a recordable form prior to the issuance of a CDP and building permit for any portion of a project including affordable units, subject to the requirements of this chapter.~~ For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

~~1. Low and Very-Low Income Households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of fifty-five (55) years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household and the sale price must be affordable to moderate income households and household and the sale price must be affordable to moderate income households.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Affordable Housing Agreement Requirements.

~~A.~~1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

~~B.~~

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

~~C.~~

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

~~3.7.3 Affordable Housing Fund~~

H. Affordable Housing Fund.

~~A. Fund Revenues.~~

~~B. Purpose and Limitations.~~

1. Fund Revenues. The fund shall receive all in-lieu fees paid ~~under Section 3.7.1(E)(2)~~ and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

   k. Other costs associated with the construction or financing of affordable housing;

   l. Reasonable administrative charges or related expenses; and

   m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

G. Amend LIP Section 3.11 (Development Standards For Special Uses) as follows:

3.11. DEVELOPMENT STANDARDS FOR SPECIAL USES

3.11.5 ~~Emergency Shelter Requirements~~ Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

~~B.~~

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 3.11.5 shall be a permitted use established by-right. ~~if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in~~ each ~~case~~

4. Regulations. An emergency shelter is ~~allowed~~ subject ~~to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, consistent with the LCP and subject~~ to the following standards ~~in each case~~. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~C.~~

~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~2.~~

a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty~~ fifty-five (~~2~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~3.~~

b. Facility Requirements.

i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to

collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

~~D. Reviewing Authority.~~

~~1. Coastal Development Permit applications for emergency shelters shall be reviewed by the appropriate decision making authority in accordance with Section 13.7.~~

5. Reviewing Authority. ~~A coastal development permit application is required for emergency shelters, unless determined to be exempt, consistent with the LCP, pursuant to LIP Section 13.4, and shall be reviewed by the appropriate decision making authority in accordance with LIP Section 13.7.~~ Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B) (4) shall be permitted uses established by-right.

4. Regulations.

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right Permanent Supportive Housing

1. Purpose. The purpose of this section is to provide standards for by-right permanent supportive housing. By-right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(D)(2) and (4). Permanent supportive housing that does not comply with the provisions of this section shall be subject to the standards, requirements, and review process for residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. By-right permanent supportive housing uses that comply with the standards in sections 3.11.5(C)(4) shall be established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

a. All provisions of Government Code section 65651(a).

b. Unless specifically modified by standards detailed in this section, the supportive housing development is consistent with all objective standards that apply to other multi-family residential use within the same zoning district.

c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP Section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

~~3.11.6 Single-Room Occupancy Facility Requirements~~

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

H. Amend LIP Section 3.14. (Parking Standards), subsection 3 (Specific Parking Requirements), Residential Units, as follows:

Emergency shelters	~~One parking space per 10 adult beds, plus 1~~ <u>One</u> parking space per employee on the ~~largest~~ <u>maximum staff</u> shift.
Large residential care facility	One space for every two beds and 1 space for every employee

	In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
~~Multi-family units (market rate)~~	~~For each efficiency dwelling unit, 2 spaces which shall be either enclosed or covered~~ ~~For each one-bedroom or two-bedrooms unit, 3 spaces, two both of which shall be enclosed~~ ~~For each additional bedroom above two, 1 space which shall be enclosed or covered~~ ~~Guest parking for each 4 units or fraction thereof, 1 space~~
Multi-family units ~~(affordable)~~	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms ~~bedroom or three unit,~~ 2 ½ spaces.~~, inclusive of guest parking~~ ~~For each four-bedroom or larger unit, 2 ½ spaces~~ Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(D)(4)(c).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

I. Amend LIP Section 6.7 (Application Submittal Requirements) as follows:

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading <u>for all proposed single-family residential and non-residential developments</u>.

5. <u>For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.</u>

6. An analysis of the potential impacts of the proposed development on the identified public views.

7. Project alternatives designed to avoid and minimize impacts to visual resources.

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

9. Applications for land divisions shall include a grading plan, drainage/polluted runoff control plan, landscape plan, conceptual fuel modification plan (based on anticipated location of future structures), line of sight analysis showing the view of the project site from public viewing areas, and landscaping plans for any proposed slopes. These plans shall depict the proposed building pad or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel. If deemed necessary the visual analysis shall include the placement of story poles and stakes to indicate the location and extent of building pads and grading necessary to develop the site.

J. Amend LIP Section 13.30 (Housing Accessibility – Request For Reasonable Accommodation) as follows:

13.30 HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

A. Purpose and Intent. This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making, and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits ~~or substantially limits~~ one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

C. Application Submittal.

1. Any person with a disability may file an application for a request for reasonable accommodation with the Planning Department, on a form approved by the Planning Director and shall contain the following information, accompanied by a fee established by resolution of the City Council:

   a. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

   b. The address of the property for which the request is being made;

   c. Current actual use of the property;

   d. The basis for the claim that the individual is considered disabled under the Acts;

e. The specific code provision, regulation, procedure or policy of the LCP from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

f. The length of time the reasonable accommodation is necessary;

g. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

h. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

i. A site plan or illustrative drawing showing the proposed accommodation; and

j. Any other information required to make the findings required by subsection (F)(5) of this section consistent with the Acts.

2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a CDP, then the applicant shall file the application submittal information together with the application for the CDP for concurrent review.

3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation. ~~The Director may, in his/her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources~~.~~, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be considering the application and inviting written comments on the requested accommodation.

~~3. Upon referral from the Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The Commission shall issue a written determination within forty-five (45) calendar days after such public meeting.~~

3. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

    a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date

of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

K. Amend LIP Appendix 1 (Table B Permitted Uses) as follows:

KEY TO TABLE: (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table).

P	**Permitted use**
MCUP	**Requires the approval of a minor Conditional Use Permit by the Director**
CUP	**Requires the approval of a Conditional Use Permit**
A	**Permitted only as an accessory use to an otherwise permitted use**
LFDC	**Requires the approval of a Large Family Day Care permit**
WTF	**Requires the approval of a Wireless Telecommunications Facility**
•	**Not permitted (Prohibited)**

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RESIDENTIAL																
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments[48]) – new or the expansion of over 500 sf of multifamily residential use			~~CUP~~ P[19]	~~CUP~~ P[19]					P[20]							
~~Residential care facilities (serving 6 or fewer persons)~~	~~P~~	~~P~~	~~P~~	•	•	•	•	•	•	•	•	•	•	•	•	•
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care		•	•		•	•	•	•		•		CUP	•		•	•

facilities (serving 7 or more persons)																
Small residential care facilities (serving 6 or ~~fewer~~ less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[1 8]	•	•
Supportive housing, by-right			P[22]	P[22]					P[25]	•	•	P[22]				
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[1 8]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[23]	•	•	P[26]	•	•	•	•

Notes:

17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.

19. Multi-family development associated with an affordable housing development project is permitted by right.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs ~~4458-022-023 and 4458-022-024~~ 4458-022-908 only), in compliance with Section 3.4.5.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.
26. Allowed pursuant to Section 3.11.5.

Section 6. Local Coastal Program Amendment Findings

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP Amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The Planning Commission recommends, based on evidence in the whole record, that the City Council find the LIP and LUP Amendments in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows:

A. The requirements and standards in the amendments for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community, as well as those individuals with special needs, (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 (affordable housing), 3.4.5 (Affordable Housing Overlay District), and 13.30 (Housing Accessibility – Request For Reasonable Accommodation), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 7. Malibu Municipal Code Amendment

ZTA No. 24-022 includes the following amendments to Title 17 of the MMC:

A. Amend existing definitions and add new definitions to MMC Section 17.02.060 (Definitions), as follows:

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in

Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. ~~and is operated by a government agency or private nonprofit organization.~~

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Lower income households" ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include very low income households, as defined in Section 50105 of the California Health and Safety Code, and extremely low income households, as defined in Section 50106 of the California Health and Safety Code.~~ means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "permanent supportive housing").

B. Amend MMC Chapter 17.08 (RR Rural Residential District), subsection 17.08.020 (Permitted uses), as follows:

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. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

   a. That the animals are located not less than 150 feet from any highway and not less than 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;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

I. Private equestrian and/or hiking trails;

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

C. Amend MMC Chapter 17.10 (SF Single Family Density Residential District), subsection 17.10.020 (Permitted uses), as follows:

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. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

D. Amend MMC Chapter 17.12 (MF Multiple-Family Residential District), subsection 17.12.020 (Permitted uses) and subsection 17.12.040 (Conditionally permitted uses), as follows:

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

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

C. Small family day care ~~and residential care facilities serving six or fewer persons~~;

D. Residential care facilities, small;

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

17.12.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

H. Parks and playgrounds;

I. Emergency communication and service facilities.

E. Amend MMC Chapter 17.14 (MFBF Multifamily Beach Front District), subsection 17.14.020 (Permitted uses) and subsection 17.12.040 (Conditionally permitted uses), as follows:

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

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

E. Manufactured homes, pursuant to Government Code Section 65852.3;

E. Second units, pursuant to Government Code Section 65852.2.;

F. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses.;

G. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

H. ~~Small r~~Residential care facilities, small; ~~involving six or fewer persons~~

I. Affordable housing development projects~~.~~;

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

§ 17.14.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~

A. Utility facilities related to public projects;

B. Lighted sports courts;

C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

D. Parks and playgrounds;

E. Emergency communication and service facilities.

F. Amend MMC Chapter 17.24. (CC Community Commercial District), subsection 17.24.020 (Permitted uses), as follows:

17.24.020 Permitted uses.
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily ~~A~~affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L))~~.~~;

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO~~.~~;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

G. Amend MMC Chapter 17.30 (CG Community General District), Section 17.30.020 (Permitted uses) and Section 17.30.030 (Conditionally permitted uses), as follows:

17.30.020 Permitted uses.
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

E. Cultural and artistic uses, such as museums, galleries, performing arts studios;

F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,
2. Manufacturing, processing or treatment of products,
3. Research and development and testing facilities,
4. Wholesale, storage and distribution,
5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

G. Movie theaters;

H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

I. Large residential care facilities involving seven or more persons.

J. Mixed Use (commercial and residential)

H. Amend MMC Chapter 17.34 (I Institutional District), subsection 17.34.020 (Permitted uses) and subsection 17.34.030 (Conditionally permitted) uses, as follows:

§ 17.34.020 Permitted uses.
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel).;

G. Emergency shelters.;

H. Transitional ~~and supportive~~ housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses; and

I. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

§ 17.34.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Public or private educational institutions;

B. Towing and automobile storage;

C. Maintenance yards;

D. Public utility facilities;

E. Libraries, museums;

F. Community centers;

G. Health care facilities;

H. Religious institutions;

I. Day care facilities, nursery schools;

J. Accessory uses when part of an educational or nonprofit use (noncommercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, green-houses, and similar uses;

K. Educational (nonprofit) activities;

L. Emergency communication and service facilities;

M. Farmers' markets operated by a nonprofit charitable organization;

N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));

O. Helipad sites (public agency use only and not for private use);

P. Charitable, philanthropic activities;

Q. Parks, beaches, and playgrounds;

R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);

S. Residential care facilities for the elderly ~~(limited to operation by a nonprofit only)~~.

I. Amend MMC Chapter 17.39 (Malibu Coast Estate Planned Development (PD) District), subsection 17.39.020 (Permitted uses), as follows:

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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. <u>Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.</u>

6. <u>Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.</u>

J. Amend MMC Section 17.40.040 (Residential development standards), subsections (A)(5) and (A)(11), as follows:

5. Height.

   a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), ~~f~~For new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

      For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

   c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

11. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

   a. Single-family. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

   b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25%

requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

K. Amend MMC Section 17.40.120 (Emergency shelters), as follows:

§ 17.40.120 ~~Emergency shelters.~~ Special housing projects.

A. Emergency shelters. ~~Purpose. The purpose of this section is to provide development standards for emergency shelters in the city of Malibu~~.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. Regulations. An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards. ~~An emergency shelter is an allowed use, subject to the issuance of an administrative plan review (per Section 17.62.030 of this title) if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case:~~

~~Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~1.~~ a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed ~~25~~55 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~2.~~ b. Facility Requirements.

i. Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

c. ~~4.~~ Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. ~~5.~~ Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. ~~6.~~Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. ~~7.~~Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

~~D. Reviewing Authority.~~

~~1. Applications for emergency shelters shall be reviewed by the director or designee,.if no approval is sought other than the request for use of an existing facility. If the proposed use meets the requirements of this Section and is consistent with the applicable sections of Chapter 17.40, the director shall issue a permit.~~

~~2. Applications for the emergency shelter use submitted for concurrent review with another discretionary land use application (e.g., a coastal development permit to construct the facility) shall be reviewed by the authority reviewing the discretionary land use application.~~

~~17.40.130 B.~~

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district where the Affordable Housing Overlay (AHO) also applies, and Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial), and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Multiple Family Residential (MF), Multifamily Beach Front (MFBF), Community Commercial (CC), Commercial General (CG),

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

a. All provisions of Government Code section 65651(a).

b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. ~~17.40.130~~ Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

~~A.~~ 1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

~~B.~~ 2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

~~C.~~ 3. Laundry facilities must be provided onsite.

~~D.~~ 4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

~~E.~~ 5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

~~F.~~ 6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

~~G.~~ 7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

~~H.~~ 8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

L. Amend MMC Section 17.41.1 (Affordable Housing), subsection 17.41.1.010 (Residential density bonus), as follows:

~~B.~~

C. Eligibility. A density bonus may be granted to an eligible housing development ~~in any residential district through approval of a use permit by the city council (after recommendation from the planning commission). In order to qualify for a density bonus or other financial incentives of equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~, as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915.

~~1. At least 10% of the total units of a housing development for persons and families of lower income;~~

~~2. At least five percent of the total units of a housing development for persons and families of lower income;~~

~~3. A senior housing development; or~~

~~4. At least 10% of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of 35% shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

~~C.~~

D. General Provisions. ~~for Density Bonuses and Incentives/Concessions. As required by Government Code Section 65915, the city of Malibu shall consider a density bonus and provide incentives or concessions for a housing development that shall be subject to the following provisions:~~

~~1. Determination of Unit Count. When determining the percentage of housing units which are to be affordable, the density bonus units shall not be included.~~

~~2. Minimum Project Size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~

~~3. Previous Density Bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

~~4. Dispersal of Affordable Units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project shall not differ in appearance from other units in the development.~~

~~5. Regulatory Incentives. In accordance with Government Code Section 65915, in addition to a density bonus the city shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost"~~

~~a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.~~
~~b. Approval of mixed-use development in conjunction with a multifamily residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.~~
~~c. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions.~~

~~D.~~

~~Procedures. The procedures for implementing this section shall be as follows:~~

~~1. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.~~

~~2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~

~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1 of this title; and~~

~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any

incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   ~~a~~

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

   c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

   d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

~~D.~~

E. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

~~2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~

~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1. of this title; and~~

~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

~~3.~~

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

~~1. Low and very-low income households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of 55 years or longer term under another agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation; which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

M. Amend MMC Section 17.42.020(L) (Affordable Housing Overlay District) as follows:

L. Affordable Housing Overlay District.

3. Standards. ~~The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply, unless specifically modified by standards detailed in subsection L. The following special specific regulations shall apply to the AHO sites identified in Table 1 below.~~

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units ~~in excess of the permitted base density of six dwelling units per acre, shall be affordable to lower and moderate income households as set forth in subsection 5 of this section. A minimum of 50%of all units in excess of the six units per acre~~ shall be deed restricted ("restricted units") as ~~very low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section~~.~~, and a ~~A~~ minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites		
Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

~~3. Development Standards.~~

b. Development

i. Site of Construction. Structures may be constructed on slopes flatter than 1½ ~~1/2~~:1.

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units ~~General Guidelines~~. The ~~lower-income~~ restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall ~~be comparable in number of bedrooms, exterior appearance and overall quality of construction to nonrestricted units~~ have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common

open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

~~vi. The construction materials and practices shall be comparable to those used for the market rate units;~~

~~vii. The exterior grounds shall be landscaped and well maintained; and~~

~~viii.The units shall be disbursed throughout the project site and not clustered in a single location;~~

v. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

vi. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

   a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

      i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

      ii. Subject to any other form of rent or price control; or

      iii. Occupied by low- or very-low-income households.

   b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

   c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

   d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

   e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

   f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

N. Amend MMC Section 17.48.030 (Specific parking requirements) subsection A (Residential uses), as follows:

Parking Standards	
A. Residential Uses.	
Emergency shelters	~~For each 10 adult beds, one space plus o~~One ~~additional~~ space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee. In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
~~Multifamily units~~	~~For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.~~
Multifamily units	For each efficiency or one-bedroom dwelling unit, ~~(affordable)~~ one space. For each dwelling unit with two~~-bedroom or three-~~ or more bedrooms ~~unit~~, two spaces.~~, one of which shall be either enclosed or covered inclusive of guest parking~~. ~~For each four-bedroom or larger unit, two and one-half spaces.~~ Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive

	housing parking shall be as required in Section 17.40.120(C)(4)(c) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

O. Amend MMC Chapter 17.63 (Housing Accessibility – Request For Reasonable Accommodation) as follows:

17.63.020. Applicability.

C. A person with a disability is a person who has a physical or mental impairment that ~~substantially limits or~~ substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

§ 17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation. ~~The director may, in his or her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

§ 17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources, including:

a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

~~B. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings:~~

~~1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in subsection A above.~~

~~2. The request for reasonable accommodation is necessary to make housing available to a person with a disability as defined in subsection A above.~~

~~3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.~~

~~4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.~~

~~5. The requested reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat area, public access and/or public views, and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation shall be included to address significant impacts.~~

~~6. The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat area, public access and/or public views.~~

§ 17.63.060. Decision.

A. The director shall consider an application, and issue a written determination within 45 calendar days of the date of receipt of a completed application. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.

~~C. Upon referral from the director, the planning commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The commission shall issue a written determination within 45 calendar days after such public meeting.~~

C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

D. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.

E. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.

F. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

P. Amend MMC Appendix 1 (Permitted Uses Table), as follows:

KEY TO TABLE: (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table).

P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
•	Not permitted (Prohibited)

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development[29]) – new or the expansion over 500 sf of existing multifamily residential use	•	•	~~CU~~ ~~P~~P[30]	~~CUP~~ P[2, 30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
~~Residential care facilities (serving 6 or fewer persons)~~	~~P~~	~~P~~	~~P~~	•	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care facilities (serving 7 or more persons)		•		•	•	•	•	•	•		•	CUP	•	•	•	•
Small residential care facilities (serving 6 or ~~fewer~~ less persons)	P	P	P	P		•	•	•	•	•	•	•	•	•	•	•

Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	
Employee housing for 6 or fewer persons	P[32]	P[32]	P[32]	P[32]	•	•	•	•	•	•	•	•	•	•	•	•	
Supportive housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•	
Supportive housing, by-right	•	•	P[33]	P[33]	•	•	•	•	P[36]	•	•	P[33]	•	•	•	•	
Transitional housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•	
Low barrier navigation center	•	•	•	•	•	•	•	•	P[34]	•	•	P[37]	•	•	•	•	
~~New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments~~	▲	▲	▲	~~CUP~~	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP[38]	CUP[38]	CUP	CUP	CUP	•	•	•	CUP	

Notes:

[28] Transitional and supportive housing is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.

[29] Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses.

[30] Multifamily development associated with an affordable housing development project is permitted by right.

[31] Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (~~APNs 4458-022-023 and 4458-022-024~~ APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.

[32] Employee housing for 6 or fewer persons is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.
[33] Allowed pursuant to Section 17.40.120(C).
[34] Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and pursuant to Section 17.140.120(B).
[35] Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
[36] By-right permanent supportive housing is permitted pursuant to Section 17.40.120(C). Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
[37] Allowed pursuant to Section 17.140.120(B).
[38] Unless the use is an emergency shelter, low barrier navigation center, or by-right supportive housing, each of which is allowed by right pursuant to Section 17.40.120.

SECTION 8. Malibu Municipal Code Amendment Findings.

MMC Section 17.74.040(C) states that before approval of any zoning text amendment, the City Council must make the finding that such amendment is consistent with the general plan as adopted. The Planning Commission recommends, based on evidence in the whole record, that the City Council make the finding as follows:

A. The proposed amendment implements the programs of the City of Malibu Housing Element 2021-2029, which is consistent with the City of Malibu General Plan as identified in Section 4 of this resolution; and

B. The amendment is consistent with the following General Plan objective and policies in the Land Use Element: LU Objective 1.1: Development that Does Not Degrade the Environment. LUP Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment, and LUP Policy 1.14: The City shall preserve the City's rural residential character, as the amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 9. Planning Commission Action.

Pursuant to MMC Section 17.74.030, the Planning Commission hereby recommends that the City Council adopt GPA No. 20-001, LCPA No. 24-001, and ZTA No. 24-002, adopting the 2021-2029 Housing Element and the General Plan and amending the Land Use Plan and Local Implementation Plan of the Local Coastal Program.

Other Recommendations. The Planning Commission recommended the Affordable Housing Overlay Zone be amended to 1) require a development agreement for very-low or low-income housing built

within the Affordable Housing Overlay zone; and 2) recommended very-low or low-income housing built within the Affordable Housing Overlay zone include a minimum fifty-five-year deed restriction.

SECTION 10. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 19th day of August 2024.

JOHN G. MAZZA, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-59 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 19th day of August 2024 by the following vote:

AYES:	4	Commissioners: Peak, Mazza, Smith, Leonard
NOES:	0	
ABSTAIN:	0	
ABSENT:	1	Commissioner: Hill

REBECCA EVANS, Recording Secretary

EXHIBIT A: City of Malibu 2021-2029 Housing Element – July 29, 2024 Submittal to the California Department of Housing and Community Development is available online at https://www.malibucity.org/370/Housing-Element-Update

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

HOW TO PARTICIPATE IN-PERSON DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form. In-person participants may also surrender their opportunity to speak on a particular item to defer one minute to another in-person speaker.

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Malibu City Council
Regular Meeting Agenda

Monday, September 23, 2024

6:30 P.M. – CITY COUNCIL REGULAR MEETING
City Hall – Council Chambers
23825 Stuart Ranch Road

Zoom Webinar Link:
https://us02web.zoom.us/j/81243772185

Six-thirty p.m. **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Report on Posting of Agenda – September 13, 2024

Approval of Agenda

1. Ceremonial/Presentations

None.

2. Written and Oral Communications from the Public

A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Commission / Committee / City Manager Updates

C. City Council Subcommittee reports / Mayor and Councilmember meeting attendance, reports and inquiries

3. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff Contact: Interim City Attorney Rusin, 456-2489, ext. 228

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 73527-73657 on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 754 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $3,687,136.00. City of Malibu payroll check number 5484 and ACH deposits were issued in the amount of $444,039.61.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 12, 2024 Regular Meeting.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

4. Receive and File Notice of Intention to Amend the Conflict of Interest Code

   Recommended Action: Receive and file the Notice of Intention to Amend the Conflict of Interest Code.

   Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

5. Resolution Extending the Declaration of the Existence of a Local Emergency Regarding Conditions on Pacific Coast Highway (PCH)

   Recommended Action: Adopt Resolution No. 24-47 extending the declaration of the existence of a local emergency related to the increase of reckless and illegal driving on pacific coast highway and directing staff to coordinate efforts with other governmental agencies to increase attention and create programs to reduce the risk and danger associated with pacific coast highway in the City.

   Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

6. Malibu Arts Association Art Show Fee Waiver

   Recommended Action: Approve the request from the Malibu Arts Association to waive facility use fees, staffing costs, and permit fees for an Art Show event at Legacy Park.

   Staff Contact: Community Services Director Riesgo, 456-2489, ext. 350

7. Award Bluffs Park Roof Replacement Project

   Recommended Action: 1) Approve the award of bid and authorize the Mayor to execute an agreement with AC Pros, Inc. in the amount of $136,180 for the construction of the Bluffs Park Roof Replacement Project, Specification No. 2110; and 2) Authorize the Public Works Director to approve any potential change orders up to 20%.

   Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

8. Agreement for Annual Routine Street Maintenance Services

   Recommended Action: Authorize the Mayor to execute an agreement with Burns Pacific Construction, Inc. (Burns) for annual routine street maintenance services.

   Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

9. Agreement for Citywide Tree Maintenance Services

   Recommended Action: Authorize the Mayor to execute an agreement with Newbury Park Tree Services, Inc. for Citywide Tree Maintenance Services in the amount not to exceed $75,000 annually.

   Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

10. Agreement for Annual Street Sweeping Services

Recommended Action: 1) Authorize the Mayor to execute an agreement with Sweeping Corporation of America of CA, LLC for Street Sweeping Services under the City's Annual Street Sweeping Services; and 2) Appropriate $44,160 in Account No. 100-3001-5121.01 (Street Sweeping).

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

11. Professional Services Agreement for PCH Median Improvements – Paradise Cove and Zuma Beach

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Kimley Horn and Associates, Inc. for engineering design services for the PCH Median Improvements – Paradise Cove and Zuma Beach in the amount not to exceed $296,670.

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

12. Los Angeles County Measure R Transportation Funding Agreement Amendment

Recommended Action: 1) Authorize the Mayor to execute the Los Angeles County Measure R Funding Agreement Amendment No. 4 for the Pacific Coast Highway Signal Synchronization Project; and 2) Authorize the Public Works Director to approve change orders of an additional $1,330,000 for a total amount of $3,230,000.

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

13. Amendment to Professional Services Agreement with Kimley Horn and Associates, Inc

Recommended Action: Authorize the Mayor to execute Amendment No. 5 to the Professional Services Agreement with Kimley Horn and Associates, Inc. in the amount of $835,742.47 for a total not to exceed $4,076,642.47. This proposed amendment includes additional engineering design service to add a Safety Adaption system, additional speed feedback signs, and poles for speed enforcement cameras for the Pacific Coast Highway (PCH) Signal Synchronization Project.

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

4. Ordinances and Public Hearings

A. Adoption of Housing Element and Code Amendments

Recommended Action: 1) Adopt Resolution No. 24-48 approving the Revised Draft 2021-2029 Housing Element Update; 2) Adopt Resolution No. 24-49 amending the Land Use Plan (LUP) of the Local Coastal Plan (LCP); 3) After the City Attorney reads the title of the Ordinance, introduce on first reading Ordinance No. 523 approving Local Coastal Program Amendment (LCPA) No. 20-001 and Zone Text Amendment (ZTA) No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act (CEQA); and 4) Direct staff to schedule second reading and adoption of Ordinance No. 523 for the October 14, 2024 City Council Regular meeting.

Staff Contact: Interim Planning Director Tamuri, 456-2489, ext. 346

5. Old Business

None.

6. New Business

None.

7. Council Items

None.

Adjournment

Future Meetings

Monday, October 14, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, October 28, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Tuesday, November 12, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff, unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form *prior* to the beginning of the item being announced by the Mayor. In person participants may surrender their time by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. Speakers are taken in the order slips are submitted or hands are raised.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Council following the action on the Consent Calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. All other testimony shall follow the rules as set forth under

Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments.

No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for $0.10 per page.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

Requests to show an audio or video presentation during a Council meeting should be directed to the Media Team at media@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 13th day of September 2024 at 6:00 p.m.

Kelsey Pettijohn, City Clerk

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

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Amended[1] Malibu City Council Regular Meeting Agenda

Monday, September 23, 2024

6:30 P.M. – CITY COUNCIL REGULAR MEETING

City Hall – Council Chambers
23825 Stuart Ranch Road

Zoom Webinar Link:
https://us02web.zoom.us/j/81243772185

Six-thirty p.m. **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Report on Posting of Agenda – September 13, 2024; *Amended Agenda posted September 20, 2024*

Approval of Agenda

1 *See the addition of Consent Calendar Item Nos. 3.B.14., 3.B.15., 3.B.16 and New Business Item No. 6.A.*

1. Ceremonial/Presentations

None.

2. Written and Oral Communications from the Public

A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Commission / Committee / City Manager Updates

C. City Council Subcommittee reports / Mayor and Councilmember meeting attendance, reports and inquiries

3. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff Contact: Interim City Attorney Rusin, 456-2489, ext. 228

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 73527-73657 on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 754 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $3,687,136.00. City of Malibu payroll check number 5484 and ACH deposits were issued in the amount of $444,039.61.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 12, 2024 Regular Meeting.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

4. Receive and File Notice of Intention to Amend the Conflict of Interest Code

   Recommended Action: Receive and file the Notice of Intention to Amend the Conflict of Interest Code.

   Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

5. Resolution Extending the Declaration of the Existence of a Local Emergency Regarding Conditions on Pacific Coast Highway (PCH)

   Recommended Action: Adopt Resolution No. 24-47 extending the declaration of the existence of a local emergency related to the increase of reckless and illegal driving on pacific coast highway and directing staff to coordinate efforts with other governmental agencies to increase attention and create programs to reduce the risk and danger associated with pacific coast highway in the City.

   Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

6. Malibu Arts Association Art Show Fee Waiver

   Recommended Action: Approve the request from the Malibu Arts Association to waive facility use fees, staffing costs, and permit fees for an Art Show event at Legacy Park.

   Staff Contact: Community Services Director Riesgo, 456-2489, ext. 350

7. Award Bluffs Park Roof Replacement Project

   Recommended Action: 1) Approve the award of bid and authorize the Mayor to execute an agreement with AC Pros, Inc. in the amount of $136,180 for the construction of the Bluffs Park Roof Replacement Project, Specification No. 2110; and 2) Authorize the Public Works Director to approve any potential change orders up to 20%.

   Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

8. Agreement for Annual Routine Street Maintenance Services

   Recommended Action: Authorize the Mayor to execute an agreement with Burns Pacific Construction, Inc. (Burns) for annual routine street maintenance services.

   Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

9. Agreement for Citywide Tree Maintenance Services

   Recommended Action: Authorize the Mayor to execute an agreement with Newbury Park Tree Services, Inc. for Citywide Tree Maintenance Services in the amount not to exceed $75,000 annually.

   Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

10. Agreement for Annual Street Sweeping Services

Recommended Action: 1) Authorize the Mayor to execute an agreement with Sweeping Corporation of America of CA, LLC for Street Sweeping Services under the City's Annual Street Sweeping Services; and 2) Appropriate $44,160 in Account No. 100-3001-5121.01 (Street Sweeping).

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

11. Professional Services Agreement for PCH Median Improvements – Paradise Cove and Zuma Beach

Recommended Action: Authorize the Mayor to execute a Professional Services Agreement with Kimley Horn and Associates, Inc. for engineering design services for the PCH Median Improvements – Paradise Cove and Zuma Beach in the amount not to exceed $296,670.

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

12. Los Angeles County Measure R Transportation Funding Agreement Amendment

Recommended Action: 1) Authorize the Mayor to execute the Los Angeles County Measure R Funding Agreement Amendment No. 4 for the Pacific Coast Highway Signal Synchronization Project; and 2) Authorize the Public Works Director to approve change orders of an additional $1,330,000 for a total amount of $3,230,000.

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

13. Amendment to Professional Services Agreement with Kimley Horn and Associates, Inc

Recommended Action: Authorize the Mayor to execute Amendment No. 5 to the Professional Services Agreement with Kimley Horn and Associates, Inc. in the amount of $835,742.47 for a total not to exceed $4,076,642.47. This proposed amendment includes additional engineering design service to add a Safety Adaption system, additional speed feedback signs, and poles for speed enforcement cameras for the Pacific Coast Highway (PCH) Signal Synchronization Project.

Staff Contact: Public Works Director DuBoux 456-2489, ext. 339

14. Planning Clearances Issued for Formula Retail Businesses within Cross Creek Ranch Shopping Center (Location: 23465 Civic Center Way) pursuant to Settlement Agreement between City of Malibu and Cross Creek Ranch Malibu, LLC

Recommended Action: Receive and file the Planning Director's report on planning clearances issued for formula retail businesses Bluemercury, Zadig & Voltaire, Frame, Loewe, and Jenni Kayne to the City Council, pursuant to the Settlement Agreement between the City of Malibu and Cross Creek Ranch Malibu, LLC (Attachment 1).

Staff Contact: Interim Planning Director Tamuri, 456-2489, ext. 346

15. Professional Services Agreements for Contract Planning Services

Recommended Action: 1) Authorize the Mayor to execute a professional services agreement with California Coastal Works LLC for contract planning services; 2) Authorize the Mayor to execute a professional services agreement with Casswell Consulting, Inc. for contract planning services; 3) Authorize the Mayor to execute a professional services agreement with Joyce Parker-Bozylinski for contract planning services; and 4) Authorize the Mayor to execute a professional services agreement with Premium Planning Solutions, Inc. for planning contract services.

Staff Contact: Interim Planning Director Tamuri, 456-2489, ext. 346

16. Amendment to Agreement with Santa Monica-Malibu Unified School District

Recommended Action: Authorize the Mayor to execute Amendment No. 1 with Santa Monica-Malibu Unified School District (District) to extend the 2022-2024 Master Facility Use Agreement through January 31, 2025.

Staff Contact: Community Services Director Riesgo, 456-2489, ext. 350

4. Ordinances and Public Hearings

A. Adoption of Housing Element and Code Amendments

Recommended Action: 1) Adopt Resolution No. 24-48 approving the Revised Draft 2021-2029 Housing Element Update; 2) Adopt Resolution No. 24-49 amending the Land Use Plan (LUP) of the Local Coastal Plan (LCP); 3) After the City Attorney reads the title of the Ordinance, introduce on first reading Ordinance No. 523 approving Local Coastal Program Amendment (LCPA) No. 20-001 and Zone Text Amendment (ZTA) No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act (CEQA); and 4) Direct staff to schedule second reading and adoption of Ordinance No. 523 for the October 14, 2024 City Council Regular meeting.

Staff Contact: Interim Planning Director Tamuri, 456-2489, ext. 346

5. Old Business

None.

6. New Business

A. Support for Santa Monica-Malibu Unified School District (SMMUSD) General Obligation Bond Measure MM on the November 5, 2024 Ballot

Recommended Action: Approve Resolution 24-50 in Support of Santa Monica-Malibu Unified School District (SMMUSD) General Obligation Bond Measure MM.

Staff Contact: Deputy City Manager Brown, 456-2489, ext. 300

7. Council Items

None.

Adjournment

Future Meetings

Monday, October 14, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, October 28, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Tuesday, November 12, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff, unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form *prior* to the beginning of the item being announced by the Mayor. In person participants may surrender their time by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. Speakers are taken in the order slips are submitted or hands are raised.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Council following the action on the Consent Calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments.

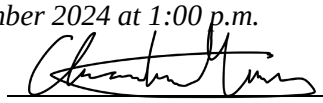
No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for $0.10 per page.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

Requests to show an audio or video presentation during a Council meeting should be directed to the Media Team at media@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 20th day of September 2024 at 1:00 p.m.



Christina Muñoz, Deputy City Clerk

City Council Meeting
09-23-24
Item 4.A.

Council Agenda Report

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

Prepared by: Joyce Parker-Bozylinski, Contract Planner
Allison Cook, Contract Planner

Reviewed by: Maureen Tamari, Interim Planning Director
Tyler Eaton, Senior Planner

Approved by: Steve McClary, City Manager

Date prepared: September 10, 2024 Meeting date: September 23, 2024

Subject: Adoption of Housing Element and Code Amendments

RECOMMENDED ACTION: 1) Adopt Resolution No. 24-48 (Exhibit 1) approving the Revised Draft 2021-2029 Housing Element Update; 2) Adopt Resolution No. 24-49 (Exhibit 2) amending the Land Use Plan (LUP) of the Local Coastal Plan (LCP); 3) After the City Attorney reads the title of the Ordinance, introduce on first reading Ordinance No. 523 approving Local Coastal Program Amendment (LCPA) No. 20-001 and Zone Text Amendment (ZTA) No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act (CEQA); and 4) Direct staff to schedule second reading and adoption of Ordinance No. 523 for the October 14, 2024 City Council Regular meeting.

WORK PLAN: This item was included in the Adopted Work Plan for Fiscal Year 2023-2024 and is part of normal staff operations.

DISCUSSION: The Planning Commission held a hearing on the Revised 2021-2029 Housing Element and related LCP and MMC amendments on August 19, 2024, and recommended approval of the Revised Housing Element and related LCP and MMC code amendments with two recommended changes to the Affordable Housing Overlay (AHO) zone. The Commission recommended the AHO Zone be amended to: 1) require a development agreement for very-low or low-income housing built within the AHO zone; and 2) that very-low or low-income housing built within the AHO zone include a minimum 55-year deed restriction. After the Commission action, it was determined that a minimum 55-year deed restriction already exists for an affordable housing development project in the AHO.

The Planning Commission wanted to ensure the units remained affordable for 55 years and meet the other required standards in the AHO and discussed a variety of ways to accomplish this including requiring a Development Agreement. The current code requires a developer to enter into an affordable housing agreement for rental unit projects, and for for-sale or owner-occupied units a covenant, in a form approved by the City, restricting future sale prices to levels affordable to lower-income households and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years is required. An affordable housing agreement is also required for applicants seeking a density bonus. The Planning Commission may not have been aware of the required provisions in an affordable housing agreement. Staff recommends not requiring a Development Agreement as HCD did not consider this requirement and may have a concern especially since the RHNA parcels are not City owned. In staff's opinion, the existing and proposed provisions for an affordable housing agreement appear to meet the Commission's intent.

The Planning Commission discussed several other possible changes with the overall goal of making the Housing Element and related code amendments as minimally impactful to the surrounding neighborhood as possible. Some of the discussion topics included establishing a minimum unit size, changing the minimum and maximum density in the AHO, requiring a nonprofit developer to build the affordable housing units in the AHO, and requiring rent restrictions for accessory dwelling units. The Commission also questioned the proposed change in the minimum number of affordable units needed to utilize the AHO by right approval. The current minimum affordability requirement for sites located in the AHO is 50 percent. This minimum is inconsistent with state law (California Government Code Section 65583.2 (c)), which requires a 20 percent minimum affordability requirement to achieve by right approval for sites identified in the prior housing elements. A 20 percent minimum affordability is more likely to be built by a developer and achieve the State's goal of providing affordable housing within the city.

Staff has determined that each of the proposed changes would either be inconsistent with State law or likely be seen by California Department of Housing and Community Development (HCD) as a constraint to the development of multi-family housing and would require additional HCD review, which could delay certification of the Housing Element.

Another of the Commission's concerns was how the City could safely accommodate more development due to the fact that the City is entirely within a Very High Fire Hazard Severity Zone (VHFHSZ) and has limited evacuation routes. The number of units each city must accommodate is determined by the Regional Housing Needs Assessment (RHNA) process which was completed in 2021 for the 6th Cycle 2021-2029 Housing Element. (See RHNA discussion below) The factors used by the Southern California Association of Governments (SCAG) to determine each jurisdictions allocation can be found in Section 7.2.8(a) *Overview of the Regional Housing Needs Assessment (RHNA*) in the revised Housing Element. A discussion of whether physical and environmental constraints should be considered in determining RHNA allocation has been an ongoing discussion. Natural and infrastructure constraints are considered in the development of the regional growth forecast but not as part of the RHNA allocation process. The City submitted two letters to

SCAG as part of the proposed Draft RHNA Methodology process providing information on the City's VHFHSZ and requesting consideration of VHFSZ when developing the RHNA methodology.

For the 2019 (6th cycle) RHNA allocation process SCAG's jurisdictions received significantly higher RHNA allocations than previous RHNA cycles, which resulted in over 50 appeals. Only two appeals were partially granted and the rest were denied. While these appeals were for a variety of reasons, a search determined that VHFHSZ was one of the reasons given for some of the jurisdictions such as Agoura Hills, Rancho Palos Verde, and Rancho Santa Margarita.

The California Legislature passed Senate Bill (SB) 182 on August 31, 2020. SB 182, which would have established wildfire reduction standards and planning requirements for new housing developments in Very High Fire Risk Areas (VHFRA) and would have amended Government Code Section 65584.04(e)(13) to require SCAG, starting with the 7th Housing Element cycle, to take into account the amount of land within a jurisdiction's very high fire risk area and allocate a lower proportion of housing to a jurisdiction if it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites to meet its housing need allocation. This bill was vetoed by Governor Newson. https://www.gov.ca.gov/wp-content/uploads/2020/09/SB-182.pdf

In April 2024, HCD published *California's Housing Future 2040: The Next Regional Housing Needs Allocation (RHNA).* https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation#cahf2024 In this report, HCD makes recommendations to legislators on the changes to the RHNA process they feel are necessary to effectively plan for the homes that will be needed across the state by 2040. One of the recommendations is revising the language in the statute around housing opportunities and constraints to add more clarity around the types of constraints that should and should not be considered during the allocation process. As noted in the report: "... The list of constraints that can be considered should be expanded to include physical and economic constraints in addition to legal and infrastructure constraints. This would help to direct more RHNA to places where increasing the zoned capacity will result in more housing production."

2021-2029 Housing Element

The Housing Element Update includes analysis of the community's housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community. Every city and county in California is required by law to prepare a Housing Element update for the "6th housing element update cycle". The statutory deadline to adopt a certified 2021-2029 (6th cycle) Housing Element for all jurisdictions in the Southern California Association of Governments (SCAG) region, including the City of Malibu, was October 15, 2021.

The City Council initially adopted the 6th Cycle Housing Element on August 24, 2021, and the adopted Housing Element was transmitted to HCD for review. HCD plays the critical role of reviewing every local government's housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a local government can adopt its housing element as part of its overall General Plan.

Following the initial adoption, the City received a comment letter from HCD (October 22, 2021) indicating that while the Revised Housing Element met many statutory requirements of State Housing Element law, revisions would be necessary to fully comply with State Housing Element law. The City subsequently submitted revised Housing Elements to HCD on January 10, 2022, February 7, 2024, and May 7, 2024. HCD issued comment letters (March 22, 2022, March 22, 2024, and June 21, 2024) for each of the submittals indicating further revisions would be needed to comply with State Housing Element law. Copies of the letters and other documents related to the history of the Housing Element adoption process can be found on the City's Housing Element webpage at https://www.malibucity.org/370/Housing-Element-Update. City staff and the Housing Element consultant continued to work closely with HCD staff to address HCD comments. On July 19, 2024, a Revised Draft Housing Element, which HCD indicated met statuary requirements pending formal review, was circulated for the required seven-day public review period (July 19 – July 26th). On July 29, 2024, the revised Draft Housing Element was re-submitted to HCD and on July 31, 2024, the City received a letter from HCD stating that the Housing Element meets the statutory requirements of State Housing Element law. (Attachment 2). Any changes to the Housing Element subsequent to the July 29, 2024 submittal would open up the possibility of HCD rescinding the letter and lead to further delays while HCD reviews the changes.

Regional Housing Needs Assessment (RHNA)

State law requires the Housing Element to address several issues including preservation of the existing housing stock, future housing needs of the community, resources and constraints affecting housing, and fair housing. One of the requirements of State Housing Element law is that each city must adopt land use plans and regulations that create sufficient opportunities for residential development to accommodate its assigned share of statewide housing need. The Regional Housing Needs Assessment (RHNA) is the process by which each city's need for additional housing is determined.

The City was assigned a RHNA allocation of 79 units for the 2021-2029 Housing Element planning period. This RHNA allocation was assigned to the City in 2021.

The 6th cycle RHNA allocation by income category for Malibu is shown in Table 1.

Table 1 - RHNA by Income Category

Very Low[1]	Low	Moderate	Above Moderate	Total
28[2]	19	17	15	79

Source: SCAG 2021

Notes:

1 Includes the Extremely-Low-Income (ELI) Category

2 14 units are assumed to be ELI pursuant to Government Code §65583.a.1

After accounting for planned and approved projects and projected Accessory Dwelling Units (ADUs), the remaining RHNA units (30 lower-income and 16 moderate-income units) must be accommodated through adequate sites planning. The site inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Appendix B, *Residential land Inventory* in the Housing Element, for more information).

In 2013 the City amended the General Plan, LCP, and MMC to establish the Affordable Housing Overlay (AHO) District (LIP Section 3.4.5 and MMC Section 17.42.020(L)) allowing multi-family development at a minimum density of 20 units/acre and a maximum density of one dwelling unit per 1,613 square feet of lot area (27 units/acre) including the additional density bonus, by-right when affordable housing is provided. As required by State law, one of the code amendments will update this language to note that the density bonus would be in addition to the 27 units/acre maximum. The AHO zone was placed on three parcels on Pacific Coast Highway and one parcel in the Civic Center known as La Paz Lane. The three parcels on Pacific Coast Highway and projected ADUs will be utilized to meet the remaining lower and moderate income RHNA units. The residential unit capacity assumptions on the AHO sites has been reduced to account for onsite environmentally sensitive habitat area (ESHA). It should be noted that these sites are adjacent to existing multifamily residential townhomes/condominiums (The Pointe and the Rey de Copas) which were built prior to cityhood. Los Angeles County allowed heights greater than 28 feet and densities greater than 6 dwelling units an acre so any project developed on the parcels would likely blend in with the existing development. While the La Paz Lane site will not be needed to meet RHNA, the AHO zone will remain on the parcel until a decision is made on the use of the parcel as part of the on-going development of a master plan for future uses of vacant City-owned land. In addition, Government Code Section 65863 and Housing Program Objective 2.2.a**.** requires the City to monitor the development of properties identified to meet RHNA requirements and if the City approves a project on the AHO sites that would result in a loss of land available to accommodate the RHNA, the City will need to identify adequate sites to accommodate any shortfall and/or rezone additional sites to accommodate lower and moderate-income households within 180 days of approval of said development.

Affirmatively Furthering Fair Housing (AFFH)

All housing elements due on or after January 1, 2021 must include an assessment of fair housing. This is a new requirement that was instituted for all 6th cycle Housing Elements. Appendix F in the Housing Element provides that assessment for the City. The AFFH analysis identifies meaningful actions to address factors that contribute to fair housing issues in Malibu in Table F-13. The meaningful actions to address these fair housing issues are incorporated into programs and actions in Chapter 7.5, *Housing Plan*. Based on community feedback and data analysis, it was determined that high-priority issues in the city are lack of affordable housing, fair housing enforcement and outreach, and segregation of low-income residents.

As noted in the AFFH analysis, the entire city is designated a highest resource, highest income, and racially concentrated area of affluence (RCAA). HCD's June 21, 202 letter states the Housing Element must "include a significant suite of programs to facilitate housing mobility and promote housing choices and affordability throughout the City. These programs should not be limited to the Regional Housing Needs Allocation (RHNA) and, instead, target significant and meaningful change to promote housing choices and affordability throughout the City. Examples include promoting more housing choices and affordability in lower-density areas (e.g., missing middle housing types), identifying additional multifamily sites and increasing densities in multifamily zones, religious institutional sites, city-owned sites, enhancing ADU, junior accessory dwelling units (JADU) or additional conversion of existing space, and home sharing strategies. Programs must have specific commitment, milestones, geographic targeting and metrics or numerical targets." To address this comment, Housing Programs were added to enhance housing mobility strategies as described in the Housing Plan and shown in Table F-13 in Appendix F AFFH.

Two examples of programs/objectives that were added to facilitate housing mobility and promote housing choices and affordability throughout the city are Objective 4.1.f., which would allow up to two JADUs per single-family lot. At least one JADU must be rent restricted to lower or moderate-income households. Allowing one additional rent restricted JADU will provide more rental opportunities which would promote more housing choices and affordability in lower-density areas. In addition, Objective 3.3.b promotes shared housing opportunities such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners so they can remain in their home. Information on shared housing programs will be posted on the City's website, and the ALA and/or similar organizations would be invited to attend the City's senior resource fair as a vendor.

Chapter 7 - Housing Plan

An important part of the Housing Element is the Housing Plan (Section 7.5) because it describes the City's policies, programs, and objectives for the 2021-2029 planning period. This section has been updated to reflect current laws including fair housing requirements and includes commitments for specific actions through the end of the Housing Element

planning period (2029). In addition to updating the code to meet current laws, the Housing Plan provides a variety of actions that will commit the City to be more proactive in providing information to the public on housing opportunities and services offered by outside agencies and the availability of the AHO sites for affordable housing. See Housing Program 5 for proactive actions the City will need to take.

A description of all required LCP and MMC amendments is provided below in the LCP and MMC Amendments section of the staff report. These amendments include, but are not limited to, updates to the City's Density Bonus Ordinance and Affordable Housing Overlay District, changes to the allowed location and development standards for emergency shelters, and changes to the permitted uses in most residential zones. As noted below, two of the Housing Programs will be implemented through amendments undertaken in the future. In addition to these two Housing Programs, Objective 4.1.e requires the City to update the ADU ordinance in the MMC in compliance with State law within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later. The City's MMC ADU Ordinance was transmitted to HCD on February 1, 2024. To date, the City has not received comments from HCD on the ordinance. An amendment to the ADU ordinance would also be needed to implement Objective 4.1.f, which would allow one additional rent restricted (to lower or moderate-income household) Junior ADU.

Consequences for Non-Compliance

An important difference between the Housing Element and other elements of the General Plan is the extent of State oversight. Under California law, land use and development are generally within the authority of cities through the adoption of policies and regulations in General Plans, Local Coastal Programs, and municipal codes. However, State law establishes many specific limitations on city land use authority with regard to housing. The State legislature has also declared an adequate supply of housing to be a matter of statewide importance and has delegated authority to the HCD to review local government Housing Elements and issue opinions regarding their compliance with State Housing Element law. A finding of Housing Element compliance by HCD is referred to as "certification" of the Housing Element. Certification is important to enhance cities' eligibility for grant funds and to support the legal validity of the City's General Plan and land use regulations.

In addition, on May 19, 2023, the City received a "Letter of Inquiry" seeking a timeline for the City to adopt a compliant Housing Element and advising the City of the consequences of not obtaining a compliant Housing Element. On June 27, 2023 the City issued a schedule for completion of the Housing Element and on July 20, 2023, the City received a second "Letter of Inquiry" finding that the City had "failed to adopt a housing element that meets the requirements of State Housing Element Law and is therefore in violation of those statutes". Copies of the Letter of Inquiries can be found at https://www.malibucity.org/370/Housing-Element-Update. During this period, the City

Council entered into a Stipulated Judgment[1] with HCD establishing deadlines for the City to adopt a compliant Housing Element.

The Stipulated Judgment deadlines to obtain certification provide as follows:

1) No later than September 23, 2024, the City Council must hold a public hearing to readopt the Housing Element and hold first readings on the MMC and LCP amendments;
2) Prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments need to be submitted to HCD no later than October 4, 2024;
3) By October 14, 2024, the City Council needs to conduct the second reading of, and adopt, the MMC and LCP amendments; and
4) By October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

LCP and MMC Amendments

The Housing Element programs and objectives that require amendments to the LCP and the MMC are listed and described below, along with the sections of the Land Use Plan (LUP), LIP, and MMC that are proposed for amendment. The Resolution for the LUP amendment is included as Attachment 2, and the Ordinance for the LIP and MMC amendments is included as Attachment 3. Attachment 6 are "redline" versions of the LUP, LIP and MMC amendments, showing the existing text and the proposed changes. The relevant California Government Code (Govt. Code) section or Health and Safety Code section that the program and/or objective is meant to implement is also listed, if applicable. Often, the Government Code Section specifies the requirements the program and/or objective must meet. One program/objective requires an amendment to the LUP.

Two objectives require LIP and MMC amendments to be adopted by the end of 2025. Staff will bring these amendments back for Planning Commission and City Council consideration at a later date. The two objectives are Objective 2.4.b. regarding large residential care facilities and Objective 4.3.b regarding Site Plan Review (SPR) findings.

The large (7 or more) residential care facilities amendment would, as required by HCD, allow large residential care facilities in residential zones with an administrative permit. Findings for approval of the permit would be based on objective standards that the City develops. The type of permit and objective findings will be developed as part of the future amendment. In addition, the provision allowing a "residential care facility for the elderly limited to operation by a nonprofit only" with a Conditional Use Permit will need to be amended to better define the use and remove the requirement that it must be operated only by a nonprofit. That section will be updated in 2025 as part of the large residential care facility amendment.

[1] https://oag.ca.gov/news/press-releases/attorney-general-bonta-newsom-administration-reach-agreement-city-malibu

The amendment to SPR findings is required by HCD for proposed multi-family projects with heights over 18 feet. HCD is requiring that the findings for such multi-family projects be objective. Objective findings are those that do not require subjective judgement. Objective findings would consist of objective standards that need to be met. State law defines objective standards as, “standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.” (Govt. Code section 65913.4(a)(5)). These findings will be developed as part of the future code amendment.

A summary of the draft LCP and MMC amendments is provided below. In addition, two clean up changes were needed from the amendments provided in the adopted Planning Commission resolution. These include adding "Mixed use" to the MMC Appendix 1 land use table, and allowing it in CG with a CUP and changing Section 3.4.5(E)(1)'s reference to "3.7.2," with "3.7.1(D)(4)" reference removed. In MMC 17.63.050, Item 6 was shown as deletion but should not be removed. These changes have been included in the Ordinance.

Program 2.3 Replacement Housing, Objective 2.3.a.

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will amend the LIP and MMC to require the replacement of existing residential units on nonvacant RHNA sites as a condition of project approval for development. Specifically, sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households are subject to this requirement. Those units shall be replaced with units affordable to the same or lower-income level as a condition of any development on the site. Replacement requirements shall also be consistent with those set forth in the State Density Bonus Law.

Amend the LIP and MMC to establish the replacement requirements pursuant to AB 1397.

Applicable Govt. Code Sections: 66300(d) and 65915(c)(3)

MMC Amendment:

Add new Section 17.42.020(L)(6) Replacement Housing to Section 17.42.020 Affordable Housing Overlay District. The amendment applies to new affordable housing developments on sites in the Affordable Housing Overlay District that currently have residential uses, or within the past five years have had residential uses, that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low or very low income households. These new affordable housing development projects are required to replace affordable dwelling units meeting the

conditions listed above with those affordable to the same or lower category of income level as part of a new project.

LIP Amendment:

Add new section 3.45(F) Replacement Housing to Section 3.4.5. Affordable Housing Overlay District, similar to that for MMC Section 17.42.020(L)(6).

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.a.

Amend the LIP and MMC to allow transitional and supportive housing in all zones allowing residential uses, including the CC zone, as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone. Amend the LIP and MMC to allow supportive housing by right (AB 2162).

Applicable Govt. Code Sections: 8698.4(c)(2), 65582(g) and (j), 65583, 65650, and 65651(a)

MMC Amendment:

- Add transitional housing and supportive housing as permitted uses in all zoning districts where housing is allowed. These include Chapters 17.24 (Community Commercial - CC), 17.30 (Commercial General - CG), 17.34 (Institutional - I), and 17.39 (Malibu Estates Planned Development - PD) where they need to be allowed in the same manner as other residential uses in the same zone (either single-family or multiple family housing depending on what the zone allows). In the CC zone, supportive housing would only be allowed on the La Paz parcel (4458-022-908) which is in the Affordable Housing Overlay since that is the only housing permitted in the CC zone.

  Transitional housing and supportive housing uses are currently permitted, and would remain permitted, in the Rural Residential (RR), Single Family (SF), Multiple-Family (MF), and Multifamily Beach Front (MFBF) zones, but transitional housing and supportive housing are now referenced separately (previously, they were combined as one item), and, in the MF and MFBF zones, a provision has been added to distinguish between supportive housing and the new use of permanent by right supportive housing, with a reference to a new Section 17.40.12(C) for permanent by right supportive housing provisions. The provisions in Section 17.40.12(C) implement the Govt. Code by allowing the use by right (no discretionary review) if it meets all the requirements stipulated in the Govt. Code. Such use must be allowed in all zoning districts that allow multi-family residential or mixed-use developments (MF, MFBF, CC, and CG).
- Update Zoning Ordinance Appendix 1 Permitted Uses Table to add transitional housing and supportive housing as permitted uses in the RR, SF, MF, MFBF, CC, and CG, zoning districts.

- Update Section 17.02.060 Definitions to be consistent with the Govt. Code definition for supportive housing.
- Update Section 17.48.030(A) Specific parking requirements, residential uses, to add transitional and supportive housing minimum parking space requirements the same as other uses of the same housing type in the same zone.

LIP Amendment:

- Update Section 2.1 Definitions similar to that for MMC 17.02.060 for supportive housing and permanent supportive housing.
- Update Section 3.3(Q)(2) – Planned Development Zone (PD) for Lots 1-5 to allow transitional housing and supportive housing similar to that for MMC Section 17.39.
- Add new Section 3.11.5(D) for by right permanent supportive housing required provisions, similar to that for MMC Section 17.40.12(C).
- Update Section 3.14.3 Specific Parking Requirements similar to that of MMC Section 17.48.030(A) for transitional housing, supportive housing, and by right permanent supportive housing.
- Update LIP Attachment 3, Appendix 1, Table B Permitted Uses similar to that of MMC Zoning Ordinance Appendix 1 Permitted Uses Table for transitional housing, supportive housing, and permanent supportive housing by right.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.c.

Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities for emergency shelters to meet the requirements of AB 2339. Remove any requirements that are not required for other residential uses in the same zone. Amend LIP and MMC parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code Section 65583, subdivision (a)(4)(A).

Applicable Govt. Code Sections: 50801(e), 65583(a)(4)(A)

MMC Amendment:

- Portions of the existing text in Section 17.40.120 Emergency shelters have been updated to comply with current Govt. Code requirements. In particular, the maximum capacity limit for an emergency shelter has been increased from 25 to 55, based on a survey of the number of homeless individuals conducted in the City (2024 Greater Los Angeles Homeless Count – see Housing Constraints section of the Housing Element for more information). Section 17.40.120 has also been reorganized to become 17.40.120 Special housing projects, with A. Emergency shelters (some changes), B. Low barrier

navigation centers (new), C. By-right permanent supportive housing (new), and D. Single-room occupancy facilities (no changes). The reorganization is to better present provisions for various types of special housing, two of which are new categories, under an overall section addressing types of special housing. The new low barrier navigation centers and by-right permanent supportive housing updates are addressed elsewhere in this report (Objectives 2.4.d. and 2.4.a., respectively).

- Update Section 17.02.060 Definitions to be consistent with the Govt. Code definition for emergency shelters.
- Update Section 17.48.030(A) Specific parking requirements, residential uses, for emergency shelters to be consistent with Govt. Code.

LIP Amendment:

- Update Section 2.1 Definitions similar to that for MMC Section 17.02.060 Definitions to be consistent with the Govt. Code definition for emergency shelters.
- Update Section 3.14.3 Specific Parking Requirements, similar to that for MMC Section 17.48.030(A) Specific parking requirements, residential uses, for emergency shelters to be consistent with Govt. Code.
- Update Section 3.11 Development Standards for Special Uses to create a new Section 3.11.5 Special Housing Projects, similar to that of MMC Section 17.40.120, including reorganization, revisions to provisions for emergency shelters, and addition of provisions for low barrier navigation centers (see Objective 2.4.d.) and by-right permanent supportive housing (see Objective 2.4.a.).

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.d.

Amend the LIP and MMC to comply with Government Code Section 65661 which requires a Low Barrier Navigation Center to be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided specific requirements of the law are met.

Applicable Govt. Code Sections: 65660(a), 65661

MMC Amendment:

- Add low barrier navigation center as a permitted use in the following MMC Chapters: 17.24 (CC), and 17.30 (CG). Note that only the text in Section 17.24 (CC) is proposed to change, as Section 17.30 (CG) tier off each of the previous sections for permitted uses (i.e., they all allow the same permitted uses as the CC zone).
- Add new Section 17.40.120(B) for low barrier navigation center requirements and provisions.
- Add to Section 17.02.060 Definitions a definition for low barrier navigation center consistent with Govt. Code, and a definition for coordinated entry system, which is a requirement of a low barrier navigation center.
- Add to Section 17.48.030(A) Specific parking requirements, residential uses, parking requirements for low barrier navigation centers.
- Add to Zoning Ordinance Appendix 1 Permitted Uses Table low barrier navigation center as a permitted use in the CC and CG zoning districts.

LIP Amendment:

- Add new Section 3.11.5(B), similar to that of MMC 17.40.120(B), for low barrier navigation center requirements and provisions.
- Add to Section 2.1 Definitions, similar to that for MMC 17.02.060 Definitions, a definition for low barrier navigation center and coordinated entry system consistent with Govt. Code.
- Add to Section 3.14.3 Specific Parking Requirements parking requirements for a low barrier navigation center, similar to that for MMC Section 17.48.030(A).
- Add to LIP Attachment 3, Appendix 1, Table B Permitted Uses, similar to that of MMC Zoning Ordinance Appendix 1 Permitted Uses Table, low barrier navigation center as a permitted use in the CC and CG zoning districts.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.e.

Amend the LIP and MMC to comply with State Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

Applicable CA Health and Safety Code Section: 17021.5(b)

MMC Amendment:

- Add employee housing for six or fewer persons as a permitted use in Chapters 17.08 (RR), 17.10 (SF), 17.12 (MF), 17.14 (MFBF) in the same manner as a single-family residence.
- Add to Zoning Ordinance Appendix 1 Permitted Uses Table employee housing for six or fewer persons as a permitted use in the RR, SF, MF, and MFBF zoning districts in the same manner as a single-family residence.

LIP Amendment:

- Add to LIP Attachment 3, Appendix 1, Table B Permitted Uses, similar to that of MMC Zoning Ordinance Appendix 1 Permitted Uses Table, employee housing for six or fewer persons as a permitted use in the RR, SF, MF, and MFBF zoning districts in the same manner as a single-family residence.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.f.

Amend the parking requirements for studios/1-bedroom and 2 or more bedroom multi-family units to reduce the number required and remove the enclosure requirement.

MMC Amendment:

- Update MMC Section 17.48.030(A) Specific parking requirements, residential uses, for multi-family residential uses such that efficiency and one-bedroom units require one parking space and units with two or more bedrooms require two spaces; requirements for covered and enclosed spaces are removed; and the same parking requirements apply the same to market rate and affordable dwelling units. Provisions for guest parking are not changed.

LIP Amendment:

- Update Section 3.14.3 Specific Parking Requirements, Residential Units, for multi-family residential uses such that efficiency and one-bedroom units require one parking space and units with two or more bedrooms require two spaces. Provisions for guest parking are not changed. (Note: Existing requirements do not stipulate covered or enclosed spaces, nor differentiate between market rate and affordable dwelling units).

Program 3.1 Facilitate the Development of New Housing for Extremely Low-, Very Low-, and Moderate-Income Households, Objective 3.1.e.

Amend the development standards of the Affordable Housing Overlay Zone as described in the MMC and LIP to include a maximum density independent of the state density bonus.

Applicable Govt. Code Section: 65583.2

MMC Amendment:

- Update Section 17.42.020(L) – Affordable Housing Overlay District to clarify a state density bonus allowance is in addition to the allowed maximum density specified in this section.
- Update Section 17.42.020- Table 1 – AHO Districts Sites with new assessor's parcel number for the La Paz site

LIP Amendment:

- Update Section 3.4.5(D) – Affordable Housing Overlay District, similar to that of MMC Section 17.42.020(L).
- Update Section 3.4.5 - Table 1 – AHO Districts Sites with new assessor's parcel number for the La Paz site

Program 3.3 Housing for Persons with Special Needs, Objective 3.3.d.

Amend the MMC and the Local Implementation Plan (LIP) to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, clarify in the MMC and LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

Applicable Govt. Code Sections: 12927(c)(1) and 12955, CA Fair Employment and Housing Act

MMC Amendment:

Update Chapter 17.63 Housing Accessibility – Request for Reasonable Accommodation to comply with requirements for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies, and procedures.

LIP Amendment:

Update Section 13.30 Housing Accessibility – Request for Reasonable Accommodation, similar to that of MMC Chapter 17.63.

Program 3.4 Density Bonus, Objective 3.4.a.

Amend city density bonus regulations consistent with state law (Government Code Section 65915 et seq.).

Applicable Govt. Code Section: 65915

MMC Amendment:

Update Section 17.41.1.010 Residential density bonus to be consistent with Govt. Code provisions, including multiple legislative changes in recent years to state density bonus law. Due to the complexity and frequent amendments to state density bonus law, many of the MMC provisions reference specific Govt. Code sections as opposed to enumerating each Govt. Code provision in the MMC.

LIP Amendment:

Update Section 3.7.1 Residential Density Bonus, similar to that for MMC Section 17.41.1.010.

Program 3.5 By-Right Approval, Objective 3.5.a.

Program 3.5

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower income RHNA are subject to by-right approval without discretionary actions and exempt from CEQA and subject only to design review based on objective standards when a project includes 20 percent of the units affordable to lower-income households.

Reuse Sites (No Rezoning Required):

- *Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and*

- *Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower income RHNA.*

The AHO parcels included in the Sites Inventory are subject to the by-right approval requirements of Government Code section 65583.2. The AHO designation on these parcels already allows by-right approval by the City with a certain threshold of units affordable to lower-income households. The City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO

sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while complying with the MMC and LIP.

Objective 3.5.a.

Modify existing threshold requirements to implement the by-right approval requirement without discretionary review for 20 percent affordability to lower-income households for the AHO parcels in the Sites Inventory concurrent with readoption of the Housing Element and pursue LIP amendment, if necessary, to be consistent with state law (Government Code Section 65583.2).

Applicable Govt. Code Section: 65583.2

MMC Amendment:

Update Section 17.42.020(L) Affordable Housing Overlay District for Sites 1 and 2 (RHNA site inventory) for by right approval of use and subdivisions if the required affordable units are provided, including providing objective development standards for affordable housing projects.

LIP Amendment:

Update Section 3.4.5 Affordable Housing Overlay District, similar to that for MMC Section 17.42.020(L).

Program 4.2 Expedite the Project Review Process, Objective 4.3.a.

Remove the CUP requirement for multi-family development in the MF and MFBF zoning districts and allow multi-family development as a permitted use in those zoning districts.

The requirement for a CUP was seen as a constraint to multifamily development. While a use permit would no longer be required, any new development would still need to comply with the Coastal Act and obtain a Coastal Development Permit for the construction of the project.

MMC Amendment:

- Update Chapter 17.12 (MF) to remove, “multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments” from Section 17.12.040 Conditionally permitted uses and add it to Section 17.12.020. Permitted uses, along with “-new or the expansion of over 500 square feet of multiple-family residential use” to be consistent with Appendix 1 Permitted Uses Table and LIP Attachment 3, Appendix 1, Table B Permitted Uses. Such use continues to be allowed as a

permitted use in Section 17.24.020 in the CC zoning district if an affordable housing development project.

- Update Chapter 17.14 (MFBF) to remove, "new, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments" from Section 17.14.040 Conditionally permitted uses, and add it to Section 17.14.020 Permitted uses.
- Update Zoning Ordinance Appendix 1 Permitted Uses Table to allow, "multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion over 500 sf of existing multifamily residential use" as a permitted use and remove the requirement for a CUP in the MF and MFBF zoning districts.

LIP Amendment:

- Update LIP Attachment 3, Appendix 1, Table B Permitted Uses, similar to that of MMC Zoning Ordinance Appendix 1 Permitted Uses Table, making "multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion over 500 sf of existing multifamily residential use" a permitted use in the MF and MFBF zoning districts, and removing the requirement for a CUP.

Program 4.2. Expedite the Project Review Process, Objective 4.3.c.

Clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

MMC Amendment:

Update Section 17.40.040(A)(11)(b) Residential development standards to exempt multi-family residential development beachfront lots from impermeable coverage maximum requirements. The MMC currently provides that other residential uses on beachfront lots are not required to comply with this impermeable coverage standard.

LIP Amendment:

Update 3.6(I.2) Residential Development Standards, similar to that of MMC Section 17.040(A)(11)(b). The LIP currently provides that other residential uses on beachfront lots are not required to comply with this impermeable coverage standard.

Program 4.2. Expedite the Project Review Process, Objective 4.3.d.

For Affordable Housing Development in the AHO, as defined in LIP, allow a maximum height of 30 feet and remove the two-story limit to accommodate a density of 27 dwelling units/acre.

HCD indicated that a two story building with a maximum height of 28 feet could not accommodate 27 dwelling units an acre. The maximum height of 28 feet was seen as a constraint to multifamily development.

MMC Amendment:

- Update Section 17.42.020(L) Affordable Housing Overlay District to allow affordable housing projects (multi-family residential) to exceed two stories but not exceed 30 feet in height.
- Update Section 17.40.040(A)(5)(a), (b), and (c) Residential development standards, height, to reference Section 17.42.020(L)(3)(b)(iii) for height standards (Affordable Housing Overlay District).

LIP Amendment:

- Update Section 3.4.5 Affordable Housing Overlay District, similar to that of Section MMC 17.42.020(L) Affordable Housing Overlay District, to allow affordable housing projects (multi-family residential) to exceed two stories but not exceed 30 feet in height.
- Update Section 3.6(E) Residential Development Standards, height, similar to that of MMC Section 17.40.040(A)(5)(a), (b), and (c), to reference LIP Section 3.4.5(D)(2)(c) for height standards (Affordable Housing Overlay District).

LUP Amendment:

Update Chapter 6 – Scenic and Visual Resources, Land Use Policy 6.7 regarding height of structures to allow a maximum height of 30 feet in the Affordable Housing Overlay Zone to accommodate an affordable housing project.

Program 4.2. Expedite the Project Review Process, Objective 4.3.e.

For multi-family development, allow alternatives to story poles, such as photo simulations, for development subject to story pole requirements under Chapter 6 of the LIP.

HCD indicated the installation of story poles can be costly and thus is a constraint for multifamily development.

MMC Amendment:

N/A

LIP Amendment:

Update Chapter 6 – Scenic, Visual, and Hillside Resource Protection Ordinance, Section 6.7 Application Submittal Requirements, to allow for photo simulations and/or other visual impact analysis exhibits, in-lieu of story poles, for multi-family residential development view analysis.

Other

In addition to the proposed amendments to implement the Housing Element programs and objectives, the following items were identified during review of the LIP, LUP, and MMC, and although not directly related to the Housing Element programs and objectives, are proposed for amendment "as clean-up" items:

- Add definition of "by right use" to MMC Section 17.02.060 Definitions and LIP Section 2.1 General Definitions since the term is referenced in amendment text.
- Update definition of "lower income household" in MMC Section 17.02.060 Definitions and LIP Section 2.1 General Definitions to be consistent with Govt. Code.
- Update definition of "residential care facilities, small" to be consistent with Govt. Code in MMC Section 17.02.060 Definitions and LIP Section 2.1 General Definitions.
- Separate "residential care facilities serving six or fewer persons" from "small family day care and residential care facilities serving six or fewer persons" in MMC Sections 17.08.020 (RR), 17.10.020 (RS), 17.12.020 (MF), and 17.14.020 (MFBF) Permitted uses because they are two different types of uses. List "residential care facilities, small" and "small family day care" separately as permitted uses in these zoning districts. (Note: the proposed definition of, "residential care facilities, small" in MMC Section 17.02.060 and the existing definition in LIP Section 2.1 includes six as the maximum number of persons served).
- Remove, "Residential care facilities (serving 6 or fewer persons)" from MMC Appendix 1 Permitted Use Table and LIP Attachment 3, Appendix 1, Table B Permitted Uses, as it is duplicative of the existing, "Small residential care facilities (serving 6 or fewer persons)."
- Added "Mixed Use (commercial and residential)" to Section 17.30.030 Conditionally permitted uses (CG) and to MMC Appendix 1 Permitted Use Table, to be consistent with LIP Attachment 3, Appendix 1, Table B Permitted Uses and the City General Plan. Mixed use is currently conditionally allowed in the CG zoning district in the LIP and in the CG land use designation in the General Plan. It was inadvertently not included in MMC Section 17.30.030.

- Added, “Multifamily” before “Affordable housing development projects” in MMC Section 17.24.020 Permitted uses (CC) to clarify that the affordable housing shall apply to multi-family uses (and not single-family residential uses, since single-family residential uses are not allowed in the CC district) and added, “in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L))” to clarify that such use is only allowed in the CC district within the AHO.
- Add a parking requirement of two enclosed and two unenclosed parking spaces for a single-family residence to MMC Section 17.48.030. Specific parking requirements and LIP 3.14.3. Specific Parking Requirements. A parking space requirement for a single-family residence was inadvertently removed from prior LIP and MMC amendments. The requirement for two enclosed and unenclosed spaces for a single-family residence is consistent with LIP Section 3.3(Q)(4)(a)(vi) for the PD district and MMC 17.39.040(A)(6)(A) for the PD district.

ENVIRONMENTAL REVIEW: The proposed 2021-2029 Housing Element Update is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document which does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City’s General Plan, it can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application includes amendments to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The 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 inconsistency between the LCP and the City’s Zoning Ordinance, if the LCP amendment 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.

ATTACHMENTS:

1. Resolution No. 24-48 with Attachment A – 2021-2029 Housing Element
2. Resolution No. 24-49 (LUP Amendment)
3. Ordinance No. 523
4. HCD Compliance Letter
5. Housing Element Redline
6. LCP and MMC Redlines
7. Notice of Public Hearing

RESOLUTION NO. 24-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU ADOPTING GENERAL PLAN AMENDMENT NO. 20-001 ADOPTING THE 2021-2029 HOUSING ELEMENT RELATIVE TO THE PROVISION OF HOUSING FOR ALL INCOME LEVELS CONSISTENT WITH ALL APPLICABLE STATE HOUSING ELEMENT LAWS

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies and objectives/programs that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing

Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and related code amendments by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt, the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment, Local Coastal Program amendment, and Zoning Text amendment, and at that hearing the Planning Commission reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, the amendments to the Local Coastal Program LIP and LUP and Title 17 of the MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element, CEQA findings, the staff report, public testimony, and other information in the record.

CC. On August 29, 2024, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing

Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The 2021-2029 Housing Element update (attached hereto as "EXHIBIT A") is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The 2021-2029 Housing Element would not approve any development project and does not propose any new policies or programs that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

B. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

C. The proposed Housing Element update is consistent with the provisions of the Malibu General Plan, Malibu Municipal Code (MMC), Local Coastal Program, and all other applicable programs.

SECTION 3. General Plan Amendment Housing Element.

The revised 2021-2029 Housing Element Update is provided in Exhibit A. GPA No. 20-001 constitutes a complete deletion of the existing text in the General Plan Housing Element and replacement of it with new text.

SECTION 4. General Plan Amendment Findings.

A. The Housing Element is part of the City's General Plan, which sets forth guiding policies for future development. The requirement for each city to adopt a General Plan is contained in California Government Code Section 65300 *et seq.,* which also lays out specific requirements for each element. The Housing Element provides an overarching statement of City policies and programs to maintain and improve existing housing, and also accommodates the City's assigned share of the region's future housing needs. Among the requirements in California Government Code Section 65580 *et seq.* for Housing Elements are the following:

1. Ensure adequate sites for new housing for persons of all income levels;
2. Encourage and facilitate the development of affordable housing;
3. Conserve and improve the existing affordable housing stock;
4. Analyze and remove governmental constraints on new housing development;

5. Promote equal housing opportunities;
6. Preserve assisted housing; and
7. Affirmatively further fair housing.

The 2021-2029 Housing Element meets each of the aforementioned requirements and, therefore, would be consistent with State law.

B. The 2021-2029 Housing Element is consistent with the goals and policies of the General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade the environment, and LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.

SECTION 5. Adoption of General Plan Amendment.

The City Council hereby adopts General Plan Amendment No. 20-001 (2021-2029 Housing Element Update), attached hereto as Exhibit A, amending the General Plan Housing Element in its entirety. The City Council further finds that General Plan Amendment No.20-001 is consistent with State law.

SECTION 6. Submittal to the State of California Department of Housing and Community Development.

The City Manager or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.

SECTION 7. The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 23rd day of September 2024.

_____
DOUG STEWART, Mayor

ATTEST:

_____
KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

TREVOR RUSIN, Interim City Attorney



City of Malibu
2021-2029
Housing Element





August/September 2024 Submittal to the California Department of Housing and Community Development

Attachment 1A

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Appendix B Residential Land Inventory
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Appendix D List of Acronyms
Appendix E Contributing Factors to Fair Housing Issues
Appendix F Affirmatively Furthering Fair Housing (AFFH)

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7.0 Housing Element

7.1 Introduction

State law requires the preparation of a Housing Element ("Element") as part of a jurisdiction's General Plan (*California Government Code* §65302(c)). The Element is to consist of an identification and analysis of existing and projected housing needs, and a statement of goals, policies, quantified objectives and scheduled programs for the preservation, improvement and development of housing in the City of Malibu ("City"). The Element shall also identify adequate sites for housing and to make adequate provision for the existing and projected needs of all economic segments of the community (§65583).

Guidelines adopted by the California Department of Housing and Community Development ("HCD") are also to be considered in the preparation of the Element (§65585). Periodic review of the Element is required to evaluate: (1) the appropriateness of its goals, objectives and policies in contributing to the attainment of the state housing goal; (2) the effectiveness in attaining the community's housing goals and objectives; and (3) the progress of the City in implementation of the Element (§65588).

7.1.1 Purpose of the Housing Element

State law recognizes the vital role that local governments play in the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term General Plan for the physical development of the city or county. The Housing Element is one of the seven mandated elements of the General Plan. Housing Element law, first enacted in 1969, mandates that local governments plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that, in order for the private market to adequately address housing needs, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in California rests largely upon the effective implementation of local General Plans and, in particular, local Housing Elements. Housing Element law also requires that HCD review local housing elements for compliance with State law and to report its written findings to the local government.

As mandated by State law, the planning period for this Housing Element extends from 2021 to 2029. This Element identifies strategies and programs that focus on: 1) providing diversity in housing opportunities; and 2) maintenance and preservation of the City's housing stock.

The Housing Element consists of the following major components:

- Identification and analysis of existing and projected housing needs, resources, and constraints
- A statement of goals, policies, quantified objectives, and scheduled programs for preservation, improvement, and development of housing
- Identification of adequate sites for housing
- Assessment of the City's fair housing issues

- Adequate provision for existing and projected needs of all economic segments of the community

The Housing Element assists Malibu in determining how to address existing and future housing needs and plan for future growth. Housing policies and actions contained in the Housing Element do not commit the City to construct new housing units, but they do identify ways in which Malibu will encourage development of housing intended to meet the housing needs of current and future residents during the Housing Element update planning period.

7.1.2 Organization of the Housing Element

Per California Government Code Sections 65580-65589, the Housing Element is comprised of the following components:

- **Section 7.1 – Introduction.** This section provides a brief overview of the purpose and background for the Housing Element and a summary of the document.
- **Section 7.2 – Housing Needs Assessment.** This section reviews the existing and projected housing needs of the community. It provides a profile of socio-demographic information, such as population characteristics, household information, housing stock, tenure, and housing affordability. The assessment also considers local special housing needs, such as seniors, farmworkers, persons at risk of or experiencing homelessness, large households, and female-headed households.
- **Section 7.3 – Resources and Opportunities.** This section provides resources and an inventory of adequate sites that are suitably zoned and available within the planning period to meet the jurisdiction's fair share of regional housing needs across all income levels.
- **Section 7.4 – Governmental and Nongovernmental Constraints:** This section identifies and analyzes impediments to housing production across all income levels.
- **Section 7.5 – Housing Plan.** This section provides a statement of the community's goals, quantified objectives, and policies to maintain, preserve, improve, and develop housing. It also provides a schedule of actions the City will take during the planning period to achieve its goals, objectives, and policies. The Housing Plan includes quantified objectives for new construction, rehabilitation, and conserved units.
- **Appendix A – Review of the previous Housing Element.** This section reviews the goals, policies, and programs of the 5th cycle Housing Element and compares projected outcomes with actual achieved results.
- **Appendix B – Residential Land Inventory.** This section is a detailed inventory of sites suitable for the development of housing to meet the RHNA.
- **Appendix C – Public Participation Summary.** This section provides a summary of the City's public outreach conducted during the preparation and adoption of this Housing Element and a description of how the input from that outreach informed the development of the Hosuing Element.

- **Appendix D – List of Acronyms.** This is a list of acronyms used in the Housing Element.
- **Appendix E – Contributing Factors to Fair Housing.** This section provides a summary of the regional Analysis of Impediments to Fair Housing for Los Angeles County.
- **Appendix F – Fair Housing Assessment.** This section provides an analysis of contributing factors that may limit fair housing choice and access to opportunities in Malibu.

7.1.3 Public Participation

Section 65583(c)(5) of the *California Government Code* states that "[t]he local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Public participation played an important role in the formulation and refinement of the City's housing goals and policies, and in the development of a Site Inventory that meets the City's RHNA.

Residents and other stakeholders had many opportunities to review and provide comments on the Housing Element and related implementation actions. Please refer to Appendix C for additional information regarding the City's efforts to encourage public involvement and how comments and concerns have been addressed.

7.1.4 Consistency with Other Elements of the General Plan

The City's General Plan sets forth broad policy guidance in the areas of land use, housing, transportation, conservation, open space and recreation, noise, and public safety. The various General Plan elements provide a consistent set of policies and programs intended to preserve and enhance the quality of life, while accommodating growth and change in a proactive manner. For example, residential development capacities established in the Land Use Element, and constraints to development identified in the Conservation, Public Safety, and Noise Elements, are reflected in the Housing Element. This Housing Element builds upon the other General Plan elements and is consistent with the policies and proposals set forth by the General Plan. As the General Plan is occasionally amended, the City will review the Housing Element for internal consistency and make any necessary revisions.

Senate Bill (SB) 1087 of 2005[1] requires cities to provide a copy of their Housing Element to local water and sewer providers, and also requires that these agencies provide priority to affordable housing developers. SB 1087 further prohibits local water and sewer providers from denying services to affordable housing developers, unless they find that the capacity is unavailable to all applicants. The Housing Element will be provided to these agencies immediately upon adoption.

[1] SB 1087 (Florez) [Stats. 2005, ch. 727].

7.1.5 Data Sources and Methods

Data from a variety of sources is used to complete the Housing Element. The most cited source is the U.S. Census, which provides consistent demographic characteristics. The American Community Survey, a feature of the U.S. Census, provides five-year estimates on population and demographic characteristics. Other data sources include the following:

- California Department of Housing and Community Development (HCD)
- California Housing Finance Agency
- California Tax Credit Allocation Committee
- Comprehensive Housing Affordability Strategy (CHAS)
- California Department of Finance (DOF)
- Home Mortgage Disclosure Act (HMDA) lending data
- Regional Homeless Point-in-Time Count
- State Employment Development Department (EDD) data on wage and labor statistics
- United States Department of Housing and Urban Development (HUD)
- California Healthy Places Index

7.2 Housing Needs Assessment

The City of Malibu ("City") lies within an approximately 21-mile strip of coastline at the western edge of Los Angeles County ("County"). Malibu is primarily a residential community consisting of beachfront residential lots and large estate lots in the hillsides and canyons overlooking the ocean. Some multi-family development and neighborhood/visitor-serving commercial development is located in the flatter portions of the City along Highway 1 (Pacific Coast Highway). The City has a scenic rural character that it seeks to preserve. Development within the City is constrained by numerous land features including steep slopes, environmentally sensitive habitat areas (ESHAs), geologic instability, flood hazards, and extreme wildfire hazards. The entire City lies within the Coastal Zone as defined by the California Coastal Act of 1976[1]. Because of these constraints, a large portion of the City remains undeveloped and rural in character. Growth is also severely limited by the lack of a centralized sewer system.

Since its incorporation in 1991, the City has declined in population from approximately 11,700 to 11,537 residents in 2021, according to recent California Department of Finance estimates. The City is approximately 19.9 square miles in area and is bounded by unincorporated County areas to the west and north, the City of Los Angeles (Pacific Palisades) to the east and the Pacific Ocean to the south. Further to the east is the City of Santa Monica. The Santa Monica Mountains National Recreation Area lies just to the north.

This section examines general population and household characteristics and trends, such as age, employment, household composition and size, household income, and special needs. Characteristics of the existing housing stock (e.g., number of units and type, tenure, age and condition, costs) are also addressed. Finally, the City's projected housing needs based on the 2021-2029 Regional Housing Needs Assessment (RHNA) are discussed.

The Housing Needs Assessment utilizes recent data from the U.S. Census, the California Department of Finance (DOF), the California Employment Development Department (EDD), the Southern California Association of Governments (SCAG), and other relevant sources.

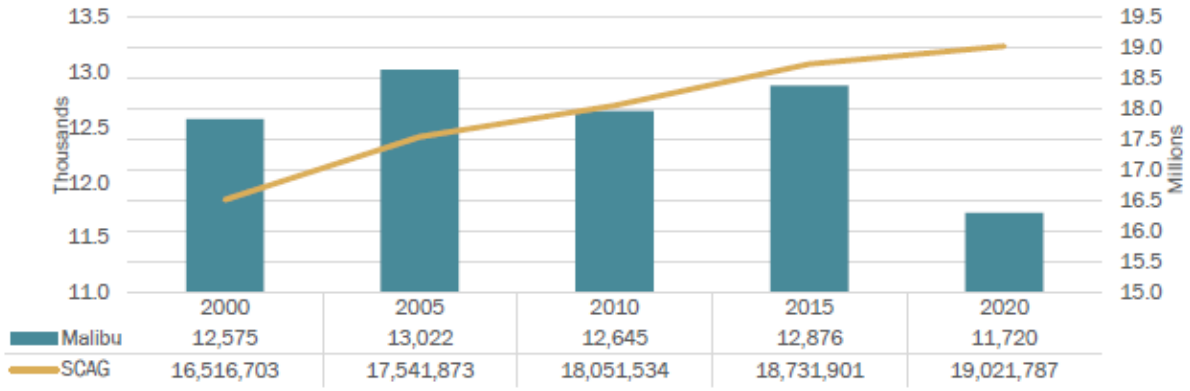
7.2.1 Population Characteristics

7.2.1(a) Population Growth Trends

In 1990, the unincorporated community of Malibu had a population of 11,643. The City of Malibu was incorporated on March 28, 1991. From 1990 to 2000, the population of the newly incorporated City grew by about 8% to 12,575. From 2000 to 2020 the City's population declined by about 855 persons (see Table 7.2-1). Malibu has a 2020 total population of 11,720 including 141 living in group quarters according to the California Department of Finance.

[1] California Public Resources Code, Division 20.

Table 7.2-1
Population Trends 2000-2020
Malibu vs. SCAG Region



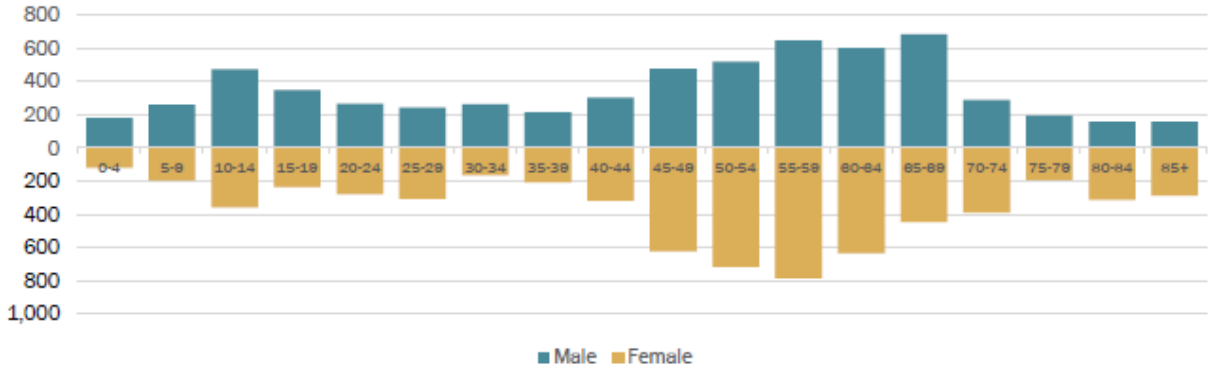
	2000	2005	2010	2015	2020
Malibu	12,575	13,022	12,645	12,876	11,720
SCAG	16,516,703	17,541,873	18,051,534	18,731,901	19,021,787

CA DOF E-5 Population and Housing Unit Estimates

7.2.1(b) Age

Housing needs are influenced by the age characteristics of the population. Different age groups require different accommodations based on lifestyle, family type, income level, and housing preference. Table 7.2-2 shows that the population of Malibu is 49% male and 51% female. The share of the population of Malibu under 18 years of age is 15.3%, which is lower than the regional share of 23.4%. Malibu's seniors (65 and above) make up 24.2% of the population, which is higher than the regional share of 13%.

Table 7.2-2
Population by Age and Gender
Malibu



American Community Survey 2014-2018 5-year estimates

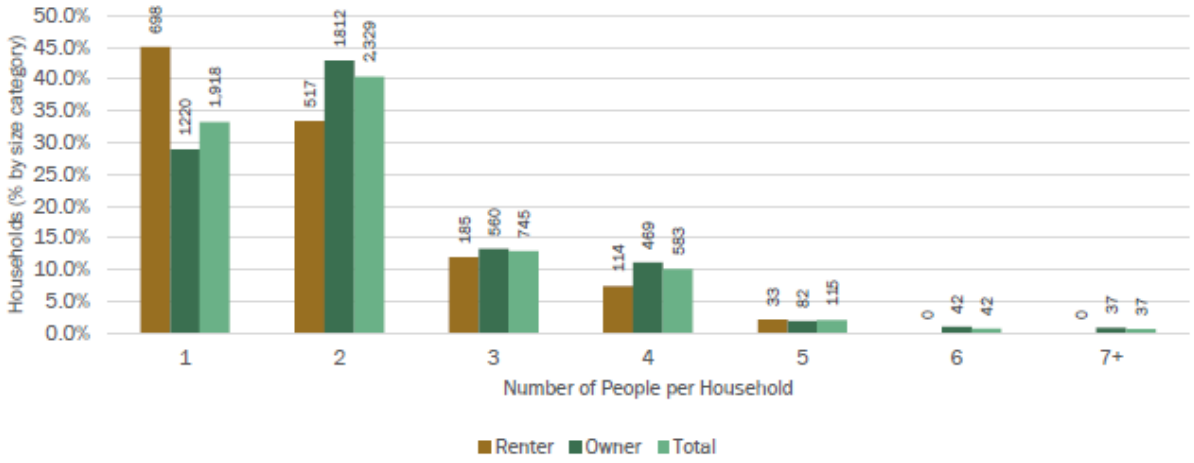
7.2.2 Household Characteristics

7.2.2(a) Household Composition and Size

Household characteristics are important indicators of the type and size of housing needed in a city. The Census defines a "household" as all persons occupying a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons sharing a single unit. Persons in group quarters such as dormitories, retirement or convalescent homes, or other group living situations are included in population totals, but are not considered households by the Census Bureau.

Table 7.2-3 illustrates the range of household sizes in Malibu for owners, renters, and overall. The most commonly occurring household size is of two people (40.4%) and the second-most commonly occurring household is of one person (33.2%). Malibu has a higher share of single-person households than the SCAG region overall (33.2% vs. 23.4%) and a lower share of 7+ person households than the SCAG region overall (0.6% vs. 3.1%).

Table 7.2-3
Household Size - Malibu

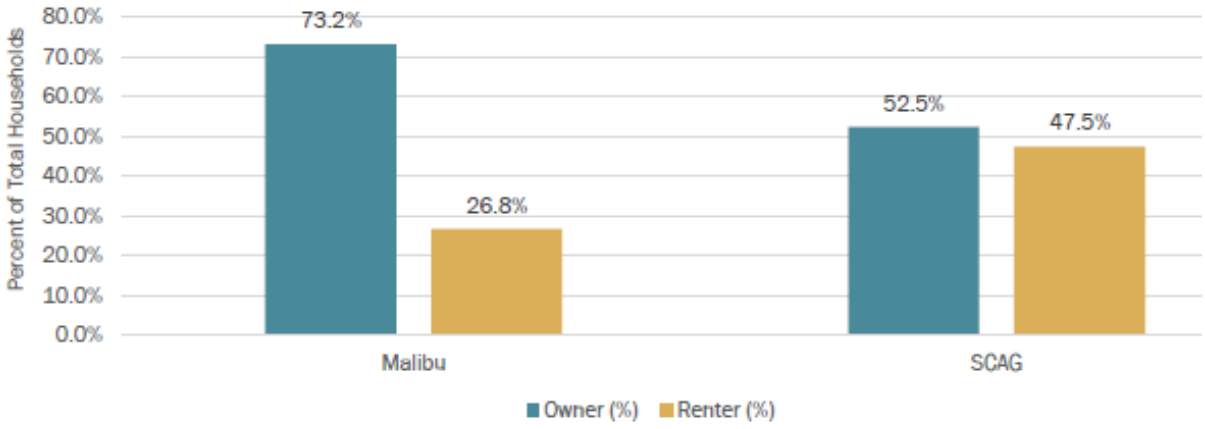


American Community Survey 2014-2018 5-year estimates.

7.2.2(b) Housing Tenure and Vacancy

Housing tenure (owner versus renter) is an important indicator of the housing market. Communities need an adequate supply of units available both for rent and for sale in order to accommodate a range of households with varying income, family size and composition, and lifestyle. As shown in Table 7.2-4, Malibu's housing stock consists of 5,769 total units, 4,222 of which are owner-occupied and 1,547 of which are renter-occupied. The share of renters in Malibu is lower than in the SCAG region overall.

Table 7.2-4
Household Tenure

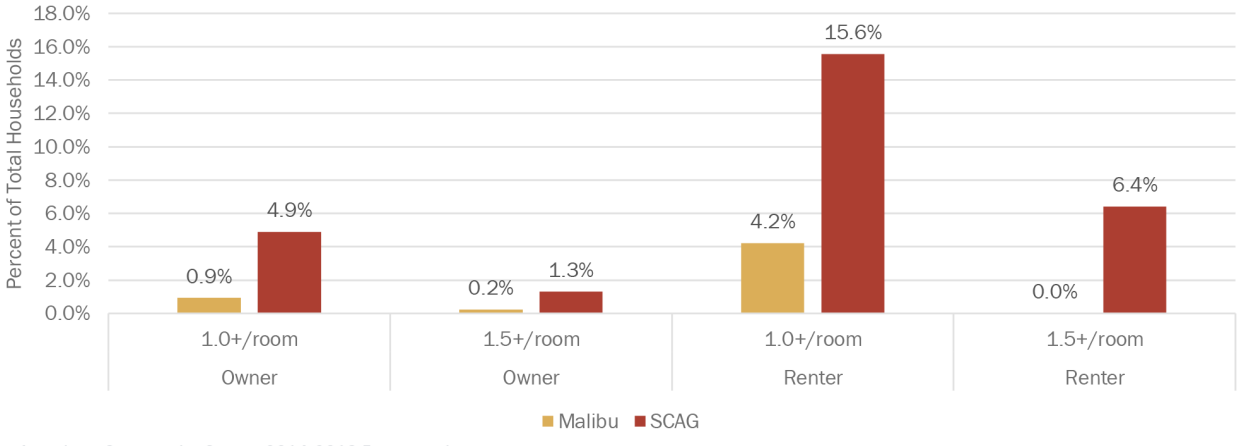


American Community Survey 2014-2018 5-year estimates.

7.2.2(c) Overcrowding

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens, with severe overcrowding when there are more than 1.5 occupants per room. Table 7.2-5 summarizes overcrowding for the City of Malibu. In Malibu, 39 owner-occupied and 65 renter-occupied households had more than 1.0 occupants per room, which meets the ACS definition for overcrowding. 10 owner-occupied households and renter-occupied households had more than 1.5 occupants per room, which meets the ACS definition for severe overcrowding.

Table 7.2-5
Overcrowding by Tenure – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

The high cost of housing in Malibu is the primary cause of overcrowding. Several programs in the Housing Plan (Section 7.5) that are designed to address housing affordability will also help to alleviate overcrowding. These programs include: Program 1.1 – Code Enforcement; Program 1.3 – Housing Rehabilitation Assistance; Program 1.4 – Preservation of Existing Mobile Home Parks; Program 1.5 – Monitor Affordable Housing At Risk of Conversion to Market Rate; Program 2.1 – Ensure Adequate Sites to Accommodate Regional Fair Share of Housing Growth; Program 2.4 – Support the Development of Variety of Housing Types; Program 4.1 – Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; and Program 5.2 – Fair Housing Community Outreach.

7.2.2(d) Overpayment

According to State housing policy, overpaying occurs when housing costs exceed 30% of gross household income. Overpayment for lower-income homeowners can lead to deferred maintenance or repairs due to limited funds, which can lead to deterioration. For lower-income renters, severe cost burden can require families to double up resulting in overcrowding. As shown in Table 7.2-6, the majority of lower-income households, both owners and renters, in Malibu are paying over 50% of their gross incomes for housing.

Table 7.2-6
Overpayment by Income Category and Tenure – Malibu

Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income less-than or= 30% HAMFI	75	75	225
Household Income >30% to less-than or= 50% HAMFI	75	75	75
Household Income >50% to less-than or= 80% HAMFI	110	85	170
Household Income >80% to less-than or= 100% HAMFI	50		115
Household Income >100% HAMFI	135	30	960
Total	445	265	1,545
Income by Cost Burden (Owners only)	**Cost burden > 30%**	**Cost burden > 50%**	**Total**
Household Income less-than or= 30% HAMFI	220	195	320
Household Income >30% to less-than or= 50% HAMFI	215	100	240
Household Income >50% to less-than or= 80% HAMFI	110	90	180
Household Income >80% to less-than or= 100% HAMFI	145	115	185
Household Income >100% HAMFI	680	210	3,295
Total	1,370	710	4,220

The high cost of housing in Malibu is the primary cause of overpayment for lower-income households. Several programs in the Housing Plan designed to address housing affordability will also help to alleviate overpayment. These programs include Program 1.1 – Code Enforcement; Program 1.3 – Housing Rehabilitation Assistance; Program 1.4 – Preservation of Existing Mobile Home Parks; Program 1.5 – Monitor Affordable Housing At Risk of Conversion to Market Rate; Program 2.1 – Adequate Sites to Accommodate Regional Fair Share of Housing Growth; Program 4.1 Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; and Program 5.2 – Fair Housing Community Outreach.

Extremely-Low-Income Households

Extremely-low-income (ELI) is defined as household income less than 30% of area median income. Households with extremely low incomes have a variety of housing problems and needs.

According to ACS data reported by SCAG (Table 7.2-7) the race/ethnicity with the highest share of extremely-low-income households in Malibu is Asian and other, non-Hispanic (47% compared to 13% of the total population). In the SCAG region, the highest share of extremely-low-income households is Black, non-Hispanic (27.1% compared to 17.7% of total households).

As shown previously in Table 7.2-6, ELI households (both owners and renters) experience much higher rates of overpayment than households at higher income levels.

Table 7.2-7
Extremely-Low-Income Households by Race and Tenure – Malibu

	Total Households	Households below 30% HAMFI	Share below 30% HAMFI
White, non-Hispanic	5,070	590	11.6%
Black, non-Hispanic	50	0	0.0%
Asian and other, non-Hispanic	200	94	47.0%
Hispanic	264	40	15.2%
TOTAL	5,584	724	13.0%
Renter-occupied	1,645	325	19.8%
Owner-occupied	3,945	400	10.1%
TOTAL	5,590	725	13.0%

HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

A disproportionately high percentage of elderly households (family households with two or more persons aged 62 years old or older and non-family householders aged 62 years old or older) are ELI households. According to 2012-2016 ACS estimates, approximately

37% of ELI households (270 households) in Malibu are elderly but only 28% of the population are elderly. However, it is likely not all elderly ELI households in Malibu are experiencing housing problems or in need of financial assistance. Some ELI households are homeowners with paid or low mortgages and are retired; therefore, they do not have a high annual income as reflected in the HUD data.

Resources for Extremely-Low-Income Households

Many extremely low-income households seek rental housing and may face cost burden, overcrowding, or substandard housing conditions. Some extremely low-income households could have physical or mental disabilities and/or other special needs. ELI households may require specific housing solutions such as deeper income targeting for subsidies, housing with supportive services, single-room occupancy, or rent subsidies. As shown in Table 7.2-7, there are 725 ELI households in Malibu, of which 325 are renters. There are no subsidized low-income housing units in the city. Affordable housing opportunities for ELI households can be expanded for households through the Los Angeles County Development Authority Section 8 Housing Choice Voucher (HCV) program. As of 2023, one household in Malibu receives an HCV from the Los Angeles County Development Authority and two households are on the waiting list. This meets the housing needs of less than one percent of the city's 325 households that are ELI renters. Housing Plan Program 3.1 describes actions the City will take to promote the use of HCVs.

Additional resources for ELI households include senior housing and transitional and supportive housing, which are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. Supportive housing is permitted in all residential zones, except for the Mobilehome Residential District, which is designated for mobile home parks. The City will also support the development of affordable housing (Housing Plan Program 3.1), provide financial assistance for housing repairs (Housing Plan Program 1.3), and support services for special housing needs populations such as seniors, persons with disabilities, and persons experiencing homelessness (Housing Plan Program 3.3).

Past Actions for Housing for Extremely-Low-Income Households

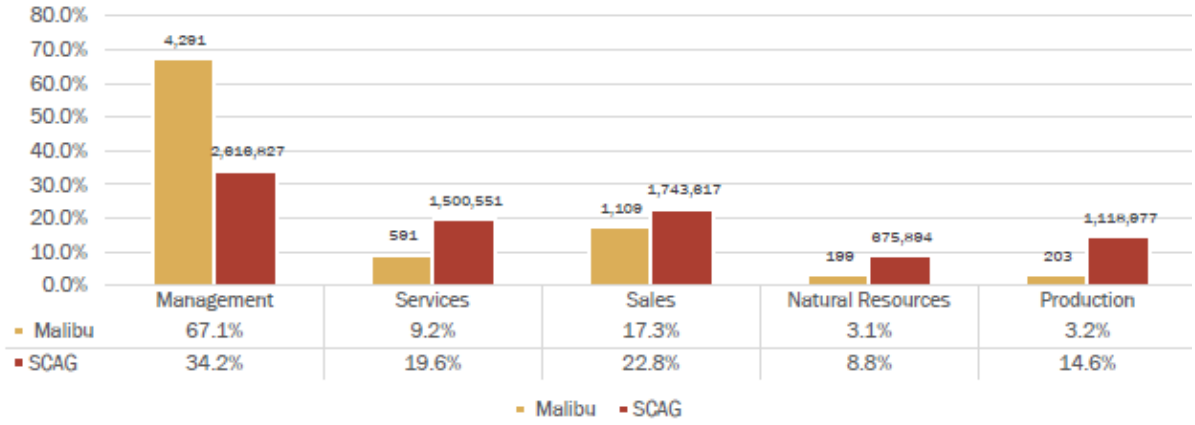
In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH) to bring professional services to Malibu's homeless population, and through this effort successfully moved 72 homeless residents into permanent housing. Although this program has assisted ELI residents who are experiencing homelessness, additional actions are needed to support ELI residents at risk of homelessness or who are experiencing housing problems.

7.2.3 Employment

Employment is an important factor affecting housing needs within a community. The jobs available in each employment sector and the wages for these jobs affect the type and size of housing residents can afford.

According to recent Census data (Table 7.2-8) Malibu has 6,393 workers living within its borders who work across 13 major industrial sectors. The most prevalent industry is Professional Services with 1,419 employees (22.2% of total) and the second most prevalent industry is Education & Social Services with 1,314 employees (20.6% of total).

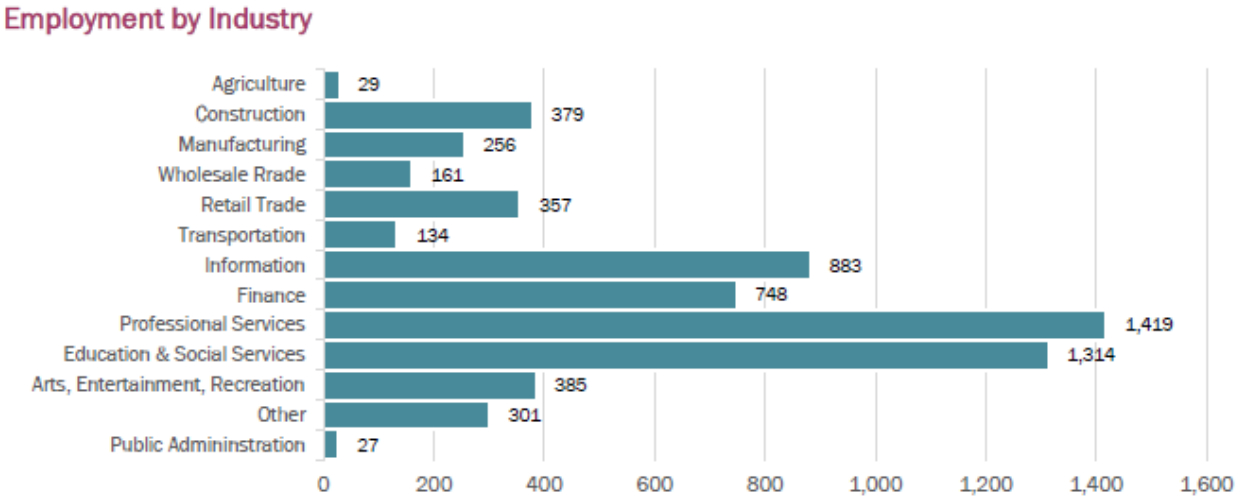
Table 7.2-8
Employment by Occupation – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates using groupings of SOC codes.

Table 7.2-9 shows employment by industry for Malibu's workforce. The most prevalent occupational category in Malibu is Management, in which 4,291 (67.1% of total) employees work. The second-most prevalent type of work is in Sales, which employs 1,109 (17.3% of total) in Malibu. In high-cost areas like Malibu accessory dwelling units provide an important option for low-wage workers, such as caregivers and other household employees. Program 4.1 in the Housing Plan describes the City's strategy for expanding the availability of accessory dwelling units.

Table 7.2-9
Employment by Industry – Malibu



American Community Survey 2014-2018 5-year estimates using groupings of 2-digit NAICS codes.

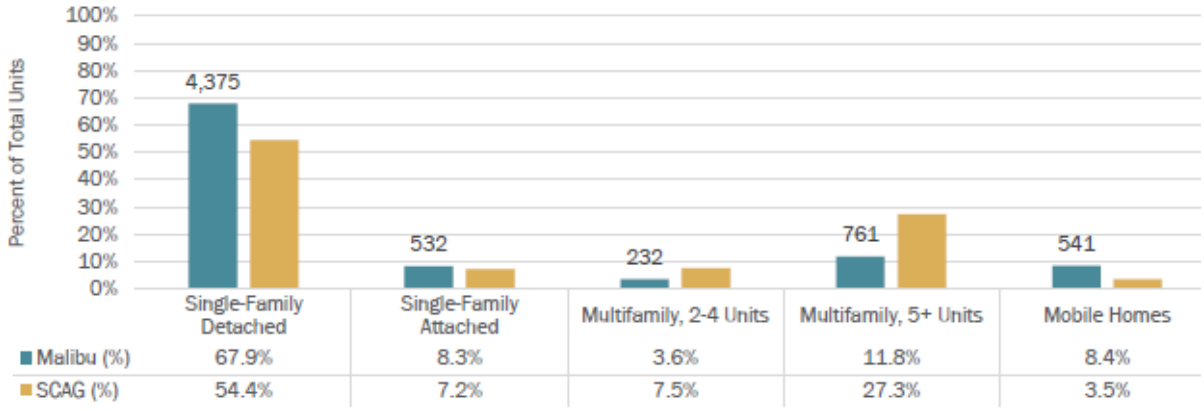
7.2.4 Housing Stock Characteristics

This section presents an evaluation of the community's housing stock and helps in identifying and prioritizing needs. The factors evaluated include the type of housing units, vacancy rates, age and condition, tenure, housing costs and affordability. A housing unit is defined as a house, apartment, mobile home, or group of rooms, occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

7.2.4(a) Housing Type and Vacancy

According to recent Census data, the housing stock in the City was comprised mostly of single-family detached homes, which made up about 68% of all units, while multi-family units comprised about 24% of the total. Mobile home units comprised about 8% of the total (Table 7.2-10).

Table 7.2-10
Housing by Type –
Malibu vs. SCAG Region

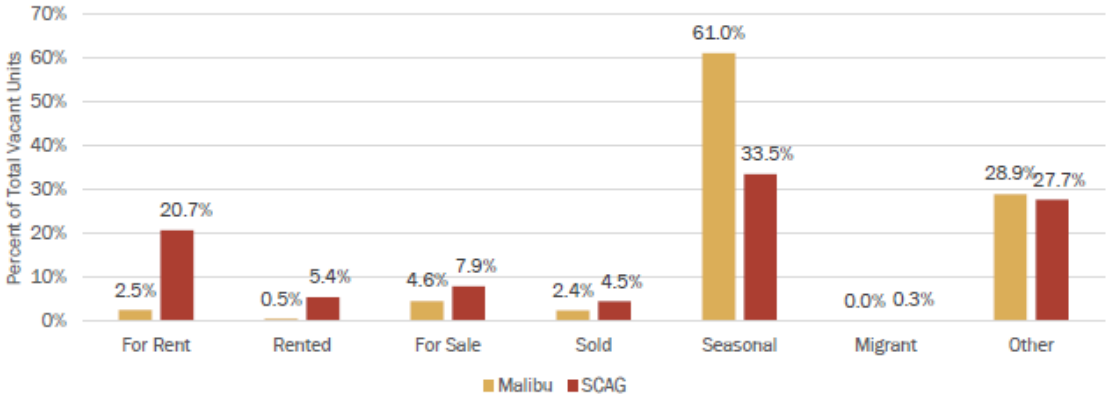


	Single-Family Detached	Single-Family Attached	Multifamily, 2-4 Units	Multifamily, 5+ Units	Mobile Homes
Malibu (%)	67.9%	8.3%	3.6%	11.8%	8.4%
SCAG (%)	54.4%	7.2%	7.5%	27.3%	3.5%

CA DOF E-5 Population and Housing Unit Estimates

Recent Census estimates (Table 7.2-11) reported a 24.1% total vacancy rate in Malibu, with the most prevalent type of vacancy being units held for seasonal use (i.e., second homes).

Table 7.2-11
Vacant Housing by Type – Malibu vs. SCAG Region



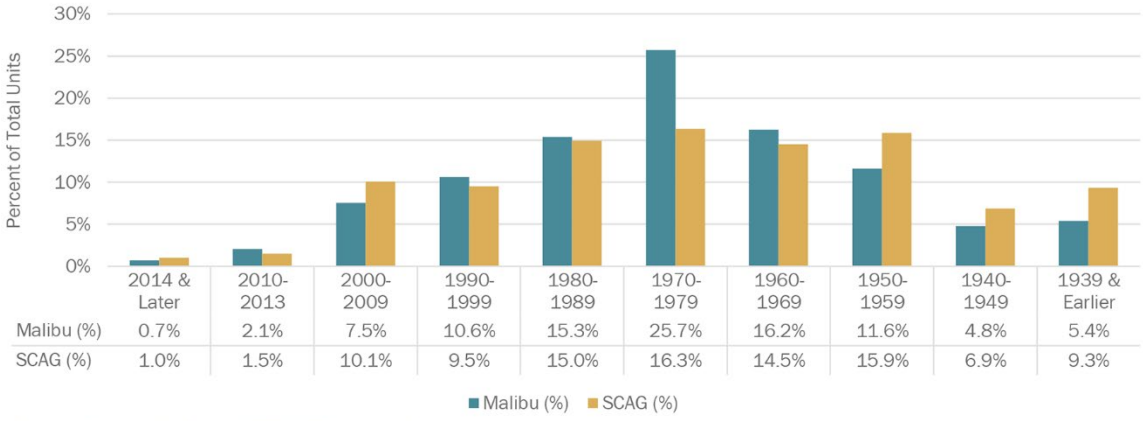
American Community Survey 2014-2018 5-year estimates.

7.2.4(b) Housing Age and Conditions

Housing age is often an important indicator of housing conditions. Housing units built prior to 1978, before stringent limits on the amount of lead in paint were imposed, may have interior or exterior building components coated with lead-based paint. Table 7.2-12 shows the age distribution of the housing stock in the City compared to the SCAG region as a whole.

This table shows that about 79% of the units in the City were constructed prior to 1990. These units are more than 30 years old and may have some need for rehabilitation, which is typical of most jurisdictions in Southern California.

Table 7.2-12
Age of Housing Stock – Malibu vs. SCAG Region



	2014 & Later	2010-2013	2000-2009	1990-1999	1980-1989	1970-1979	1960-1969	1950-1959	1940-1949	1939 & Earlier
Malibu (%)	0.7%	2.1%	7.5%	10.6%	15.3%	25.7%	16.2%	11.6%	4.8%	5.4%
SCAG (%)	1.0%	1.5%	10.1%	9.5%	15.0%	16.3%	14.5%	15.9%	6.9%	9.3%

American Community Survey 2014-2018 5-year estimates.

In general, the quality of housing is exceptional in the City. At a minimum, most dwelling units are well-maintained, especially with respect to the harsh environmental conditions to which they are subject. There are areas where older housing units exist, such as along Pacific Coast Highway in the eastern portion of the City. However, even these units are maintained due to high property values. The Building & Safety Division estimates that approximately 10 housing units are in need of rehabilitation and four housing units are beyond the point of repair citywide. This estimate does not include the estimated 500 housing units that were destroyed in the 2018 Woolsey fire.[2] Since the Woolsey fire, approximately 144 single-family homes and 12 multi-family housing units have been rebuilt. The City has issued permits for reconstruction of an additional 272 single-family homes and 6 multi-family housing units that have not yet been completed.[3] Concentrated areas of substandard housing in Malibu are in in the eastern part of the city, mainly east of Malibu Canyon Road and along the Pacific Coast Highway near Topanga Canyon.

A goal of the City's Building & Safety Division as well as Code Enforcement staff is to proactively address housing concerns before they become serious problems. Staff has helped to reduce structural deterioration by identifying problems and informing residents of programs to assist with improvements. In addition, the City addresses issues related to lead-based paint and asbestos removal through adding standard conditions of approval to include Best Management Practices for all projects that include the demolition or remodeling of older structures.

7.2.4(c) Housing Cost

Housing Affordability Criteria

State law establishes five income categories for purposes of housing programs based on the County's area median income ("AMI"): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above-moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to the U.S. Department of Housing and Urban Development ("HUD") and the California Department of Housing and Community Development ("HCD"), housing is considered "affordable" if the monthly payment is no more than 30% of a household's gross income. In some areas (such as Los Angeles County), these income limits may be increased to adjust for high housing costs.

Table 7.2-13 shows affordable rent levels and estimated affordable purchase prices for housing in Los Angeles County[4] by income category. Based on State standards, the maximum affordable monthly rent for extremely-low-income households is $886, while the maximum affordable rent for very-low-income households is $1,478. The maximum affordable rent for low-income households is $2,365, while the maximum for moderate-income households is $2,400.

[2] City of Malibu. 2020. City of Malibu Marks Annual Day of Preparedness and the Two-Year Anniversary of the Devastating Woolsey Fire with Community Emergency Preparedness Competition. https://www.malibucity.org/DocumentCenter/View/27058/11-09-2020_Woolsey2Year_PreparednessCompetition_PressRelease?bidId=

[3] City of Malibu. 2023. Rebuilt Statistics. https://malibupermits.ci.malibu.ca.us/WoolseyRebuildStats.aspx#

[4] Affordable rent and purchase prices are based on the county median income.

Maximum purchase prices are more difficult to determine due to variations in mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, property insurance rates, etc. With this caveat, the maximum home purchase prices by income category shown in Table 7.2-13 have been estimated based on current conditions.

Table 7.2-13
Income Categories and Affordable Housing Costs – Los Angeles County

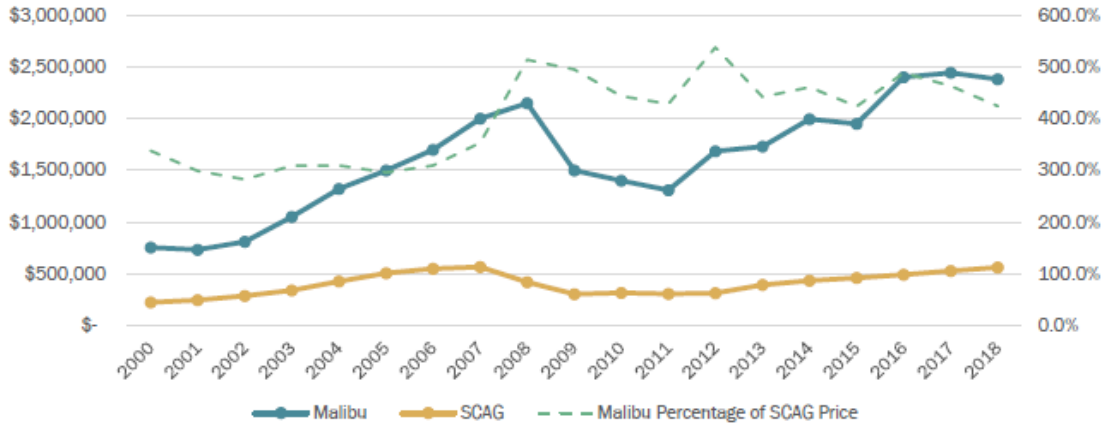
Income Category (% of median income)	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	$35,450	$886	*
Very Low (31-50%)	$59,100	$1,478	*
Low (51-80%)	$94,600	$2,365	*
Moderate (81-120%)	$96,000	$2,400	$375,000
Above moderate (120%+)	>$96,000	>$2,400	>$375,000

Assumptions:
-Based on a family of 4 and 2021 income limits
-30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance
-10% down payment, 3.75% interest, 1.25% taxes & insurance, $350 HOA dues
* For-sale affordable housing is typically at the moderate-income level
Source: Cal. HCD; JHD Planning LLC

For-Sale Housing

Between 2000 and 2018, median home sales prices in Malibu increased 215% while prices in the SCAG region increased 151%. 2018 median home sales prices in Malibu were $2,380,000 and the highest experienced since 2000 was $2,443,000 in 2017. Prices in Malibu have ranged from a low of 282.4% of the SCAG region median in 2002 and a high of 537.7% in 2012 (Table 7.2-14).

Table 7.2-14
Median Sales Price for Existing Homes – Malibu vs. SCAG Region

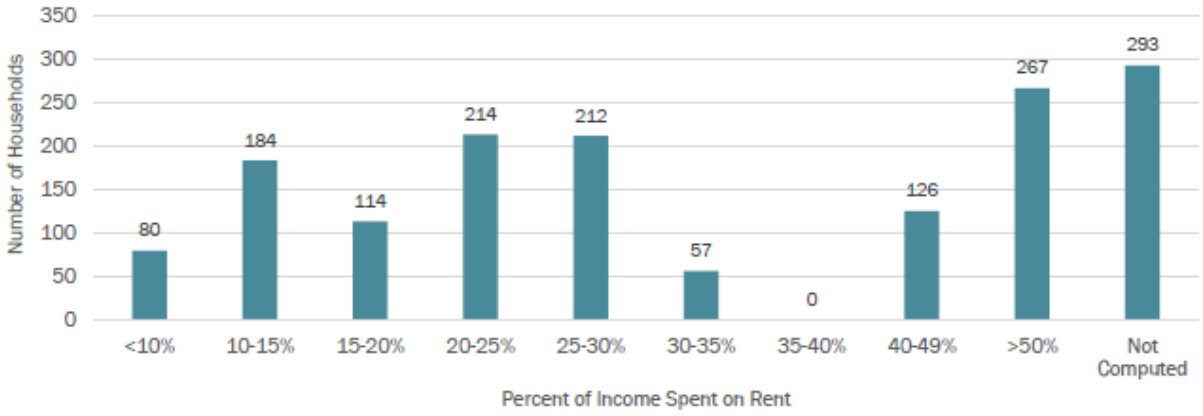


SCAG Local Profiles, Core Logic/Data Quick. SCAG median home sales price calculated as household-weighted average of county medians.

Rental Housing

Across Malibu's 1,547 renter households, 450 (29.1%) spend 30% or more of gross income on housing cost, compared to 55.3% in the SCAG region. Additionally, 267 renter households in Malibu (17.3%) spend 50% or more of gross income on housing cost, compared to 28.9% in the SCAG region (Table 7.2-15). Housing units in Malibu posted for rent[5] ranged from $1,895/month for a studio to $15,000/month for a single-family house.

Table 7.2-15
Percentage of Income Spent on Rent – Malibu



[5] Source: Rent.com, October 2021

7.2.5 Special Needs

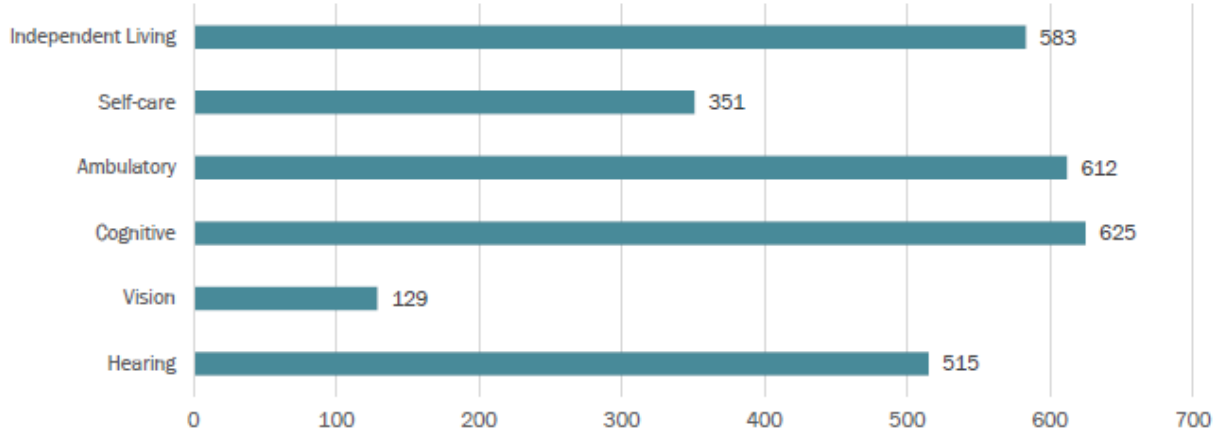
Certain groups have greater difficulty in finding decent, affordable housing due to special circumstances related to one's employment and income, family characteristics, age, disability, or other conditions. As a result, some of the City's residents may experience a higher prevalence of overpayment, overcrowding, or other housing problems.

State Housing Element law defines "special needs" groups to include persons with disabilities, the elderly, large households, female-headed households, homeless people, and farmworkers. This section contains a discussion of the housing needs facing each of these groups.

7.2.5(a) Persons with Disabilities

Recent Census data (Table 7.2-16) estimated that the most prevalent types of disabilities among Malibu residents included cognitive, ambulatory, and independent living disabilities. Housing opportunities for those with disabilities can be maximized through housing assistance programs, supportive housing, and by providing universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units.

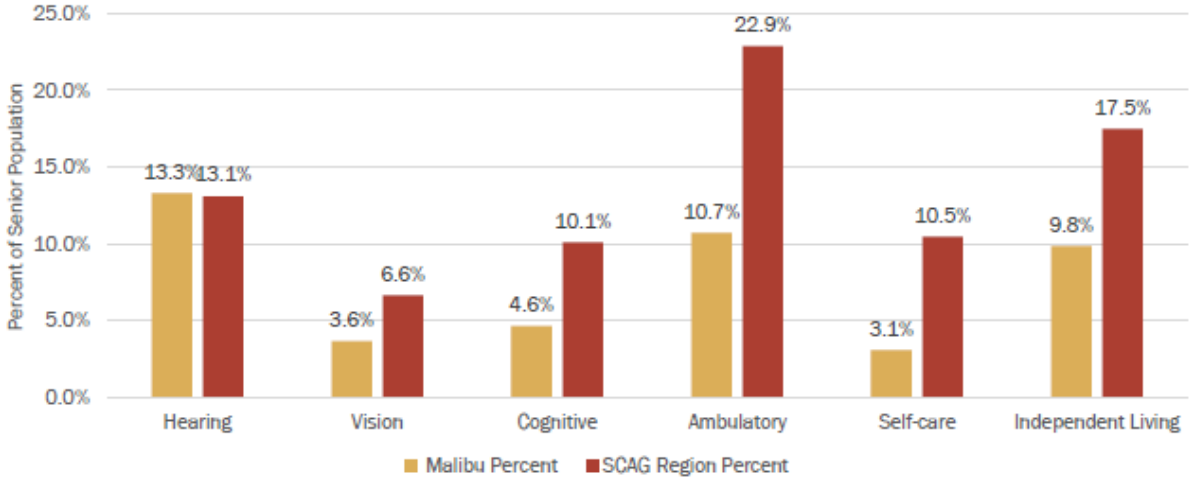
Table 7.2-16
Disabilities by Type – Malibu



American Community Survey 2014-2018 5-year estimates.

In Malibu, the most commonly occurring disability among seniors 65 and older was a hearing disability, experienced by 13.3% of Malibu's seniors and 13.1% of seniors in the SCAG region (Table 7.2-17).

Table 7.2-17
Disabilities by Type for Seniors 65+ – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

As shown in Table 7.2-18, 40% of Malibu residents with a disability were employed. In addition to enforcing Building Code accessibility requirements, the City's Municipal Code establishes procedures to allow reasonable accommodation for persons with disabilities pursuant to State law.

Table 7.2-18
Disabilities by Employment Status – Malibu

	With a Disability	Percent of Total	No Disability	Percent of Total
Employed	259	40%	4,866	68%
Unemployed	0	0%	278	4%
Not in Labor Force	382	60%	1,985	28%
TOTAL	641		7,129	

American Community Survey 2014-2018 5-year estimates.

Residential care facilities for six or fewer persons are permitted in the Rural Residential (RR) District, Single Family Density Residential (SF) District, Multiple Family Residential (MF) District, and Multifamily Beach Front (RBF) District, and residential care facilities for seven or more persons is permitted with a conditional use permit in the Commercial General (CG) District. There are two senior residential care facilities in Malibu. The City of Malibu does not have any City-initiated programs aimed at housing people with disabilities and defers to Los Angeles County programs. As stated in Housing Plan Program 2.4.b, the City

will review and revise the LIP and MMC to allow residential care facilities for seven or more persons in similar to other residential uses of the same type in the same zone with an administrative permit or without discretionary review, for persons of any age, and allow operation by for-profit agencies as well as non-profit agencies, and ensure that the ~~CUP~~ findings of the administrative permit are based on objective standards that do not constrain development of large residential care facilities and provide certainty to applicants through the permitting process. Developmental Disabilities

As defined by federal law, "developmental disability" means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 18;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency;
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The Census does not record developmental disabilities as a separate category of disability. According to the California State Council on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.58%.[6] Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services (DDS) currently provides community-based services to persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Westside Regional Center (WRC) located in Culver City (http://www.westsiderc.org/) provides services for people with developmental disabilities in Malibu. The WRC is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

There is no charge for diagnosis and assessment for eligibility. Once eligibility is determined, most services are free regardless of age or income. There is a requirement for parents to share the cost of 24-hour out-of-home placements for children under age

[6] California State Council on Developmental Disabilities. 2023. About. https://scdd.ca.gov/about/

18. This share depends on the parents' ability to pay. There may also be a co-payment requirement for other selected services.

Regional centers are required by law to provide services in the most cost-effective way possible. They must use all other resources, including generic resources, before using any regional center funds. A generic resource is a service provided by an agency that has a legal responsibility to provide services to the general public and receives public funds for providing those services. Some generic agencies may include the local school district, county social services department, Medi-Cal, Social Security Administration, Department of Rehabilitation and others. Other resources may include natural supports. This is help that disabled persons may get from family, friends or others at little or no cost. According to the latest available WRC Performance Report[7], the Center served approximately 9,130 individuals during 2020. Based on the California State Council on Developmental Disabilities' estimate that 1.58% of the population can be defined as having a developmental disability, 172 residents in Malibu are likely to have a developmental disability.[8]

Other community resources for persons with development disabilities include the Esperance Center in Malibu and Best Buddies International in the neighborhood of Westwood in the City of Los Angeles. The Esperance Center offers a variety of workshops, job assistance, and outings and activities for persons with developmental disabilities. It also operates a residential facility with six adults with developmental disabilities. Best Buddies International is a nonprofit organization working to create employment and development opportunities for persons with intellectual and developmental disabilities. The Best Buddies Living Program in Westwood is an independent inclusive living program near the University of California Los Angeles that provides housing and services to three residents that attend the university.

In addition to the services provided by the WRC, City housing programs that respond to the needs of this population include Program 2.4.c, which directs the City to remove or increase the individual capacity limit and revise parking regulations for emergency shelters, (and Program 3.1.d, which promotes the use of HCVs throughout the city.

7.2.5(b) Elderly

Federal housing data define a household type as 'elderly family' if it consists of two persons with either or both age 62 or over. Recent HUD data (Table 7.2-19), estimated that of Malibu's 2,198 such households, 12.3% earn less than 30% of the surrounding area income, (compared to 24.2% in the SCAG region), 22.2% earn less than 50% of the surrounding area income (compared to 30.9% in the SCAG region). Many elderly persons are dependent on fixed incomes or have disabilities. Elderly homeowners may be physically unable to maintain their homes or cope with living alone. The housing needs of this group can be addressed through smaller units, accessory dwelling units, shared living arrangements, congregate housing, and housing assistance programs. The city does not have any deed restricted or affordable housing units dedicated to seniors.

The Malibu Senior Center offers programs for citizens who are independent and can care of their own personal needs. The Center is not a day care facility and medical staff is not

[7] https://westsiderc.org/wp-content/uploads/2021/06/WRC-Performance-Contract-Year-End-Report-for-2020.pdf
[8] California State Council on Developmental Disabilities. 2023. About. https://scdd.ca.gov/about/

employed by the City nor are there any medical professionals onsite; however, Senior Center staff members are trained in CPR and first aid. Participants are welcome to bring an attendant or caregiver with them in order to enjoy all of the services and programs.

Programs for seniors and active adults are offered in the City's 1,200-square-foot Senior and Active Adult Center, located in Malibu City Hall. The Center offers a wide variety of recreational, fitness, cultural, and educational programming, social events, and excursions to give seniors and adults opportunities to maintain and improve physical and mental well-being, life skills, and active social lives.

Courses and lectures offered in partnership with outside agencies include AARP driver safety, health screenings, smart money planning, downsizing your house, computer skills, and Alzheimer's awareness. Dial-a-Ride and Meals on Wheels resources are also available to seniors.

Table 7.2-19
Elderly Households by Tenure – Malibu

		Owner	Renter	Total	Percent of Total Elderly Households:
Income category, relative to surrounding area:	< 30% HAMFI	200	70	270	12.3%
	30-50% HAMFI	200	19	219	10.0%
	50-80% HAMFI	145	14	159	7.2%
	80-100% HAMFI	135	0	135	6.1%
	> 100% HAMFI	1,250	165	1,415	64.4%
	TOTAL	1,930	268	2,198	

HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

7.2.5(c) Large Households

Large households are defined as those with five or more members. A lack of larger apartments in a community's rental housing stock may result in overcrowded conditions for large households. As seen previously (Table 7.2-3) approximately 161 owner households (4%) and 33 renter households (2%) in Malibu (194 total households, or 3.5% of total households) have five or more members. This distribution indicates that the need for large units with four or more bedrooms is expected to be significantly less than for smaller units. As Malibu has a higher share of senior residents than the region, it is likely that some large households include multigenerational living arrangements and/or live-in caregivers. Malibu has 1,423 housing units with four or more bedrooms, 88% of which are owner-occupied (1,249 housing units) as opposed to 11% renter-occupied (174 housing units). The inventory of large units (1,423) can sufficiently house the City's large households (194). However, the mismatch between adequately sized housing units and affordability is a factor that contributes to housing cost burden and overcrowding. Few resources are available for large low-income households as no deed restricted housing units exist in the city.

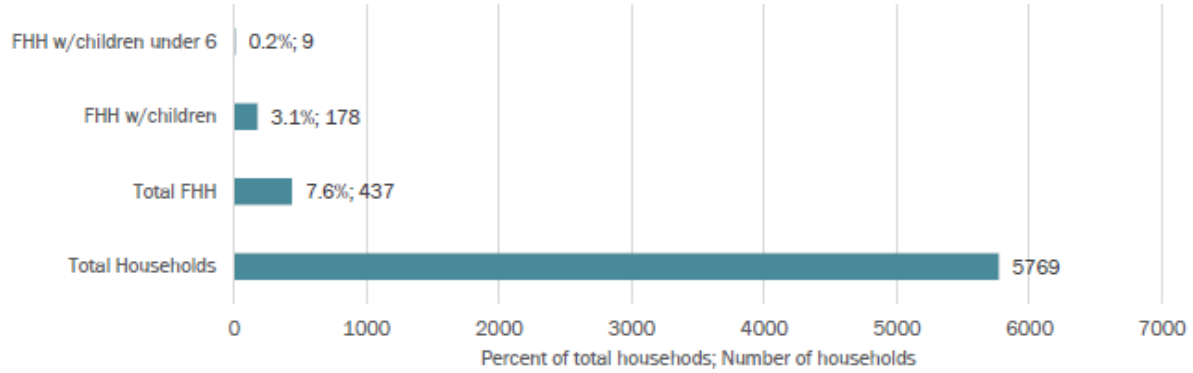
Several programs in the Housing Plan (Section 7.5) are designed to provide housing opportunities for large households and alleviate overcrowding. These programs include Program 2.4 – Support the Development of Variety of Housing Types; Program 4.1 – Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; Program 3.3. Housing for Persons with Special Needs, and Program 5.2 – Fair Housing Community Outreach.

7.2.5(d) Female-Headed Households

Of Malibu's 5,769 total households, 7.6% are female-headed (437 households) compared to 14.3% in the SCAG region, 3.1% are female-headed and with children (178 households) compared to 6.6% in the SCAG region, and 0.2% are female-headed and with children under 6 (22 households)compared to 1.0% in the SCAG region (Table 7.2-20). Female-headed households in Malibu are more likely to own than rent their home; 87% are homeowners (380 households) and 13% are renters (57 households). Female-headed households, especially those with children, often require special consideration and support due to their greater need for affordable housing, accessible childcare, healthcare, and other essential services. These households often find challenges in balancing parental duties and employment obligations while only having one source of income. This may lead to female-headed households to live below the poverty line. In Malibu, approximately 19% of single-parent, female-headed families in Malibu earn an income below the poverty level (36 households), while no female-headed households without children present earn an income below the poverty level. The percentage of single-parent female-headed households earning an income below the poverty line (19%) is higher than the percentage of the overall city population earning an income below the poverty line (13%). Single-parent female-headed households earning an income below the poverty line comprise approximately 5% of all households in poverty. Because no deed-restricted housing units exist in the city, there are few resources for these households. Organizations in Malibu and western Los Angeles County that assist single-parent households and lower-income households include The People Concern, St. Joseph Center, and the Westside Food Bank.

The City responds to the needs of female-headed households through the following Housing Plan programs: housing rehabilitation education and financial assistance to lower-income, elderly, and/or disabled households and homeowners; preservation of existing mobile home parks; annual monitoring of the replacement of affordable housing in the Coastal Zone; ensuring adequate capacity to accommodate housing needs; providing incentives to encourage mixed-use; providing education on available resources for the development of accessory dwelling units; and providing referral information to persons in need of assistance. Lower-income female-headed households can access housing choice vouchers if they qualify. However, there are no subsidized housing units in the city which limits housing options for lower-income female-headed renter households.

Table 7.2-20
Female Headed Households – Malibu



American Community Survey 2014-2018 5-year estimates.

7.2.5(e) Farmworkers

Farmworkers are traditionally defined as persons whose primary income is from seasonal agricultural work. Agricultural activities in the City are limited to small-scale horticultural businesses on approximately 25 acres of land scattered throughout the City, with some of these small farms doubling as event centers and places for family activities. These horticultural activities are not a significant source of employment and do not generate a demand for permanent farm worker housing. Recent Census estimates published by SCAG estimated a total of 29 persons Malibu residents employed in the agricultural industry. According to the United States Department of Agriculture, there were 3,266 farmworkers in Los Angeles County in 2017, 1,044 of which were seasonal farmworkers. Farming in the region is mostly in and near Oxnard, Camarillo, Thousand Oaks, and other cities and Ventura County lands to the north and east of Malibu. It is unlikely that employees of agricultural operations in these areas would commute from Malibu due to the distance from employment and the relatively high cost of housing in Malibu. The needs of agricultural employees are addressed by City regulations allowing agricultural employee housing in residential and agricultural zones consistent with the Employee Housing Act.

7.2.5(f) Homeless Persons

Throughout the country, homelessness has become an increasing problem. Factors contributing to the rise in homelessness include the general lack of housing affordable to lower-income persons, increases in the number of persons whose incomes fall below the poverty level, reductions in public assistance for the poor, and the de-institutionalization of the mentally ill.

The McKinney-Vento Homeless Assistance Act of 1986[9] defines a "homeless" person as an individual who lacks a fixed, regular, and adequate nighttime residence, or an individual whose primary nighttime residence is:

[9] 42 U.S.C. §11301, et seq.

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
2. An institution that provides a temporary residence for individuals intended to be institutionalized; or
3. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Federal agencies, such as the U.S. Department of Housing and Urban Development (HUD), interprets the McKinney-Vento definition to include only those persons who are on the streets or in shelters and persons who face imminent eviction (within a week) from a private dwelling or institution and who have no subsequent residence or resources to obtain housing.[10]

People are also at risk of homelessness when they experience a sudden drop in income or a rise in housing costs, and/or they do not have the skills necessary to manage their limited resources. According to the National Coalition for the Homeless (NCH), most individuals at risk of homelessness are on a fixed income or are marginally employed and have few ties to family and friends.

The 2022 Greater Los Angeles Homeless Count (latest available data) found that there were 81 people experiencing homelessness in Malibu, all of whom were unsheltered; 45% were counted as residing on the street or in makeshift shelters, while 65% were counted as residing in vehicles. The count did not include people who may be residing at the homes of friends or relatives. . The needs of the homeless vary by subpopulation. Mentally ill persons require housing supported by mental health care and counseling. Alcohol and drug abusers require treatment facilities and medical and social support services. Victims of domestic violence need shelter and social services to assist in the transition to independent living. Runaway and recently emancipated youths require shelter, combined with counseling and social services, in order to reintegrate them with their families or enable them to live independently. According to The People Concern, a social service agency offering homeless services, Malibu's homeless population has a disproportionately high prevalence of mental health issues and substance use compared to the general population.

State law (Section 65583(1) (6)) requires municipalities to address the special needs of persons experiencing homelessness within their jurisdictional boundaries. "Homelessness" as defined by the U.S. Department of Housing and Urban Development (HUD), describes an individual (not imprisoned or otherwise detained) who:

- Lacks a fixed, regular, and adequate nighttime residence; and
- Has a primary nighttime residence that is:
    - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
    - An institution that provides a temporary residence for individuals intended to be institutionalized; or

[10] "Who is Homeless?" 2009. Published by the National Coalition for the Homeless, July 2009. p. 1.

- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition does not include persons living in substandard housing (unless such housing has been officially condemned), persons living in overcrowded housing, persons discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge), or persons who may be at risk of homelessness (for example, living temporarily with family or friends).

Facilities such as emergency shelters, low barrier navigation centers, transitional housing and supportive housing address the needs of the homeless and those at risk of becoming homeless. The City's Zoning Ordinance permits transitional and supportive housing in the Rural Residential District (RR), Single Family Density Residential District (SF), Multiple Family Residential District (MF), and Multifamily Beach Front District (RBF) and currently permits emergency shelters in the Commercial General District and Institutional District.

As stated in Housing Plan Program 2.4.c, the City will amend the LIP and MMC to remove individual capacity limits for emergency shelters to meet the requirements of AB 2339, and to revise parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code section 65583. The City will also amend the LIP and MMC as needed to allow transitional and supportive housing as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone, as specified in Housing Plan Program 2.4.a.

In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH), an independent organization of community volunteers, to help fund a pilot project to bring professional services to Malibu's homeless population. MTFH entered into an agreement with The People Concern to bring two full-time outreach workers to Malibu daily in order to locate, engage, and build relationships with homeless individuals. The City continues to partner with The People Concern and contracts two outreach workers to assist with the City's homelessness programs and services. Since the program began, 72 individuals in Malibu have been placed in permanent housing.

Persons experiencing homelessness in Malibu can access housing assistance through various shelters and programs, including the following:

- **The People Concern**, based in Santa Monica, provides fully integrated "wraparound" services to chronically homeless individuals, people dealing with severe mental or physical illness or substance addiction, victims of domestic violence, and challenged youth. The People Concern assists individuals in need in obtaining subsidized permanent housing and provides interim housing for persons transitioning out of homelessness.
- **Project Homeward Bound** works directly with homeless individuals who find themselves stranded in Malibu without sufficient funds to support themselves, providing them with funds to return to their family and friends in other states where they can get a fresh start.
- **St. Joseph Center** provides permanent supportive housing services to homeless residents throughout Los Angeles County and provides short-term rental assistance and supportive services to those in need.

- The City's **Outreach Team** and **Housing Navigator** work with landlords and shelter facilities throughout Los Angeles County to help people experiencing homelessness get off the streets and into housing.
- The City provides funding to the SHIELDS **Rapid Re-Housing for Adults and Veterans (RRAV)** program which connects individuals experiencing homelessness to permanent housing rental and provides move-in assistance, case management, and linkage and referral services.[11]

7.2.6 Assisted Housing at Risk of Conversion

State law requires that the Housing Element identify any residential projects in the City that are under an affordability restriction, along with those housing projects that are at risk of losing their low-income affordability restrictions within the ten-year period from 2021-2031. According to the SCAG, the California Housing Partnership Corporation and City records, there are no assisted low-income units in the City, and therefore, no housing units at risk of losing their low-income affordability.

7.2.7 Housing Constructed, Demolished or Converted within the Coastal Zone

California Government Code §65588(d) requires that the Housing Element update take into account any low- or moderate-income housing provided or required in the Coastal Zone pursuant to §6590 (the Mello Act[12]). State law requires that jurisdictions monitor the following:

- The number of new housing units approved for construction within the Coastal Zone (after January 1, 1982);
- The number of low- or moderate-income units required to be provided in new developments either within the Coastal Zone or within three miles of the Coastal Zone;
- The number of existing housing units in properties with three or more units occupied by low- or moderate-income households that have been authorized for demolition or conversion since January 1, 1982; and
- The number of low- or moderate-income replacement units required within the Coastal Zone or within three miles of the Coastal Zone.

Table 7.2-21 provides City statistics for housing units in the Coastal Zone through 2020.

[11] City of Malibu. 2023. Homelessness. https://www.malibucity.org/865/Homelessness
[12] The Mello Act requires, in part, the replacement of affordable units demolished or converted within the coastal zone.

Table 7.2-21
Malibu Coastal Zone Housing Units – 1982-2020

	Units
Number of new units approved for construction in the Coastal Zone after January 1, 1982	503
Number of new units for low- and moderate-income households required to be provided either within the coastal zone or within three miles of it	0
Number of units occupied by low- and moderate-income households and authorized to be demolished or converted	0
Number of units for low- and moderate-income households required either within the coastal zone or within three miles of it in order to replace those demolished or converted	0

Source: City of Malibu, 2021

7.2.8 Future Housing Needs

7.2.8(a) Overview of the Regional Housing Needs Assessment (RHNA)

The RHNA is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the period from June 30, 2021, to October 15, 2029. Local governments then determine how they will address this need through the process of updating the Housing Elements of their General Plans.

The current RHNA was adopted by SCAG in 2021. Future housing needs are determined by the forecasted growth of households in a community and also by "existing needs" due to overpayment and overcrowding. The housing need for new households is then adjusted to maintain a desirable level of vacancy to promote housing choice and mobility. An adjustment is also made to account for units expected to be lost due to demolition, natural disaster, or conversion to non-housing uses. The sum of these factors – household growth, existing need, vacancy need, and replacement need – determines the new housing need for a community. Total housing need is then distributed among four income categories on the basis of the County's income distribution, with adjustments to avoid an over-concentration of low-income households.

7.2.8(b) 2021-2029 Housing Needs

The additional housing need assigned to Malibu for the 2021-2029 planning period is shown in Table 7.2-22.

Table 7.2-22
Regional Housing Needs - Malibu

Very Low[1]	Low	Moderate	Above Moderate	Total
28[2]	19	17	15	79

Source: SCAG 2021
Notes:
1. Includes the Extremely-Low-Income (ELI) category.
2. 14 units are assumed to be ELI pursuant to *Government Code* §65583.a.1

A discussion of the City's inventory of suitable sites to accommodate the City's housing need is provided in Section 7.4 – Resources and Opportunities, and Appendix B.

7.2.9 Financial and Administrative Resources

7.2.9(a) State and Federal Resources

Community Development Block Grant Program (CDBG) – The City does not have any housing that qualifies for CDBG funding. The City receives approximately $60,000 a year in CDBG funding. Of this total, 15% is spent on administration and program services (e.g., Malibu Community Labor Exchange).

Low-Income Housing Tax Credit Program – The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 in order to provide an alternate method of funding low-and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Limitations on projects funded under the Tax Credit programs include minimum requirements that a certain percentage of units remain rent-restricted, based upon median income.

Mortgage Credit Certificates (MCC) – This program provides a federal tax credit for income-qualified homebuyers that is equivalent to 15% of the annual mortgage interest. Generally, the tax savings are calculated as income in order to help buyers qualify to purchase a home. Using an MCC, first-time homebuyers can save between $700 and $2,500 a year on their annual federal tax bill. The program is initiated by the homebuyer applying through a participating lender, who then submits an application to the Los Angeles County Development Authority (LACDA). The City is not involved in administering this process or approving loans.

7.2.9(b) Local Resources

The City does not have a housing department. The only local revenue source for affordable housing is through the City's approval of the Patriot Homes Overlay condominium project. The City Council resolution approving the project requires an in-lieu payment of $30,000 per unit, required at the time of the close of escrow, to be used for programs consistent with the City's Housing Element. An Affordable Housing Trust Fund, which contains in-lieu funds generated through development agreements, was established in 2013 (Ordinance No. 375). As of October 2023, the Trust Fund has a

balance of $194,140. According to the City's Affordable Housing Ordinance, the Trust Fund can be used for the following[13]:

- Assistance to housing development corporations;
- Equity participation loans;
- Grants;
- Pre-home ownership co-investment;
- Predevelopment loan funds;
- Participation leases;
- Other public-private partnership arrangements;
- The acquisition of property and property rights;
- Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;
- Costs of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk of deterioration;
- Other costs associated with the construction or financing of affordable housing;
- Reasonable administrative charges or related expenses; and
- Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

[13] City of Malibu. 2023. Municipal Code, Affordable Housing. https://library.qcode.us/lib/malibu_ca/pub/local_coastal_program/item/local_implementation_plan-chapter_3-3_7

7.3 Resources and Opportunities

7.3.1 Land Resources

7.3.1(a) Inventory of Sites for Housing Development

Government Code §65583(a)(3) requires Housing Elements to contain an "inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites." A detailed analysis of potential development sites has been prepared (see Appendix B) and the results of this analysis are summarized in Table 7.3-1 below. This analysis also addresses the unaccommodated need from the previous planning period, as required by *Government Code* §65584.09 (AB 1233).

Table 7.3-1
Sites Inventory Summary

Housing Sites	Income Category		
	Lower	Moderate	Above
RHNA 2021-2029	47	17	15
RHNA Credits - Planned and Approved Units (Table B-2)	0	0	142
RHNA Credits - Potential new ADUs	17	1	12
Remaining RHNA after Credits	30	16	0
Potential new multi-family units (Table B-4)	36	22	53
Buffer provided above remaining RHNA	20%	38%	
Adequate Capacity?	Yes	Yes	Yes

Source: City of Malibu, 2024

As summarized in Table 7.3-1, this analysis determined that there are sufficient vacant or underutilized sites with appropriate zoning to accommodate the City's housing need for this planning period.

7.3.1(b) Infrastructure Capacity

Wastewater - There is no municipal sewer service in the City of Malibu. All properties in the City are currently served by individual onsite wastewater treatment systems (OWTS); with the exception of those served by the Malibu Civic Center Water Treatment Facility (CCWTF)[1], and five small package treatment plants within the City: Latigo Bay Shores, Point Dume, Trancas Canyon, Malibu Mesa, and Maison de Ville. Any new development that is not served by the six treatment plans will be required to install its own OWTS in order to serve its wastewater disposal needs.

[1] Phase One of CCWTF construction was completed in October 2018. No residential properties were connected to the facility during that phase; however, the Phase Two expansion will connect approximately 247 single-family homes, 191 condominiums, and 7 other properties.

Water - Domestic water for City residents is supplied by County Waterworks District No. 29 ("District 29") from the Metropolitan Water District of Southern California (MWD). The MWD obtains its water from the State Water Project and the Colorado River. According to the MWD's 2020 Urban Water Management Plan, the MWD has sufficient supply to meet demand for all water customers through 2045 and has sufficient total capacity to accommodate the City's RHNA. District No. 29 receives the water through a contract with the West Basin Municipal Water District, a member agency of the Metropolitan Water District. The District's connection to Metropolitan Water District's system is located in Culver City. The water travels to the District through a 35-mile transmission main in Pacific Coast Highway. Many of the City's water mains and tanks have been identified by the City and by District 29 as severely undersized. All sites identified in the Sites Inventory are in areas served by District 29. For projects located in areas with limited to no service by District 29, property owners may install water tanks to serve the property's needs. With the inclusion of private water tanks, domestic water supply is not expected to limit residential development in the city. The sites in the Sites Inventory are located on Pacific Coast Highway and have direct access to the water transmission main; therefore, the sites are served by adequate water supply and infrastructure.

Dry Utilities – Southern California Edison (SCE) supplies electricity in the city. The housing sites identified in the City's Affordable Housing Overlay (AHO) will be connected to SCE's "Cuthbert" circuit which serves properties from approximately Latigo Cyn Rd to Bonsall Dr, and from Pacific Coast Highway to approximately one mile inland. Domestic natural gas service is provided by the Southern California Gas Company. Telephone, internet services, and cable television are serviced by contracted providers including Spectrum and Frontier. There is sufficient energy supply, utilities, and connection capability for the housing units projected in the Sites Inventory.

7.3.1(c) Environmental Constraints

While virtually all properties in Malibu face development challenges due to environmental constraints such as environmentally sensitive habitat areas (ESHAs), fire hazards, and geological hazards, these hazards do not preclude development on sites identified to accommodate the City's RHNA. Compliance with the California Building Code will generally mitigate the risk of seismic hazards to residential structures. The City requires strict adherence to the California Fire Code, as well as offers assistance with hazardous brush and tree clearance to mitigate the risk of wildfire. The capacities of the AHO sites were significantly reduced to accommodate a 100-foot buffer to wetlands classified as ESHA. A full discussion of environmental constraints is available in Appendix B.

7.3.2 State and Federal Resources

Refer to Section 7.2 Housing Needs Assessment for a description of state, federal, and local resources for affordable housing development.

7.3.3 Energy Conservation Opportunities

State law (*Government Code* §65583(a)(8)) requires all new construction to comply with "energy budget" standards that establish maximum allowable energy use from

depletable sources. These requirements apply to such design components as structural insulation, air infiltration and leakage control, setback features on thermostats, water heating system insulation (tanks and pipes) and swimming pool covers if a pool is equipped with a fossil fuel or electric heater. State law also requires that a tentative tract map provide for future passive or natural heating or cooling opportunities in the subdivision, including designing the lot sizes and configurations to permit orienting structures to take advantage of a southern exposure, shade or prevailing breezes.

SCE and the Southern California Gas Company offer energy conservation programs, including audits of home energy use to reduce electricity consumption, refrigerator rebates, appliance repair and weatherization assistance to qualified low-income households, buyer's guides for appliances and incentives by the Gas Company to switch from electric to gas appliances. Direct assistance to low-income households is provided by the Gas Company through the California Alternate Rates for Energy Program and by SCE through its Energy Management Assistance Program.

Both companies have programs to encourage energy conservation in new construction. SCE's energy rebate program applies to residential developers as well as to individual customers. SCE also offers an Energy STAR new home program and a Sustainable Communities Program, offering design assistance and financial incentives for sustainable housing development projects. The Gas Company's Energy Advanced Home Program is offered to residential developers who install energy-efficient gas appliances that exceed California energy standards by at least 15%.

In addition, simple water conservation techniques can save a family thousands of gallons of water per year, plus many dollars in water and associated energy consumption costs. It is now possible to obtain plumbing products that reduce water waste by restricting the volume of water flow from faucets, showerheads, and toilets. The use of plant materials that are adapted to the climate of Southern California's coastal areas can also measurably contribute to water conservation by reducing the need for irrigation.

A household can save water by fixing dripping faucets and using water more conservatively. In addition, such conservation practices save on the amount of gas and electricity needed to heat water. By encouraging residents to conserve water and install water saving devices, the City can greatly reduce its water consumption needs and expenses.

The City has partnered with Los Angeles County Waterworks and West Basin Municipal Water District to help local residents save water and money through a comprehensive water conservation program called Malibu Smart. The goal of the Malibu Smart program is to save 28 million gallons of water annually in Malibu and Topanga Canyon through the installation of water-efficiency measures.

Actions the City of Malibu has taken to encourage energy conservation include the following:

- City policy regarding processing permits for water tanks, rainwater collection structures, etc. was created for the ease of the applicant
- Solar panels are processed with a ministerial Over-the-Counter (OC) Permit which takes only a few days to approve and costs under $100

- A draft Exemplary Green Building Projects Fast-Tracking Pilot Program has been prepared

The City has recently adopted the Local Energy Efficiency Standards Ordinance and the Landscape Water Conservation Ordinance. The energy ordinance preserves and enhances the environment, by setting forth minimum energy efficiency standards within the City for all new single-family dwellings, multi-family residential construction, nonresidential construction, and substantial remodels. The City's ordinance includes measures which are more restrictive than the California Building Energy Efficiency Standards (Title 24). The water conservation ordinance applies to: 1) projects for a commercial, institutional, or multi-family use or a subdivision, any of which propose a new or altered landscape area, including public agency projects; and 2) projects for a single-family residential use proposing a new or altered landscape area of 2,500 square feet or more; in the case of a project associated with an existing single-family residence, the new or altered landscape area is subject to this Chapter when the landscape area is 5,000 square feet or more. The water conservation standards are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

Clean Power Alliance

In 2018, the City joined the Clean Power Alliance (CPA), a locally controlled electricity provider made up of 31 local governments across Los Angeles and Ventura counties working together to bring clean, renewable power choices to our communities. CPA purchases clean power and Southern California Edison (SCE) delivers it.

CPA energy service for residential customers in Malibu began in February 2019 and non-residential customers in May 2019. Customers in Malibu were automatically enrolled to receive 50% of their power supply from renewable sources. In June 2019, City Council approved opting all municipal electricity accounts to 100% renewable energy through CPA to lead by example for the community. In October 2019, City Council approved the selection of 100% Green Power as the default electricity choice for Clean Power Alliance customers in the City. Starting in October 2020, Malibu's Clean Power Alliance customers started to receive 100% renewable power generated by solar, wind and other renewable and carbon-free resources in California and the surrounding region.

Customers can also select two rate options: Clean Power, which provides 50% renewable and Lean Power, which provides 36% renewable content. No matter the rate option, Clean Power Alliance offers the shared benefits of local management and control, stable, competitive rates, and higher renewable energy content.

Energy Partnerships

In 2018, the City enrolled in energy partnerships like the Westside Energy Partnership and Southern California Regional Energy Network (SoCalREN) to receive public agency assistance with implementation of energy efficiency projects and programs as well as technical assistance and incentives.

Through the recommendations in SoCalREN's Comparative Energy Analysis, City Hall's HVAC system was optimized to save an estimated 11% of its energy use and the City took advantage of Southern California Edison's free Direct Install program to install LED lighting at the Michael Landon Community Center.

7.4 Constraints

7.4.1 Governmental Constraints

7.4.1(a) Land Use Plans and Regulations

General Plan

Each city and county in California must prepare a comprehensive, long-term General Plan to guide its future development. The Land Use Element of a City's General Plan establishes the basic land uses and density of development within the various areas of the city. Under state law, the General Plan elements must be internally consistent and the city's zoning ordinance, and Local Coastal Program, as applicable, must be consistent with the General Plan. Thus, the land use plan must provide suitable locations and densities in order to implement the policies of the Housing Element.

The City of Malibu's General Plan Land Use Element provides for five residential land use designations, as shown in Table 7.4-1.

Table 7.4-1
Residential Land Use Categories –
Malibu General Plan

Designation	Maximum Density[1]	Description
Rural Residential (RR) – Includes RR-40, RR-20, RR-10, RR-5, RR-2 & RR-1	1.0	Single-family homes on large parcels ranging from one to 20 acres or more.
Single Family Residential (SF) – Includes SF-L & SF-M	4.0	Single-family homes on lots ranging from approximately 10,000 SF to one acre.
Multi-Family (MF)	6.0	Duplexes, triplexes, two- or three-unit townhomes and low-rise apartments (primarily existing) on minimum 20,000 SF parcels.
Multi-Family Beach Front (MFBF)	23.1[2]	Single-family and multi-family residences on small beach front lots.
Mobile Home Residential (MHR)	-	Existing mobile home park.

Source: City of Malibu General Plan.
1. Density expressed in dwelling units per net acre of lot area (lot area excludes street rights of way but may include 1-to-1 slopes).
2. Not to exceed 4 units per lot
3. As determined by the PD process

While the City has a considerable amount of vacant land, only a small portion is suitable for development because of steep hillsides, unstable soils and subsurface conditions, extreme fire hazards, and environmentally sensitive habitat areas (ESHA). Since its incorporation in 1991, the City has focused its efforts on preserving its rural character, protecting environmental resources, and improving fire safety.

With highly constrained land, limited infrastructure, and high land costs, the City's approach to accommodating affordable housing is to identify unconstrained sites at appropriate densities and to successfully leverage State and federal subsidies for

affordable housing. The encouragement of accessory dwelling units is also important, as most of Malibu's development consists of single-family homes and associated accessory structures.

LCP Local Implementation Plan

The entire city is located in the Coastal Zone and is subject to the City's LCP Local Implementation Plan (LIP). The LIP includes development standards to protect environmentally sensitive habitat areas (ESHAs) (LIP Chapter 4), native trees (LIP Chapter 5), scenic, visual, and hillside resources (LIP Chapter 6), shoreline and bluff areas (LIP Chapter 10), archaeological/cultural resources (LIP Chapter 11), public access (LIP Chapter 12), and water quality (LIP Chapter 17). Projects that contain or are located near identified coastal resources may require modifications or reductions in density to protect the identified resource. While the LIP is a City document, it must be consistent with the California Coastal Act, and any modification is subject to certification by the Coastal Commission. For a discussion of potential constraints raised by the LIP, see Chapter 4: Residential Permit Processing/Coastal Development Permit (CDP) and Non-Governmental Constraints/Environmental Constraints.

Environmental Sensitive Habitat Area (ESHA) Overlay

As discussed in Chapter 4 of the LIP, the ESHA Overlay protects and preserves areas where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. The ESHA Overlay zone extends over the ESHA area and areas within 200 feet of designated ESHA necessary to ensure continued protection of the habitat areas. Only uses dependent on the environmentally sensitive habitat areas and which do not result in significant disruption of habitat values are permitted in the ESHA overlay zone. New developments that are adjacent to habitats such as stream, riparian, wetland, woodland, coastal bluff, coastal sage scrub, chaparral, and other ESHA areas must provide a buffer of no less than 100 feet in width from the outer edge of the ESHA area. The following types of developments accompanied with a biological study are not subject to the provisions of the ESHA Overlay and are not be subject to review by the Environmental Review Board:

1. Remodeling an existing structure that does not extend the existing structure footprint.
2. Additions to existing structures that are within the lawfully established graded pad area, or the existing developed/landscaped area if there is no graded pad, and that do not require additional fuel modification.
3. Demolition of an existing structure and construction of a new structure within the existing building pad area where no additional fuel modification is required.
4. New structures and landscaping proposed within the permitted graded pad or permitted development area if there is no graded pad, authorized in a previously approved CDP permit.
5. New structures within existing, developed neighborhoods where the new structures will be located over 200 feet from an ESHA, as shown on the ESHA overlay map.

As discussed in Appendix B, Residential Land Inventory, ESHA exists on the three parcels identified in the Site Inventory. The ESHA overlay on the sites were excluded from the development area of the sites, and the development potential capacity for the RHNA sites was reduced accordingly. Therefore, the presence of ESHA is not a constraint on sites included in the Sites Inventory. Additional discussion of site-specific environmental constraints is provided in Appendix B.

Scenic and Visual Resources

Except for beachfront lots or as provided in Chapter 17.42 of the MMC, all development projects subject to a CDP and which propose a structure greater than 18 feet in height shall obtain a site plan review (SPR). A SPR may be approved or conditionally approved if the project meets all of the following criteria: the project is consistent with the City's general plan and LCP; and the portion of the project that is greater than 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in Section 17.40.040(A)(17).

Chapter 6 of the LIP, Scenic and Visual Resources, is intended to enhance and protect the scenic and visual qualities of coastal and mountain areas in the city in accordance with the policies of the LCP and the California Coastal Act. These provisions apply to all CDP applications for parcels located along, within, provides views to or is visible from any scenic area, scenic road, or public viewing area. The hillside development standards of this chapter apply to properties where the project site includes any area of slope over 20 percent. Applications for new development in scenic areas must provide a visual analysis that includes the following:

1. Grading plan, if grading is proposed.
2. Cross sections of the project site showing the proposed grading and structures.
3. Line of sight analysis showing the view of the project site from public viewing areas.
4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading.
5. An analysis of the potential impacts of the proposed development on the identified public views.
6. Project alternatives designed to avoid and minimize impacts to visual resources.
7. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

The requirements listed under Chapter 6 of the LIP, Scenic and Visual Resources, are requirements that are generally dictated by state coastal zone regulations and are reasonably necessary to protect and preserve visual resources of the coast and hillside.

As part of the CDP application process, applicants are required to install story poles to demonstrate the height and location of the proposed development that may affect views of scenic resources. The City of Malibu Story Pole policy includes provisions for waiving the installation of story poles if it is determined that there is no possibility that the proposed development will create or contribute to adverse impacts to scenic areas.

The requirements for story poles are a constraint in that it adds to the cost and timing for a project over 18 feet. The City will implement Program 4.3.e to allow alternatives to story poles, such as photo simulations, for multi-family development subject to story pole requirements under Chapter 6 of the LIP.

Grading

Chapter 8 of the LIP, Grading, ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a single-family residential parcel and 1,000 cubic yards of non-exempt grading per acre for multi-family residential parcels. Types of grading that is exempt from the 1,000 cubic yard maximum are: understructure grading (excavation for foundations and other understructure excavation and incremental excavation for basements), removal and recompaction, safety grading (grading required for L.A. County Fire Department access approval beyond the 15-foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening), and remedial grading (grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot). Along with the exempt provisions, the 1,000 cubic yard threshold is able to accommodate most residential construction.

The City processes variances for proposed projects involving grading that exceeds 1,000 cubic yards of nonexempt grading in rare occasions when a project is proposed on steep slopes to stabilize slopes for safety purposes or when ancillary uses such as equestrian rings and sport courts (i.e., accessory structures that are ancillary to the primary residential structure) are proposed. Development on beachfront properties involves minimal to no nonexempt grading as beachfront development is constructed on piles, which do not require landform alteration. Overall, grading regulations are not a constraint on residential development.

Zoning Designations and Development Standards

The City regulates the type, location, density, and scale of residential development through Title 17 of the MMC (Zoning Ordinance/Zoning Map). Additionally, because the City of Malibu lies entirely within the Coastal Zone, all zoning designations and development standards have been incorporated into the LIP. The LIP includes additional development standards that are intended to augment the MMC Zoning regulations and serve to implement the General Plan and are designed to protect and promote the health, safety, and general welfare of residents. The MMC and LIP also help to preserve the character and integrity of existing neighborhoods. The MMC and LIP set forth residential development standards for each zoning district.

Zoning districts that allow residential units as a permitted use are as follows:

- **RR** Rural Residential
- **SF** Single-Family Residential
- **MF** Multi-Family Residential
- **MFBF** Multi-Family Beachfront
- **MH** Mobile Home Park

PD Planned Development

AHO Affordable Housing Overlay

CG Commercial General

A summary of the LCP/MMC development standards for the zoning districts permitting residential development is provided in Table 7.4-2.

Lot Standards

Lot standards include requirements for minimum lot areas, which range from 1 acre in the RR zone to 5,000 square feet in the MFBF zone. The minimum lot area for new lots in the MFBF district is 5,000 square feet. Existing sites that are smaller than the minimum lot size, including sites in the Sites Inventory, are considered legal, nonconforming parcels. Pursuant to MMC Section 17.60.030, nonconforming parcels may be developed for any purpose permitted in the zone district provided that uses and new construction complies with the code. Lots that are 5,000 square feet within the MFBF zone may only build a maximum of two dwelling units. While parcel nonconformity is not a constraint, the smaller lot sizes for multi-family beach front developments may be a constraint as developments may have to consolidate multiple lots to develop a multi-family residence with more than two units. However, many MFBF lots are typically developed with single family homes due to environmental constraints, the lack of municipal sewer system, and market demand. Additionally, the LIP standards and environmental concerns constrain the development of higher densities within beach front zones.

Setbacks

Setback standards are based on a percentage of lot depth and width which provides flexibility in standards for various lot sizes. Front setbacks are 20% of the lot depth for all zones or 65 feet, whichever is less. The required front yard setback for beachfront lots is 20 feet or the average of the two adjacent lots, whichever is less. Setbacks are not a constraint to development as setback standards can be further reduced through the Minor Modification that is processed concurrently with a CDP.

Impermeable Coverage

Developments must meet standards for maximum impermeable coverage to reduce off-site run-off, manage storm water, and protect water quality. Single family developments may be developed with a maximum of 35-45% impermeable coverage depending on the size of the lot, with a maximum of 25,500 square feet of total impermeable coverage. This requirement does not apply to beachfront lots as beachfront development is constructed on pilings that do not require impermeable foundations. The LIP and Chapter 17.40.040 of the MMC are unclear as to whether multi-family beachfront lots are subject to impermeable coverage requirements. Program 4.3.c. directs the City to revise the LIP and MMC to clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

Multi-family developments may be developed with a maximum of 70% impermeable coverage. Multi-family developments are required to devote 25% of the lot area to landscaping and an additional 5% to permeable surfaces. Maximum impermeable surface areas reduce the need, and associated costs, of installing off-site drainage

infrastructure. This standard is not considered a constraint to multi-family developments, as evidenced by recent rehabilitation project at 6453 Sycamore Meadows Drive, as it is based on the percentage of the lot size and may coincide with other required standards such as setbacks. Impermeable coverage standards also reduce costs associated with off-site drainage improvements.

Requests to use certain materials to meet the permeable coverage requirement are considered through the CDP application review process. The Public Works Department reviews proposed paving materials within 30 days of application submittal for confirmation that the proposed materials are acceptable. Applicants can also seek confirmation on specific materials prior to application submission. The City provides a handout on the City's website on permeable materials.[1] Applicants are encouraged to consult with City Planning staff during planning consultation hours at the public counter to review proposed permeable materials. In a review of recent development applications, there have not been requests for concessions on lot coverage requirements. Therefore, the City's lot coverage requirements are not a constraint to housing development.

Height

The maximum base height is 18 feet with the ability to increase height to 24 feet for a flat roof and 28 feet for a pitched roof with a SPR in all residential non-beachfront zones. For residential beachfront zones, the maximum base height is 28 feet (without the need for a SPR) and a maximum number of two stories is allowed. Generally, a height limit of 18 feet may constrain development in the MF zone as a maximum of one story may be accommodated at that height. Height limits are generally intended to maintain visual consistency within an area and compatibility between adjacent buildings. Proposed development may exceed the height limit of 18 feet through the SPR application if findings are met that the development will not affect private views. Typically, the 24 or 28-foot height allowance through the SPR is granted unless the development would block a public or private view. The SPR requirement is not a constraint because SPRs are processed concurrently with a CDP and do not create an additional process that would extend the project timeline. While the intent of the SPR is to protect private views, MF zones are in lower elevation areas and would not affect private views. The 24 or 28-foot height allowance is sufficient for the allowable two-story development and accommodates the maximum density of 6 du/acre allowed in the MF zone. The SPR application findings are discussed further in Section 7.4.1 (b).

Currently, the AHO allows a maximum of two stories and a maximum height of 28 feet, which is insufficient to accommodate the maximum allowable density of 27 du/acre. The City will revise the maximum height allowed in the AHO to 30 feet and remove the two-story limit to accommodate development with a density of 27 du/acre, as directed by Program 4.3.d.

The allowable height for projects located in scenic areas is generally dictated by the state coastal zone regulations and is reasonably necessary to protect the scenic and visual resources of the hillside and the coast. The density achieved is largely driven by the environmental conditions and the market demand for single family residences over multi-

[1] City of Malibu. https://www.malibucity.org/DocumentCenter/View/17545/Using-Permeable-Surfaces

family residences in Malibu. Non-governmental constraints are further discussed in section 7.3.2 below.

Density

In most residential areas of the city, densities range from about one unit per 20 acres (RR-20 zone) to six units per acre (MF zone). Higher densities (up to 23.1 units per acre, not to exceed four units per lot) occur along four small stretches of beachfront property, as well as on Affordable Housing Overlay (AHO) parcels, which require that affordable housing development projects have a minimum of 20 units per acre, a maximum of one dwelling unit per 1,613 square feet of lot area, and a minimum of 16 dwelling units.

Table 7.4-2
Residential Development Standards

Development Standard	RR[1]	SF[7]	MF	MFBF	MH	AHO
Maximum density	1 du/acre	4 du/acre	6 du/acre[8]	23.1 du/acre[9]	NA	27du/acre
Minimum lot area	1 acre	SFL = 0.5 ac SFM = 0.25 ac	20,000 sf	5,000 sf	NA	NA
Minimum front yard	20% of lot depth[2]	20% of lot depth[2]	20% of lot depth[2]	20% of lot depth[2]	NA	NA
Minimum side yard	10% of lot width[3]	10% of lot width [3]	10% of lot width[3]	3 feet[3]	NA	NA
Minimum rear yard	15% of lot depth[4]	15% of lot depth [4]	15% of lot depth [4]	Stringline[4]	NA	NA
Maximum impermeable coverage	30%-45%[5]	30%-45%[5]	70%[5]	N/A[5]	NA	70%[5]
Maximum building height	18 feet[6]	18 feet [6]	18 feet[6]	28 feet[6]	18 feet	28 feet[6]

Source: City of Malibu Zoning Ordinance

1. Includes RR-20, RR-10, RR-5, RR-2, and RR-1 zones. Minimum lot area varies from 1 to 20 acres depending on designator.
2. Front yard setback is 20% of lot depth or 65 feet, whichever is less. Front yard setback for beachfront lots is 20 feet or the average of the two adjacent lots, whichever is less.
3. Aggregate side yard setbacks must be at least 25% of lot width, with no single side yard less than 10% of lot width or 5 feet, whichever is greater. Side yard setback for beachfront lots is 10 percent of lot width on each side with a 3 feet minimum and a 5 feet maximum.
4. Rear yard setback must be at least 15% of lot depth or 15 feet, whichever is greater. Rear yard setbacks for beachfront lots are determined by the stringline rule.
5. Not to exceed 25,500 sf. Impermeable coverage requirements do not apply to beachfront lots.
6. Maximum height for new construction on beachfront lots is 24 feet for flat roof structures and 28 feet for pitched roof structures. For non-beachfront lots, heights of 24 feet for flat roof structures and 28 feet for pitched roof structures may be permitted by site plan review.
7. Includes SFL and SFM. Maximum of 2 units per acre for SFL and 4 units per acre for SF-M.
8. Maximum density is 6 units per acre.
9. Maximum density is 1 unit per 1,885 sf of lot area, not to exceed 4 units per lot. One additional unit may be permitted if affordable to a very-low-, low-, or moderate-income household.

A summary of the residential development permitted by the LCP/ MMC is provided in Table 7.4-3. (Note: The PD district is not included in the table because allowable uses and development standards are established through the PD permit process.)

Table 7.4-3
Permitted Residential Development by Zoning District

Housing Type Permitted	Zoning District								
	RR	SF	MF	MFBF	MH	CC	CV	CG	I
Residential uses									
Single-family detached	P	P	P	P					
Multi-family			CUP[1]	CUP[1]		P[2]			
Manufactured housing	P	P	P	P					
Mobile home	P[4]	P[4]	P[4]	MCUP[4]	P				
Accessory dwelling units	A	A	A	A					
Special needs housing									
Emergency shelters								P	P
Transitional/supportive housing[3]	P	P	P	P	P				
Agricultural employee housing[5]	A	A	CUP						
Residential care facility (6 or fewer persons)	P	P	P	P					
Residential care facility (7 or more persons)								CUP	
Residential care facilities for the elderly						CUP	CUP	CUP	CUP
Single room occupancy								P	

Source: Malibu LCP

P = Permitted CUP = Conditional Use Permit A = Permitted only as an accessory use to an otherwise permitted use.

Notes.

1. Multi-family development associated with an affordable housing development project is permitted by right.
2. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay.
3. Permitted subject to the same standards and procedures as applied to other residential uses of the same type in the same zone.
4. Permitted only during construction of permanent housing.
5. Permitted with a CUP in the Commercial-Recreational Zone as well if animal related only.

The CUP requirement for multi-family development in the MF and MFBF zoning districts is a constraint to the development of that type of housing. To remove the constraint, the City will remove the CUP requirement for multi-family development in the MMC and allow multi-family development as a permitted use in those zoning districts as directed by Program 4.3.a.

Zoning for Lower-Income Housing

As shown in Table 7.4-3, the LCP and MMC provide for a variety of housing types including single-family homes, multi-family (both rental and condominiums), manufactured housing and second units. Low-income housing can be accommodated in all residential districts. Accessory dwelling units, which are a tool in facilitating affordable housing, are permitted by-right in all residential districts in accordance with State law.

Density, Units per Parcel, Floor Area and Lot Coverage Limitations. Pursuant to Assembly Bill 2348,[2] the "default density" for small Los Angeles County jurisdictions, including the City, is 20 dwelling units per acre[3]. The default density refers to the density at which low-income housing development is presumed to be feasible, although State law allows jurisdictions to propose alternative densities that are sufficient to facilitate affordable housing based on local experience and circumstances. The MFBF zone allows development of more than 20 units per acre. While the MFBF zone limits development to four units per parcel, this is not a constraint to development since there are no vacant parcels large enough to accommodate more than four units at the maximum allowable density.

Affordable Housing Overlay (AHO) Zone

In 2013 the City amended the General Plan, LCP and MMC to establish the AHO zone (Municipal Code Sec. 17.42.020(L)) allowing multi-family development at a minimum density of 20 units/acre and a maximum of 27 units/acre (which includes any density bonus) by-right when affordable housing is provided. This amendment also included revisions to development standards to facilitate such development, such as maximum building square footage and lot coverage. Maximum building height in the AHO is 28 feet. The City will revise the maximum height allowed in the AHO from 28 to 30 feet and remove the two-story limit, as directed by Program 4.3.d. Development on AHO sites must contain at least 16 units to qualify for the by-right requirement.

To obtain the by-right requirement on AHO sites, projects must include a minimum of percent of affordable units. Table 7.4-4 demonstrates the AHO sites and their affordability requirements.

Table 7.4-4 AHO District Sites

APN	Address	Affordability Requirement
4467-013-022	28517 Pacific Coast Highway and adjacent vacant lot	Units in excess of six dwelling units per acre shall be affordable to lower and moderate income households. A minimum of fifty (50) percent of all units in excess of the six units per acre shall be deed restricted ("restricted units") as very-low or low-income multifamily dwelling units.
4467-013-023		
4467-012-005	28401 Pacific Coast Highway	

The current minimum affordability requirement for sites located in the AHO is inconsistent with state law (California Government Code Section 65583.2 (c)), which requires a 20 percent minimum affordability requirement to achieve by right approval for sites identified in the prior housing elements. The development standards for the AHO zone should be revised to be independent of the density bonus. Program 3.1.e directs the City to amend the MMC and LIP to include a maximum density independent of the state density bonus. Additionally, Program 3.5.a will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while

[2] AB 2348 (Mullin) [Stats. 2004, ch. 724]
[3] Memo of June 9, 2005 from California Department of Housing and Community Development on AB 2348 of 2004. *Also available at* http://www.hcd.ca.gov/hpd/hrc/plan/he/ab2348stat04ch724.pdf

complying with the MMC and LIP, to be consistent with state law (Government Code Section 65583.2).

Special Needs Housing

Persons with special needs may include those in residential care facilities, persons with disabilities, the elderly, farm workers, or persons needing emergency shelter, transitional living arrangements, or single room occupancy units. Many of these groups also fall under the category of extremely-low-income households. The City's provisions for these housing types are discussed below.

Extremely Low-Income Households

Many of the persons and households discussed in this section under the topic of special needs fall within the *extremely-low-income* category, which is defined as 30% or less of area median income, or up to $37,850 per year for a four-person household in Los Angeles County (2023). [4]

A variety of City policies and programs described in the Housing Plan address the needs of extremely-low-income households, including persons with disabilities. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies in addition to appropriate zoning and development standards.

Residential Care Facilities and Housing for Persons with Disabilities

Residential facilities refer to any family home, group care facility, or similar facility that provides non-medical care to persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.[5] *Health and Safety Code* §§1267.8 and 1566.3 require local governments to treat licensed group homes and residential facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the licensee, the licensee's family, or persons employed as facility staff. The City shall not require a conditional use permit, zoning variance, or other zoning clearance of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.[6]

Residential care facilities serving six or fewer persons are permitted by-right in all residential districts in conformance with State law. The MMC and the LIP allow residential care facilities serving seven or more persons in the CG zone with a CUP. Additionally, residential care facilities for the elderly (limited to operation by a non-profit only) are permitted in the CC, CV, CG, and I zones with a CUP. The requirements for large residential care facilities constrain development of housing for persons with disabilities. Through Housing Plan Program 2.4.b, the City will revise the MMC and LIP to allow licensed residential care facilities for seven or more persons similar to other residential uses of the same type in the same zone, with an administrative permit or without discretionary review, for persons of any age and allow operation by for-profit agencies as well as non-profit agencies The City will ensure that the findings of an administrative permit are based

[4] HCD 2023 State Income Limits
[5] California Health & Safety Code §1502.
[6] California Health & Safety Code §1566.3(c).

on objective standards that do not constrain development of large residential care facilities and provide certainty to applicants through the permitting process.[7]

The City's building codes require that new residential construction comply with the federal American with Disabilities Act (ADA). ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible to the physically disabled.

Compliance with building codes and the ADA may increase the cost of housing production and can also impact the viability of rehabilitation of older properties required to be brought up to current code standards. However, these regulations provide minimum standards that must be complied with in order to ensure the development of safe and accessible housing.

Definition of "Family". The Municipal Code defines *Family* as "one or more individuals occupying a dwelling unit and living as a single household." *Household* means a family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. These definitions are consistent with fair housing law.

Reasonable accommodation for persons with disabilities. In order to facilitate the processing of requests to reduce architectural obstacles for persons with disabilities, a Reasonable Accommodation Ordinance and associated amendments to the LCP and MMC have been adopted in compliance with State law (Municipal Code Chapter 17.63). The LCP under section LIP Chapter 13.30 includes provisions for reasonable accommodation requests to promote access to housing for persons with disabilities.

Reasonable accommodation requests are reviewed by the Planning Director or designee, if no approval is sought other than the request for reasonable accommodation. The Director may, in his or her discretion, refer applications that may have a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the planning commission for a decision. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application. The review and approval of reasonable accommodation requests are contingent upon the findings of other discretionary decisions.

Required findings for approval of a reasonable accommodation request listed in the MMC are as follows:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020I of this chapter.
2. The approved reasonable accommodation is necessary to make housing available to a person with a disability as defined in Section 17.63.020I of this chapter.
3. The approved reasonable accommodation would not impose an undue financial or administrative burden on the city.

[7] HCD 2022. Group Home Technical Advisory. https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf

4. The approved reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.
5. The approved reasonable accommodation would not adversely impact coastal resources.
6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

The criteria for approving reasonable accommodation requests as outlined in the LIP are consistent with those specified in the MCC, except for the fourth finding. The fourth finding in the LIP states "The approved reasonable accommodation would not require a fundamental alteration in the nature of the LCP". The required findings for reasonable accommodation listed in both the MCC and LIP, inclusive of the fourth finding in the LIP, are objective and not considered a constraint. However, the ability for the director, in their discretion, to refer applications that may have a material effect on surrounding properties is subjective and is a constraint. The City will implement Housing Plan Program 3.3.d to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, the City will clarify in the MMC and LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

Farmworker and Employee Housing

As discussed in Chapter 7.2 Housing Needs Assessment, the City of Malibu does not have major agricultural operations nor has it identified a need for permanent on-site farm worker housing. Under California Health and Safety Code 17021.5, any employee housing providing accommodation for six or fewer employees must be considered a single-family structure within a residential land use designation. California Health and Safety Code Sections 17021.5 and 17021.6 generally require agricultural employee housing to be permitted without a CUP in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. The MMC Section 17.40.140 Agriculture employee housing and the LIP allow farmworker housing in conformance with California Health and Safety Code Sections 17021.5 and 17021.6. Agricultural Employee housing is permitted in the CR and RR zones in accessory to commercial agricultural uses and shall provide no more than 36 beds in a group quarter or 12 units on an individual parcel. Permits for agriculture employee housing are obtained from the State Department of Housing and Community Development pursuant to the Employee Housing Act. Program 2.4.e directs the City to amend the LIP and MMC to comply with the state Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

Emergency Shelters, Transitional/Supportive Housing and Low Barrier Navigation Centers

Emergency shelters. Emergency shelters are facilities that provide a safe alternative to the streets, either through a shelter facility or through the use of motel vouchers. Emergency shelter is short-term, usually for 180 days or less. Transitional/supportive housing is longer-term housing, typically up to two years or more. Transitional housing typically requires that residents participate in a structured program to work toward established goals so that they can move on to permanent housing. Residents are often provided with supportive services to assist them in meeting goals.

Senate Bill (SB) 2 of 2007[8] strengthened the planning requirements for emergency shelters and transitional/supportive housing. Unless adequate capacity is available to serve the existing emergency shelter need, SB 2 requires that shelters be allowed "by-right" (i.e., without a conditional use permit or other discretionary approval) in at least one zoning district. In accordance with SB 2, in the LCP and MMC (Sec. 17.40.120) allow permanent emergency shelters by-right in the Commercial General (CG) and Institutional (I) zoning districts subject to appropriate development standards. The CG zoning district encompasses approximately 26 acres and the Institutional district encompasses approximately 208 acres (see Figure IV-1). Parcels in these districts range in size from 0.1 acre to 14 acres. The majority of CG parcels are located within the Civic Center area, in the middle of the city. Several of the parcels along Malibu Creek are vacant and tucked away from surrounding commercial and residential development. The Institutionally-zoned parcels are scattered throughout the city and although the majority of them contain existing development (fire stations, schools and churches), the parcel in the Civic Center that contains the court house is currently underdeveloped and could accommodate a shelter. There are no conditions adverse to human habitation in these areas.

Development standards for emergency shelters are as follows:

1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than two thousand (2,000) feet from a public transit stop.
2. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed twenty-five (25) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.
3. Facility Requirements.
    a. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.
    b. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

[8] Senate Bill 2 (Cedillo) [Stats. 2007, ch. 633 Section 1-3]

c. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

d. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

   i. Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

   ii. Dining area;

   iii. Laundry room;

   iv. Recreation room;

   v. Support services (e.g. training, counseling, etc.); and

   vi. Child care facilities.

4. Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.
5. Proximity to Other Shelters. No emergency shelter shall be located within three hundred (300) feet of another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.
6. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12) month period (Section 50801 of the Health and Safety Code).
7. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

   a. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

   b. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

8. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

AB 139 (2019) revised State law regarding parking standards for emergency shelters. Program 2.4.c in the Housing Plan is included to address this requirement.

AB 2339 (2022) expanded the definition of "emergency shelters" to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care. AB 2339 requires that jurisdictions identify zoning designations where emergency shelters are allowed to include sites that meet at least one of the following:

- Vacant and zoned for residential use.
- Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals.
- Nonvacant and is suitable for use as a shelter in the current planning period.

Additionally, identified sites must permit residential and have a minimum area of 200 square feet per person to show that it may accommodate the number of people experiencing homelessness.

The 2024 Greater Los Angeles Homeless Count found that there were 51 people experiencing homelessness in Malibu.[9] Considering the requirements of AB 2339, Malibu must identify 10,200 square feet of land that is zoned to permit emergency shelters by-right, permits residential uses, and is located near amenities. The MMC requires a limit of 25 individuals per emergency shelter. Given the capacity limit, there must be at least three parcels that are appropriately zoned to meet the square footage requirements under AB 2339. As discussed above, Malibu permits emergency shelters by right in the CG zone which allows for various types of commercial uses as well as residential uses such as SROs and residential care facilities. Within the CG zone, there are 5 parcels within 0.5 miles of a bus stop and/or near amenities. Of the five parcels, two are vacant and government owned (APNs: 4458-020-904 and 4458-020-900). The parcels are 1.11 acres and 0.53 acres, respectively. The smaller parcel is currently being developed as a road and is not feasible for the development of an emergency shelter. Considering the square footage requirements of AB 2339, the larger parcel could accommodate at least 81 people but the City's capacity requirement limits capacity at this site to 25 individuals. Therefore, the City of Malibu does not meet its obligation under AB 2339.

The City will implement Program 2.4.c to revise the definition of emergency shelters and remove requirements such as location requirement for adequate water supply and sewage disposal capabilities, remove the requirement of proximity to a transit stop in order to remove constraints for emergency shelters, and revise emergency shelter standards to comply with AB 2339. The City will also remove or increase the individual capacity limit for emergency shelters to meet the space requirements of AB 2339.

Additionally, the City has released an RFP for outreach and community engagement related to City-owned sites, including APN 4458-020-904. The engagement will include proactive outreach to community organizations, residents, and other interested parties. The City plans to facilitate development on the sites via a land lease agreement and the sites would be considered exempt surplus land. If an organization is recruited to develop an emergency shelter, building permits could be issued prior to the end of this Housing Element cycle.

Transitional and supportive housing. SB 2 and SB 745 require that transitional and supportive housing be treated as a residential use subject to only those requirements that apply to other residential uses of the same type in the same zone.

In 2018, AB 2162 amended State law to require that supportive housing be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria. Program 2.4.a in the Housing Plan includes a commitment to allow transitional

[9] City of Malibu. 2024. https://www.malibucity.org/homelessness

and supportive housing as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone. In addition, no minimum parking can be required for supportive housing meeting the specific requirements outlined in AB 2162 and located within ½ mile from transit.

Low barrier navigation centers. In 2019 the State Legislature adopted AB 101 establishing requirements related to local regulation of *low barrier navigation centers*, which are defined as "Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing." *Low barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

(1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth

(2) Accommodation of residents' pets

(3) The storage of possessions

(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Program 2.4.d in the Housing Policy Plan includes a commitment to process an amendment to the MMC and LIP in compliance with this requirement.

Single Room Occupancy

Single room occupancy (SRO) facilities are small studio-type units designed for extremely-low- and very-low-income persons. SRO facilities are permitted by-right in the CG zone subject to the following requirements:

- Minimum 150 sq. ft./maximum 400 sq. ft.
- Occupancy limited to 2 persons
- Laundry facilities must be provided on-site
- If bathroom facilities are not provided in each unit, common bathrooms must be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
- If kitchen facilities are not provided in each unit, at least one common kitchen must be provided per floor.
- 24-hour on-site management

Parking Requirements

The City's parking requirements for residential uses vary by residence type. Single-family dwellings require two enclosed and two unenclosed spaces per unit. Multi-family dwellings require two enclosed or covered parking spaces per efficiency (studio) unit and three spaces per one- and two-bedroom units, two of which must be enclosed. One additional enclosed parking space is required for each additional bedroom above two.

One guest parking space is required for every four units. One off-street enclosed or unenclosed parking space is required for each ADU per the MMC and LCP. Unenclosed parking spaces may be provided in setback areas or as tandem parking.

Through the provisions of State density bonus law[10], senior housing and other affordable housing projects are eligible to request reduced parking standards. It is widely accepted that senior and lower-income households have fewer cars on average than higher-income households. In order to reduce potential constraints to affordable housing development, reduced parking standards are allowed for multi-family projects that provide affordable housing consistent with density bonus law. The parking requirements are summarized in Table 7.4-5.

According to the Terner Center for Housing Innovation at UC Berkeley, parking can cost $25,000 to $75,000 per space to construct.[11] Requiring fewer parking spaces not only reduces development project costs but can preserve land to build additional housing units. The current parking standards add to the cost of development of multi-family housing. However, the entire City is in a Very High Fire Hazard Severity Zone and many neighborhoods have streets that are only 20 feet wide and cannot accommodate on-street parking to provide access for emergency vehicles. Additionally, public transit is only available along the Pacific Coast Highway and is difficult to access for residents that live more than half a mile from Pacific Coast Highway. The minimum number of parking spaces required for residential developments and the requirement for enclosed or covered parking spaces add excessive cost of development of multi-family residences and limit available building space and therefore are a constraint. The City will implement Program 2.4.f to reduce the parking requirements for multi-family development for studio and one-bedroom units and 2 or more bedroom units and remove enclosure requirements.

[10] California *Government Code* Sections 65915-65918
[11] Terner Center for Housing Innovation at UC Berkeley, 2016. Available at: http://ternercenter2.berkeley.edu/proforma/

Table 7.4-5
Residential Parking Requirements

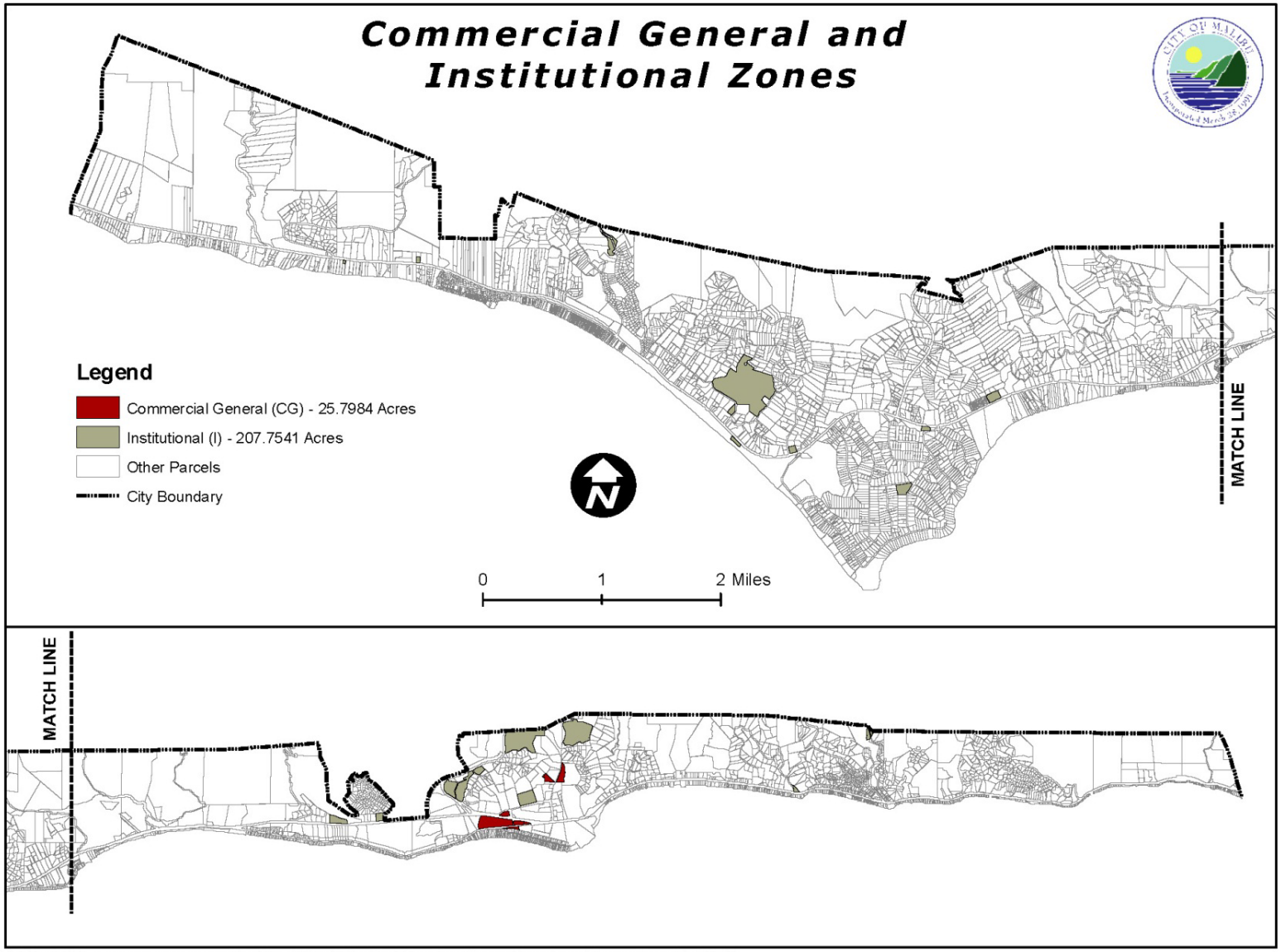
Unit Type	Minimum Parking Space Required
Single-family units	2 enclosed and 2 unenclosed spaces
Multi-family units (market rate)	
Efficiency dwelling unit	2 spaces either enclosed or covered
1-bedroom or 2-bedroom units	3 spaces, 2 of which shall be enclosed
3 or more bedroom units	4 spaces, 2 of which shall be enclosed plus one additional space for each additional bedroom above three (enclosed or covered)
Guest parking	1 space for each 4 units
Multi-family units (affordable)	
Efficiency dwelling unit or 1-bedroom unit	1 space per dwelling unit
2-bedroom or 3-bedroom units	2 spaces per dwelling unit, inclusive of guest parking
4-bedroom or more bedroom units	2 ½ spaces per dwelling unit
Guest parking	1 space for each 4 dwelling units
Other	
Single Room Occupancy	1 space for two units (inclusive of guest parking) and 2 spaces for the resident manager
Small residential care facility	2 enclosed and 2 unenclosed
Mobile Home parks	2 spaces per dwelling unit
Senior and or Disabled housing Mobile Home Parks	1 ½ spaces per dwelling (at least one space shall be provided adjacent to each mobile home space)

Source: Malibu LCP / MMC

Cumulative Impacts of Land Use Controls

While maximum heights for multi-family development allowed with approval of a SPR are sufficient to accommodate the maximum density of 6 units per acre, the maximum height allowance of 28 feet and two stories in the AHO is insufficient to accommodate the maximum density of 27 units per acre. Additionally, the required parking spaces per unit for market-rate housing is a constraint to multi-family development. The City will increase the maximum height and eliminate the story requirements for the AHO sites and reduce the parking requirements for market-rate multi-family development.

Figure 7.4-1
Commercial General and Institutional Zones



Note: This map was prepared by the City of Malibu Planning Department on November 14, 2011.

Accessory Dwelling Units

In response to State-mandated requirements and local needs, the City allows the development of second units, otherwise known as accessory dwelling units (ADUs), as a permitted accessory use (i.e., no discretionary approval required) in all residential zones. The City is preparing an ordinance to be consistent with the State laws, adopted in December 2023. In order for the ADU ordinance to take effect, the California Coastal Commission must certify the City's proposed LCP amendments.

ADUs serve to augment resources for senior housing or other low- and moderate-income segments of the population.

In recent years the State legislature has adopted several amendments to ADU law. Housing Plan Program 4.1 describes actions the City will take to encourage and facilitate the increased development of this type of housing.

Density Bonus

As part of the LCP, the City has adopted a residential Density Bonus Ordinance (LIP Section 3.7). Under the City's ordinance, a density increase of up to 35% over the otherwise maximum allowable residential density is available to developers who agree to construct housing developments with units affordable to low- or moderate-income households. The density bonus is applicable only to projects where the land use designations in the LCP allow development of at least five residential units on the property where the project is located. Additionally, the Density Bonus Ordinance requires that the project be consistent, to the maximum extent feasible and in a manner most protective of coastal resources. In recent years the State legislature has adopted amendments to density bonus law. Program 3.4 is included in the Housing Plan to process an amendment to City density bonus regulations in conformance with current State law.

Mobile Homes/Manufactured Housing

There is often an economy of scale in manufacturing homes in a plant, rather than on site, thereby reducing cost. State law precludes local governments from prohibiting the installation of mobile homes on permanent foundations on single-family lots. It also declares a mobile home park to be a permitted land use on any land planned and zoned for residential use, and prohibits requiring the average density in a new mobile home park to be less than that permitted by the LCP and MMC.

In the City, manufactured housing is allowed in all residential zones as a permitted use, provided the installation complies with the site development standards for the applicable zoning district. Mobile home parks, in existence as of City incorporation on March 28, 1991, are allowed as permitted use within the MH District. Modification to the number, layout, or density of mobile home spaces, or internal roads or parking areas requires a conditional use permit. The City currently has two mobile home parks, both located south of Pacific Coast Highway. The first is Paradise Cove Mobile Home Park (257 units), located just east of Point Dume and the second is the Point Dume Club Mobile Home Park (297 units), located just west of Point Dume.

The City's mobile home parks are its most significant source of affordable housing. Many mobile home park residents have limited or fixed incomes. The City has adopted mobile home park rent control regulations (MMC Chapter 5.16) to ensure that mobile homes continue to provide affordable housing opportunities. The development of mobile homes in the MH zone promotes the development of a variety of housing types in the City, and the development standards of this zone do not impose setback requirements or a maximum density.

Building Codes

State law prohibits the imposition of building standards that are not necessitated by local geographic, climatic, or topographic conditions and requires that local governments making changes or modifications in building standards must report such changes to the California Department of Housing and Community Development (HCD) and file an expressed finding that the change is needed.

The City has adopted the current (2022) Los Angeles County Building Codes, with all amendments which are based on the California Code.

As noted in Chapter III, the City has adopted the Local Energy Efficiency Standards Ordinance and the Landscape Water Conservation Ordinance. The energy ordinance preserves and enhances the environment, by setting forth minimum energy efficiency standards within the City for all new single-family dwellings, multi-family residential construction, nonresidential construction and substantial remodels. The City's ordinance includes measures which are more restrictive than the California Building Energy Efficiency Standards (Title 24). The water conservation ordinance applies to: 1) projects for a commercial, institutional, or multi-family use or a subdivision, any of which propose a new or altered landscape area, including public agency projects; and 2) projects for a single-family residential use proposing a new or altered landscape area of 2,500 square feet or more; in the case of a project associated with an existing single-family residence, the new or altered landscape area is subject to this Chapter when the landscape area is 5,000 square feet or more. The water conservation standards are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes. Implementation of the two ordinances has begun. These standards may result in an incremental increase in development cost but are offset by water and energy savings throughout the life of the home.

Required compliance with building codes increases the cost of housing, but these requirements are mandated by State and Federal laws. Building codes are enforced by the City through plan check and inspection.

Transfer of Development Credit Program

For each new single-family residential parcel which is proposed to be created, an applicant must acquire one transfer of development credit (TDC). That is, the applicant must demonstrate that the development potential on the equivalent of one developable parcel has been extinguished. This is normally done by recording an offer to dedicate an open space easement over the subject property. The open space easement prohibits construction of a residence and most other types of development.

As implemented by the California Coastal Commission (CCC), the TDC Program in Malibu (LIP Chapter 7) is mandatory for applicants who propose to intensify land use through subdivisions or construction of condominiums or rental housing projects (except for qualifying affordable housing developments, which are exempt from TDC requirements). Any property owner may choose not to participate in the program by simply applying for a CDP for no more than one residential unit on each existing residential parcel.

The CCC has recognized several ways to "generate" a TDC (that is, to assemble the equivalent of one developable parcel which can then be restricted to open space). For instance, in a small-lot subdivision, a credit will be considered generated according to a formula which measures the buildability of the site. To qualify property as a TDC generator, site-specific soil studies, percolation tests, and the like are not typically performed, due to the often considerable expense which such tests involve. Instead, the formula is based on the criteria of slope, road access, and water service, which can be measured without undue expense to the property owner.

The number of small lots required to equal one TDC depends on the application of the formula to the lots in question: the more gentle the slope, the greater the credit value of the lots, since a more generous dwelling could be constructed. For example, one or more lots capable of supporting a small-to-medium sized dwelling (one with 1,500 square feet of floor space) are determined to generate one TDC.

Where small lots are less suited to development, TDCs may be generated based on their size rather than slope. Thus, the second way of generating a TDC would be based on 500 square feet of credit for each lot of at least 4,000 square feet of area; three such lots, generating 1,500 square feet of credit, are considered to generate one TDC.

A third way to generate TDCs, for lots smaller than 4,000 square feet, is to assign a value of one TDC for any combination of lots adding up to a total of one acre. The assumption here is that an acre of land, even if steep, can probably accommodate at least a small dwelling. Of course, if the property were determined to be completely unbuildable, no TDCs would be generated, since the whole point of the program is to avoid development that could otherwise occur.

However TDCs are generated, the mechanism by which development potential is extinguished is recordation of an offer to dedicate an open space easement. In general, the open space easement allows no development as defined by the Coastal Act, except for removal of vegetation that constitutes a fire hazard, installation of underground utility lines or septic systems, passive public recreational use, directional or no-trespassing signs, and fences which are necessary to protect natural resources and/or private property. Residential use, as a primary use, is not allowed, although some easements allow uses associated with a residence, such as corrals or decks. Such ancillary uses are appropriate where the underlying fee interest in the land is under the ownership of an adjacent homeowner who can assume the necessary responsibility for property taxes and weed abatement. In other instances, where other public land holdings are adjacent or nearby, fee ownership of the land is turned over to a public agency, such as the California Department of Parks and Recreation.

Existing regulations generally limit development in the MF and MFBF zones to one unit per existing parcel unless development credits are obtained. The developer of the recipient site must purchase development credits on a unit-for-unit basis to attain the maximum

density allowed in the MF and MFBF zones. LCP regulations specifically exempt low-income units from the requirement to purchase TDCs; therefore, this policy does not represent a constraint to the development of affordable housing.

Short-Term Rentals

Municipal Code Chapter 17.55 (Short-term Rental of Property) allows short-term rental of residential property subject to obtaining a short-term rental permit from the City. The City is currently working on a short-term rental ordinance that balances the need for overnight accommodations and the availability of long-term rental housing.

Inclusionary Housing Requirements

The City has no inclusionary housing requirements.

7.4.1(b) Development Processing Procedures

Residential Permit Processing/Coastal Development Permits

State planning and zoning laws provide permit processing requirements for residential development. Within the framework of State requirements, including the Coastal Act, the City has structured its development review process in order to minimize the time required to obtain permits, and ensure that projects receive careful review.

All residential development is reviewed by City staff for LCP/ MMC and Building Code compliance prior to the issuance of building permits. These reviews are conducted concurrently with the planning review process, which shortens the overall processing time:

City Biologist/Environmental Review Board: Biological review is required by the LCP if a project is near an environmentally sensitive habitat area (ESHA) or includes landscaping. The City Biologist reviews all new residential projects to determine whether they should be reviewed by the Environmental Review Board (ERB). The City Biologist's review typically takes three weeks. If the City Biologist determines that ERB review is required, then the process typically extends another several months. Additionally, the review process may be extended if the application includes the installation of 2,500 square feet of landscaping, as the project must be reviewed for conformance with the MMC Landscape Water Conservation Ordinance per State requirements.

City Coastal Engineer: The City Coastal Engineer reviews projects that are located along the coast and can be potentially affected by tidal forces. Although the requirement that the application include a wave uprush report pursuant to LCP requirements can extend the permit process, and thereby raise the cost of residential development, these reports are necessary to ensure public safety. On average, the Coastal Engineer will respond within one month of receiving submitted materials. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's consultant.

City Environmental Health Administrator: The City Environmental Health Administrator reviews the adequacy of on-site wastewater treatment systems (OWTS) for all those properties in the City that are not served by a wastewater treatment plant pursuant to LCP requirements. Review by the City Environmental Health Administrator is necessary because the City has no public sewer system except for a small portion of the City in the Civic Center area and approximately 84% of the dwelling units in the City have no access to a local/ neighborhood sewer system at this time. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's consultant.

City Geologist and City Geotechnical Engineer: Due to complex geologic and geotechnical conditions in the City, development is subject to review by the City Geologist and/or City Geotechnical Engineer. Although the requirement that the applicant submit geological and geotechnical reports can extend the permit process, and thereby raise the cost of residential development, these reports are necessary to ensure public safety and are required by State building codes. On average, the City Geologist and / or City Geotechnical Engineer will respond within one month of receiving submitted materials. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's geotechnical consultant.

City Public Works Department: The City's Public Works Department is responsible for reviewing projects that include grading, drainage, demolition and right-of-way improvements. On average, comments will be provided by the Public Works Department within one month of submittal. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's geotechnical consultant.

Additional reviews: Although additional reviews may not be required for all applications, reviews by the City Engineer, Los Angeles County Fire Department, Los Angeles County Waterworks District No. 29 (District 29), California Department of Fish and Wildlife, California State Lands Commission, and California Department of Transportation may be required so that appropriate conditions can be placed on projects. The amount of time required for review varies depending on the complexity of the project.

Administrative CDP applications are reviewed and decided upon by the Planning Director. All other CDPs are decided upon by the Planning Commission pursuant to Government Resource Code Section 30624. CDPs are subject to conditions to ensure conformance with the LCP. The following findings are required for CDPs:

A. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program; and
B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976.
C. The project is the least environmentally damaging alternative.

D. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

All residential projects require an Over-the-Counter (OC) permit, an Administrative Plan Review (APR), or a Coastal Development Permit (CDP). OC permits are issued for such projects as free-standing garden walls, on-grade patio slabs, interior remodels and other smaller residential improvements. APR permit-eligible projects include those that are exempt from requiring a CDP. A list of exemptions from a CDP are provided in LIP Section 13.4 and include improvements to single-family residences, such as the addition of garages, swimming pools, fences, storage sheds, certain types of landscaping, and a minimal amount of grading. Typically, projects located on beachfront properties do not qualify for an APR permit. A CDP is required for projects that are not exempt and ensures that development within the Coastal Zone (the entire City of Malibu) is consistent with the LCP, the California Coastal Act, and California Code of Regulations Title 14 Division 5.5. Other discretionary requests, such as a site plan review, minor modification, conditional use permit, string-line modification, or variance, are processed concurrently with an APR or a CDP. The CDP findings listed above are not subjective and are not a constraint to development. Moreover, the required discretionary review by the Planning Commission is necessary for compliance with the California Coastal Act.

Site Plan Review and Minor Modifications

1. A Site Plan Review (SPR) or Minor Modification (MM) may be processed concurrently with a CDP application to permit a deviation from standards required in the LCP. The following applications may be considered for SPR:
2. That the project is consistent with policies and provisions of the Malibu LCP.
3. That the project does not adversely affect neighborhood character.
4. That the project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.
5. The proposed project complies with all applicable requirements of state and local law.

An MM may be granted to authorize the following:

1. Reduce setback and open space requirement by no more than 20%, except that front yard setbacks may be reduced by no more than 50% and side setbacks shall not be reduced where part of a required view corridor.
2. Approve alternative to water saving fixture requirements upon the recommendation of the Building Official.
3. Approve a stringline modification request authorizing the use of an alternative stringline where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development. The modification can result in selecting a different stringline end point than the nearest adjacent corner on the closest upcoast or downcoast property, or selecting the stringline end point

on the next upcoast or downcoast property, which the Planning Manager has determined appropriate.

The following findings are required for the approval of an MM application:

1. That the project is consistent with the policies of the Malibu LCP.
2. That the project does not adversely affect neighborhood character.
3. The proposed project complies with all applicable requirements of state and local law.
4. If the request involves a stringline modification, that the proposal conforms to the following:
    a. The development will not be closer to the ocean than a structure of the same type on either adjacent property or a structure used in the stringline determination;
    b. The development will not result in conferring a privilege not enjoyed by an adjacent structure;
    c. Strict compliance with the requirements of Section 3.6.G (3) of the LIP would deprive the property owner of reasonable use of the structure or a use which is enjoyed by one or more adjacent structures; and
    d. The project provides maximum feasible protection to public access, as required by Chapter 12 of the LIP.

SPR and MM applications are reviewed concurrently with the CDP and do not prolong the application review process. However, the SPR and MM finding "That the project does not adversely affect neighborhood character" is subjective and considered a constraint to the application review process. The City will revise the SPR findings to remove the neighborhood character finding and establish strategies to protect scenic, visual, and hillside resources and promote approval certainty for proposed multi-family development with heights over 18 feet, as directed by Program 4.3.b.

The purpose of this notice requirement is to provide the agency with a final opportunity to hold a public hearing and make a decision. If the Permit Streamlining Act is invoked because the City does not act within the required timelines, the City could schedule a hearing within the timeline and act on the CDP application and the CDP can be appealed to the CCC. The City currently meets the timelines below and complies with the Permit Streamlining Act including streamlining determinate with 30-day CEQA determination:

A. 30 days to deem application complete/incomplete
B. 30-day period restarts with each resubmittal on an incomplete application.
C. 30 days to make environmental determination after an application is deemed complete
D. 60 days after the environmental determination, including a finding that the project is exempt from CEQA, the City must take action to approve or disapprove the project. Applicants can agree to an additional 90 days to take action.

SB 35

In the 5th Cycle Housing Element reporting period (2015-2023), the City of Malibu made insufficient progress toward their Lower Income RHNA (Very Low and Low Income) and is subject to SB 35 streamlining provisions for projects that include at least 50% affordability. SB 35 requires that eligible projects be reviewed for compliance and consistency with the City's objective standards and are not subject to discretionary processes, such as CEQA environmental review and public hearings. Eligible projects with 150 units or fewer must be approved within 90 days and projects with more than 150 units must be approved within 180 days.

Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. A local government that has been designated as subject to the Streamlined Ministerial Approval Process by the Department shall provide information, in a manner readily accessible to the public, about the locality's process for applying and receiving ministerial approval, materials required for an application and relevant objective standards to be used to evaluate the application. A local government cannot impose application requirements that are more stringent than required for a final multifamily entitlement or standard design review in its jurisdiction.

Since 2018, no projects have been applied for or approved through SB 35 ministerial approval. In addition, AB 1397 requires that 5th cycle opportunity sites re-used in the 6th cycle and identified to accommodate lower income units (Very Low-Income and Low-Income) be subject to by-right approval if projects include 20% affordable units for lower income households on-site. Currently the City of Malibu does not have written procedures for SB 35 Streamlined Ministerial Approval Process. Malibu will develop written procedures for SB 35 as noted in Housing Plan Program 4.2.c.

Permit Processing Times

Processing times vary and depend on the size, complexity, and location of the project. APR projects are reviewed and approved by the Planning Director. CDPs are separated into two types – Administrative CDP (ACDP) and full CDP. Administrative CDPs are reviewed and approved by the Planning Director and reported to Planning Commission. A regular CDP requires a public hearing per LCP requirements and is approved by the Planning Commission. Some discretionary requests, such as conditional use permits and variances, require a public hearing before the Planning Commission. Projects that involve potential impacts to ESHAs may also be reviewed by the City's ERB prior to a decision by the Planning Director or Planning Commission. This process typically adds from one to two months to the permit process. The City does not require architectural review; however, the LCP requires a visual impact analysis through the installation of story poles for all projects that are visible from a scenic area or include a discretionary request unless waived by the Planning Manager.

Tentative parcel maps and tentative tract maps require approximately six to eight months to process and both are processed concurrently with a CDP. However, review time depends greatly on the promptness of the applicant. Projects reviewed by the Planning Commission and the City Council, such as amendments to the General Plan, LCP and MMC, typically add, at a minimum, six months to the process.

Certain steps of the development process are required by State rather than local laws. The State has defined processing deadlines to limit the amount of time needed for review of required reports and projects. In an effort to provide an efficient permit processing system, the City has implemented the following time- and cost-saving developmental processes:

- Prepared permit processing guidelines to assist residential builders in applying for development permits.
- Located all City divisions involved in the permitting process in one central location.
- Updated the referral process for projects requiring review by outside agencies, such as the County of Los Angeles Fire Department and Water District No. 29, to reduce confusion and burden on the applicant.
- Developed an "early consultation" pre-application process to identify issues as soon as possible and reduce processing time, if requested.
- Encouraged processing of one comprehensive project to avoid multiple applications on one property.
- Provided a GIS (Geographic Information System) application on the City's website with land use information and hyperlinks to important information, such as General Plan and Zoning Code documents.
- Allowed for planning-related inquiries to be addressed Mondays through Fridays at the public counter and through a Planning Department telephone and email hotline.
- Adopted a concurrent submittal program through which projects can be reviewed by the Planning Department and the Building Safety Division at the same time.

While the City has adopted procedures to minimize the review time for development applications, such as concurrent processing of all related applications, the additional complexity of Coastal Commission involvement and sensitive environmental conditions on nearly every site results in more lengthy processing times than is often the case in non-coastal areas. While lengthy review procedures can present a constraint to housing development and affordability, the City has few options for expediting permits that have not already been implemented or do not require significant financial investment.

The length of time between receiving approval for housing development and submittal of application for building permits varies based on several factors and typically ranges from two weeks to several months.

Table 7.4-6 summarizes the review process for single-family and multi-family projects.

Table 7.4-6
Permit Processing Steps

Single-Family Projects	Multi-Family Projects
Example: 5-lot subdivision with development	Example: 5-unit apartment building
1. Pre-application consultation-optional (staff) – 2 weeks	1. Pre-application consultation-optional (staff) – 2 weeks
2. Review application for completeness by all City and appropriate County agencies – 12 weeks	2. Determine if any affordable unit are to be incorporated and review Affordable Housing Density Bonus options as requested
3. Board hearing for the application (Subdivision Review Committee) – 4 weeks	3 Review application for completeness by all City agencies – 12 weeks
4. Tentative tract map/CDP approval (Planning Commission) – 4 weeks	4. CDP review (Planning Commission or Planning Director) – 4 weeks
5. Final map approval (City Council) – 6 weeks	5. Building plan check (ministerial) – 8 weeks
6. Building plan check (ministerial) – 8 weeks	6. Building permits (ministerial) – 1 week
7. Building permits (ministerial) – 1 week	
Total Time Estimated = 37 weeks (9.25 months) of active staff time	Total Time Estimated = 27 weeks (6.75 months) of active staff time

Source: City of Malibu Planning Department, 2021
Notes: Process assumes that the project is consistent with the General Plan and LCP and does not include time spent on redesign or waiting for response to comments.

Environmental Review

Environmental review is required for all development projects under the California Environmental Quality Act[12] (CEQA). The City reviews all applications for compliance with CEQA and ensures that environmental review is consistent with Public Resource Code sections 21080.1 and 21080.2. Once the application is deemed complete, staff recommends the appropriate level of environmental review within 30 days. An Environmental Impact Report (EIR) is required for all developments that have the potential of creating significant impacts that cannot be mitigated. Typically, residential projects in the City are either Categorically Exempt or require an Initial Study and Negative Declaration or Mitigated Negative Declaration under CEQA. Most applications for residential projects are single family dwellings that are categorically exempt pursuant to Section 15303(e) of CEQA. The Negative Declaration process typically takes six to eight weeks to prepare, plus the mandated public review period. Categorically Exempt developments, such as ADUs, require a minimal amount of time. As a result, while State-mandated environmental review can pose a constraint to housing development, the City does not have the authority to modify these requirements. Affordable housing development on the AHO sites would not be subject to CEQA if the project meets the requirements to develop by right and without discretionary approval.

[12] California Public Resources Code §21000, et seq.

7.4.1(c) Development Fees and Improvement Requirements

State law limits the amount of fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Various fees and assessments are charged by the City and other public agencies in order to cover the costs of processing permit applications and providing services and facilities such as schools, parks and infrastructure. Almost all of these fees are assessed through a pro rata share system, based on the magnitude of the project's impact or on the extent of the benefit that will be derived.

Table 7.4-7 provides a list of fees the City charges for new, standard residential development. Table 7.4-8 and Table 7.4-9 provide a summary of fees charged for a typical single-family and multi-family project. The rates charged by the City are inclusive and based on standardized unit sizes. Because of environmental and infrastructure constraints, residential development consists primarily of infill projects that do not involve LCP, MMC or General Plan amendments. Development fees will vary from project to project but are currently estimated to be approximately $41,215.25 per unit for single-family units and $29,991.40 per unit for multi-family units. In comparison, development fees for other coastal cities such as the City of Santa Monica are estimated to be approximately $35,870 per unit for single-family units and $124,588.59 per unit for multi-family units. The City of Manhattan Beach development fees are estimated to be about $26,980 per unit for single-family units and $97,793 per unit for multi-family units. The City of Malibu has higher fees for single family units but much lower multi-family unit fees than other similar coastal cities.

The City annually evaluates the actual cost of processing the development permits when revising its fee schedule.

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, cities and counties have faced increasing difficulty in providing public services and facilities to serve their residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on land developers. The City requires developers to provide on-site and off-site improvements necessary to serve their projects. Such improvements may include water and other utility extensions, street construction and traffic control device installation that are reasonably related to the project. Dedication of land or in-lieu fees may also be required of a project for improvements to the right-of-way, transit facilities, recreational facilities and school sites, consistent with the Subdivision Map Act[13].

[13] California Government Code §§66410-66499

Table 7.4-7 Planning and Development Fees

Fee Category	Fee
Planning and Application Fees	
Coastal Development Permit– New Single-Family Residence	$11,579
Coastal Development Permit– Subdivision and Parcel/Tract Map	$17,981
Coastal Development Permit - Multi-Family Attached Residential Development (2-4 Units)	$200 per hour
Minor Modification	$1,192
Site Plan Review for height/ others	$3,499/$2,981
Variance	$3,578
Conditional Use Permit (Major)	$4,652
Conditional Use Permit (Minor)	$1,988
General Plan Amendment	$200 per hour
Zoning Text Amendment	$200 per hour
Local Coastal Program Amendment	$200 per hour
Referral Fees	
Geology (Major)	$5,389
Coastal Engineering (standard project)	$1,876
City Biologist	$1,720
Environmental Health (Specialist Review)	$2,493
Public Works (CDP)	$254 per hour
Environmental Review	
Categorical Exemption	$75
Negative Declaration	$200 per hour
Negative Declaration - Mitigated	$200 per hour
Environmental Impact Report	Cost = 30%
Environmental Review Board Analysis	$3,181

Source: City of Malibu Planning Dept., 2023

Table 7.4-8
Planning and Development Fee Example
Single-Family Development

Fee Category	Fee (per unit)*
Planning and Development Fees	
Coastal Development Permit with ESHA	$11,579
Site Plan Review for height	$3,499
Geology	$5,389
City Biologist	$1,720
Environmental Health	$2,493
Public Works	$2,700
Environmental Review Board Analysis	$3,181
Categorical Exemption	$75
Impact Fees	
Fire protection fee - $0.1345 per square foot	$336.25
Park fee - $4,401 per single-family residence***	$4,968
School impact fee ($2.11/sq.ft.)	$5,275
Total per unit fees	$41,215.25
Estimated portion of total development cost**	3%

Source: City of Malibu Planning Dept., 2021

*Based on a 2,500-sq.ft. single-family house on a 1-acre lot

** Based on development cost of $1,200/sq.ft (excluding land cost)

*** Park fee is charged the first time the property is developed from vacant land, demolition of an existing structure does not trigger the requirement for payment

Table 7.4-9
Planning and Development Fee Example
Multi-Family Development

Fee Category	Fee (per unit)*
Per-unit Planning and Development Fees	
Multi-Family Residential Development	$200 per hour and $20,000 Deposit
Conditional Use Permit (Major)	$4,652
Site Plan Review for height	$3,499
Geology	$5,389
City Biologist	$1,720
Environmental Health	$2,493
Public Works	$2,700
Categorical Exemption	$75
Impact Fees	
Fire protection fee - $0.1345 per square foot	$161.40
Park fee	$3,938
School impact fee ($4.47/sq.ft.)	$5,364
Total per unit fees	29,991.40
Estimated portion of total development cost**	4%

Source: City of Malibu Planning Dept., 2021
*Based on a 3-unit project of 1,200-sq.ft. units on a 20,000-sq.ft. lot
**Based on development cost of $1,200/sq.ft (excluding land cost)

The City requires the payment of three impact fees prior to the issuance of building permits: the Los Angeles County Fire Department Developer Fee, the Santa Monica – Malibu Unified School District (SMMUSD) Developer Fee, and the Quimby Act/Parkland Development Fee. The Fire Department Developer Fee was initiated by the Los Angeles County Fire Department and is the same fee charged by most of the cities and in the unincorporated areas of the county surrounding the City of Malibu. The fee is necessary to assure adequate fire equipment and services are available as Malibu is designated as a Very High Fire Hazard Severity Zone. The fee is $0.1345 per square foot of new construction. The School District Developer Fee was initiated by the SMMUSD and is used to fund school improvements in the district. The fee is $4.47per habitable square foot of new residential (both single-family and multi-family) construction. The Quimby Act/ Parkland Development Fees are designed to ensure that new development meets local park space obligations. The Quimby Act fee is applied to new subdivisions while the Parkland Development Fee applies to new construction other than subdivisions. The Parkland Development Fees are $4,968 per single-family unit, $3,938 per unit in a multi-family project containing less than five dwelling units per building, and $3,159 per unit in a multi-family project containing five or more units per building. These fees are typical of other cities in environmentally constrained areas and are not considered to be a constraint to development.

On and Off-Site Improvements

Development and growth in the city are limited by geologic and environmental constraints, steep slopes, and dependence on private OWTS for wastewater management. Public Works facilities that exist in the city include roads and highways, public water and telephone utilities, and all publicly financed recreational facilities. Major capital improvement projects completed by the Department of Public Works in Malibu consist of road repairs, maintenance, and improvements.

The majority of new housing development that has occurred in the city during the previous housing cycle has been single-family homes on infill sites, including large rural estate parcels. These projects typically do not require off-site improvements and are summarized as follows:

- Streets, sidewalks, curbs and gutters, street signs, landscaping: Malibu's roadway infrastructure is built out with existing 20- to 26-foot-wide streets (in accordance with Los Angeles County Fire Department standards), street signs, and landscaping, and sidewalks, curbs and gutters in urban areas of the city, with few opportunities for subdivisions that would necessitate new streets. The City typically does not require off-site improvements to streets, sidewalks, curbs and gutters, street signs, and landscaping for new residential development. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites. Off-site improvements are limited to projects involving encroachment permits or the removal of private improvements within the public right of way.
- Water: Approximately 20 residential properties along Deerhead Road lack sufficient fire flow. Property owners are required to be added to a joint participation agreement to fund installation of a new fire hydrant. Aside from this area, no off-site water improvements are required. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.
- Sewer: No additional off-site sewer improvements are required for residential development, as almost all properties are served by on-site wastewater treatment systems. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.
- Drainage: The City's policies and development standards require minimizing impermeable surface area and providing on-site detention on properties to reduce off-site run-off, manage storm water, and protect water quality. Rarely, off-site storm drain improvements are required when the downstream storm drain conveyance devices are inadequate for a 25-year storm event. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.
- Park dedications: Parks are funded in part by park fees. No additional improvements to parks are required. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.

- Utility easements: Utility easements are previously established. No additional off-site utility easements are required. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.

The City's roads are vulnerable to damage by winter storms, and considerable expense is required to keep the roads open. Local streets are defined in the General Plan Circulation Element as two-lane, undivided roadways with frequent driveway access and 48- to 58-foot rights-of-way, although many of the City's canyon access roads have narrower rights-of-way. To maintain the rural character of its residential areas, the General Plan does not require the use of curbs and sidewalks. Malibu's standards for local streets are modest when compared to more urbanized cities in Los Angeles County and do not act as a constraint to development.

The City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets, storm water and wastewater treatment facilities, parks, and other public works projects to facilitate the continued build-out forecast in the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development.

Improvements to street widths, curbs, gutters, sidewalks, water and sewer connections, landscaping, circulation improvement, and any other onsite/offsite improvement are generally not required by the City of Malibu and as such, do not pose constraint to development of housing. Although development fees and improvement requirements increase the cost of housing, cities have little choice in establishing such requirements due to the limitations on property taxes and other revenue sources needed to fund public services and improvements.

7.4.2 Non-Governmental Constraints

7.4.2(a) Environmental Constraints

Malibu is located on a narrow coastal strand on the southern slope of the Santa Monica Mountains, which are characterized by steep and rugged hillsides and canyons draining into the Pacific Ocean. More than 80% of Malibu is hillside area; the remaining relatively flat land is subject to ocean and/or canyon (creek) flooding, or other significant environmental constraints. Geologic and seismic hazards include landslides, soil erosion, mudflows, and liquefaction potential.

Additionally, the City is located in the Very High Fire Hazard Severity Zone, and the majority of the City has experienced major brush fires in recent decades. On November 8, 2018, the Woolsey Fire broke out in the Chatsworth area north of the 101 Freeway and reached Malibu on November 9, 2018. The Woolsey Fire was largest fire Los Angeles County history and the most disastrous event ever in Malibu. In one week, the fire burned approximately 90,000 acres throughout the Santa Monica Mountains area and destroyed 488 single-family homes in Malibu.

The City's environmental constraints are well documented in the General Plan. Since its incorporation in 1991, the City of Malibu has had six federally declared disasters and one federally declared emergency.

Although the City is characterized by a large amount of vacant land, only a small portion of that land is suitable for development due to these natural constraints. Development in steeply sloping properties would require substantial modification to the natural terrain, which would significantly add to the cost of development. Development on the steep hillsides would also add to erosion and landslide potential. Additionally, all new single-family residences and multi-family residential development in the City require a CDP pursuant to the development requirements of the LCP, which limit grading on steep slopes and encroachment into environmentally sensitive habitat areas (ESHAs). Development is also constrained by federal and state laws (e.g., Federal Emergency Management Agency floodplain regulations, Clean Water Act, Endangered Species Act; and California Fish and Game Code and Alquist-Priolo Earthquake Fault Zoning Act).

While environmental conditions constrain development throughout the city, these factors have been considered in the analysis of potential development sites described in Appendix B.

7.4.2(b) Infrastructure Constraints

Infrastructure in the City is designed to serve resident needs in a manner that respects environmental constraints and retains the City's rural residential character. As discussed previously under *Development Fees and Improvement Requirements*, the City requires developers to provide on-site and off-site improvements necessary to serve their projects. Dedication of land or in-lieu fees may also be required of a project for rights of way, transit facilities, recreational facilities, and school sites, consistent with the Subdivision Map Act.

Additionally, the City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets, public structures, storm water conveyance and wastewater treatment facilities, parks and other public works projects to facilitate the continued build-out of the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development. As a result of these policies, any infrastructure constraints that currently exist must be fully mitigated and financed as growth occurs. While on- and off-site improvements such as infrastructure requirements can add to the cost of housing, these improvements are necessary to ensure public health and safety and would not preclude the level of development that is necessary to accommodate the city's housing needs.

Wastewater

There is no municipal sewer service in the City. All properties in the City are currently served by individual on-site wastewater treatment systems (OWTS); with the exception of those properties served by six small, community-serving package wastewater treatment plants: Point Dume (serving the Point Dume Mobile Home Park), Trancas Canyon (serving Malibu West and a number of homes on Broad Beach Road and Victoria Point), Malibu Mesa (at Pepperdine University, serving the Malibu Country Estates), Tivoli Cove Condominiums, Maison de Ville (serving three condominium complexes) and the Civic Center Water Treatment Facility (CCWTF).

The California State Water Resources Regional Board prohibited on-site wastewater disposal systems (septic systems) in the Malibu Civic Center area in 2009. The City built a treatment plant to serve the Civic Area that went online in 2018. Existing commercial and residential properties connect to the treatment plant in phases. The properties within

Phase 1 of the Civic Center Water Treatment Facility are included in a special assessment district. Each property has its allocated wastewater amounts based on its usage. The amount of wastewater that can be generated from the property cannot be modified unless the City Council elects to approve the additional wastewater allocations. From that, the proposed development would be required to pay any additional fees and costs. The Public Works Department only requires wastewater off-site improvements for the Civic Center. Multi-family developments are required to build an on-site wastewater facility to serve the complex.

The lack of a municipal sewer system constrains the amount of development that the City can accommodate; however, the underlying constraint is the steep terrain that is better suited to onsite systems than a community sewer system. Additional high-density residential development to accommodate the City's assigned regional housing need would require either the construction of a municipal wastewater treatment system or small treatment plants to serve individual developments. Water Domestic water for City residents is supplied by District 29 from the Metropolitan Water District of Southern California (MWD), which supplies water through a 30-inch water main that runs along the Pacific Coast Highway with several distribution pipelines. If properties do not have adequate water pressure for fire flow to serve the property, then they are required to enter into a Participation Agreement with the Waterworks district. The necessary work required may include a variety of improvements such as adding a pressure pump to enlarging an existing pipe.

The MWD obtains its water from the State Water Project and the Colorado River. Wholesalers of water in the Malibu/Santa Monica Mountains areas are the Las Virgenes Municipal Water District and the West Basin Municipal Water District. These wholesalers distribute to three retailers, which include District 29, Silvas Park Mutual Water Company, and Las Virgenes Metro Water District. The MWD in its 2020 Urban Water Management Plan determined that it has supply capabilities sufficient to meet expected demands from 2025 through 2045 in normal and five-year drought conditions.[14] Therefore, there is sufficient existing and planned water capacity to accommodate the RHNA.

Many of the City's water mains and tanks have been identified by the City and by District 29 as severely undersized. However, for projects located in areas with limited to no service by District 29, property owners may install water tanks to serve the property's needs. Low water pressure has been reported in the low-density RR zone. However, the current water capacity can sufficiently accommodate the proposed RHNA sites. There is no evidence of low water pressure in the MF zone.

The Los Angeles County Fire Department (LACFD) has recently adopted new water supply requirements for the issuance of final approval. New construction projects will not receive final approval unless they can show adequate fire flow capacity. Furthermore, the Fire Department will no longer accept onsite water tanks to be used as a primary source of water for fire-fighting purposes. The problem with these new requirements is that the majority of remaining vacant properties in the City are located within the mountain canyons. These properties do not have ready access to water lines; therefore, they cannot prove adequate fire flow.

[14] MWD. 2020. https://www.mwdh2o.com/media/21641/2020-urban-water-management-plan-june-2021.pdf

The problem has been compounded by the aging water infrastructure in District 29. In many of the more remote areas of the City, there is no infrastructure. In the past, properties in these areas have relied upon wells and/or large water storage tanks to provide water in times of fire.

Currently, the LACFD will not issue final approval without District 29 sign-off and LACFD approval. The City is in negotiations with both departments but has not rectified the problems to date.

To offset infrastructure costs, the City will implement Program 3.1.f. to acquire funds to support the development of affordable housing.

Storm Water Drainage

The City has numerous streams and creeks that drain the hillsides and canyons. The majority of storm water runoff follows natural drainage courses to the ocean. The City has two storm water treatment projects to remove pollutants: Paradise Cove Storm Water Treatment Facility and the Civic Center Storm Water Treatment Facility, which is tied into Legacy Park. The LIP includes provisions to ensure development projects will not result an increase of storm water runoff. The City Public Works Department reviews hydrology reports for all new development to ensure compliance with storm water runoff provisions; therefore, with these existing facilities and review procedures in place, the City's flood control system is not expected to limit development during the planning period.

Roads

The Los Angeles County Fire Department reviews development projects for conformity to fire safety standards. LACFD requires developments to ensure that the onsite and offsite roadways meet maximum grade and minimum street width requirements. Streets that serve two or more homes must have a minimum street width of 26 feet to allow vehicles to park on the street and allow access for the Fire Department truck. Exceptions for width are allowed with Fire Official approval. Additionally, fire apparatus access roads shall not exceed 15% in grade with the exception for fire apparatus access roads that serve no more than two single-family dwellings which shall not exceed a maximum grade of 20% when approved by the fire code official.

Land and Construction Costs

Land represents one of the most significant components of the cost of new housing. Land values fluctuate with market conditions, and changes in land prices reflect the cyclical nature of the residential real estate market.

The natural resources, commitment to a rural character, and location of the City has made Malibu a very desirable place to live. Additionally, most of the buildable land in the City has already been developed. The high demand for housing in the City combined with a limited supply has made land prices considerably higher than in most other areas of Los Angeles County, and this trend is expected to continue in the foreseeable future. A recent survey of vacant land offered for sale found asking prices of approximately $100,000 to $15 million.

The cost of construction is affected by the price of materials and labor, development standards, and general market conditions. The City has no influence over the cost of

materials and labor, and the building codes and development standards are not substantially different than most other cities in the County. Construction costs for materials and labor in the City have increased at a higher pace than the general rate of inflation, according to the Construction Industry Research Board. The estimated residential construction cost in Malibu is $1,200 per square foot.

7.4.2(c) Cost and Availability of Financing

The crisis in the mortgage industry that accompanied the Great Recession affected the availability of real estate loans, although for those with excellent credit, mortgage interest rates are at historic lows. However, the changes in mortgage underwriting standards have had greater impacts on low-income families than other segments of the community.

Under State law, it is illegal for real estate lending institutions to discriminate against entire neighborhoods in lending practices because of the physical or economic conditions in the area ("redlining"). The City is not aware of any evidence that redlining is currently practiced in the City.

7.4.2(d) Developer Timing

As described above in section 7.3.1 (b), residential projects take an average of 27-37 weeks to process. After the entitlement is approved the plans must be approved by various departments through plan check then once approved the building permit may be issued. The average number of days from entitlement to building permit is about 1.5 years, based on a review of projects from the past 12 months. This includes an average of six months for the applicant to submit their plans to Building and Safety for plan check after the entitlement approval and an average of one year from plan check submittal to permit issuance.

As mentioned in the infrastructure and environmental sections, Malibu faces various non-governmental constraints such as lack of sewer infrastructure which requires the developer's engineer to design a septic system for each residential unit rather than just connecting to the sewer lines. Additionally, geotechnical issues such as steep slopes also add to the time it takes the developer and their team to design the plans to ensure that the steep slopes are graded safely to not cause environmental issues.

7.4.2(e) Ability to Develop at Density Potential

The City of Malibu is located entirely within the California coastal zone, and all development is subject to the LCP to preserve and protect sensitive coastal resources. The land use controls implemented through the LCP are typically more stringent than non-coastal cities and add to the cost and constrain the supply of housing within Malibu. However, LCPs are required for all jurisdictions within the California coastal zone and many of the policies included and the additional processes required may constrain development, but are necessary to comply with state requirements and protect coastal environmental conditions.

Most projects planned for development in Malibu, as noted in Table B-2 in Appendix B, Residential Land Inventory, are being developed at full density potential. The table demonstrates that almost all planned developments are single-family homes or ADUs in

single-family residential zones except for one duplex, mostly in the Rural Residential (RR) zone. No multifamily developments have been proposed within the past 10 years, which is largely driven by the market demand and developers choosing to develop single family homes rather than multi-family. The City will monitor, promote, and support higher density achievement through Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities and Program 3.4 – Density Bonus.

7.5 Housing Plan

7.5.1 Goals, Objectives, Policies, and Implementation Programs

This chapter outlines the City of Malibu's goals, policies and programs to encourage the provision of adequate housing to meet the needs of residents from all economic segments throughout the 2021-2029 planning period. The overriding housing goal of the City is:

GOAL: Adequate Housing for the Existing and Projected Needs of All Economic Segments of the Community

The City's policies and implementation programs designed to support this goal are organized into four general areas as described below.

1. Preserve, Conserve, and Improve the Existing Housing Stock

Policy 1.1 Ensure compliance with existing codes to protect health, safety and community sustainability

Policy 1.2 Assist property owners in repairing or rebuilding damaged or deteriorated housing units, especially affordable housing

Policy 1.3 Preserve existing mobile home parks as an important source of affordable housing

Policy 1.4 Conserve affordable housing in the Coastal Zone

Program 1.1 – Code Enforcement

For code violations in units that are occupied by lower-income persons or persons with special needs, the City will direct property owners and renters to programs that are available to provide assistance. Offer amnesty from code enforcement fines and legalization for existing housing units that violate City code where:

1) The unit is "livable" and meets basic health and safety requirements
2) The unit existed at the time of the City's incorporation; and
3) The unit is restricted for owner-occupancy or rental by low- or moderate-income persons at an affordable rate.

Responsible department:	Planning Department
Funding source:	General Fund; permit fees
Objective:	**1.1.a** Disseminate information to residents about code enforcement and amnesty information for the after-the-fact approvals of existing housing

units that may be able to meet building, health and safety standards.

- Maintain current information on the City's website about code enforcement and amnesty. Include information in a social media campaign on housing resources annually and provide handouts at public events, prioritizing outreach to eastern Malibu.

Timeframe: Update the City's website as needed throughout the planning period and conduct social media campaign on housing resources annually.

Geographic targeting: Citywide implementation but targeted to neighborhoods with a concentration of older or fire destroyed housing

Program 1.2 – Rebuilding Assistance

The City currently waives fees for fire rebuilds for all fire victims who were the primary property owners when the fire occurred. In September 2023, the City adopted a resolution to extend the fee waiver program for an additional three years. Eligible waived fees also include fees required for replacement or upgrade of onsite wastewater treatment systems (OWTS), damaged or destroyed accessory structures, hardscaping, and landscaping. The City will expedite permit processing and provide special assistance to homeowners seeking to repair or rebuild homes that have been lost or damaged in a fire, flood or other disaster, especially units that accommodate low- and moderate-Income households, elderly, disabled, large families, single heads of households, farm workers, individuals in need of emergency shelter, and other individuals or household types with special needs, unless those units are located in areas that are physically unsuitable for development. Fire rebuild projects have priority assignment and are assigned to a Fire Rebuild Team (two City staff members and a contract planner).

Responsible department:	Planning Department; Building & Safety Division
Funding source:	General Fund; Federal Emergency Management Agency (FEMA); Office of Emergency Services (OES)
Objective:	**1.2.a** Provide technical housing rebuild assistance to lost or damaged homes as needed. When an application is from a low- or moderate-income household and/or special housing needs households, the City shall prioritize that application for assistance and shall be assigned to a City staff member to coordinate all assistance needs.

Timeframe: Expedite permit processing for low and/or moderate-income households while the program is in effect.

1.2.b: As rebuilding assistance is made available, send email communications to non-profit groups that provide disaster relief such as Habitat for Humanity and Rebuilding Together to market funding availability to low-income and special needs households.

Timeframe: Email non-profit organizations on an as-needed basis throughout the planning period.

Geographic targeting: Citywide implementation but targeted to neighborhoods with a concentration of fire destroyed housing

Program 1.3 – Housing Rehabilitation Assistance

Provide rehabilitation assistance to existing housing units, prioritizing units that are occupied by, low--income households, elderly households, and/or disabled persons. As funding allows, the City will provide financial assistance for minor home repairs to address health and safety problems, correct code deficiencies, and improve the exterior appearance of homes to prevent housing stock loss and displacement. Priority will be given to housing units identified by Code Enforcement for health and safety violations. The City will also connect qualifying residents with state and regional programs designed to reduce household energy costs, particularly home weatherization programs geared toward lower-income households.

Responsible department:	Planning Department
Funding source:	Affordable Housing Trust Fund
Time frame:	Throughout the planning period
Objectives:	**1.3.a** Provide housing rehabilitation assistance, such as fee waivers, to lower-income, elderly, and/or disabled households. Assist at least four households with repairs made by 2026. Assess availability of AHTF and other resources to continue assistance post 2026.
	Timeframe: Assist households by 2026.
	1.3.b. Promote the City's housing rehabilitation assistance programs and disseminate information regarding preventative maintenance and energy conservation measures to eligible homeowners. Maintain current information on the City's website. Post information in a social media

campaign on housing resources annually and provide handouts at public events.

Timeframe: Update the website and social media posts annually.

Geographic targeting: Citywide

Program 1.4 – Preservation of Existing Mobile Home Parks

The City will maintain the Mobile Home Park Rent Control Regulations Ordinance that regulates maximum allowable rents and limits rent increases. Pursuant to the provisions of *Government Code* §65863.7, the City requires the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the park owners.

Responsible department: City Manager's Department; State of California

Funding source: General Fund; registration fees

Objectives:

1.4.a. Pursuant to the provisions of Government Code §65863.7, require the applicant to submit a report to the City detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the mobile home park owners. Ensure compliance with state regulations in the event of a park conversion.

- Preserve 541 mobile home units during the planning period.

1.4.b. City will assess implementation of MMC Chapter 5.16 regarding the Mobilehome Rent Park Control Ordinance and conduct outreach to mobile home park tenants.

- City to mail information to all mobile home park tenants to increase awareness of the Mobilehome Rent Park Control Ordinance by January 2025.

Timeframe: Mail information to mobile home park tenants by January 2025.

Geographic targeting: Mobile home parks

Program 1.5 Monitor Affordable Housing At Risk of Conversion to Market Rate

There are currently no affordable housing units located in the city and therefore there are no affordable units at risk of conversion to market rate housing. This program is intended to support the preservation or acquisition of any future restricted affordable units and unrestricted affordable units that could potentially convert to market-rate units during the planning period. The City will monitor any future affordable housing units and assist property owners in maintaining the affordability of these units and assist tenants if preservation is unsuccessful to prevent displacement.

Responsible department:	Planning Department
Funding source:	General Fund
Objectives:	**1.5.a.** In the event that an affordable housing unit is developed within the planning period, the City will monitor such units to ensure compliance with the most recent State affordable housing legislation, including rent-restricted ADUs and JADUs.
	1.5.b. In accordance with Government Code §65590, continue to require and annually monitor the replacement of low- or moderate-income units that have been removed from the coastal zone (either by demolition or conversion), whenever feasible.
	Timeframe: Monitor annually.
	Geographic targeting: Citywide

2. Provide Adequate Sites

Policy 2.1 Support a range of new housing development commensurate with the City's needs and consistent with environmental and public service limitations through all appropriate regulatory and administrative mechanisms

Program 2.1 – Adequate Sites to Accommodate Regional Fair Share of Housing Growth

The City was assigned a RHNA of 79 units for the 2021-2029 Housing Element planning period. After accounting for planned and approved projects and projected ADUs, the remaining RHNA units (31 lower-income and 16 moderate-income units) must be accommodated through adequate sites planning. The site inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Appendix B, *Residential land Inventory,* for more information). Future residential growth is

expected to occur on vacant and nonvacant parcels. No publicly owned properties are used to meet the RHNA.

Responsible Department:	Planning Department
Funding source:	General Fund
Objective:	**2.1.a.** Maintain an updated inventory of housing sites and actively promote sites available for lower- and moderate-income housing development to potential developers for the purpose of affordable housing development. Post information on the City's website and update at least once every six months. **Timeframe:** Publish the Sites Inventory on the City's website by January 2025 and update list of available sites annually. **2.1.b.** Maintain an updated list of residential housing developments that have been submitted, approved, and denied throughout the housing cycle. **Timeframe:** Through the Annual Progress Report (APR), publish list of developments by January 2025 and update annually. **2.1.c.** Maintain a list of publicly owned properties that have been designated surplus land with potential for residential development in accordance with AB1255 and AB 1486. • Publish a list of publicly owned sites that have been designated surplus land on the City's website by January 2025 in accordance with the Surplus Land Act. Conduct community outreach for development of these sites by January 2024. Facilitate development on the sites via a land lease agreement. **Timeframe:** Publish on the City's website by January 2025. **Geographic targeting**: Citywide

Program 2.2. Monitoring of No Net Loss

Government Code Section 65863, otherwise known as "No Net Loss", prevents the loss of existing housing and land available for future residential development by ensuring that cities and counties "identify and make available" additional adequate sites if a housing project is approved with fewer units by income category than what is identified in the Housing Element. In compliance with State law, the City will expand and improve upon the ongoing no net loss efforts to develop a procedure to track:

- Unit count and income/affordability assumed on parcels included in the sites inventory
- Actual number of units achieved and income/ affordability when parcels are developed
- Net change in capacity and summary of remaining capacity in meeting remaining RHNA

Unit count and income/affordability are identified in the Sites Inventory (see Appendix B).

Responsible Department:	Planning Department
Funding source:	General Fund
Objectives:	**2.2.a.** Monitor the development of vacant and nonvacant properties identified in the sites inventory and ensure that adequate sites are available to meet the remaining RHNA by income category; amend the sites inventory list and rezone additional properties as needed. If the City approves a project on the AHO sites that would result in a loss of existing housing and land available to accommodate the RHNA, the City will identify adequate sites to accommodate any shortfall and/or rezone additional sites to an appropriate density to accommodate lower and moderate-income households. **Timeframe:** Within 180 days of approval of a project that would result in a loss of existing housing and land available to accommodate the RHNA, the City will identify, or rezone, "sufficient additional, adequate, and available sites" to accommodate the remaining RHNA for each income category. **2.2b.** Maintain an updated inventory of residential housing developments that have been submitted, approved, and denied. **Timeframe:** Update the site inventory annually every July.

2.2c. Actively promote, through outreach and discussions, sites available for lower- and moderate-income housing development to potential developers, private and non-profit organizations, and other interested persons and organizations. (See 3.1.a)

Timeframe: Annually

Geographic targeting: Citywide

Program 2.3 Replacement Housing

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will amend the LIP and MMC to require the replacement of existing residential units on nonvacant RHNA sites as a condition of project approval for development. Specifically, sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households are subject to this requirement. Those units shall be replaced with units affordable to the same or lower-income level as a condition of any development on the site. Replacement requirements shall also be consistent with those set forth in the State Density Bonus Law.

Responsible Department: Planning Department

Funding source: General Fund

Objectives: **2.3.a.** Amend the LIP and MMC to establish the replacement requirements pursuant to AB 1397.

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

Geographic targeting: Citywide

Program 2.4 Support the Development of Variety of Housing Types

Government Code Sections 65583 and 65583.2 require the housing element to provide for a variety of housing types including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. Providing development opportunities for a variety of housing types promotes diversity in housing price, style, and size, and contributes to neighborhood stability by offering more affordable and move-up homes and accommodating a diverse income mix.

Responsible Department: Planning Department

Funding source: General Fund

Objectives:

2.4.a Amend the LIP and MMC to allow transitional and supportive housing in all zones allowing residential uses, including the CC zone, as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone. Amend the LIP and MMC to allow supportive housing by right (AB 2162).

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.b. Amend the LIP and MMC to allow residential care facilities for seven or more persons similar to other residential uses of the same type in the same zone, with an administrative permit or without discretionary review, for persons of any age and allow operation by for-profit agencies as well as non-profit agencies. The City will ensure that the findings of an administrative permit are based on objective standards that do not constrain development of large residential care facilities and provide certainty to applicants through the permitting process.

Timeframe: Complete the necessary code amendments by the end of 2025 and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

2.4.c. Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities for emergency shelters to meet the requirements of AB 2339. Remove any requirements that are not required for other residential uses in the same zone. Amend LIP and MMC parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code section 65583, subdivision (a)(4)(A).

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.d. Amend the LIP and MMC to comply Government Code section 65661 which requires a Low Barrier Navigation center to be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided specific requirements of the law are met.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.e. Amend LIP and MMC to comply with State Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.f. Amend the parking requirements for studios/1-bedroom and 2 or more-bedroom multi-family units to reduce the number required and remove the enclosure requirement.

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

Geographic targeting: Citywide

3. Facilitation of Affordable Housing Development

Policy 3.1 The City shall facilitate the development of new housing for extremely low-, very low-, low-, and moderate-income households.

Policy 3.2 The City shall encourage homeownership and housing mobility options.

Policy 3.3. The City shall identify funding sources and strategies to support affordable housing.

Program 3.1. Facilitate Affordable Housing Development and Housing Assistance Opportunities

To accommodate lower-income housing, the MMC and LIP regulations established an Affordable Housing Overlay (AHO) allowing multi-family or mixed-use development by-right at a minimum density of 20 units per acre for projects that include affordable housing. To qualify for the increased density incentive, all "bonus" units (i.e., additional units allowed above the base density of 6 units per acre) must be deed-restricted for low- and moderate-income households for a minimum of 30 years at a ratio of 50% low- and 50% moderate-income. As an alternative, very low-income units may offset the requirement for low-income and moderate-income units[1]. Any developer utilizing these incentives shall be required to screen tenants or buyers for compliance with income limits and establish a monitoring system to ensure the unit's continued affordability. This program creates a strong incentive for affordable housing development because of the additional units allowed at 20 units per acre to the base density of 6 units per acre. The allowable density of 20 units per acre does not include the State-mandated density bonus, and it is anticipated that all projects utilizing this option will also qualify for a density bonus.

This program does not represent an "inclusionary" requirement because property owners who do not wish to take advantage of the density incentive would be allowed to develop market-rate housing at the allowable base density of 6 units per acre. Incentives and concessions for ELI units will include a variety of housing types such as SROs and supportive housing. Incentives may include priority processing, density bonus, modified development standards, administrative support with funding applications, and/or fee waivers or deferrals.

Responsible department: Planning Department, Community Services Department

Funding source: Affordable Housing Trust Fund; General Fund

[1] For example, a 20-unit qualifying project may provide 7 low-income units, 7 moderate-income units and 6 market-rate units; or as an alternative, 7 very-low-income units and 13 market-rate units.

Objectives:

3.1.a. Proactively promote affordable housing development on AHO sites. Prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. Proactively conduct outreach to qualified non-profit organizations to develop permanent supportive housing on AHO sites.

- Coordinate with potential developers at least once annually to provide information on density bonus, potential funding sources, and available incentives. Support the development of 47 lower-income units and 17 moderate-income units.

Timeframe: Annually.

3.1.b. Provide resources on the City's website for affordable housing developers. Information could include availability of state and federal funding, state and other local development incentives, and funding programs that provide financial assistance to develop affordable housing for special needs populations.

Timeframe: Annually.

3.1.c. Identify funding available through LACDA, HCD, and HUD and have a list of options available for interested developers and homeowners and post the list on the City's website by July 2025. Potential funding programs may include single- and multi-family affordable housing rehabilitation programs and homeownership programs administered by the California Housing Financing Agency (CHFA).

- Identify at least three different types of funding available through both State and Federal resources.

Timeframe: Identify at least three different types of funding and post on the City's website by July 2025 and monitor funding on an ongoing basis.

3.1.d. Promote the Housing Choice Voucher program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.

Timeframe: Establish a list of property owners and managers of multi-family units and ADUs and mail information about the Housing Choice Voucher program and state fair housing law regarding discrimination based on source of income by December 2025 and again by December 2027.

3.1.e. Amend the development standards of the Affordable Housing Overlay Zone as described in the MMC and LIP to include a maximum density independent of the state density bonus.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

3.1.f. Apply for state and federal grants, including the HCD Infill Infrastructure Grant Program, to support the development of affordable housing, including infrastructure improvements, housing for special needs, and support service projects.

Timeframe: Annually, through the budgetary process, allocate available funding to offset the cost of onsite infrastructure improvements to support affordable housing development, and apply for funding every other year.

Geographic targeting: Citywide

Program 3.2. Affordable Housing Development Incentives

Responsible department: Planning Department

Funding source: Affordable Housing Trust Fund

Objectives: **3.2.a.** Subject to funding availability, provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services.

Timeframe: Annually, through the budgetary process, allocate available funding to support affordable housing development.

Geographic targeting: AHO sites

Program 3.3. Housing for Persons with Special Needs

The MMC is periodically updated to address a wide range of issues and California and federal law. The City will monitor its policies, standards, and regulations to ensure that they comply with applicable law. The City will also facilitate development that serves the needs of special needs populations, including seniors, homeless, female-headed households, large families, and persons with disabilities, including developmental disabilities.

Responsible department: Planning Department

Funding source: Affordable Housing Trust Fund

Objectives:

3.3.a. Prioritize AHTF assistance to nonprofit developers for affordable housing projects that provide units that serve the needs of at least one special needs group by creating scoring criteria that encourage the inclusion of units and services needed to support individuals with special needs.

- Subject to the availability of funds, support at least one affordable housing project during the planning period.

Timeframe: Ongoing.

3.3.b. Support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices.

- Allocate $127,500 in FY 2023-24 to the Ventura Transit Systems for Dial-A-Ride services to seniors (60 years and older) and disabled residents. Annually consider allocations and continue the service throughout the planning period as funding allows.
- Organize a senior resource fair at least once annually that promotes housing and transportation services available to seniors, including the Dial-A-Ride service.
- Provide informational lectures on housing resources at the Senior Center including the application process and funding options for assisted living.

- Promote shared housing programs such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners. Post information on shared housing programs on the City's website by June 2025 and invite the ALA and/or similar organizations to attend the City's senior resource fair as a vendor.

Timeframe: Provide services throughout the planning period. Post information on shared housing programs on the City's website by June 2025. Invite ALA and/or similar organization to senior resources fair annually.

3.3.c. Facilitate the City's Homelessness Task Force and provide funding to the City's Outreach Team and Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County. Annually report the outcomes and effectiveness of the City's Outreach team and review annually at City Council.

Timeframe: Subject to available funding, review the City's Outreach Team program annually and implement recommended changes within six months of review.

3.3.d. Amend the MMC and the Local Implementation Plan (LIP) to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, clarify in the MMC and LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

Timeframe: Amend the MMC and LIP by June 2025.

- Program 3.4 Density Bonus

State law requires cities to allow an increase in residential density and other incentives when developments provide affordable or senior housing. Recent state legislation has amended density bonus requirements. MMC Section 17.41.1 (Affordable Housing) and LIP Section 3.7.1. establish City standards and procedures to implement State density bonus law. The City will amend density bonus regulations in conformance with current state law and will continue to monitor up and coming density bonus legislation. In addition, the City will promote the use of density bonuses to facilitate production of affordable and senior housing.

Responsible department: Planning Department

Funding source: General Fund

Objectives:

3.4.a. Amend City density bonus regulations consistent with state law (Government Code §65915 et seq.).

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

3.4.b. Inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential.

- Communicate with at least two different affordable housing developers annually informing them about the City's density bonus program.

Timeframe: Inform housing developers on an annual basis throughout the planning period

3.4.c. Provide technical assistance to developers on how to use the Density Bonus incentives.

Timeframe: Maintain current information on the City's website. Refresh annually. Publish an informational bulletin for developers on the City's density bonus program by June 2025. Review annually and edit to include new information as necessary.

Geographic targeting: Citywide

Program 3.5 By-Right Approval

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower income RHNA are subject to by-right approval without discretionary actions and exempt from CEQA and subject only to design review based on objective standards when a project includes 20 percent of the units affordable to lower-income households.

Reuse Sites (No Rezoning Required):

- Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and
- Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower income RHNA.

The AHO parcels included in the Sites Inventory are subject to the by-right approval requirements of Government Code section 65583.2. The AHO designation on these parcels already allows by-right approval by the City with a certain threshold of units affordable to lower-income households. The City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while complying with the MMC and LIP.

Responsible department:	Planning Department
Funding source:	General Fund
Objectives:	3.5.a. Adopt a procedure Modify existing threshold requirements to implement the by-right approval requirement without discretionary review for 20 percent affordability to lower-income households for the AHO parcels in the Sites Inventory concurrent with readoption of the Housing Element and pursue LIP amendment, if necessary, to be consistent with state law (Government Code Section 65583.2). Timeframe: By-right approval requirement will be effective immediately upon adoption of the Housing Element. **Geographic targeting**: AHO parcels

4. Remove Constraints to Housing Development

Policy 4.1 Remove regulatory barriers to housing for all residents, including those with special needs.

Program 4.1. Support Development of Accessory Dwelling Units

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) can provide affordable housing options for lower- and moderate-income households. The State has passed multiple bills in recent years to remove constraints to the development of ADUs and JADUs (including AB 587, AB 671, AB 68, and SB 13, among others). The City adopted an ADU ordinance on January 8, 2024 and submitted the ordinance to HCD on February 1, 2024 and the California Coastal Commission on March 6, 2024. Upon HCD's review, if necessary, amend the ordinance to address HCD comments within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later, and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption. The City will monitor ADU development trends and new legislation to update the MMC to comply with changes in ADU and JADU law.

Responsible department: Planning Department, Building Safety

Funding source: General Fund

Objectives:

4.1.a. Pursue mechanisms to facilitate the construction of at least 28 ADUs by the end of the planning period, including but not limited to:

- Create pre-approved standards for ADU foundation plans or prefabricated plans.
- Refer property owners to programs that assist lower and moderate-income homeowners in constructing ADUs.
- Expand or extend fee waivers for ADUs beyond state law.

Timeframe: Apply for funding to create pre-approved plans by June 2025. Publish pre-approved plans for ADUs by December 2026.

4.1.b. Review ADU trends and commit to adjustments if the City is not on track to meet target development. If the City is not meeting ADU goals, implement additional action(s) depending on the severity of the gap, including increased public outreach efforts to increase ADU development.

Timeframe: Review ADU trends every two years starting in 2025 and as needed, implement additional incentives and public outreach strategies within one year of review, and if necessary, pursue other strategies to meet the RHNA, including rezone of sites.

4.1.c. Publish resources on City's website on building ADUs and JADUs.

Timeframe: Publish material on the City's website by January 2026.

4.1.d. Create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines.

Timeframe: Adopt an ADU Amnesty Program Ordinance by 2028.

4.1.e. As needed, update the ADU ordinance to be in compliance with state law.

Timeframe: Update the ADU ordinance in MMC within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later, and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

4.1.f. Allow up to two JADUs per single-family lot. At least one JADU must be rent restricted to lower or moderate-income households.

Timeframe: Update the ADU ordinance in MMC within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later, and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

Geographic targeting: Citywide

Program 4.2. Expedite the Project Review Process

The City will continue to expedite the project review process to support residential development.

4.2.a. Continue Pre-Design Review for project applicants to serve as a cost-effective alternative to a first submittal, and to evaluate major costs or issues with the proposed development.

Timeframe: Continue Pre-Design Review process.

4.2.b. Identify new or improved data and technology solutions to support faster development project review and greater access to housing and land use information such as online dashboards and other publicly accessible online resources.

Timeframe: Monitor additional, more effective methods for project review on an annual basis.

4.2.c. Develop written procedures for SB 35 Streamlined Ministerial Approval Process.

Timeframe: Develop written procedures for SB 35 Streamlined Ministerial Approval Process by January 2025.

Geographic targeting: Citywide

Program 4.3. Remove Regulatory Constraints to Housing Development

The City will remove regulatory constraints to support residential development.

4.3.a. Remove the CUP requirement for multi-family development in the MF and MFBF zoning districts and allow multi-family development as a permitted use in those zoning districts.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

4.3.b. Ensure approval certainty for proposed multi-family developments with heights over 18 feet while establishing strategies to protect scenic, visual, and hillside resources. Develop pre-application materials, handouts, and other resources and revise the Site Plan Review finding, "that the project does not adversely affect neighborhood character" to establish objective findings .

Timeframe: Complete the necessary code amendments by the end of 2025 and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

4.3.c. Clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

4.3.d. For Affordable Housing Development in the AHO, as defined in LIP, allow a maximum height of 30 feet and remove the two-story limit to accommodate a density of 27 dwelling units/acre .

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

4.3.e. For multi-family development, allow alternatives to story poles, such as photo simulations , for development subject to story pole requirements under Chapter 6 of the LIP.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

Geographic targeting: Citywide

5. Housing Opportunities For All (Fair Housing)

Policy 5.1 Promote fair housing services.

Policy 5.2 Provide referral information to persons in need of housing assistance.

Policy 5.3 Provide opportunities for housing choice and housing mobility.

Program 5.1 – Affirmatively Furthering Fair Housing and Fair Housing Services

AB 686 (2017, Santiago) requires each local government to administer its programs and activities related to housing in a manner that affirmatively furthers fair housing. The City will take actions to overcome patterns of segregation, address disparities in housing needs and access to opportunity, and foster inclusive communities.

The City will advertise fair housing services through placement of fair housing service brochures at the public counter, through the City's newsletter, and on the City website. The City will conduct outreach to property owners and managers to provide current information about fair housing issues, rights, and responsibilities. Additionally, the City will require proactive outreach to a diverse population for affordable housing developments, especially to workers in the city who do not live in the city, to provide housing choice and housing mobility opportunities.

Responsible department: Planning Department

Funding source: General Fund

Objectives:

5.1.a. Promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling, mediation, and testing. Advertise available fair housing services.

Timeframe: At least once annually starting in 2025, provide information on fair housing services available to Malibu residents and property owners via the City's social media, flyers at the planning counter and at community locations, and/or posting in the local newspaper. When possible, provide information in English and Spanish.

5.1.b. Provide informative materials on fair housing resources with ADU applications.

Timeframe: Provide materials with ADU applications by December 2025.

5.1.c. Enter into a contract with HRC or other fair housing service providers to host an annual fair housing workshop to educate residents and landlords on fair housing laws, HCVs and housing rights and resources.

Timeframe: Once annually starting in 2025, partner with HRC, or other fair housing service providers, to host a fair housing workshop.

5.1.d In collaboration with the Housing Authority, provide education to property owners and managers to expand awareness of the HCV program to increase acceptance of tenant-based HCVs and to facilitate mobility and provide choices for lower-income households throughout the city. Identify and address challenges that property owners/managers have with existing or prospective HCV holders.

Timeframe: Starting in 2025, annually conduct one workshop for landlords on the HCV program, for a total of seven workshops during the planning period, targeting property owners/managers in eastern Malibu.

Geographic targeting: Citywide

Program 5.2 Fair Housing Community Outreach

The goal of this program is to increase access to housing in Malibu for lower-income and special housing needs residents and provide opportunities for housing choice and mobility.

Responsible department: Planning Department

Funding source: General Fund, Affordable Housing Trust Fund

5.2.a. Require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population, extending outreach to nearby communities in Los Angeles County and Ventura County, especially to workers in the city who do not live in the city. These affirmative marketing materials will include contact information for housing service providers (such as the home share programs) and non-profit housing organizations that serve lower-income tenants in the surrounding region.

- By January 2025, require implementation of an Affirmative Fair Marketing Plan.

Timeframe: As affordable units are being created.

5.2.b Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.

Create a Housing Resources page on the City's website to disseminate informational materials to residents on affordable housing and financial resources including links to the HCV program resources through Los Angeles County Development Authority, Mortgage Credit Certificate through the Golden State Finance

Authority, and the California Homeownership Downpayment Assistance Program through the California Housing Finance Agency.

Timeframe: Create webpage by January 2025.

5.2.c. Subject to available funding, offer grants of up to $10,000 per applicant from the Affordable Housing Trust Fund to construct ADUs that are rent-restricted to lower-income households (using County AMI thresholds).

- By January 2025, implement grant program for rent-restricted ADUs.
- By June 2025, promote the grant opportunity on the City's website.

Timeframe: Provide one grant by the end of the planning period.

Geographic targeting: Citywide

7.5.2 Quantified Objectives

The City's quantified objectives for new construction, housing mobility and rehabilitation, and conservation are presented in Table 7.5-1. It must be recognized, however, that many factors and constraints outside the City's control may Influence its ability to achieve these objectives. These estimates represent the City's best effort to quantify potential results.

Table 7.5-1
Quantified Objectives 2021-2029

Category	Income Level					
	Ex. Low	V. Low	Low	Mod	Above Mod.	Totals
New Construction*	14	14	19	17	15	79
Housing Mobility and Rehabilitation Programs: • 1.3 Support housing rehabilitation for lower- and moderate-income households • 3.1 Facilitate affordable housing assistance • Program 3.3. Housing for Persons with Special Needs • 4.1 Support ADUs and allow two JADUs per single-family lot • 5.2 Promote Affirmative housing marketing plan, promote housing resources, and support rent-restricted ADUs	5	5	20	13	12	55
Conservation**	541					541

*Quantified objective for new construction is for the period 6/30/2021 to 10/15/2029 per the RHNA

**Existing mobile homes

Appendix A – Evaluation of the Previous Housing Element

Section 65588(a) of the *Government Code* requires that jurisdictions evaluate the effectiveness of the existing Housing Element, the appropriateness of goals, objectives and policies, and the progress in implementing programs for the previous planning period. This appendix contains a review of the housing goals, policies, and programs of the previous housing element, and evaluates the degree to which these programs have been implemented during the previous planning period, 2013 through 2021. The findings from this evaluation have been informative in determining the City's 2013-2021 Housing Plan.

Table A-1 summarizes the programs contained in the previous Housing Element, along with the City's accomplishments, and implications for future policies and actions.

Table A-2 summarizes progress compared to the quantified objectives of the previous Housing Element period.

Overview of Accomplishments

During the 5th cycle Housing Element Planning Period (2013-2021), the City implemented numerous programs to support market-rate and affordable housing production, preservation of existing housing stock, and rental housing assistance. A full list of programs in the 5th cycle Housing Element is included in Table A-1. Most notably, the City accomplished the following housing-related activities:

- Rebuilding Assistance: Program 1.2 provides rebuilding assistance to expedite repairs or rebuilding for homes that have been lost or damaged in a fire. The City amended the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP) in 2019 to expedite permit processing for those seeking to repair or rebuild homes that have been affected by the Woolsey Fire and/or related flooding and debris flow. During the 5th cycle planning period, 80 units were rebuilt after being destroyed or damaged by the Woolsey Fire, including 62 single-family homes and ~~12~~ 18 multifamily units. Additionally, in 2021, the City was awarded $15,803,348 in federal HUD Disaster Recovery funds (CDBG-DR) available through the Housing and Community Development (HCD) Disaster Recovery-Multifamily Housing Program in response to the 2018 Woolsey Fire. To date, no developers have applied to utilize the funds.
- Affordable Housing Development: The City created an Affordable Housing Overlay (AHO) District on three sites to facilitate the development of affordable housing. LCP and MMC amendments for the AHO District were certified in 2019. The overlay establishes development standards within the Coastal Zone that comply with state standards for affordable housing. The amendments also allow preservation of housing for all income-levels. The City will support affordable housing development on these sites as outlined in Chapter 7.4, Housing Plan.
- Short-Term Rental Regulations: A Short-Term Rental Ordinance was adopted in 2020 to encourage homes to be used for permanent residential use and reduce conversion of units into short-term rentals. The Short-Term Rental Ordinance created a new short-term rental permit system to regulate the short-term rental of residential property and went into effect January 15, 2021.

- Housing Development: While the City did not construct any very low- and low-income units and did not meet the 5th cycle RHNA objective of two units, the City did permit 115 units of above-moderate income housing units, including 87 single-family homes, eight multi-family units, and 20 accessory dwelling units (ADUs).[1]
- Accessory Dwelling Units: The City successfully applied for a Local Early Action Planning (LEAP) grant to support the preparation of an ADU ordinance and ADU processing. The City is currently preparing an ADU ordinance that will streamline the process for creating new ADUs and promote their development. During the 5th cycle planning period, building permits for 20 ADUs were issued.[2]
- Homeless Services – The City helped fund a permanent office for the Malibu Community Labor Exchange (MCLE) to assist people with finding employment, including for people experiencing homelessness. The City also hired a Housing Navigator to assist homeless individuals, and two additional outreach workers to locate, engage, and assist people experiencing homelessness with housing and support services. The outreach team successfully moved 33 homeless residents into permanent housing and 15 individuals into interim housing.

Effectiveness of Addressing Special Needs

Special needs communities are demographic or occupational groups that call for specific program responses to address unique housing needs. State law specifically requires analysis of the special housing needs of people who are elderly or disabled (including developmental disabilities), female-headed households, large households, farmworkers, and people experiencing homelessness. These special-needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific needs or circumstances.

The 5th cycle Housing Element addressed special needs populations through Program 1.2: *Rebuilding Assistance* and Program 3.2: *Provide Financial Support and Referral Information to Persons in Need of Assistance*. Program 1.2 prioritizes rehabilitation assistance for special needs persons, and Program 3.2 aims to provide grant funding and programs for special needs populations. During the 5th cycle planning period, the City took the following actions to address resources for special needs:

- The City utilized $15,000 in CDBG funds as part of the Urban County Entitlement Program for the MCLE and authorized the use of $98,000 in CDBG funds for a permanent trailer for the MCLE. The MCLE provides day labor job connections, including for homeless people.
- In January 2019, the City was awarded $76,660 from the Los Angeles County Homeless Initiative to fund a pilot project expanding housing services for the homeless population in Malibu. Specifically, a grant fund of $355,000 between 2020 and 2021 were used to fund a Housing Navigator position for 18 months through The People Concern. The Housing Navigator helped with placement in permanent housing. The City will continue this program in the 6th housing cycle.

[1] HCD. Housing Element Implementation and APR Dashboard. https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard, accessed August, 2023
[2] HCD. Housing Element Implementation and APR Dashboard. https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard, accessed August, 2023

- In 2016, the City issued a grant of $38,000 to the Malibu Task Force on Homelessness (MTFH), an independent organization of community volunteers, to help fund a pilot project to bring professional services to Malibu's homeless population. MTFH entered into an agreement with The People Concern to bring two full-time outreach workers to Malibu daily in order to locate, engage, and build relationships with homeless individuals. They then connected the individuals with a fully-integrated system of care – including mental and medical health care, substance abuse services, and permanent supportive housing – provided by The People Concern and tailored to the unique needs of each individual. During the 5th cycle Housing Element, the outreach team successfully moved 72 homeless residents into permanent housing. An additional 15 individuals are currently in interim housing. Since the program began, more than 30 of the outreach team's clients received or were approved for housing vouchers, putting them on the path to permanent housing.
- The City secured a $50,000 grant in October 2017 from Los Angeles County to help fund the development of a Homelessness Strategic Plan. The goals of the Homelessness Strategic Plan are to assist homeless individuals in a more effective way, mitigate public health and public safety impacts, and align Malibu's local efforts with those of the Los Angeles County Homeless Initiative. The program was fully funded by the City as of July 2018. The Homelessness Strategic Plan was adopted by the City Council on June 25, 2018. The Malibu Homelessness Working Group, comprised of City staff, outreach workers, the faith community, and residents, meets on a monthly basis to review community and City efforts to execute the plan.
- Beginning in July 2018, the City established a budget line item to directly fund its homelessness programming, including full funding of the outreach program provided by The People Concern. In each subsequent fiscal year the city has funded two outreach workers and a Housing Navigator. In fiscal year 2022, the City budgeted $243,858; in fiscal year 2023, the City budgeted $355,000; and in fiscal year 2024, the City budgeted $385,000.
- The City continued to offer the Senior Citizen Utility Tax Exemption, which exempts senior citizens living in Malibu who receive supplemental security income from the Utility User Tax.
- The Transportation services program provides Dial-A-Ride services to Malibu seniors and disabled citizens through Ventura Transit Systems. The service is funded by Proposition A transportation funds, which are allocated by the Los Angeles County Metropolitan Transit Authority. In the fiscal year 2023, the City budgeted $125,000 for the Dial-A-Ride program and $35,000 to transport seniors to special events run by the Community Service Department. Passengers pay $1.00 each way for trips to the Malibu Senior Center, $2.00 each way for trips within City boundaries, and $4.00 each way for trips outside City limits. Currently, 215 people are registered for the service. Passengers may travel to various locations locally and to neighboring cities. In FY 2022-23, 141 passenger trips were provided to residents, and promotions included newspaper advertisements, banners, press releases, and giveaways.

Cumulatively, 5th cycle housing programs are generally effective at providing resources for people experiencing homelessness, although additional programs and actions are needed to mee the housing needs of elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness. The City has included additional program actions in the 6th Cycle Housing Plan to provide affordable housing and support housing access for special needs groups and support people with disabilities, seniors, and extremely-low, low-, and moderate-income households (Programs 2.4, 3.1, and 3.3).

Table A-1
2013-2021 Housing Element Program Evaluation

Program	Objective	Timeframe	Status of Program Implementation
Program 1.1 – Code Enforcement Ensure compliance with the City's codes and regulations. Particularly, in the case of code violations in units that are occupied by lower-income persons or persons with special needs, direct property owners and renters to programs that are available to provide assistance. Offer amnesty and legalization for existing housing units where: 1) The unit is "livable" and meets basic health and safety requirements 2) The unit existed at the time of the City's incorporation; and 3) The unit is restricted for owner-occupancy or rental by low- or moderate-income persons at an affordable rate.	Reduce code violations and health & safety issues in existing housing	Throughout the planning period	This program is in progress. During the 5th housing cycle, the City maintained a staff of three to four code enforcement officers. The City provided resources to property owners for help in addressing code violations on a case-by-case basis The City approved 160 code violations during the planning period. The program did not achieve its anticipated goal and did not offer amnesty and legalization for any units. This program remains appropriate and will be carried into the 6th housing cycle as Program 1.1.
Program 1.2 – Rebuilding Assistance Expedite permit processing and provide special assistance to homeowners seeking to repair or rebuild homes that have been lost or damaged in a fire, flood or other disaster, especially units that accommodate low- and moderate-Income households, elderly, disabled, large families, single heads of households, farm workers, individuals in need of emergency shelter, and other individuals or household types with special needs, unless those units are located in areas that are physically unsuitable for development.	Facilitate rebuilding of lost or damaged homes	Throughout the planning period	The City approved 80 units to be rebuilt after being destroyed by the Woolsey Fire, as well as three ADUs. The MMC and LCP amendments have been adopted or are in progress to expedite permit processing for those seeking to repair or rebuild homes that have been affected by the Woolsey Fire and/or related flooding and debris flow. The City was awarded $15,803,348 of federal CDBG-DR funds available through the HCD Disaster Recovery-Multifamily Housing Program in response to the 2018 Woolsey Fire. The funding is intended to serve as gap funding for eligible affordable multi-family housing projects in accordance with the HUD limits per affordable housing unit. The City promoted the availability of these funds on the City website, social media, and e-newsletters and published a Notice Inviting Interest. To date, no developers have applied to utilize the funds. Additionally, the City is waiving all City rebuilding fees for properties that are being rebuilt as a like-for-like or like-for-like plus 10% rebuild and were used as a primary residence by the property owner as of November 8, 2018. Eligible waived fees also include fees required for replacement or upgrade of onsite wastewater treatment systems (OWTS), damaged or destroyed accessory structures, hardscaping, and landscaping. Eligible rebuilding fees that have been already paid may qualify for a refund. The goals of this program were met and this program will be continued into the 6th housing cycle as Program 1.2.

Program	Objective	Timeframe	Status of Program Implementation
Program 1.3 – Housing Rehabilitation Assistance Provide incentives to rehabilitate existing housing units, such as permit fee waivers for units that are deed-restricted for low- and moderate-income families.	4 units	Throughout the planning period	Opportunities for permit fee waivers for rehabilitation are reviewed on a case-by-case basis. The goals of this program were not achieved as no requests for permit fee waivers for rehabilitation were made during the reporting period. Although this program remains appropriate and should be continued. Program 1.3 will be carried over into the 6th housing cycle as Program 1.3 to provide rehabilitation assistance for low- and moderate-income families.
Program 1.4 – Preserve Existing Mobile Home Parks Maintain the Mobile Home Park Rent Control Regulations Ordinance that regulates maximum allowable rents and limits rent increases. Pursuant to the provisions of Government Code §65863.7, require the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the park owners.	No net loss of mobile home units	Throughout the planning period	The goals of this program were not achieved as no mobile home parks were proposed for conversion. However, this program remains appropriate and should be continued. Program 1.4 will be carried over into the 6th housing cycle as Program 1.4 to support the preservation of mobile homes.
Program 1.5 – Conserve Affordable Housing in the Coastal Zone In accordance with Government Code §65590, continue to require the replacement of low- or moderate-income units that have been removed from the coastal zone (either by demolition or conversion), whenever feasible.	LCP and MMC amendment	Throughout the planning period	No low- or moderate-income units were demolished or converted during the 5th housing cycle. However, this program remains appropriate. Program 1.5 will be carried over into the 6th housing cycle as Program 2.2 to ensure no net loss of low- or moderate-income units.
Program 2.1 – Regional Housing Needs Identification Work with the Southern California Association of Governments (SCAG) and the Las Virgenes-Malibu Subregional Council of Governments (COG) to encourage an appropriate fair share allocation of future regional housing needs based on population need, existing supply/demand, ability to accommodate growth given the physical/environmental constraints and the jobs-to-housing ratio.	Encourage fair and realistic RHNA allocations	Throughout the planning period	The goals of this program were met. The City worked cooperatively with SCAG during the 5th cycle RHNA process to ensure that the growth forecast reflected development constraints in Malibu. City staff continues to monitor SCAG programs related to housing needs. The City will not carry this program into the 6th housing cycle as it is restating the functions of an existing city requirement.

Program	Objective	Timeframe	Status of Program Implementation
Program 2.2 – Ensure Adequate Capacity to Accommodate Regional Housing Needs The City's residential land inventory provides adequate capacity to accommodate the City's housing needs as identified in the 2013-2021 RHNA (see Appendix B). The City will pursue a two-part strategy to provide sites for lower-income housing: 1) Opportunities and incentives for second units; and 2) Zoning regulations to facilitate affordable multi-family or mixed-use development in suitable locations. A. Expand the Supply of Second Units. In order to maximize the availability of additional second units, the City will implement the following actions: 1. Promote the Development of Second Units 2. Amnesty Program for Second Units 3. Financial Assistance for Second Units 4. Pre-Approved Second Unit Prototypes	21 second units during 2013-2021	Throughout the planning period	The goals of this program were met. The City issued permits for 134 above moderate-income units for the 5th cycle planning period. This includes 115 single-family homes, 12 multifamily units, and 7 ADUs, which is significantly higher than the 5th cycle RHNA allocation. . No requests were made to legalize previously developed second residential units. The City is preparing an ADU ordinance that will streamline the process for creating new ADUs and promote their development. The City undertook several mass mailings to encourage residents to participate in the ADU ordinance process. The City successfully applied for a LEAP grant to support the preparation of an ADU ordinance and ADU processing. This program remains appropriate and should be continued. Program 2.2 will be carried over into the 6th housing cycle as Program 2.1 and Program 4.1 to expand the housing development capacity in the City and encourage the development of ADUs.
B. Facilitate New Affordable Housing Development In order to accommodate lower-income housing, the MMC and LCP regulations were amended in the previous planning period to establish an Affordable Housing Overlay allowing multi-family or mixed-use development by-right at a density of 20 units/acre for projects that include affordable housing. In order to qualify for the increased density incentive, all "bonus" units (i.e., additional units allowed above the base density of 6 units per acre) must be deed-restricted for low- and moderate-income households for a minimum of 30 years at a ratio of 50% low- and 50% moderate-income. As an alternative, very-low-income units may offset the requirement for moderate-income units on a one-for-one basis. Any developer utilizing these incentives shall be required to screen tenants or buyers for compliance with income limits and establish a monitoring system to ensure the unit's continued affordability. This program creates a strong incentive for affordable housing development because of the additional units allowed at a density of 20 units per acre compared to the base density of 6 units per acre. The allowable density of 20 units per acre does not include the state-mandated density bonus, and it is anticipated that all projects utilizing this option will also qualify for a density bonus of up to 35%.	Provide suitable sites with appropriate zoning that could accommodate lower-income housing	The Local Coastal Program Amendment to allow for multi-family development in compliance with the adopted 2013-2021 Housing Element was certified by the California Coastal Commission on December 11, 2019.	The goals of this program were met. The applicable LCP amendments to the Affordable Housing Overlay District have been certified by the Coastal Commission. Program 2.2 B will be carried over into the 6th housing cycle as Program 3.1 and revised to include new actions and objectives related to affordable housing development.

Program	Objective	Timeframe	Status of Program Implementation
Program 2.3 – Streamline Development Review and Assist Affordable Housing Developments Streamline the development review and permit process for all residential development by providing a series of informational handouts describing how to apply for housing development and summarizing the basic development criteria for different zoning districts. When developers propose to include affordable units in a project, provide assistance through expedited processing, density bonus and other modified development standards, and administrative assistance with grant applications.	Minimize residential permit processing time and assist affordable housing developments	Throughout the planning period	Ongoing – Staff has created various pamphlets as well as forms to help guide applicants through the permitting process. Application materials were made available on the City's website. The goals of this program were met, although no applications have been submitted for affordable housing projects. However, staff has worked with two parties interested in affordable housing to determine the appropriate project standards and submittal processes. One pre-submittal application was received for a 20-unit project that included 8 affordable units. This program remains appropriate and should be continued. Program 2.3 will be carried over into Program 4.2 to ensure a streamlined permitting process for affordable housing.
Program 3.1 – Fair Housing Support fair housing efforts by contracting with the Los Angeles County Housing Authority, Westside Fair Housing Council, or other appropriate organizations, to create a program that provides fair housing services, including investigation of discrimination complaints, research on housing discrimination-related issues, public information about the rights and responsibilities of landowners and tenants, and landlord/tenant dispute resolution. Promote the program each year through the use of pamphlets, public bulletin boards on community television; educational flyers distributed to property owners, apartment managers and tenants; public service announcements on local radio stations and in local print media; and presentations at community groups.	Provide and publicize fair housing services through contracting with a public or non-profit service provider	Annual appropriation and semi-annual publications and announcements	Ongoing. The goals of this program were met, The City is a participating city of the Los Angeles Urban County. The Urban County comprises the unincorporated areas of the Los Angeles County and 48 cities that generally have populations of 50,000 or less and receive their CDBG allocations through the Urban County's application process. The Los Angeles County Development Authority (LACDA) administers the Los Angeles County's CDBG and HOME programs for the Urban County. The Los Angeles Homeless Services Authority (LAHSA), a joint powers authority created by the Los Angeles County Board of Supervisors and the Los Angeles Mayor and City Council, administers the ESG program for the LACDA. CDBG funds are distributed among the 48 participating cities and the unincorporated areas within five Supervisorial Districts, and Malibu is part of District 3. The City advertises fair housing services through the placement of fair housing service brochures at the public counter and at the Malibu Senior Center. The Apartment Association of Greater Los Angeles conducts seminars on state, federal and local fair housing laws and compliance issues. t This program remains appropriate and should be continued. Program 3.1 will be carried over and expanded as new Programs 5.1 and Program 5.2 to support fair housing services and to comply with new fair housing requirements.

Program	Objective	Timeframe	Status of Program Implementation
Program 3.2 – Provide Financial Support and Referral Information to Persons in Need of Assistance Malibu is a small jurisdiction without a redevelopment agency or housing department; furthermore, the City is not an entitlement jurisdiction for federal grants. Therefore, the City does not have any resources for direct financial housing assistance, other than a small Affordable Housing Trust Fund and Community Development Block Grant (CDBG) funds. The City will provide referral information to extremely-low-, very-low-, low-, and moderate-income persons and families, the elderly, and persons with disabilities regarding affordable and special needs housing, such as Section 8 Rental Assistance and the Mortgage Credit Certificate program. In addition, it will continue to seek CDBG and HOME funds.	Disseminate housing assistance information; provide direct funding in support of affordable housing when feasible	The City's Housing Coordinator has the responsibility for monitoring all activities related to the implementation of the Housing Element, including preparation of annual progress reports, annual monitoring of sources of financial assistance such as Section 8 funds, state/federal grants, and mortgage credit certificates. The Housing Coordinator shall also be responsible for disseminating information to the community regarding these activities and resources. Depending on program availability and City eligibility, apply for state/federal funds on a bi-annual basis to assist with affordable housing development.	The goals of this program were met. The City received $67,062 of CDBG funding as part of the Urban County Entitlement program in fiscal year 2019-2020. These funds are utilized within the community to facilitate public service projects benefitting low and moderate income families. The City utilized $15,000 in CDBG funds as part of the Urban County Entitlement Program for the Malibu Community Labor Exchange (MCLE) and authorized the use of $98,000 in CDBG funds for a permanent trailer for MCLE. The Labor Exchange provides day labor job connections, including for homeless people. In addition, in the 2020-2021 fiscal year, the City included approximately $340,000 directly to address homelessness. In January 2019, the City was awarded $76,660 from the Los Angeles County Homeless Initiative to fund a Housing Navigator position for 18 months. In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH) to help fund a pilot project to bring professional services to Malibu's homeless population. MTFH partnered with The People Concern to bring two full-time outreach workers to Malibu daily to locate, engage, and build relationships with homeless individuals. They connected the individuals with a fully integrated system of care, and permanent supportive housing. As of September 30, 2018, the outreach team has successfully moved 33 homeless residents into permanent housing. An additional 15 individuals are currently in interim housing. More than 30 of the outreach team's clients received or were approved for housing vouchers. In July 2018, the City established a budget line item to directly fund its homelessness programming, including full funding of the outreach program provided by The People Concern. This program remains appropriate and should be continued. Program 3.2 will be carried over into Program 3.2 and Program 3.3 to provide resources and housing to persons with special needs and promote resources available through the Los Angeles County Development Authority.

Program	Objective	Timeframe	Status of Program Implementation
Program 4.1 – Monitor and Report Annually on Housing Program Accomplishments The City will monitor accomplishments toward Housing Element objectives and report the results annually to the City Council and California Department of Housing and Community Development. If implementation measures are ineffective in achieving the desired results, adjustments will be made to improve the efficacy of programs.	Monitor progress and make mid-course corrections if necessary to achieve desired results	Annual progress reports	The goals of this program were met. The City completed an Annual Progress Report for all years within the planning period. The City continues to monitor Housing Element programs and report progress annually. Review of progress towards achieving RHNA requirements is included as Program2.1.

Table A-2
Progress in Achieving Quantified Objectives
2014-2021

Program Category	Quantified Objective	Progress
New Construction[1]		
Very Low	1	0
Low	1	0
Moderate	0	0
Above Moderate	0	134
Total	2	134

Quantified objective and progress for new construction reflect units built 2014-2021

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Appendix B
Residential Land Inventory

The Regional Housing Needs Allocation (RHNA) is a key requirement for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the 6th Housing Element cycle extending from July 2021 to October 2029 (the RHNA projection period is longer than the Housing Element planning period). Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans. This update of the City's Housing Element covers the planning period of October 2021 through October 2029 (called the 6th Cycle Housing Element update). Malibu's share of the regional housing need is allocated by the Southern California Association of Governments (SCAG) and based on access to jobs and transportation, recent growth trends, income distribution, and capacity for future growth. The City must identify adequate land with appropriate zoning and development standards to accommodate its assigned share of the region's housing needs.

Malibu is obligated to demonstrate a total available capacity of 79 units. The units are distributed among four income categories, as shown in Table B-1.

Table B-1
Sites Inventory Summary

Housing Sites	Income Category				
	Very Low	Low	Moderate	Above	Total
RHNA 2021-2029	28	19	17	15	79

Source: SCAG, 2021

The RHNA does not project the need for extremely low-income units, but pursuant to State law (AB 2634), the City must project its extremely low-income housing needs based on Census income distribution or assume 50 percent of the very low-income units required by the RHNA as extremely low-income units. the City's RHNA allocation of 28 very low-income units was distributed evenly as 14 extremely low and 14 very-low income units. However, for purposes of identifying adequate sites for the RHNA allocation, State law does not mandate the separate accounting for the extremely low-income category.

The assumptions and methodology for the Residential Land Inventory are provided below.

Methodology for Income Categories and Realistic Capacity of the Sites Inventory

AHO Sites. The Affordable Housing Overlay (AHO) District is applied to three individual parcels shown in Table B-4 two of which are under the same ownership. The AHO allows multi-family development by-right at a minimum density of 20 units/acre. The AHO designation is currently applicable when development on those sites contain deed-restricted affordable housing for all units in excess of the six units per acre (base density) with 50 percent of those units affordable to very low- or low-income multi-family dwelling units.

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower-income RHNA are subject to by-right approval exempt from CEQA and subject only to design review based on objective standards when a project

includes 20 percent of the units affordable to lower-income households and no subdivision is proposed:

- Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and
- Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower-income RHNA.

The AHO parcels were included in the 4th and 5th housing cycles to accommodate the lower-income RHNA requirement and therefore are subject to the by-right requirement of Government Code Section 65583.2. As discussed in Program 3.5 of the Housing Plan, the City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households.

All parcels in the Sites Inventory are between 0.5 and 10 acres in size. Pursuant to Government Code Section 65583.2 these sites may be used to satisfy the RHNA to the lower-income and moderate-income category. The three AHO parcels have a base zoning designation of MF (multi-family residential) and non-residential uses are not allowed on these parcels. The types of housing permitted on AHO sites are determined by the underlying zoning, which is MF for the sites identified in the Sites Inventory. The MF zoning district allows detached single-family houses, multi-family units as part of an affordable housing project, mobile homes, manufactured housing, ADUs, transitional/supportive housing, and small residential care facilities by right. Multi-family units that are not part of an affordable housing development are allowed with a Conditional Use Permit. No non-residential uses are permitted on the AHO sites that are included in the Sites Inventory.

Two AHO parcels are vacant. One of these parcels used to contain a single-family dwelling that was destroyed in the Woolsey Fire in 2018. This single-family dwelling had been occupied by the owners. One parcel (28401 Pacific Coast Highway) has one single-family dwelling unit with a significant portion of vacant land. The capacity of this parcel assumes that the existing structure will be demolished. None of the three AHO parcels contain rental dwellings currently or within the last five years that were:

- Currently or previously subject to a recorded covenant or ordinance that restricts rents to levels affordable to households of low or very low-income
- Subject to any other form of rent or price control through a public entity's valid exercise of its police power
- Occupied by a low- or very low-income household

Therefore, none of the AHO sites are subject to a housing replacement program consistent with requirements listed in Government Codes 65915(c)(3) and 65583.2(g)(3).

The AHO parcels, shown on Figure B-2 are assumed to accommodate a capacity of 111 units, including 36 lower-income units, 22 moderate-income unit, and 53 above-moderate income units. The total capacity of AHO sites is based on the minimum residential density allowed of 20 du/ac. For the purpose of the Sites Inventory, capacity on these sites was divided among lower-income (35 percent), moderate income (20 percent), and above-moderate (45 percent) of total capacity.

Shortly before and during the January 16-24, 2024 public review period, the City was contacted by two property owners interested in developing affordable housing for low- and moderate-income households. While the sites are not included in the Sites Inventory and do not have an AHO designation, these inquiries demonstrate that there is interest in developing affordable multi-family housing in the city.

Environmental Constraints. Virtually all properties in Malibu face development challenges due to environmental constraints such as environmentally sensitive habitat areas (ESHAs), fire hazards, flood hazards, and geological hazards. ESHA constraints are discussed in detail in Chapter 7.4.

As with all of the city, all sites identified in the Sites Inventory are within a California Department of Forestry and Fire Protection (CAL FIRE) Very-High Fire Hazard Severity Zone. All sites are directly adjacent to Pacific Coast Highway, which serves as the primary evacuation route in the event of wildfire. The City has adopted the California Fire Code, 2022 Edition (Part 9 of Title 24 of the California Code of Regulations). Additionally, all residences are required by the Malibu Municipal Code to utilize roofing materials and construction in compliance with Section 1603 (Fire Zone 4) of Title 26 (Los Angeles Building Code). The City also administers a Fire Hazard Tree Removal program which utilizes grant funding from the Santa Monica Mountains Conservancy to offer professional hazardous tree removal services to residents free of charge. Lastly, In June 2019, the City was awarded a $100,000 Cal Fire grant for the development of a Community Wildfire Protection Plan (CWPP), which identifies and prioritizes areas for hazardous fuel reduction treatments. The CWPP outlines an action plan that will protect at-risk communities and essential infrastructure from wildfire, as well as make recommendations to reduce structural ignitability throughout the community. These measures along with extensive messaging around wildfire preparedness throughout the community are intended to reduce wildfire risk. As such, compliance with these requirements for residential development on these sites would significantly mitigate the risk of catastrophic wildfire, and development of these sites does not pose a greater risk to residents than other sites in the city due to wildfire. The potential risk of wildfire and CAL FIRE Very-High Fire Hazard Severity Zone designation would not preclude development of housing on any of the sites listed in the Site Inventory.

Development on the identified AHO sites could expose future residents and property to geologic hazards such as seismically induced ground rupture, liquefaction, settlement, and landslide hazards that exist in the area due to their proximity to the Malibu Coast Fault, the Santa Monica Fault, and the Anacapa Dume Fault. However, these geologic hazards are present throughout California and are not unique to Malibu. In general, compliance with California Building Code would mitigate these risks. As such, residential development on these sites does not pose a greater risk to residents than other sites in the city due to geologic hazards. The potential risk of seismic activity and geologic hazards would not preclude development of housing on any of the sites listed in the Site Inventory.

The three AHO parcels identified in the Sites Inventory are shown in Figure B-1. A 2013 study of these sites identified ESHA/wetlands resulting from an ephemeral stream located between 28401 and 28517 Pacific Coast Highway. To account for these constraints, the assumed developable area of both parcels has been reduced from 9.1 acres to 5.57 acres and does not include identified ESHA/wetland areas nor the required 100-foot ESHA

setback. Given these constraints, the capacity of the site has been reduced from 182 units (9.1 acres X 20 dwelling units per acre = 182 units) to 111 units (5.57 acres X 20 dwelling units per acre). The limitations on the size of development on the AHO sites do not preclude housing development on these sites.

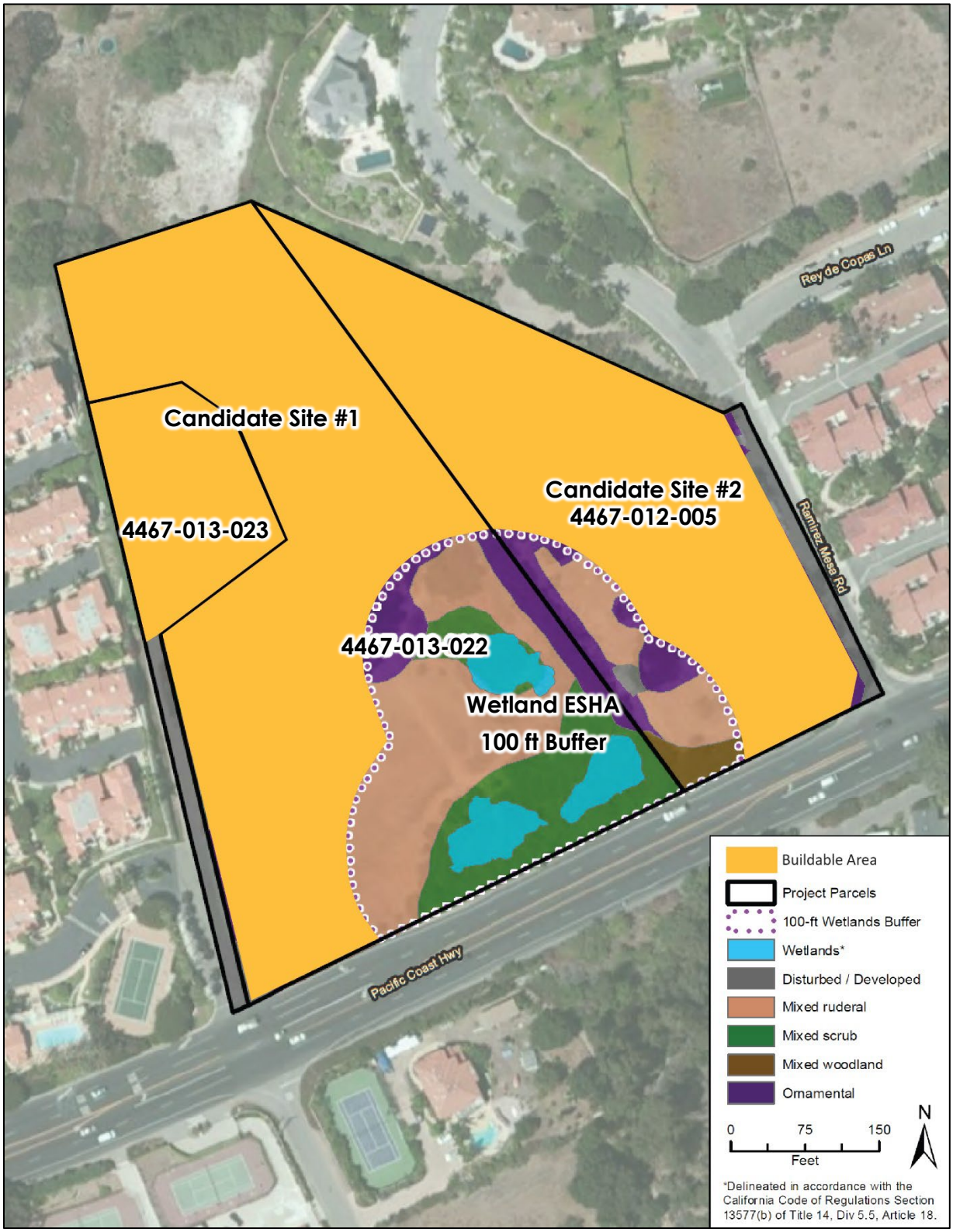
No known toxic release, easements, title conditions, airport compatibility overlays, or limitations regarding the shape of or access to the parcels would preclude development on the AHO sites. The only constraint on the AHO sites is environmental to comply with the ESHA requirements.

The reduction of buildable area due to the identified wetlands does not impact the financial feasibility of development on these sites. The value is based on the buildable area, and the capacity of the sites is based on the usable acreage. The usable acreage represents a unique opportunity for multifamily development in the city.

Infrastructure Constraints. The most significant infrastructure constraint to housing development in Malibu is the city's lack of a public sewer system. All development outside of the Civic Center area must be served by individual on-site wastewater disposal facilities. While this condition makes all residential development (and particularly multi-family development) difficult, the City has no ability to change this condition because of prohibitive cost and lack of available land for a central wastewater treatment facility. Any multi-family development on AHO sites would require an onsite wastewater treatment system large enough to accommodate the proposed development. The onsite wastewater treatment system would be similar to the systems present on the multi-family developments adjacent to the AHO sites. The estimated cost for an onsite wastewater treatment system for a 61-unit residential project (the number of units assumed on 28517 Pacific Coast Highway) ranges from $300,000 to $550,000. Costs may vary due to the dispersal area type selected for the wastewater system (i.e., seepage pits, leach field, drip dispersal). As with other residential development on sites requiring an onsite wastewater treatment system in the city, the cost of the system would be factored into the overall cost to purchase and develop the site. Accessory Dwelling Units

Trends in ADU Construction. In a high-cost housing market such as Malibu, ADUs represent an excellent opportunity to provide housing that is affordable to lower-income persons such as college students, the elderly, household employees and service workers. City records indicate that during the period 2018-2023, 30 ADUs were permitted. By definition, ADUs contain both kitchen and bathroom facilities that are separate from the main house. Additional "guest houses" that did not contain both kitchen and bathroom facilities were not counted in ADU totals.

Figure B-1
Environmental Constraints on AHO Sites



Income Levels for ADUs. In December 2020, SCAG published a study of ADU affordability in Southern California[1] and concluded that a significant portion of ADUs built recently have been affordable to low- and moderate-income households. For the higher-cost areas of Los Angeles County ("LA County I") which include the City of Los Angeles and the Las Virgenes-Malibu, South Bay Cities and Westside Cities subregions, SCAG determined that the following affordability assumptions are appropriate:

Very Low	Low	Moderate	Above Moderate
17%	43%	6%	34%

Source: SCAG 2020

Malibu is located within the Las Virgenes-Malibu subregion. ADU permits during the 2020-2023 period in Malibu are as follows:

- 2020: 2
- 2021: 6
- 2022: 6
- 2023: 6

Based on this trend and SCAG's analysis, it is assumed that 30 ADUs (5 per year) will be produced through the remainder of the planning period from the beginning of 2024 through October 2029. To avoid overcounting ADU production, ADUs permitted between October 2021 and 2023 are assumed to be included in the planned and approved projects listed in Table B-2 below.

Planned and Approved Units

Residential developments approved and permitted, but not yet built ("pipeline projects") can be credited towards the City's RHNA for the 6th cycle Housing Element provided it can be demonstrated that the units can be built by the end of the 6th cycle's planning period. Similarly, units within completed projects which have received a certificate of occupancy on or after June 30, 2021 can also be credited towards the RHNA. A total of 142 units can be counted towards the City's 6th cycle RHNA: 128 single-family houses, one duplex, and 12 new ADUs. All residential projects in the development pipeline consist of market-rate units affordable to above moderate-income households. All of these units have received building permits or certificates of occupancy. There are no known barriers, other than financing, which would preclude development of the units listed below during the planning period. The City anticipates all projects listed will be completed during the planning period. Table B-2 lists these projects and their current status.

1 https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527

Table B-2
Planned and Approved Units

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
5927 BUSCH DR	Single-family	RR-2	1	CO Issued	7/1/2021
6362 SEA STAR DR	Single-family	RR-2	1	BP Issued	7/2/2021
6755 DUME DR	Single-family	RR-1	1	CO Issued	7/13/2021
29407 BLUEWATER RD	Single-family	RR-1	1	BP Issued	7/16/2021
5936 FILAREE HT	Single-family	RR-2	1	BP Issued	7/16/2021
6766 WANDERMERE RD	Single-family	RR-1	1	BP Issued	7/22/2021
5841 BUSCH DR	Single-family	RR-2	1	BP Issued	7/27/2021
28944 GRAYFOX ST	Single-family	RR-1	1	BP Issued	7/27/2021
6782 DUME DR	Single-family	RR-1	1	BP Issued	7/28/2021
28885 CLIFFSIDE DR	Single-family	RR-1	1	BP Issued	7/29/2021
31510 ANACAPA VIEW DR	Single-family	RR-5	1	BP Issued	8/2/2021
6534 WANDERMERE RD	Single-family	RR-1	1	BP Issued	8/12/2021
29905 CUTHBERT RD	Single-family	RR-2	1	BP Issued	8/13/2021
5837 MURPHY WAY	Single-family	RR-10	1	BP Issued	8/20/2021
23923 MALIBU RD	Single-family	SFM	1	CO Issued	8/20/2021
29841 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/13/2021
6701 PORTSHEAD RD	Single-family	RR-1	1	BP Issued	9/14/2021
29441 BLUEWATER RD	Single-family	RR-1	1	BP Issued	9/21/2021
6285 SEA STAR DR	Single-family	RR-2	1	BP Issued	10/7/2021
5011 ENCINAL CANYON RD	Single-family	RR-2	1	BP Issued	10/14/2021
6889 DUME DR	Single-family	RR-1	1	CO Issued	10/18/2021
5580 BUSCH DR	Single-family	RR-2	1	CO Issued	10/19/2021
5938 FILAREE HT	Single-family	RR-2	1	BP Issued	11/19/2021
5656 LATIGO CANYON RD	Single-family	RR-20	1	BP Issued	11/29/2021
29921 HARVESTER RD	Single-family	RR-2	1	BP Issued	12/2/2021
22000 PACIFIC COAST HWY	Single-family	SFM	1	CO Issued	12/8/2021
6703 DUME DR	Single-family	RR-1	1	BP Issued	12/9/2021
6556 ZUMIREZ DR	Single-family	RR-1	1	BP Issued	12/16/2021
5909 PHILIP AVE	Single-family	RR-5	1	BP Issued	12/17/2021
28903 WIGHT RD	Single-family	SFL	1	BP Issued	12/20/2021
3605 NORANDA LN	Single-family	RR-5	1	BP Issued	12/27/2021
5705 BUSCH DR	Single-family	RR-2	1	BP Issued	12/29/2021
29623 CUTHBERT RD	Single-family	RR-2	1	CO Issued	1/6/2022

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
23917 MALIBU RD	Single-family	SFM	1	CO Issued	1/19/2022
6255 GAYTON PL	Single-family	RR-5	1	BP Issued	1/21/2022
4732 AVENIDA DEL MAR	Single-family	RR-2	1	BP Issued	1/21/2022
5942 FILAREE HT	Single-family	SFM	1	BP Issued	1/27/2022
5814 PHILIP AVE	Single-family	RR-2	1	BP Issued	2/3/2022
5680 BUSCH DR	Single-family	RR-2	1	BP Issued	2/9/2022
23921 MALIBU RD	Single-family	SFM	1	CO Issued	2/17/2022
28871 SELFRIDGE DR	Single-family	RR-1	1	BP Issued	2/22/2022
30069 HARVESTER RD	Single-family	RR-2	1	CO Issued	2/23/2022
5540 HORIZON DR	Single-family	RR-2	1	BP Issued	3/15/2022
29245 BLUEWATER RD	Single-family	RR-1	1	BP Issued	3/16/2022
30125 HARVESTER RD	Single-family	RR-2	1	BP Issued	3/24/2022
3507 DECKER RD	Single-family	RR-20	1	BP Issued	4/6/2022
6556 WANDERMERE RD	Single-family	RR-1	1	CO Issued	4/7/2022
30340 MORNING VIEW DR	Single-family	RR-2	1	BP Issued	4/13/2022
29257 BLUEWATER RD	Single-family	RR-1	1	BP Issued	4/18/2022
29685 CUTHBERT RD	Single-family	RR-2	1	BP Issued	4/19/2022
32232 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	4/25/2022
24689 PACIFIC COAST HWY	Single-family	SFM	1	BP Issued	5/10/2022
29725 HARVESTER RD	Single-family	RR-2	1	BP Issued	6/9/2022
5366 HORIZON DR	Single-family	RR-2	1	CO Issued	6/13/2022
6536 DUME DR	Single-family	RR-1	1	BP Issued	6/16/2022
4415 VISTA DEL PRESEAS	Single-family	RR-2	1	BP Issued	6/20/2022
4707 AVENIDA DEL MAR	Single-family	RR-2	1	BP Issued	6/27/2022
5707 BUSCH DR	Single-family	RR-2	1	BP Issued	7/1/2022
6756 DUME DR	Single-family	RR-1	1	BP Issued	7/15/2022
6136 TAPIA DR	Single-family	SFL	1	BP Issued	7/18/2022
25260 MALIBU RD	Single-family	MFBF	1	BP Issued	7/19/2022
23741 HARBOR VISTA DR	Single-family	RR-1	1	BP Issued	8/11/2022
2930 SWEETWATER MESA RD	Single-family	RR-40	1	BP Issued	8/12/2022
33834 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	8/16/2022
28904 VERDE MESA LN	Single-family	RR-5	1	BP Issued	8/17/2022
29960 HARVESTER RD	Single-family	RR-2	1	BP Issued	8/26/2022
6650 WANDERMERE RD	Single-family	RR-1	1	CO Issued	9/8/2022

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
29706 BADEN PL	Single-family	RR-2	1	BP Issued	9/12/2022
6170 RAMIREZ CANYON RD	Single-family	RR-5	1	CO Issued	9/14/2022
6025 PASEO CANYON DR	Single-family	SFL	1	CO Issued	9/15/2022
29934 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/16/2022
29846 HARVESTER RD	Single-family	RR-2	1	BP Issued	9/27/2022
28116 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	9/29/2022
30107 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/30/2022
5849 DEERHEAD RD	Single-family	RR-2	1	BP Issued	10/10/2022
29863 CUTHBERT RD	Single-family	RR-2	1	CO Issued	10/11/2022
30072 ANDROMEDA LN	Single-family	RR-2	1	CO Issued	10/27/2022
5939 BUSCH DR	Single-family	RR-2	1	BP Issued	11/3/2022
5819 FILAREE HT	Single-family	RR-2	1	BP Issued	11/22/2022
5936 FILAREE HT	Single-family	RR-2	1	BP Issued	11/23/2022
29623 HARVESTER RD	Single-family	RR-2	1	BP Issued	12/6/2022
6711 WANDERMERE RD	Single-family	RR-1	1	CO Issued	12/14/2022
5960 FLORIS HEIGHTS RD	Single-family	RR-2	1	CO Issued	12/19/2022
4817 LATIGO CANYON RD	Single-family	RR-2	1	BP Issued	12/21/2022
5684 CALPINE DR	Single-family	RR-2	1	BP Issued	12/28/2022
3843 RAMBLA PACIFICO ST	Single-family	MF	1	CO Issued	1/26/2023
3469 CROSS CREEK RD	Single-family	RR-5	1	BP Issued	1/30/2023
5811 MURPHY WAY	Single-family	RR-10	1	CO Issued	2/3/2023
29866 CUTHBERT RD	Single-family	RR-2	1	BP Issued	2/6/2023
5806 DEERHEAD RD	Single-family	RR-2	1	BP Issued	2/15/2023
5269 HORIZON DR	Single-family	RR-2	1	BP Issued	2/17/2023
30612 LA SONORA DR	Single-family	SFL	1	BP Issued	2/22/2023
33905 PACIFIC COAST HWY	Single-family	CR	1	BP Issued	3/6/2023
6659 WANDERMERE RD	Single-family	RR-1	1	CO Issued	3/15/2023
27933 WINDING WAY	Single-family	RR-2	1	BP Issued	3/30/2023
30181 CUTHBERT RD	Single-family	RR-2	1	CO Issued	4/19/2023
5916 BONSALL DR	Single-family	RR-5	1	CO Issued	4/20/2023
33728 PACIFIC COAST HWY	Single-family	RR-2	1	CO Issued	4/21/2023
7037 BIRDVIEW AVE	Single-family	RR-1	1	BP Issued	5/2/2023
29805 CUTHBERT RD	Single-family	RR-2	1	BP Issued	5/4/2023
28863 SELFRIDGE DR	Single-family	RR-1	1	BP Issued	5/15/2023

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
6101 RAMIREZ CANYON RD	Single-family	RR-5	1	BP Issued	5/16/2023
27420 CALICUT RD	Single-family	RR-2	1	BP Issued	5/24/2023
6050 MURPHY WAY	Single-family	RR-10	1	BP Issued	5/25/2023
30099 HARVESTER RD	Single-family	RR-2	1	BP Issued	5/30/2023
6757 WANDERMERE RD	Single-family	RR-1	1	CO Issued	6/6/2023
6022 MERRITT DR	Single-family	RR-2	1	BP Issued	6/8/2023
5825 MURPHY WAY	Single-family	RR-10	1	BP Issued	6/13/2023
5685 CALPINE DR	Single-family	RR-2	1	BP Issued	6/29/2023
33161 PACIFIC COAST HWY	Single-family	RR-2	1	CO Issued	7/10/2023
5716 KANAN DUME RD	Single-family	RR-5	1	BP Issued	8/1/2023
5260 HORIZON DR	Single-family	RR-2	1	BP Issued	8/1/2023
34035 PACIFIC COAST HWY	Single-family	RR-20	1	CO Issued	8/2/2023
28904 WIGHT RD	Single-family	SFL	1	BP Issued	8/17/2023
6070 MERRITT DR	Single-family	RR-2	1	BP Issued	8/31/2023
5789 CALPINE DR	Single-family	RR-2	1	BP Issued	9/6/2023
28900 WIGHT RD	Single-family	SFL	1	BP Issued	9/6/2023
30087 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/20/2023
4346 AVENIDA DE LA ENCINAL	Single-family	RR-2	1	BP Issued	9/21/2023
30601 MORNING VIEW DR	Single-family	RR-5	1	BP Issued	9/28/2023
31479 PACIFIC COAST HWY	Single-family	RR-5	1	BP Issued	10/12/2023
32826 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	10/26/2023
31508 ANACAPA VIEW DR	Single-family	RR-5	1	BP Issued	10/27/2023
6611 PORTSHEAD RD	Single-family	RR-1	1	BP Issued	11/6/2023
6636 WANDERMERE RD	Single-family	RR-1	1	BP Issued	11/7/2023
29140 CLIFFSIDE DR	Single-family	RR-1	1	BP Issued	11/17/2023
28843 SELFRIDGE DR	Single-family	RR-1	1	BP Issued	12/12/2023
6666 DUME DR	Single-family	RR-1	1	BP Issued	12/13/2023
7003 BIRDVIEW AVE	SFR Duplex	RR-1	2	BP Issued	7/21/2023
5936 FILAREE HT	ADU	RR-2	1	BP Issued	7/16/2021
6534 WANDERMERE RD	ADU	RR-1	1	BP Issued	8/12/2021
6889 DUME DR	ADU	RR-1	1	CO Issued	10/18/2021
29623 CUTHBERT RD	ADU	RR-2	1	CO Issued	1/6/2022
29725 HARVESTER RD	ADU	RR-2	1	BP Issued	6/9/2022
2930 SWEETWATER MESA RD	ADU	RR-40	1	BP Issued	8/12/2022

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
33834 PACIFIC COAST HWY	ADU	RR-2	1	BP Issued	8/16/2022
5814 PHILIP AVE	ADU	RR-2	1	BP Issued	9/30/2022
5466 HORIZON DR	ADU	RR-2	1	CO Issued	12/13/2022
5916 BONSALL DR	ADU	RR-5	1	CO Issued	4/20/2023
29215 CLIFFSIDE DR	ADU	RR-1	1	BP Issued	11/9/2023
5941 TRANCAS CANYON RD	ADU	RR-5	1	BP Issued	12/14/2023
Total Planned and Approved Units			142		

Source: City of Malibu, 2023
BP = Building Permit; CO = Certificate of Occupancy

Potential to Accommodate the RHNA

Table B-3 summarizes the City's residential site capacity compared to the RHNA allocation for this planning period. The table shows that there is adequate capacity to accommodate housing needs in all income categories.

Table B-3
Sites Inventory Summary

Housing Sites	Income Category		
	Lower	Moderate	Above
RHNA 2021-2029	47	17	15
RHNA Credits - Planned and Approved Units (Table B-2)	0	0	142
RHNA Credits - Potential new ADUs	17	1	12
Remaining RHNA after Credits	30	16	0
Potential new multi-family units (Table B-4)	36	22	53
Buffer provided above remaining RHNA	20%	38%	
Adequate Capacity?	Yes	Yes	Yes

Source: City of Malibu, 2024

Affirmatively Furthering Fair Housing

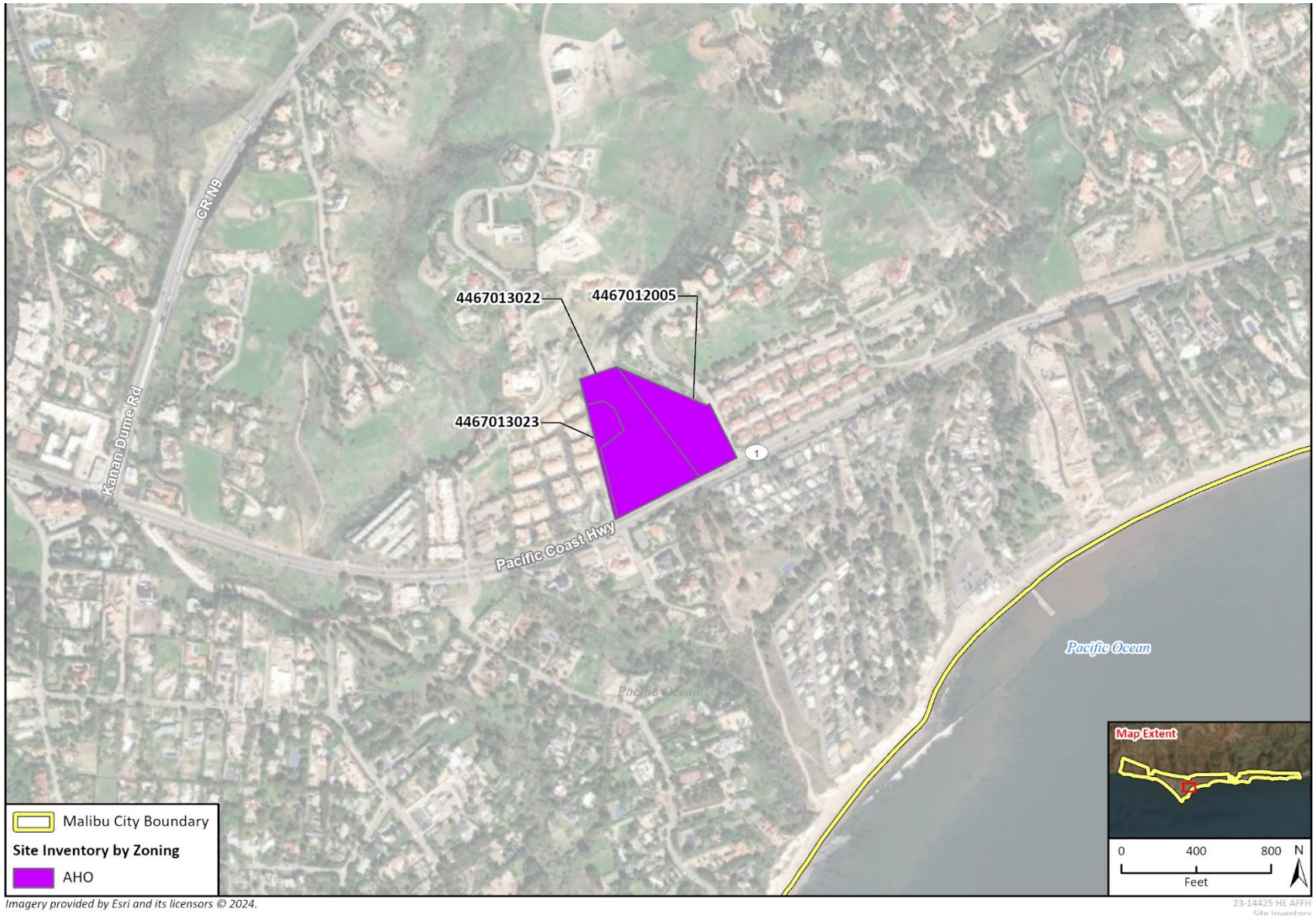
As noted in Appendix F, Affirmatively Furthering Fair Housing, the entire city is designated a High Resource area according to HCD/TCAC opportunity maps. The AHO sites are located in an area with access to transportation while ADUs create opportunities for lower-cost housing in all residential areas throughout the city. Therefore, the Sites Inventory, together with pipeline projects and projected ADUs, will not contribute to segregated living patterns and will facilitate integrated and balanced living patterns and areas of opportunity. An in-depth analysis of the Sites Inventory in relation to fair housing concerns is provided in Appendix F.

Table B-4
Sites Inventory

APN	Address	Street	Parcel Size (acres)	General Plan/ Zone	Realistic Density (units/acre)	Potential Units		
						Lower	Moderate	Above-Moderate
4467013022	28517	PACIFIC COAST HWY	5.12	MF/AHO	20	19	12	30
4467013023			0.74					
4467012005	28401	PACIFIC COAST HWY	3.25	MF/AHO	20	17	10	23
		TOTALS				**36**	**22**	**53**

Source: City of Malibu, 2024
Note: Realistic density is based on excluding the non-buildable ESHA.

Figure B-2
Residential Land Inventory Map



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Appendix C – Public Participation Summary

Summary of Public Participation

The Housing Element must reflect the values and preferences of the community. Accordingly, community participation is an important component of the development of this Housing Element. Government Code Section 65583(c)(8) states that the local government must make "a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element." This process not only includes community members, but also participation from local agencies and housing groups, community organizations, and housing sponsors. This update to the Housing Element has provided residents and other interested parties with numerous opportunities for review and comment on this document and on City housing policies and programs. The City of Malibu solicited input from stakeholders and community members through public meetings. To inform the community about the Housing Element update, the City contacted more than 260 residents, stakeholders, and organizations that serve special needs households and renters, provide affordable housing, and offer fair housing services.

The most common issues raised during the Housing Element update process included the following:

- Insufficient affordable housing for lower-income persons who work in Malibu
- Effect of short-term rentals on the supply of housing
- High cost of development in Malibu
- Concern about housing development given environmental constraints, including the high risk of fire hazard, environmentally sensitive habitat areas, geological hazards, flood hazards, water supply constraints, lack of a communitywide wastewater system, limited roadway access, and sea level rise

These issues are addressed, to the extent feasible, in the policies and programs described in the Housing Plan.

Public Noticing

- To reach the largest and broadest spectrum of community members and stakeholders, the City utilized the following notification methods throughout the duration of the Housing Element update process: Early in the process the City created a website dedicated to the 2021 Housing Element update, and a Housing Element FAQ was prepared and posted on the website along with meeting notices and other housing reference information. Public notices of all Housing Element meetings and public hearings were published in The Malibu Times in advance of each meeting, as well as posted on the City's website. Meeting notices were also posted on bulletin boards at City Hall and the Library.
- The City utilized social media such as Facebook, Instagram, Twitter/X, and Next Door to advertise the Housing Element and public workshops.

- Malibu City TV, a government access channel was used to broadcast City Council and Planning Commission hearings, as well as provide notices of events such as workshops.
- The City maintains an interested party email and mailing list for those who have requested regular updates about the Housing Element update and notices for public workshops and public hearings.
- The City mailed postcards to all residents that included a URL to the Housing Element update website and invitations to attend the June 23, 2021 public workshop, July 21, 2021 Planning Commission study session, August 23, 2021 City Council study session, January 17, 2024 City Council Session, as well as Planning Commission and City Council adoption hearings.
- Throughout the Housing Element update process, the City encouraged organizations that serve low-income groups and persons with special needs to participate in all Housing Element update meetings through direct mail or e-mail notices. The notification list included the following local and regional non-profit housing providers, housing advocates, and fair housing organizations.

In 2023 and 2024, the City updated the notification list for the Housing Element to include additional relevant organizations. Identified contacts at the following organizations received notification of the revised Housing Element:

- Abode Communities
- Abundant Housing LA
- AMCAL Multi-Housing, Inc.
- Affordable Living for the Aging
- Building Industry Association
- California Housing Partnership
- Habitat for Humanity
- Housing Rights Center
- Jamboree Housing Corp
- Legal Aid Foundation of LA
- LINC Housing
- Los Angeles County Development Authority
- Meta Housing
- National CORE℠ and Hope Through Housing Foundation
- SoCal Association of Non-Profit Housing
- SoCal Housing Dev. Corp
- The People Concern
- Thomas Saffron and Associates
- Upward Bound House
- Malibu Community Assistance Resource Team (CART)

Project Website

To facilitate the distribution and gathering of information, a project website dedicated to the Housing Element update was created. The project website provided detailed background information on the Housing Element, answers to frequently asked questions, links to upcoming and past event materials, links to articles and videos on the general plan topics, including the Housing Element. Educational materials included an introduction, informational flyers, and frequently asked questions specifically on the housing element (https://www.malibucity.org/370/Housing-Element-Update). Project materials associated with the Housing Element update were regularly posted on the

project website, including documents available for public review, information for upcoming events, and virtual workshop PowerPoint presentations and video recordings.

Community Outreach

The City conducted the following outreach events to solicit public comments on the Housing Element.

Virtual Workshop

A virtual public workshop was conducted on June 23, 2021 to provide an overview of the Housing Element and solicit public comments regarding housing needs in the community. An in-person workshop was not an option at the time due to COVID-19 protocols. The Housing Element update team introduced the Housing Element goals and requirements to the community, educated the community on housing element requirements, and increased public understanding of the decision-making process and importance of public participation.

The following themes emerged from comments received:

- Residents asked about using accessory dwelling units (ADUs) to meet the City's Regional Housing Needs Allocation (RHNA) including the potential to place income limits, or deed restrictions on ADUs, monitoring the affordability of ADUs, the potential to for ADUs to accommodate different family sizes, and whether ADUs that are used for family members or employees can accommodate the RHNA.
- Attendees expressed concern that the population of permanent residents is shrinking, while the City continues to permit second units and short-term rentals. Residents requested limits on the number of short-term rentals and to focus the City's housing development for permanent residents.
- Residents were concerned about potential penalties that the City would incur for not complying with State Housing Element law, including the possibility of enacting a streamlined permit process.
- Attendees expressed that regulatory and environmental constraints, such as California Coastal Commission regulations, wildfire risks, lack of evacuation routes, lack of sewer service, and effluent controls, limit the City's ability to meet the RHNA.
- Attendees expressed a desire to build more affordable housing and to be more inclusive to a variety of income levels, persons with disabilities and marginalized communities such as seniors, veterans and people experiencing homelessness.
- Landlord harassment and tenant discrimination is occurring with the city. Students are particularly targeted, as they are not always educated on tenants' rights.

The City categorized this feedback and the Housing Element was tailored to accommodate those themes as follows:

Need for ADUs to provide affordable housing options.

How addressed:

- The latest revision of the Housing Element added additional analysis of current zoning regulations for ADUs and identified potential constraints to ADU development.
- To support the production of ADUs, the City strengthened its ADU program during the latest revision to the Housing Element and added new program objectives. Housing Program 4.1.a was added to the Housing Plan, which directs the City to pursue mechanisms to facilitate the construction of ADUs, such as pre-approved standards for ADU foundation plans and expanding or extending fee waivers for ADU development beyond state law. The City will also create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines. These actions will promote ADU development by streamlining ADU permitting and reducing financial barriers.

Need for regulation on short-term rentals to support housing options for permanent residents.

How addressed:

- The Housing Element analyzed the City's regulations regarding short-term rentals. The City is currently working on a short-term rental ordinance that balances the need for overnight accommodations and the availability of long-term rental housing.

Need for a streamlined permitting process for affordable housing.

How addressed:

- The latest revision of the Housing Element added additional analysis of the permitting process for single-family and multi-family development in Malibu as well as the permit and environmental review time for development applications.
- To support the production of affordable housing, the City strengthened and added programs for streamlining the City's permitting process and for promoting affordable housing development under Housing Program 3.4, which directs the City to amend density bonus regulations in conformance with current state law and continue to monitor up and coming density bonus legislation. In addition, the City will inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential. The City will also provide technical assistance to developers on how to use the Density Bonus incentives and maintain information on density bonus incentives on the City's website.
- During the latest revision to the Housing Element, the City added programs and objectives to expedite project review, including Housing Program 4.2.a, which directs the City to continue Pre-Design Review for project applicants to serve as a cost-effective alternative to a first submittal, and to evaluate major costs or issues with the proposed development; Housing Program 4.2.b, which directs the City to

identify new or improved data and technology solutions to support faster development project review and greater access to housing and land use information; and 4.2.c, which directs the City to develop written procedures for SB 35 Streamlined Ministerial Approval Process.

Need to balance regulatory and environmental constraints with the need for more affordable housing.

How addressed:

- During the latest revision to the Housing Element, revised development assumptions for the sites identified for affordable housing took into consideration a previous environmental study of these sites. The study documented wetlands on the sites of 28401 and 28517 Pacific Coast Highway. The development assumptions for these sites exclude protected wetland areas plus a buffer. Additionally, these sites were selected based on zoning for allowable densities and proximity to transit and services.
- The Housing Element analyzed the City's General Plan, Local Implementation Plan, and Zoning Ordinance and identified regulatory and environmental constraints to affordable housing development in the city.

Support for transit-oriented development and increasing density in areas with existing services.

How addressed:

- The latest revision to the Housing Element includes the development of a full AFFH analysis, which analyzed access to public transit throughout the city, which determined that the eastern area of the city has greater transit access than the western area. Overall, transit access was identified as low which few jobs accessible by transit. Revisions to the Site Inventory identified sites for multi-family housing development were selected based on zoning for allowable densities and proximity to transit and services.
- To support transit-oriented development, the City added Housing Program 3.2, which directs the City provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services, subject to funding availability.

Need increased resources and housing options for people experiencing homelessness and other marginalized communities.

How addressed:

- The revised Housing Element includes an analysis of the City's compliance with AB 2339 to ensure compliance with state law for emergency shelters and that the City's zoning regulations for emergency shelters is adequate to accommodate the number of identified homeless residents in the city. The assessment identified that the City's Zoning Ordinance does not comply with AB 2339, which the City addressed by adding Housing Program 2.4.c.

- To address housing needs for lower-income and special housing needs groups, the City added and strengthened several programs and objectives designed to expand resources and opportunities during the latest revisions to the Housing Element. Housing Program 3.1 directs the City to prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. Additionally, Housing Program 3.1 promotes the Housing Choice Voucher (HCV) program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.

Need for increased access and services for education on housing rights and resources to reduce displacement.

How addressed:

- Housing Program 1.1 directs the City to disseminate information to residents about code enforcement and amnesty information.
- Housing Program 1.5 was amended and strengthened during the latest revision. The program directs the City to monitor future affordable housing units that could potentially convert to market-rate units, including rent-restricted ADUs and JADUs.
- Housing Program 5.1 was amended and strengthened during the latest revision. The program directs the City to promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling and mediation. The City will advertise available fair housing services.
- Housing Program 5.2 was amended and strengthened during the latest revision. The program directs the City to provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.
- Housing Program 1.4 was amended and strengthened during the latest revision. The program directs the City to conserve existing mobile home parks by ensuring compliance with state regulations in the event of a park conversion and mailing information to all mobile home park tenants to increase awareness of the Mobilehome Rent Park Control Ordinance.

Input from Public Review and Public Meetings

The initial Draft 6th Cycle Housing Element was available for public review in June 2021. The City received comment letters via email from two individuals and organizations.

Public meetings to review the draft Housing Element were conducted by the Planning Commission on July 22, 2021 and City Council on August 23, 2021. The presentations consisted of an introduction to the housing element, explanation of the RHNA, and an overview of the draft Housing Element.

After receiving comments on the draft Housing Element from the California Housing and Community Development Department (HCD), a revised draft Housing Element was reviewed at a Planning Commission public hearing on November 15, 2021 and adopted by the City Council at a public hearing on January 10, 2022.

The Housing Element was revised to incorporate public comment prior to resubmittal to HCD on January 21, 2022. Specifically, the Housing Element was amended as follows:

- Additional analysis was incorporated regarding special housing needs populations and regulatory controls.
- Additional analysis regarding the environmental and infrastructure constraints was incorporated into the Sites Inventory.
- Revised housing programs to update the City's compliance with state laws, affirmatively furthering fair housing, and ADU promotion.

During the initial Housing Element public review draft, the City received two written comments. One from an individual resident on June 21, 2021, and one from Abundant Housing LA (AHLA) on November 30, 2020. The individual resident expressed concerns about the affordability and supply of housing in Malibu. They recommended several actions the City can take, including streamlining the permitting process for ADUs, prioritizing rebuilding after the Woosley fire, incentivizing construction, creating a property owners registry for low-income units, establishing rent controls, and conversion of single-family homes into multi-family buildings. AHLA expressed concerns related to the predominance of single-family housing in Malibu and requested the City to increase residential densities by rezoning areas designated by the California Tax Credit Allocation Committee (TCAC) as high opportunity areas. AHLA also requested the City to develop a quantitative methodology to plan for additional housing growth in areas with access to transit, jobs, schools, and low environmental pollution burden.

The City acknowledges the desire for higher density housing but must contend with the significant environmental constraints that exist throughout the city, including high fire hazards, environmentally sensitive habitat areas, geological problems, the lack of a community wastewater system, limited access for emergency vehicles, and state laws and Coastal Commission policies that limit residential development in areas with such constraints. These constraints are further described in Chapter 7.3, *Constraints*. To increase density in residential zones, the City adopted an ADU ordinance in January 2024.

As described in Appendix B, *Residential Land Inventory*, the City has identified adequate sites to fully accommodate the RHNA allocation for the planning period. The site capacity methodology considered environmental constraints. The sites are located along the Pacific Coast Highway and have access to public transit.

The Housing Element was subsequently revised to address HCD comments included in its March 22, 2022 letter. The revised Housing Element was posted on the City's website on January 8, 2024 and was made available for public comment between January 16, 2024 and January 24, 2024.

City staff offered office hours during the public review period to answer questions by appointment during the following times: January 16, 2024 from 3:00 PM to 5:00 PM, and January 18, 2024 from 10:00 AM to 12:00 PM.

A public meeting in the form of a City Council study session was held on January 17, 2024. The presentation consisted of an overview of major updates to the Housing Element and next steps. During the public review period and at the City Council study session, the City received comments from nine individuals through emails, verbal comments, and phone calls.

The City received two emails during the revised Housing Element public review period in January 2024. The commentors expressed a desire for resources and quality housing for special needs populations, expressed that using housing vouchers within the city is challenging, and requested the City be more proactive in bringing affordable housing to the area. As described above, the City has included programs in the Housing Plan to provide for special needs populations, encourage affordable housing development, and promote the HCV Program.

The City also received four phone calls during the January 16-24, 2024 public review period. The callers expressed a desire to live in Malibu and are seeking affordable housing. However, there are difficulties finding units that allow for housing vouchers, as well as units that accommodate low-income individuals with disabilities. The callers emphasized the need for housing for disabled and other vulnerable populations.

Shortly before and during the January 16-24, 2024 public review period, the City was contacted by two property owners interested in developing affordable housing for low- and moderate-income households. While these sites are not included in the Sites Inventory and do not have an AHO designation, these inquiries demonstrate that there is interest in developing affordable multi-family housing in the city.

Following the preliminary review by HCD, the Housing Element was revised and the City published the Revised 2021-2029 Housing Element on March 13, 2024 for public review. The City received eight comment letters during the March 13 to March 20, 2024 public review period. One of the comments received notified the City of the failure of a website link on a device, and another comment advertised business services to the City. The other comments regarded expanding the ADU and mobile home programs, adding incentives for owners to rent to low-income residents and special needs populations, expanding the mobile home program, services for the homeless population, requests for additional density, and reducing short-term rentals.

In addition to those eight comment letters, four comment letters were sent directly to HCD, including one in November 2022, two in January 2024, and one in March 2024. One of the comments received provided a complaint regarding a home manufacturer in Malibu. Two other comment letters supported the City's compliance with state law regarding the City's ADU ordinance, Site Inventory, and Housing Element update; and supported housing for lower- and moderate-income households and affirmatively furthering fair housing opportunities. One comment letter desired an analysis of the City's compliance with the Permit Streamlining Act.

Following receipt of comments by HCD dated March 22, 2024, the Housing Element was revised, and the City published the Revised 2021-2029 Housing Element for a seven-day public review period from April 29, 2024 to May 6, 2024. One public comment was received on May 3, 2024, requesting information on renting affordable housing that is developed in Malibu.

The following themes emerged from comments received during public review and at the public meetings:

- Residents would like to see the City to be held accountable for implementing programs identified in the Housing Element, particularly relating to programs for building affordable housing for seniors, teachers, and firefighters.
- There is a discrepancy between the amount of housing that is available for high-income residents and the limited housing that is available for low-income residents. There is a large housing gap for those in need of housing.
- When new residential development replaces former buildings, existing residents are displaced and do not return.
- It is very difficult for a voucher holder to locate housing in Malibu. There are very few voucher program units. Residents requested more information provided to landlords to prevent discrimination based on income source and disability.
- ADUs are not adding to the housing stock, but are used to increase home values for wealthy residents.
- Residents would like the City to expand their ADU program and provide incentives to property owners that rent to low-income renters.
- Concern for housing for special needs populations, such as foster children and families, residents with disabilities, and other vulnerable groups.
- Incentivize hiring special needs populations, and more services for people with special needs to help find permanent housing.
- Concern with losing open space with increased residential density.
- Suggestions to include HOME funds in the City's funding availability.
- Expand opportunities for mobile homes as a form of affordable housing.
- Rezone to allow for more housing.
- Create safe parking sites for people who live in their cars.
- Allow for housing on the former Malibu Golf Course.
- Suggestions for enforcing mandatory inspections and nuisance laws, providing tax breaks for long-term rentals as an incentive, and limiting short-term super hosts.
- Support for the City to support higher density projects and to coordinate meetings with developers.
- Request to include an analysis of the City's compliance with state streamlining laws, including California Environmental Quality Act (CEQA) streamlining.
- Concerns that the Affordable Housing Overlay (AHO) zone has a maximum density of 20 units per acre, rather than the minimum density required by state law. Additionally, there were concerns that the height limits of 18 feet constrains development, and the Multifamily Beach Front District density assumptions are inaccurate and cannot accommodate the planned density.

In response to the comments received during public review and at public meetings, the Housing Plan was amended according to the following themes:

Need for affordable housing options.

How addressed:

- During the latest revision to the Housing Element, the City strengthened objectives to support affordable housing opportunities. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group. Housing Program 3.3 also directs the City to support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices, and to provide funding to the City's Outreach Team and Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County.

Need for income source discrimination prevention.

How addressed:

- Housing Program 3.1 was amended and strengthened during the latest revision. The program directs the City to promote the HCV program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.
- Housing Program 5.1 was amended and strengthened during the latest revision. The program directs the City to promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling and mediation, and to provide informative materials on fair housing resources with ADU applications. The City will advertise available fair housing services.

Need increased resources and housing options for special needs populations.

How addressed:

- Housing Program 1.2 directs the City to provide technical housing rebuild assistance to lost or damaged homes as needed, prioritizing low- or moderate-income households and/or special housing needs households.
- Under Housing Program 1.3, the City will provide housing rehabilitation assistance to lower-income, elderly, and/or disabled households. Providing financial assistance for home repairs to at risk households will reduce displacement risk caused by substandard housing conditions.
- During the latest revision to the Housing Element, the City also strengthened objectives to support affordable housing opportunities. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group. Housing Program 3.3 also directs the City to support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices, and to provide funding to the City's Outreach Team and

Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County.

- During the latest revision to the Housing Element, the City added Housing Program 3.3 to promote awareness of the City's exemption on the Utility Use Tax for senior households (MMC Chapter 3.28), which will reduce housing cost burden for that population. The City will also support services that meet the needs of City residents, including an annual senior resources fair, Dial-A-Ride services, and information on how to access assisted living housing.
- During the latest revision to the Housing Element, the City strengthened Housing Program 3.4, which directs the City to promote the use of density bonuses to facilitate production of affordable and senior housing.
- During the latest revision to the Housing Element, the City strengthened Housing Program 5.2, which directs the City to require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population. The Housing Program also directs the City to Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.

Stakeholder Interviews

On April 19, 2024, the City contacted organizations with local knowledge of the housing needs of special needs populations to arrange one-on-one interviews. The following organizations were contacted:

- Malibu C.A.R.T.
- The People Concern
- Esperance Center
- Catholic Charities of Los Angeles, Inc.
- Salvation Army - California South
- Lutheran Social Services of Southern California (LSSSC)
- St. Joseph Center

The People Concern and Malibu C.A.R.T. responded to interview requests. The People Concern operates throughout Los Angeles County and provides services to people experiencing homelessness, including outreach, interim housing, mental and medical health care, substance abuse services, domestic violence services, life skills and wellness programs, and permanent supportive housing. Malibu C.A.R.T. (Community Assistance Resource Team) operates in Malibu and connects people experiencing homelessness to services. The organizations were encouraged to provide input on the housing needs, conditions, and services for special needs populations, and input on the challenges and opportunities with their work. Both organizations primarily serve residents in the city experiencing homelessness. The following discussion summarizes the input received during the interviews:

- Existing services and resources in Malibu:
  - The Labor Exchange, a program supported by the City, assists housed day laborers with connections to prospective hires and provides English as a Second Language classes.
  - The Veteran Peer Access Network, operated through the Department of Mental Health outreach program, is an effective partnership for The People Concern, offering an alternative for veterans who may be reluctant to seek assistance from Veterans Affairs (VA) services.
  - The City's Public Safety Department and the Sheriff's Department maintain a respectful separation between law enforcement responsibilities and assistance for social services. The Sheriff's Department prioritizes fire prevention and ensuring that unhoused residents are removed from fire-prone areas such as the canyons.
  - Malibu benefits from a close-knit community with a high degree of collaboration between public safety and law enforcement officers, lifeguards, library staff, and community volunteers. This high degree of collaboration benefits response times, service accessibility, and information sharing for assisting unhoused residents.
  - The City has an agreement with Turning Point for three interim housing beds in Santa Monica.
- Housing and services challenges in Malibu:
  - Malibu's expansive area and topographic isolation from the rest of the region creates logistical challenges for providing accessible social services for unhoused and lower-income residents, requiring long vehicle or bus trips for basic needs.
  - Recruiting employees for jobs in the city, particularly for lower- and moderate-income jobs, is challenging due to high cost of living and long commutes, especially via public transit. Lower-income workers, particularly those who work temporary jobs such as construction, sometimes sleep in their vehicles on the street to avoid commuting. Middle-income public employees, such as police and teachers, experience high turnover due to the lack of affordable housing options.
  - Wraparound services, including mental health, substance abuse, medical care, and transportation services, are needed for lower-income residents.
  - The high cost of land in Malibu makes establishing interim housing difficult.
- Suggestions for collaboration, resources, and opportunities:
  - There is potential for collaboration with the County to build emergency shelters on County property in Malibu near services and transit.
  - Potential solutions for interim or emergency housing could include repurposing existing City facilities or enacting zoning changes to allow this type of housing.
  - The City's website can provide information on available housing resources for residents, particularly seniors, public employees, and local employees.

- Trends and characteristics among the unhoused population:
  - Veterans comprise a small portion of the unhoused residents.
  - There are several long-term homeless individuals who have resided in the city for decades and their circumstances and needs vary by person.
  - The unhoused population includes families, couples, and the elderly. There has been an observed increase in unhoused older individuals and female residents in recent years.
  - Substance use has shifted in recent years from alcohol to methamphetamine and fentanyl, leading to behavioral challenges such as psychosis and disruptive behavior. These behavioral challenges can make it difficult for service providers to establish and maintain care.
  - Some individuals were previously housed in Malibu but became homeless, particularly following events like the Woolsey Fire. Residents who were living on someone else's property in a guest home or trailer were more likely to be impacted by housing needs. Despite emergency housing vouchers being available after the fire, they were not utilized by all affected individuals.
  - Most unhoused residents in Malibu did not previously have housing in the city; most arrived in the city for various reasons after becoming homeless.
  - Homeless individuals are frequently found in locations like the library and Legacy Park.

The Housing Plan was updated to incorporate this feedback into the program actions. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance for affordable housing projects that provide units that serve the needs of special needs groups, such as seniors and lower-income employees. Housing Program 3.3 also directs the City to Implement the City's Homelessness Task Force and provide funding to conduct outreach and coordinate with landlords and shelter facilities throughout Los Angeles County and ensure there are sufficient beds available to Malibu residents experiencing homelessness.

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CITY OF MALIBU

23825 Stuart Ranch Road
Malibu, CA 90265

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Housing Element Virtual Public Meeting

Wednesday, June 23 at **6:30 PM**

YOU'RE INVITED!

Please join the 2021-2029 Draft Housing Element workshop to learn about the City's obligations and provide input on how major issues will be addressed in the updated Housing Element, including how City policies, plans and regulations help to further the development, improvement, and preservation of housing in order to meet the existing and projected needs of our community.

This meeting is to gather input from members of the public and no action will be made at this meeting. A public hearing to consider adoption of the 6th Cycle 2021-2029 Housing Element will be held at a later date, and a public notice will be provided in advance of that hearing.

All project background information and viewing and commenting instructions for the meeting are posted at:

MalibuCity.org/HousingElement

City of Malibu

2021 Housing Element Update

Planning Commission
June 23, 2021

Overview

Malibu General Plan

1.0 Land Use

2.0 Open Space and Recreation

3.0 Conservation

4.0 Circulation and Infrastructure

5.0 Safety and Health

6.0 Noise

7.0 Housing

Overview

- Housing Element required in General Plan since 1969
- Extensive legal requirements
- Housing Element updates required every 8 years
  - ✓ 2021-2029 update required by State law ("6th cycle")
- State oversight & Housing Element "certification"

Housing Element Certification

- Limitations on local land use control
- Housing is a "matter of statewide importance"
- State Legislature has delegated HCD authority to review Housing Elements for compliance ("certification")
- Potential legal consequences for non-compliance
- Certification supports the legal validity of the Housing Element and General Plan

Housing Element Guiding Principles

- Maintain & improve existing housing
- Plan for new housing to accommodate growth and a variety of housing for all economic segments
- Minimize constraints to housing
- Fair housing

What is Affordable Housing?

LA County Median Income = $80,000	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	$35,450	$886	---
Very Low (31-50%)	$59,100	$1,478	---
Low (51-80%)	$94,600	$2,365	---
Moderate (81-120%)	$96,000	$2,400	$425,000
Above Mod (>120%)	>$96,000	>$2,400	>$425,000

Assumptions:
Based on a family of 4
30% of gross income for rent or PITI
10% down payment, 3.75% interest, 1.25% taxes & insurance, $300 HOA dues

Key Requirements

Housing regulations consistent with State law

- ✓ *Persons with special needs*

Regional Housing Needs Assessment (RHNA)

- ✓ *Adequate sites to accommodate assigned need*

Special Needs

Housing for persons with special needs

- ✓Affordable workforce housing
- ✓Transitional housing
- ✓Supportive housing
- ✓Emergency shelters
- ✓Residential care facilities
- ✓Accessory dwelling units (ADUs)

RHNA

- Mandated by State law since 1980
- Total housing need assigned to each region by HCD
- RHNA Plan prepared by SCAG
- Each city & county assigned a share of total need based on projected growth, existing need & access to jobs & transit
- RHNA allocation distributed among 4 income categories

RHNA requirements in State law

- Planning
  - ✓ City must ensure that plans and development regulations can accommodate the RHNA allocation in all income categories
  - ✓ Housing Element certification requires "adequate sites"
- Production
  - ✓ Housing Element certification not contingent on achieving the RHNA allocation
  - ✓ If housing production falls short of the RHNA allocation, streamlined permit processing required for some projects

RHNA

6th Planning Cycle (2021-2029)

SCAG region:	1,341,827 units
Los Angeles County:	812,060 units
Malibu:	79 units

RHNA

Malibu (2021-2029)

Income Category	Units
Very low	28
Low	19
Moderate	17
Above mod	15
Total	**79**

RHNA Summary

- Planning target, not a construction quota
- Sites inventory must accommodate the RHNA
- Lower-income need can be accommodated through:
  - ✓ Multi-family residential zoning (20+ units/acre)
  - ✓ Mixed-use or "overlay" zoning (20+ units/acre)
  - ✓ Accessory dwelling units (ADUs)
- If sites inventory does not accommodate the RHNA, rezoning is required

Next Steps

Date	Milestone
Spring/Summer 2021	Research & analysis Public outreach Planning Commission study session
Summer 2021	Prepare Draft Housing Element Public review Planning Commission review City Council review HCD review & consultation
Fall 2021	Prepare Revised Draft Housing Element Public review Planning Commission review City Council hearing & adoption HCD review & certification

For more information:

https://www.malibucity.org/HousingElement

Questions & comments?

jkendall@malibucity.org

Frequently Asked Questions

Malibu 2021-2029 Housing Element Update

1. What is a Housing Element?

State law[1] requires each city to adopt a comprehensive, long-term General Plan for its physical development. General Plans include several "elements" that address various topics. The Malibu General Plan[2] is organized into the following elements: Land Use, Circulation and Infrastructure, Conservation, Open Space and Recreation, Safety and Health, Noise, and Housing.

Most portions of city General Plans have a "time horizon" of 20-25 years; however, State law requires that Housing Elements be updated every 8 years. Housing Element planning periods are sometimes referred to as *cycles*. The City's current Housing Element covers the planning period extending from 2013 to 2021, which is referred to as the "5th Housing Element cycle" in reference to the five required updates that have occurred since the comprehensive revision to State Housing Element law in 1980. Every city in the Southern California Association of Governments ("SCAG") region[3] is required to prepare a Housing Element update for the 6th planning cycle, which spans the 2021-2029 period, regardless of when the other elements of the General Plan were adopted.

State law[4] establishes detailed requirements for Housing Elements, which are summarized in California Government Code Section 65583:

> *The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.*

[1] California Government Code Sec. 65300 *et seq.*
[2] http://qcode.us/codes/malibu-general-plan/
[3] The SCAG region includes Los Angeles, Orange, Riverside, San Bernardino, Ventura and Imperial counties.
[4] California Government Code Sec. 65580 *et seq.*

2. What are the most important issues that must be addressed in the Housing Element?

The major issues that must be addressed in the Housing Element are: 1) how City policies, plans and regulations help to meet the region's housing needs for people at all income levels; and 2) how City land use regulations accommodate the special housing needs of persons with disabilities or other difficulties.

- **Accommodating Regional Housing Needs**. Every community is dependent on a variety of low- and moderate-income workers in jobs such as child and elder care, medical support, business and personal services, retail trade, and maintenance. While governmental programs provide funding assistance for affordable housing, city plans and regulations determine the type of housing that can be built. Therefore, a sufficient supply of affordable housing is dependent on both financial assistance and city development regulations.

  Under State law[5] all cities are required to plan for additional housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels, including multi-family rental housing and accessory dwelling units ("ADUs"). The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined (see #4 below).

- **Housing for Persons with Special Needs**. Under State law[6] cities must also ensure that their plans and regulations encourage the provision of housing for persons with special needs including:

  ✓ Reasonable accommodation for persons with disabilities
  ✓ Transitional and supportive housing
  ✓ Residential care facilities
  ✓ Emergency shelters and "navigation centers"

3. What is "affordable" housing?

By definition, housing is considered "affordable" when total housing cost, including utilities, is no more than 30% of a household's gross income. State law describes five income categories, which are based on county median income as shown in Table 1.

Table 1. Household Income Categories

Income Category	% of county median income
Extremely low	Up to 30%
Very low	31-50%
Low	51-80%
Moderate	81-120%
Above moderate	Over 120%

Source: California Government Code Sec. 65584(f)

[5] California Government Code Sec. 65583
[6] California Government Code Sec. 65583(a)(5)

Affordable housing costs for all jurisdictions in Los Angeles County that correspond to these income categories are shown in Table 2. Affordability figures are adjusted each year and are based on family size.

Table 2. Income Categories and Affordable Housing Costs – Los Angeles County

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely low	$35,450	$886	*
Very low	$59,100	$1,478	*
Low	$94,600	$2,365	*
Moderate	$96,000	$2,400	$375,000
Above moderate	>$96,000	>$2,400	>$375,000

Assumptions:
-Based on a family of 4 and 2021 State income limits
-30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance
-10% down payment, 3.75% interest, 1.25% taxes & insurance, $350 HOA dues
* For-sale affordable housing is typically at the moderate-income level
Source: Cal. HCD; JHD Planning LLC

4. What is the "RHNA" why is it important?

Each California city is required to plan for new housing to accommodate a share of regional needs. The Regional Housing Needs Assessment ("RHNA") is the process established in State law[7] by which each city's housing needs are determined.

Prior to each Housing Element planning cycle the region's total housing need is determined by the California Department of Housing and Community Development ("HCD") based upon economic and demographic trends, existing housing problems such as overcrowding and overpayment, and additional housing needed to ensure reasonable vacancy rates and replace units lost due to demolition or natural disasters. The total housing need for the region is then distributed to cities and counties by SCAG based upon criteria established in State law.[8]

In 2019 HCD determined that the total new housing need for the entire SCAG region in the 6th Housing Element cycle is 1,341,827 units. SCAG then prepared a RHNA plan that allocates a share of the RHNA to each jurisdiction in the region.[9] Table 3 shows the RHNA allocations for Malibu, Los Angeles County, and the entire SCAG region.

Table 3. 6th Cycle RHNA – Malibu, Los Angeles County and SCAG Region

	Malibu	Los Angeles County	SCAG Region
RHNA allocation 2021-2029 (housing units)	79	812,060	1,341,827

Source: SCAG, 3/4/2021

The RHNA distributes each jurisdiction's total housing need among the income categories shown in Tables 1 and 2 above (the extremely-low and very-low categories are combined for RHNA purposes). The 6th cycle RHNA allocation for Malibu by income category is shown in Table 4.

[7] California Government Code Sec. 65584 et seq.
[8] California Government Code Sec. 65584(d)
[9] https://scag.ca.gov/housing

Table 4. 6th RHNA by Income Category – Malibu

Very Low	Low	Moderate	Above Moderate	Total
28	19	17	15	79

Source: SCAG, 3/4/2021

5. Is the RHNA a construction quota or mandate?

The RHNA allocation identifies the amount of additional housing a jurisdiction would require in order to have enough housing at all price levels to fully meet the needs of its existing population plus its expected population growth over the next 8 years while avoiding problems like overcrowding and overpayment. The RHNA is a planning requirement that identifies housing need, *not a construction quota or mandate*. Jurisdictions are not required to build housing or issue permits to achieve their RHNA allocations, but State law establishes specific requirements when housing production falls short of RHNA allocations. One such requirement is streamlined review of housing development applications that meet specific standards.[10] Other than requirements for streamlined permit processing, there are currently no legal or financial penalties imposed on cities that do not achieve their RHNA allocations.

6. What must cities do to comply with the RHNA?

The Housing Element must analyze the city's potential capacity for additional housing based on an evaluation of land use patterns, development regulations, development constraints (such as infrastructure availability and environmental conditions) and real estate market factors. The analysis must be prepared at a parcel-specific level of detail and identify properties where additional housing could be built consistent with current regulations. This evaluation is referred to as the "sites analysis" and State law requires the analysis to demonstrate that the city has adequate capacity to fully accommodate its RHNA allocation in each income category. If the sites analysis does not demonstrate that adequate capacity exists to fully accommodate the RHNA, the Housing Element must describe what steps will be taken to increase capacity commensurate with the RHNA – typically through amendments to land use and zoning regulations that could facilitate additional housing development.

Under State law, areas that are zoned to allow residential or mixed-use development at a density of at least 20 units/acre in small cities like Malibu are considered appropriate for affordable housing in the very-low and low income categories. Potential accessory dwelling units ("ADUs") can also accommodate future housing need in all income categories.

The City's preliminary analysis indicates that sufficient capacity exists for additional housing to accommodate Malibu's 2021-2029 RHNA allocation at all income levels. In 2013 an Affordable Housing Overlay Zone was adopted to allow multi-family residential development on approximately 9 acres of land with potential for approximately 150 units, which exceeds the RHNA allocation of 79 units.

[10] California Government Code Sec. 65913.4 (SB 35 of 2017)

7. Housing development is very expensive in Southern California. What happens if cities don't achieve their assigned housing needs?

Housing development is very expensive, particularly in coastal areas, and housing that is affordable to low- and moderate-income families typically requires large subsidies. While State housing law is based on the premise that every city has an obligation to use its governmental powers to encourage housing development at all income levels, it is recognized that available financial resources are not sufficient to produce all of the affordable housing needed. Therefore, if a city has adopted appropriate plans and regulations to encourage housing development commensurate with its RHNA allocation, it will not be penalized if actual production does not achieve assigned needs. However, under some circumstances State law requires that cities provide streamlined permit processing of housing developments if housing production falls short of RHNA goals.

8. What is "certification" of the Housing Element and why is it important?

The State Legislature has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and issue findings regarding the elements' compliance with the law.[11] If HCD issues a finding that the Housing Element is in substantial compliance with State law it is referred to as "certification" of the Housing Element. In 2013 HCD determined that Malibu's current Housing Element was in full compliance with State law. The City is now preparing a Housing Element update for the 2021-2029 period.

Housing Element certification is important for two main reasons:

- **Local control.** The General Plan establishes the foundation for the City's land use plans and regulations, and the Housing Element is part of the General Plan. If the City were challenged in court on a planning or zoning matter and the Housing Element were found by the court to be out of compliance, the court could order changes to City land use plans or regulations and assume control over some City land use decisions. HCD certification establishes a "rebuttable presumption of validity"[12] that the Housing Element complies with State law, which would support the City's legal defense. Recent laws also allow for courts to impose fines if a jurisdiction fails to adopt a compliant Housing Element.[13]
- **Eligibility for grant funds.** Some State grant funds are contingent upon Housing Element certification.

[11] California Government Code Sec. 65585
[12] California Government Code Sec. 65589.3.
[13] AB 101 of 2019

9. How can I find out more about the 2021 Housing Element update?

A webpage has been established on the City's website for the Housing Element update at:

https://www.malibucity.org/370/Housing-Element-Update

This webpage will be updated periodically with meeting notices, documents and other materials regarding the Housing Element update. In addition, interested persons are encouraged to submit questions or comments regarding the Housing Element update to Justine Kendall, Housing Element Project Manager at: jkendall@malibucity.org

. . .

From: [redacted]
To: Justine Kendall
Cc: Bruce Silverstein
Subject: Housing Element update comments
Date: Monday, June 21, 2021 5:52:33 PM

Dear Justine,

I have a conflict on 6/23, so I am unable to attend the public workshop. So I'd like to provide my comments via email. Note that I can find nowhere on the City web site with connection or location information for that meeting.

I read through the FAQ available regarding the Housing Element plan. In essence, it seems that this plan, while required, is nothing but window dressing. I'm certain that this update will confirm sufficient capacity exists in the City for the required RHNA allocations. However, capacity is not housing. I challenge anyone to find a single housing unit today in Malibu within the targeted affordable rent, available or currently occupied. Prior to Woolsey there might have been some, but unlikely as many as the RHNA allocations. Between Woolsey and short-term rentals, there is little hope of anything close to "affordable" in Malibu.

There are many long-time Malibu residents, in previously affordable situations, who were dislocated due to Woolsey and now can't return due to the skyrocketing rents. I can think of at least 4 off the top of my head, whom I know personally. A one bedroom guest house generally rents for about $3000+/mo now. Single rooms with shared kitchen and/or shared bath rent for over $2000/mo. These figures are 2-4 times higher than pre-Woolsey rents. The lowest purchase price is over $700k.

While this is outside the scope of the current Housing Elements update, I would like suggest that the City adopt as a goal the actual conversion of capacity to units within the targeted maximum affordable rents in the plan, at the RHNA allocations as a bare minimum. The City would need to determine how to be accountable and measure success of such a goal. The actions to achieve this goal might include:

- streamlined permitting for ADU
- streamlined planning and permitting for ADU as part of Woolsey rebuilds
- incentivizing ADU development
- aggressive and proactive enforcement of the STRO
- establishing a means by which property owners can register their property as qualifying, which will help the City track units, and offer some incentive for doing so as well as means to verify long-term, and potentially support lessors in qualifying tenants as low income and a public list of available qualifying units
- establish rent controls (I said "might" - this needs serious consideration)
- proactively solicit multi-unit developers and incentivize units permanently registered as affordable
- where zoning allows, allow, incentivize, and streamline permitting of the conversion of a single-family unit to multi-family, with designation of some units as affordable

I don't have a ton of knowledge of the City ordinances, policies, procedures, and objectives. But I do know that the "maximum affordable rent" is laughable in Malibu and it's a big problem. Employers here have difficulty hiring help because they have to drive so far from where they can afford to live, and their pay gets eaten up by gas expenses. Children who've

grown up here have little hope of living here on their own salary, especially those children of families who moved here generations ago. Young families have no way to get a foothold here. Malibu used to be a very diverse community. The loss of housing due to Woolsey and STR has been devastating.

Thank you for your efforts, time, and consideration.

Barb Dijker

November 30, 2020

Mayor Mikke Pierson
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mayor Pierson,

We are writing on behalf of **Abundant Housing LA** regarding Malibu's upcoming 6th Cycle housing element update. Abundant Housing LA is a pro-housing education and advocacy organization working to help solve Southern California's housing crisis. We support efforts to reform zoning codes and expand housing production, which are needed to reduce rents, improve access to jobs and transit, strengthen the local economy and job market, and combat segregation. We have a large and growing membership base throughout Los Angeles County.

California has a statewide housing shortage of nearly 3.5 million homes, and has the highest poverty rate in the nation after accounting for housing costs. Households at all levels of income face a historically high rent burden. Exclusionary zoning and longstanding constraints on denser housing have led to an undersupply of medium and high density housing near jobs and transit. This contributes to high rents and displacement of households.

Over the past few years, new state laws (e.g. AB 686 (2018), SB 166 (2017), AB 1397 (2017), SB 828 (2018), SB 35 (2017), etc.) have strengthened the Regional Housing Needs Assessment (RHNA), which sets a housing growth target for individual jurisdictions and requires jurisdictions to update their housing elements in order to achieve these targets.

These changes to state law have led to historically high jurisdiction-level housing growth targets in the upcoming 6th Cycle Housing Element Planning Cycle, and have empowered the state Department of Housing and Community Development (HCD) to enforce appropriately high standards for housing element updates. We are encouraged that Malibu was given a target of **79 new homes, of which 45 must be affordable to lower-income households.**

As jurisdictions start the housing element update process, AHLA seeks to provide guidance on how jurisdictions should fulfill both the letter and the spirit of housing element law. Unfortunately, some jurisdictions are already seeking to skirt their obligation to sufficiently plan to meet their housing needs. AHLA will scrutinize jurisdictions' housing elements, submit comments to HCD as needed, and collaborate closely with nonprofits that bring legal action against jurisdictions that fail to comply with state housing laws.

Of course, AHLA recognizes that the COVID-19 pandemic and resulting economic devastation have made it more difficult for jurisdictions to meet ambitious RHNA targets. But the pandemic has made it even more critical than ever for jurisdictions to solve the region's housing crisis and

encourage economic recovery. We seek to collaborate with you and your team on policy efforts to achieve the RHNA goals.

To that end, we have published a memo, **Requirements and Best Practices for Housing Element Updates: The Site Inventory**, explaining the key legal requirements, as well as HCD and AHLA's recommended best practices, for housing element updates. Additionally, **this checklist provides a summary of our core policy recommendations**. We respectfully encourage you to incorporate the concepts detailed in these documents into Malibu's housing element update.

As your team begins to develop Malibu's housing element update, we would like to draw particular attention to four critical components of the site inventory analysis:

1. Incorporating an estimate of the **likelihood of development** and the **net new units if developed** of inventory sites
2. Using an HCD-recommended "safe harbor" methodology for **forecasting future ADU production**
3. Prioritizing high-opportunity census tracts and well-resourced areas (e.g. near transit, jobs, schools, parks, etc.) when selecting sites for lower-income housing opportunities, in order to **affirmatively further fair housing**
4. Including the HCD-recommended buffer of at least 15-30% extra capacity in the site inventory, in order to **avoid violating the No Net Loss requirement**

Component #1: Housing elements should estimate and report both the **likelihood of development** and the **net new units if developed** of inventory sites.

Just because jurisdictions zone for more housing doesn't mean that the housing will actually be built. The economic cycle, uncertainty of market conditions, the current usage of nonvacant sites, and land use regulations all influence the extent to which rezoned parcels are built to their maximum theoretical capacity.

A parcel's maximum theoretical capacity is not the same as its realistic capacity. To draw a parallel to college admissions, when UCLA wants 2,000 students in its incoming class, they admit 4,000 students. Similarly, to achieve housing production targets, jurisdictions must increase zoned capacity well above the target number of new homes.

An accurate assessment of site capacity is necessary in order for the housing element to achieve sufficient housing production. The site capacity estimate should account for the following **two factors**:

- What is the likelihood that the site will be developed during the planning period?
- If the site were to be developed during the planning period, how many net new units of housing are likely to be built on it?

These are the **likelihood of development**[1] and **net new units if developed**[2] factors, as required by HCD guidelines. The portion of the jurisdiction's RHNA target that a site will realistically accommodate during the planning period is:

***(likelihood of development) x (net new units if developed) = realistic capacity*.**

In past planning cycles, the likelihood of development factor was not expressly considered; housing elements frequently assumed that most or all site inventory locations would be redeveloped to their maximum theoretical capacity. Since this generally did not happen, jurisdictions consistently fell short of their RHNA targets as a result. This is the case for Malibu, which is not on a path to achieving its 5th cycle RHNA targets for very low, low, and moderate income housing. Through 2019, it has permitted 0 homes that are affordable at these income levels, despite an extremely low RHNA target of 2 homes. Worse, the 2019 Woolsey fire caused the destruction of 480 homes in Malibu[3], leading to a net decrease in housing since the start of the 5th cycle.

5th Cycle RHNA Targets vs. Actual Housing Production (2014-19)

Income Bucket	RHNA Target	Homes Permitted
VLI	1	0
LI	1	0
MI	0	0
AMI	0	84
Total	**2**	**84**

According to Malibu's 5th cycle housing element, the city had theoretical capacity for roughly 1,099 more housing units.[4] Through 2019, Malibu permitted 84 housing units[5], which equates to 112 housing units permitted by the end of the 5th cycle (assuming that the same annual permitting pace continues in 2020 and 2021). This implies that in Malibu, excess zoned capacity has a **10% likelihood of being developed** (112 actual units divided by 1,099 theoretical units).

Malibu's 6th cycle housing element should incorporate this likelihood of development estimate into its site inventory analysis. This would be consistent with HCD guidelines,[6] while also ensuring that enough zoned capacity is available to encourage 79 housing units to be built by

[1] HCD Site Inventory Guidebook, pg. 20
[2] HCD Site Inventory Guidebook, pg. 21
[3] Los Angeles Times, August 5, 2019
[4] Malibu 5th Cycle Housing Element, pg. 71
[5] HCD Annual Progress Report dataset, 2020
[6] HCD Site Inventory Guidebook, pg. 20

the end of the 6th cycle. Assuming that zoned capacity has a 10% likelihood of being developed in the next 8 years, **the housing element must allow for 790 units of zoned capacity in order to achieve 79 actual housing units.** If Planning believes that a higher likelihood of development (and thus a smaller zoned capacity increase) is justified for certain parcels in the site inventory, persuasive data to support this assumption must be provided.[7]

Component #2: Housing element updates should use an HCD-recommended "safe harbor" methodology for forecasting future ADU production.

Local jurisdictions frequently use overly optimistic estimates of future ADU production to avoid necessary housing reform and rezoning. ADU development estimates must reflect actual on-the-ground conditions to ensure that they are realistic. Overly aggressive ADU production estimates set jurisdictions up for failure in providing the required housing for residents.

To that end, HCD has established two safe harbors for forecasting ADU production during the 6th Cycle[8]. One option ("Option #1") is to project forward the local trend in ADU construction since January 2018. The other, for use when no other data is available ("Option #2"), assumes ADU production at five times the local rate of production prior to 2018. Jurisdictions are also permitted to include programs that aggressively promote and incentivize ADU construction.

Where no other data is available, jurisdictions may assume an average increase of five times the previous planning period construction trends prior to 2018. Jurisdictions may also use regional ADU production trends, and include programs that aggressively promote and incentivize ADU construction. Jurisdictions should clearly and explicitly state their methodology and data sources for future ADU development forecasts.

According to HCD, Malibu issued permits for 1 ADU in 2017, 3 ADUs in 2018, and 7 ADUs in 2019. Under HCD's "Option #1", Malibu could take the average of the 2018 and 2019 ADU production trends, and forecast that 5 ADUs will be permitted per year during the 6th cycle. This would allow for a **total 6th cycle forecast of 40 ADUs.**

Under HCD's "Option #2", Malibu could multiply the 2017 ADU production trend by five, and forecast that 5 ADUs will be permitted per year during the 6th cycle. This also would allow for a **total 6th cycle forecast of 40 ADUs.**

Another, more aggressive, option would take the average of the 2018 and 2019 ADU production trends, and multiply that average by five. This methodology would forecast that 25 ADUs will be permitted per year during the 6th cycle. This would allow for a **total 6th cycle forecast of 200 ADUs.** Abundant Housing LA does not recommend this methodology, since it is not an HCD-defined safe harbor forecasting option.

[7] HCD Site Inventory Guidebook, pg. 20-21
[8] HCD Site Inventory Guidebook, pg. 31

Malibu should use HCD's Option 1 or 2 safe harbor when projecting annual ADU production. If it believes that higher ADU production forecasts are warranted, it must provide well-grounded estimates, based on the pace of ADU production in neighboring jurisdictions, and must explain programs or policy efforts that could lead to higher ADU production.

Finally, per HCD, the housing element "should also include a monitoring program that a) tracks ADU and JADU creation and affordability levels, and b) commits to a review at the planning cycle midpoint to evaluate if production estimates are being achieved."[9] Malibu's housing element should commit to mid-cycle rezoning if ADU production is lower than forecasted, and its midpoint review should be linked with immediate and automatic programs to increase housing production in the second half of the RHNA cycle. AHLA's recommended approach is to incorporate by-right density bonuses on inventory sites, which would automatically take effect mid-cycle if the ADU target is not met. The density bonus should be large enough, and apply to enough parcels, to fully make up for any ADU production shortfall.

Component #3: Housing elements must prioritize high-opportunity census tracts and well-resourced areas (e.g. near transit, jobs, schools, parks, etc.) when selecting sites for lower-income housing opportunities, in order to affirmatively further fair housing.

AB 686 (2018) requires housing element updates to "affirmatively further fair housing", which is defined as "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and fosters inclusive communities free from barriers that restrict access to opportunity based on protected characteristics."

In our region, housing policy and land use regulations were once used to exclude members of minority groups. Redlining and restrictive covenants, which restricted where Black Americans could live, were once commonplace throughout Los Angeles County. Malibu remains segregated today, with white Americans making up nearly 80% of the city's population.[10] Exclusion also continues on the basis of income: the estimated median home value in Malibu is $3.3 million[11], and 24% of the city's renters are "rent-burdened" (i.e. they spend more than 30% of their income on rent)[12]. High housing costs place a disproportionate burden on lower-income communities of color, and have the effect of excluding them from the city altogether.

Jurisdictions must address this issue by accommodating the lower-income RHNA targets in a way that conforms with AFFH requirements. HCD's Site Inventory Guidebook offers recommendations for **how** jurisdictions should accomplish this. HCD is **likely to require jurisdictions to distribute lower-income housing opportunities throughout the**

[9] HCD Site Inventory Guidebook, pg. 31
[10] American Community Survey, 2014-18
[11] Zillow Home Value Index, Malibu
[12] American Community Survey, 2014-18

jurisdiction, and recommends that jurisdictions first identify development potential for lower-income housing in high-opportunity neighborhoods[13].

Given that single-family, exclusionary zoning predominates in Malibu, and that its single census tract is classified as "highest-opportunity" in the TCAC/HCD Opportunity Map, rezoning is required in order to accommodate the RHNA targets for lower-income households. Additionally, focusing rezoning in single-family zoned areas will expand housing opportunities while minimizing the impact on existing renters in multifamily-zoned areas.

In order to fairly distribute housing opportunities citywide, Malibu should develop a quantitative methodology for scoring neighborhoods, based on factors like housing costs, median income, access to transit, access to jobs, access to schools, and environmental quality. Neighborhoods that score higher on these dimensions should be allocated higher housing growth targets, and rezoning should be based on these neighborhood-level housing growth targets.

Finally, Malibu should identify funding sources, public resources, and density bonus programs to maximize the likelihood that housing projects with below market-rate units are actually built. Local measures like a real estate transfer tax and congestion pricing could help generate new funding to support affordable housing production and preservation.

Component #4: Housing elements should include the HCD-recommended buffer of at least 15-30% extra capacity in the site inventory, in order to avoid violating the No Net Loss requirement.

SB 166 (2017) requires adequate sites to be maintained **at all times** throughout the planning period to accommodate the remaining RHNA target by each income category.[14] This means that if a jurisdiction approves a development on a parcel listed in the site inventory that will have fewer units (either in total or at a given income level) than the number of units (either in total or at a given income level) anticipated in the site inventory, then the jurisdiction must identify and make available enough sites to accommodate the remaining unmet RHNA target for each income category.[15]

If additional sites with adequate zoned capacity don't exist, then the jurisdiction must rezone enough sites to accommodate the remaining unmet RHNA target within 180 days. If the jurisdiction fails to accomplish this rezoning in the required period, then the consequences will include decertification of the housing element and potential state legal action.

To ensure that adequate housing capacity at all income levels exists in the housing element through the 6th Cycle, HCD recommends that "the jurisdiction create a buffer in the housing

[13] HCD Site Inventory Guidebook, pg. 3
[14] HCD No Net Loss Law Memo, pg. 1
[15] HCD Site Inventory Guidebook, pg. 22

element inventory of at least 15-30% more capacity than required, especially for capacity to accommodate the lower income RHNA."[16] **Malibu should "overshoot" on total site capacity for each income level, in order to ensure that the City's RHNA target is achieved at all income levels.**

The City of Malibu has an obligation to sufficiently plan to meet current and future residents' housing needs. The housing element update affords Malibu, and the broader Southern California region, the chance to take bold action on lowering housing costs, reducing car dependency, strengthening the local economy, and guaranteeing access to opportunity for Californians of all racial and ethnic backgrounds. We urge you and your colleagues to fully embrace this opportunity to transform Malibu for the better.

Finally, it is worth noting that state law imposes penalties on jurisdictions that fail to adopt a compliant 6th cycle housing element update by October 15, 2021. On that date, noncompliant jurisdictions will forfeit the right to deny residential projects on the basis of local zoning, so long as projects include at least a 20% set-aside for below market-rate units[17]. Jurisdictions that want to maintain local control over new development should therefore plan to adopt a compliant housing element update on time.

We would be glad to engage with your office and with the Planning Department throughout the housing element update process. We look forward to a productive and collaborative working relationship with the City of Malibu on this critical effort. Thank you for your consideration.

Sincerely,

Leonora Camner
Executive Director
Abundant Housing LA

Anthony Dedousis
Director of Policy and Research
Abundant Housing LA

[16] HCD Site Inventory Guidebook, pg. 22
[17] California Government Code 65589.5(d)(5)

If I am mistaken in my understanding, I am hopeful that someone else on this email chain will speak up and correct my misunderstanding.

Thanks again for your comments, and for your ongoing participation in our local government process.

Stay Well,

Bruce

On Tue, Jan 23, 2024 at 12:33 PM Terry Davis <[redacted]> wrote:

> Dear Richard, Council & Staff,
>
> As I wrote in an email to you several days ago after watching the Special Council Meeting to discuss the current draft of the Housing Element, I truly appreciate the deep dive that was taken by all to attempt to uncover the hidden, clarify the confusing and seek to find workable solutions. I wish to acknowledge those who took the time to respond to my email. Thank you.
>
> I know and understand a "little" about this. And that, is a lot more than some, and a LOT less than others. I want to *comment* as I believe it is important to participate in something so necessary, so important. I cannot process why we are NOT in compliance. It is the law. And we, in Malibu, have so little that is being expected of us! The numbers demanded of us are minuscule considering the massive housing needs in Los Angeles County alone.
>
> **7.2.8(b) 2014-20212021-2029 Housing Needs**
> The additional housing need assigned to Malibu for the 2021-2029 planning period is shown in Table 7.2-22.
> **Table 7.2-22**
> **Regional Housing Needs - Malibu**
>
> **Very low. Low. Moderate. Above Moderate. TOTAL = 79 units**
> **28. 19. 17 15Very Low1 Low Moderate Above Moderate Total**
> **Moderate Above Moderate Tot**
> Source: SCAG 2021
> Notes:
> 1. Includes the Extremely-Low-Income (ELI) category.
> 2. 14 units are assumed to be ELI pursuant to *Government Code* §65583.a.1
>
> What are we waiting for? Are we waiting for a developer to come in, take control, impose ALL the penalties, demands, and concessions that they are allowed and impose an oversized, cheaply built, bare bones monstrosity upon us? Possibly doubling? Tripling? The units necessary?

Why not be pro-active? Why not take control of the challenge? Use our resources, our capital (people, land and financial) to create a project that is in **compliance** with the law, satisfies our needs and serves the greater community. There are companies that can and will partner with us to make this happen. The longer we put this off the greater the chances of our being subjected to penalties and developments out of our control.

I know that this is NOT a new idea. But I believe it is the answer. If you recall, several years ago we were close to this becoming a reality. Let's not lose that opportunity again.

Thank you for your consideration.

Sincerely,

Terry Davis
[redacted]

fyi

Richard Mollica, AICP

Planning Director

City of Malibu

310.456.2489 ext 346

From: Confidential <[redacted]>
Sent: Wednesday, January 17, 2024 5:18 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: Housing Element

Question submitted for meeting 1/17 at 6pm

Please address...

City Housing Voucher Program where do we stand on this issue?

Are there designated below market rate units to use vouchers?

Are there designated housing voucher program units?

Where are the units located and are there any currently available?

Who is in charge of this program?

Housing questions...

Units for Live in Aides

Under Housing Vouchers Program. Department of Children and Family Services Government office: seeking housing units for foster moms who act as emergency placement for foster refugee children.

Group homes for special needs adults who age out of the foster system. Housing is needed.

There are several homes who have turned into rehab facilities but what about other populations?

CITY OF MALIBU JANUARY 17, 2024 HOUSING ELEMENT STUDY SESSION COMMUNICATIONS

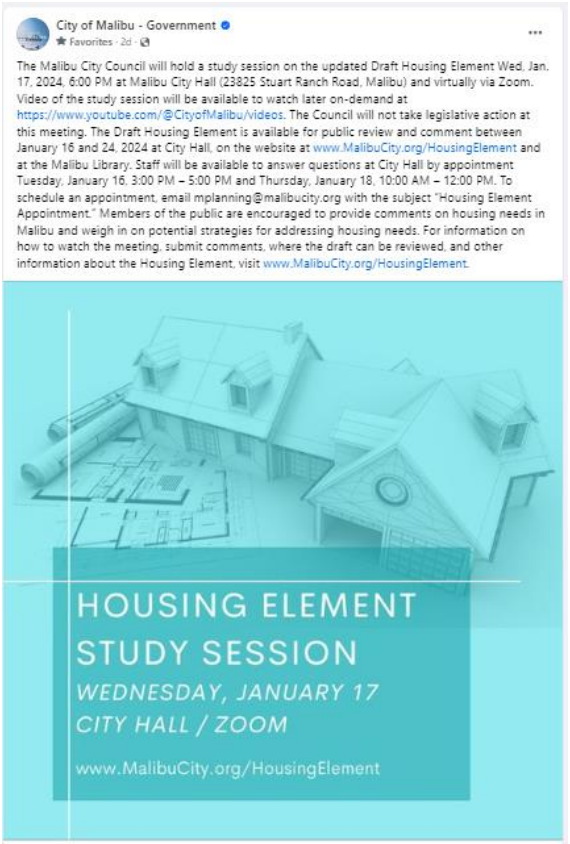
Instagram (Main account), posted twice in advance



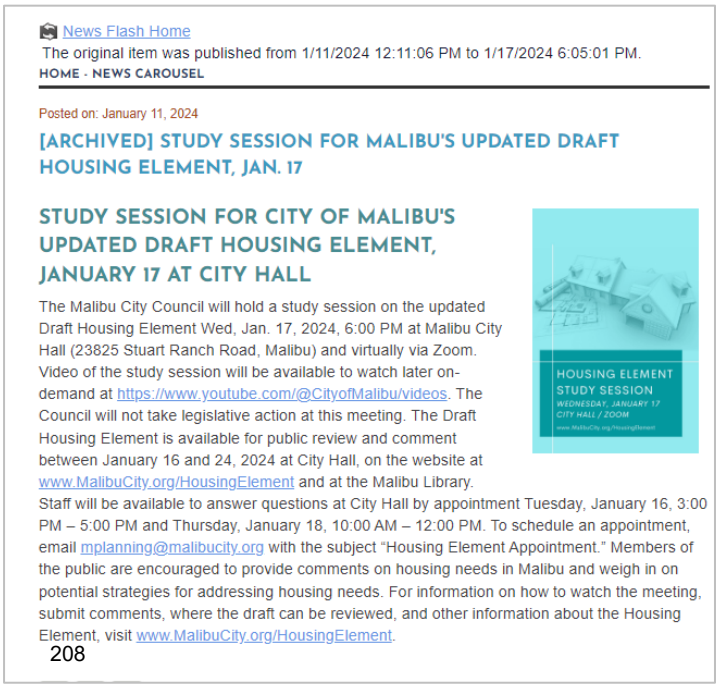
Slide posted in advance on Malibu City TV – Ch. 3 broadcast



Facebook (Main and Planning Dept. accounts), posted twice in advance



Newsflash (website homepage) posted in advance, and sent out to 559 subscribers.



NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
AVAILABILITY OF UPDATED DRAFT HOUSING ELEMENT

Study Session: The Malibu City Council will hold a study session on **WEDNESDAY, January 17, 2024, at 6:00 p.m.** on the updated Draft Housing Element in Council Chambers at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference. As a study session, no legislative action will be taken at this meeting.

General Plan Amendment 20-001 - The City Council adopted the 2021-2029 update of the City of Malibu General Plan Housing Element on January 20, 2022. In March 2022, the State Housing and Community Development (HCD) issued a letter finding that revisions were necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to comply with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on the updated Draft Housing Element.

Office Hours: Staff will be available to answer questions by appointment during the following times:

Tuesday, January 16 from 3:00 pm – 5:00 pm
Thursday, January 18 from 10:00 am – 12:00 pm

Appointments can be requested by emailing mplanning@malibucity.org. Please include "Housing Element Appointment" in the subject of your email.

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. Please include "Housing Element" in the subject of your email. All comments will be provided to the City Council for its consideration.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by **January 8, 2024.** Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

Hardcopies of the draft will be available in the following locations:

City of Malibu
Planning Department
23825 Stuart Ranch Road

Malibu Library
23519 Civic Center Way
Malibu, CA 9026

A written staff report for the study session and a copy of the Draft Housing Element will be available at malibucity.org/agendacenter prior to the meeting.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: January 11, 2024

CERTIFICATION OF PUBLICATION

STATE OF CALIFORNIA
County of **LOS ANGELES**

I hereby certify that I am the principal clerk of the printer of **The Malibu Times,** newspapers of general Circulation by The Superior Court of the County of Los Angeles, State of California: that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspapers and not in any supplement therof on the following dates to wit:

Legal Notice:

City Of Malibu

NOTICE OF MALIBU CITY COUNCIL STUDY SESSION

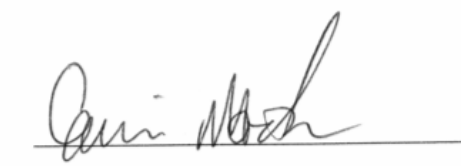
Dates Published:

12/21/2023

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed on: 12/21/2023

In Malibu, California



Legal Clerk, Cami Martin
The Malibu Times

NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
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General Plan Amendment 20-001 - The City Council will consider the 2021-2029 update of the City of Malibu General Plan Housing Element which establishes and implements specific goals, policies, and objectives relative to the provision of housing for all income levels consistent with all applicable state housing element law. As a study session, no legislative action will be taken at this meeting.

On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to be in compliance with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on housing needs in Malibu as well as potential strategies for addressing housing needs.

Review Period: Begins: **January 16, 2024** Ends: **January 24, 2024**

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. All comments will be provided to the City Council for its consideration.

How to Participate in Study Session: All persons wishing to address the City Council during the study session will be afforded an opportunity in accordance with the Council's procedures. To view and participate during the meeting, please review the meeting agenda which will be posted at malibucity.org/agendacenter and follow the directions for public participation.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by January 8, 2024. Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

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Next Steps: Once the City Council conducts its review, the draft will be submitted to the California Department of Housing and Community Development. Following its review, an updated draft will be presented to the Planning Commission and City Council for its final review and adoption.

Receive Notifications: To be notified of important information regarding the Housing Element, sign up at malibucity.org/news and select Housing Element Update.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: December 21, 2023

CERTIFICATION OF PUBLICATION

STATE OF CALIFORNIA
County of **LOS ANGELES**

I hereby certify that I am the principal clerk of the printer of **The Malibu Times,** newspapers of general Circulation by The Superior Court of the County of Los Angeles, State of California: that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspapers and not in any supplement therof on the following dates to wit:

Legal Notice:

City Of Malibu

Housing Element Study Session

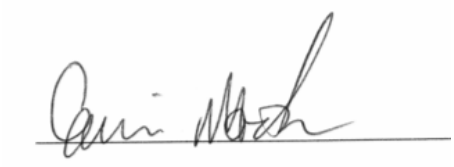
Dates Published:

1/11/2024

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed on: 1/11/2024

In Malibu, California



Legal Clerk, Cami Martin
The Malibu Times

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&
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Richard Mollica, Planning Director

Publish Date: January 11, 2024

From: Gail Duncan
Bcc: [redacted]
Subject: CITY OF MALIBU - UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD
Date: Thursday, December 21, 2023 1:16:41 PM
Attachments: PHN_Housing Element_1.17.24 Study Session.pdf
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image003.png
image004.png
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UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD

The City will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24, 2024. In addition, the City Council will hold a Study Session on

Wednesday, January 17, 6:00 PM in-person at City Hall and virtually via Zoom, on the updated Draft Housing Element. For information on how to participate or view the meeting, submit comments, and where the draft can be reviewed, please see the Notice of Study Session and Availability for more information. On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter. For more information, visit the project webpage.

Gail Duncan (she/her)
Office Assistant | Planning Department
Office: (310) 456-2489 ext. 309
23825 Stuart Ranch Road | Malibu, CA 90265



UPCOMING

- December 27 - January 10, 8:00 AM - 3:00 PM - Free Christmas Tree Recycling - Chili Cookoff Lot
- Monday, January 8, 6:30 PM - City Council Regular Meeting - in-person at City Hall & virtually via Zoom
- Thursday, January 11, 7:00 PM - Harry Barovsky Memorial Youth Commission Special Meeting - in-person at City Hall
- Tuesday, January 16, 5:30 PM - Parks and Recreation Commission Regular Meeting - in-person at City Hall
- Tuesday, January 16, 6:30 PM - Planning Commission Regular Meeting - in-person at City Hall & virtually via Zoom
- Wednesday, January 17, 7:00 PM - Organics Recycling Training and Kitchen Caddy Giveaway - virtual
- Wednesday, January 17, 7:00 PM - Malibu Library Speaker Series with Thomas Levenson - Malibu Library
- Thursday, January 18, 6:00 PM - Art Talks, "21 Miles in Malibu" Film Screening & Community Discussion on PCH Safety - Santa Moniica College - Malibu Campus

CITY HALL / MANAGEMENT / GENERAL

(NEW) ALL CITY COMMISSION MEETINGS TO BE HELD IN PERSON AT CITY HALL AS OF JANUARY 1, 2024

On January 1, 2024, Assembly Bill 361, which has allowed the City's Commissions to meet virtually via Zoom, expired. This law was a temporary provision approved by the State Legislature to allow local agencies to conduct entirely virtual meetings pursuant to the Brown Act during the COVID-19 pandemic. Under normal circumstances, the Brown Act requires that Commission meetings be held in-person to allow the commission to openly conduct the people's business. After January 1, all of the City's Brown Act bodies have resumed meeting in-person at City Hall. City Council and Planning Commission meetings will continue to be held in a hybrid format; in-person at City Hall and virtually via Zoom. These meetings will continue to be available to view live and on-demand on the City's YouTube channel and website and live on City TV Ch. 3. All of the other City Commissions will begin meeting in person at City Hall only as they did before the pandemic, with no video broadcast.

HOMELESS OUTREACH UPDATE

The City's Homeless Outreach Team, which consists of two outreach workers and a housing navigator from The People Concern, reported that in November 2023, it engaged with 67 people experiencing homelessness in Malibu, one of whom was placed into permanent housing. In Malibu, 32 people are currently in various stages of engagement as the Outreach Team proactively works towards getting them into housing and comprehensive services. Current and past monthly Homeless Outreach reports are available on the webpage.

PLANNING

UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD, JANUARY 16 - 24

The City will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24. The City Council will also hold a Study Session on the updated Draft Housing Element on Wednesday, January 17, 6:00 PM in-person at City Hall and virtually via Zoom. Viewing and commenting instructions for the meeting and the Draft Housing Element are available on the website. On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addressed many statutory requirements but stated that revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter. For more information, visit the project webpage.

TEMPORARY USE PERMIT ORDINANCE HEARING RESCHEDULED TO FEBRUARY 12

The City Council public hearing to consider the Temporary Use Permit (TUP) proposed ordinance scheduled for December 11 has been rescheduled to Monday, February 12, 6:30 PM in-person at City Hall and virtually via Zoom. The hearing is to consider an ordinance and the Planning Commission's recommendations on updating regulations for TUPs, which are permits for events at non-residential properties. For more information about TUPs, visit the webpage.

WOOLSEY FIRE NON-CONFORMING STRUCTURES DEADLINES PUBLIC HEARING, JANUARY 8

To meet noticing requirements, the City Council will hold a second hearing on extending the deadlines to rebuild non-conforming structures destroyed or damaged in the Woolsey Fire without having to bring the structure into compliance with current ordinances on January 8, 2024, 6:30 PM. For more information, see the Notice of Public Hearing. On December 11, the City Council held its first hearing on the item and recommended extending the deadlines by three years. The December 11 staff report is available online. The January 8 staff report will be available in advance on the website. Should the Council extend the deadlines, the extensions filed by property owners will be considered moot. For more information, visit the Fee Waiver and Deadlines webpage.



As we approach the end of another eventful year, I want to take a moment to extend my warmest holiday greetings to each and every one of you. The holiday season is a time of reflection, gratitude, and joy, and it is with a heart full of appreciation that I address this message to our vibrant and dynamic community.

In the spirit of unity and togetherness, I want to express my deepest thanks to all of you for your continued support and dedication to making the City of Malibu a wonderful place to live, work, and thrive. Our community's strength lies in the bonds we share and the collective efforts to create a welcoming and inclusive environment for all.

In 2024, our focus remains unwaveringly on finding effective solutions for making Pacific Coast Highway safe. We understand the importance of this vital artery to our community, and we are fully resolved to work collaboratively towards improvements that ensure safety, efficiency, and a positive impact on our daily lives.

As we gather with family and friends to celebrate various traditions and festivities, let us take a moment to cherish the moments of joy, appreciate the spirit of giving, and reflect on the values that make our community resilient and compassionate.

The challenges we've faced this year have only strengthened our resolve to overcome adversity together. Your commitment to the well-being of Malibu is truly inspiring, and I am confident that our community will continue to grow and prosper in the coming year.

May this holiday season bring you peace, happiness, and the warmth of cherished connections. Let us embrace the opportunities that the New Year holds, working hand in hand to build an even brighter future for Malibu.

Thank you for being an integral part of our community. Your contributions make a positive difference every day, and I look forward to another year of collaboration and shared achievements.

Wishing you and your loved ones a joyful holiday season and a prosperous New Year!

- Steve McClary, City Manager

UPCOMING

- Friday, December 22 - January 1 - City Hall Winter Holiday Closure

SANDBAG AND SAND LOCATIONS IN THE MALIBU AREA
Zuma Beach Lifeguard Headquarters does not have sand for sandbags. Please do not remove sand from the beach, it is a violation of LA County Code. Sand is crucial for beach habitats. Plastic sandbags are banned in the City of Malibu. Look up sand and sandbag locations on the County website.

- Fire Station 70, 3970 Carbon Canyon Rd., Malibu. Ph: 310-456-2513 - sandbags, sand
- Fire Station 71, 28722 W. Pacific Coast Hwy., Malibu. Ph: 310-457-2578 - sandbags
- Fire Station 72, 1832 Decker Canyon Rd., Malibu. Ph: 310-457-6186 - sandbags
- Fire Station 88, 23720 W. Malibu Rd., Malibu. Ph: 310-456-2812 - sandbags
- Fire Station 89, 29575 Canwood St., Agoura Hills. Ph: 818-597-2272 – sandbags, sand
- Fire Station 99, 32550 Pacific Coast Hwy., Malibu. Ph: 310-457-3706 – sandbags, sand
- Fire Station 125, 5215 N. Las Virgenes Rd., Calabasas. Ph: 818-880-4411 – sandbags, sand
- Fire Station 144, 31981 Foxfield Dr., Westlake Village . Ph: 818-889-1626 - sandbags

PLANNING

(NEW) UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD, JANUARY 16 - 24

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(NEW) ADU ORDINANCE ADOPTED

On December 11, the City Council held a hearing on the Accessory Dwelling Units (ADUs) ordinance as well as the Planning Commission's recommendations and adopted an ordinance. The second reading of the ordinance will be held on January 8, 2024. The January 8 staff report with the final ordinance will be available in advance on the website. Once the second reading is conducted, staff will submit the Local Coastal Program Amendment to the California Coastal Commission for its certification review. The State has identified ADUs as an important tool to create more affordable housing amidst California's housing crisis and has passed several laws to make it easier to build ADUs. The City is developing an ordinance to be consistent with the State laws and has been gathering community input to ensure the regulations reflect Malibu's needs and characteristics. For more information, visit the project webpage.

(NEW) SPECIAL EVENTS REPORT

Currently, there are no new permitted events scheduled. The City of Malibu Planning Department posts a weekly report of approved event permits on the website. In order to help the public stay informed of pending event permit applications and to create opportunity for public input, the Event Permit Report includes all event permit applications deemed complete for review for consistency and compliance with the requirements of the Malibu Municipal Code and the Planning Director's action on each application. To sign up to receive an email or text message when an updated Event Permit Report is posted, visit the e-notifications page (scroll down to the "Special Event Permit Report" category).

CITY HALL / GENERAL

CITY HALL HOURS

City Hall is open to the public. Regular City Hall hours are Monday through Thursday, 7:30 AM to 5:30 PM and Fridays 7:30 AM to 4:30 PM. Members of the public may come to City Hall without an appointment during public counter hours. An appointment will be needed for in-person assistance during any other hours. Appointments can be made online. The use of facemasks is now "individual preference" while inside City Hall, in accordance with Los Angeles County Department of Public Health guidelines.

Public Counter Hours

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Sent By:	(Automatically Sent By Website)
Send Date:	1/22/2024 12:35:08 PM
Email Subject:	**Malibu Updated Draft Housing Element - Public Review Period Through January 24**

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UPDATED DRAFT HOUSING ELEMENT
PUBLIC REVIEW PERIOD

The City's updated Draft Housing Element is available for public review and comment through January 24 at City Hall, on the Housing Element webpage and at the Malibu Library. Members of the public are encouraged to provide comments on housing needs in Malibu and weigh in on potential strategies for addressing housing needs. Comments may be submitted to rmollica@malibucity.org. For more information about the Housing Element, including the January 17 City Council Study Session video, visit the project webpage.

▼ Plain text message

Updated DRAFT HOUSING ELEMENT
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Malibu Updated Draft Housing Element - Public review and comment period through January 24
malibucity.org/housingelement

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Sender Name:	Planning Department
Sent By:	(Automatically Sent By Website)
Send Date:	12/21/2023 3:00:42 PM
Email Subject:	**Malibu Draft Housing Element - City Council Study Session Jan 17**

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DRAFT HOUSING ELEMENT
STUDY SESSION & PUBLIC REVIEW PERIOD

The City of Malibu will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24, 2024. In addition, the City Council will hold a Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom, on the updated Draft Housing Element. For information on how to participate, view the meeting, or submit comments, and where the draft can be reviewed, please review the Notice of Study Session and Availability of Documents for more information.

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For more information, visit the project webpage.

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On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter [https://www.malibucity.org/DocumentCenter/View/29597/HCD-Letter-Dated-32222] .

For more information, visit the project webpage [https://www.malibucity.org/housingelement] .

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Malibu City Council to hold Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom to consider a revised Draft Housing Element. For more information about this meeting and availability of the Draft Housing Element, visit the webpage malibucity.org/housingelement.

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Sender Name:	Planning Department
Sent By:	(Automatically Sent By Website)
Send Date:	1/11/2024 8:04:28 PM
Email Subject:	**Malibu Draft Housing Element - City Council Study Session Jan 17**

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DRAFT HOUSING ELEMENT
STUDY SESSION & PUBLIC REVIEW PERIOD

The Malibu City Council will hold a study session on the updated Draft Housing Element Wed, Jan. 17, 2024, 6:00 PM at Malibu City Hall (23825 Stuart Ranch Road, Malibu) and virtually via Zoom. Video of the study session will be available to watch later on-demand at https://www.youtube.com/@CityofMalibu/videos. The Council will not take legislative action at this meeting. The Draft Housing Element is available for public review and comment through January 24, 2024 at City Hall, on the website at www.MalibuCity.org/HousingElement and at the Malibu Library. Staff will be available to answer questions at City Hall by appointment Tuesday, January 16, 3:00 PM – 5:00 PM and Thursday, January 18, 10:00 AM – 12:00 PM. To schedule an appointment, email mplanning@malibucity.org with the subject "Housing Element Appointment." Members of the public are encouraged to provide comments on housing needs in Malibu and weigh in on potential strategies for addressing housing needs. For information on how to watch the meeting, submit comments, where the draft can be reviewed, and other information about the Housing Element, visit www.MalibuCity.org/HousingElement.

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For more information, visit the project webpage [https://www.malibucity.org/housingelement] .

▼ SMS message

Malibu City Council to hold Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom to consider a revised Draft Housing Element. For more information about this meeting and availability of the Draft Housing Element, visit the webpage malibucity.org/housingelement.

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NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
AVAILABILITY OF UPDATED DRAFT HOUSING ELEMENT

Study Session: The Malibu City Council will hold a study session on **WEDNESDAY, January 17, 2024, at 6:00 p.m.** on the updated Draft Housing Element in Council Chambers at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference. As a study session, no legislative action will be taken at this meeting.

General Plan Amendment 20-001 - The City Council adopted the 2021-2029 update of the City of Malibu General Plan Housing Element on January 20, 2022. In March 2022, the State Housing and Community Development (HCD) issued a letter finding that revisions were necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to comply with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on the updated Draft Housing Element.

Office Hours: Staff will be available to answer questions by appointment during the following times:

Tuesday, January 16 from 3:00 pm – 5:00 pm
Thursday, January 18 from 10:00 am – 12:00 pm

Appointments can be requested by emailing mplanning@malibucity.org. Please include "Housing Element Appointment" in the subject of your email.

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. Please include "Housing Element" in the subject of your email. All comments will be provided to the City Council for its consideration.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by **January 8, 2024.** Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

Hardcopies of the draft will be available in the following locations:

City of Malibu
Planning Department
23825 Stuart Ranch Road

Malibu Library
23519 Civic Center Way
Malibu, CA 9026

A written staff report for the study session and a copy of the Draft Housing Element will be available at malibucity.org/agendacenter prior to the meeting.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: January 11, 2024

NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
AVAILABILITY OF UPDATED DRAFT HOUSING ELEMENT

Study Session: The Malibu City Council will hold a study session on **WEDNESDAY, January 17, 2024, at 6:00 p.m.** on the updated Draft Housing Element in Council Chambers at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference.

General Plan Amendment 20-001 - The City Council will consider the 2021-2029 update of the City of Malibu General Plan Housing Element which establishes and implements specific goals, policies, and objectives relative to the provision of housing for all income levels consistent with all applicable state housing element law. As a study session, no legislative action will be taken at this meeting.

On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to be in compliance with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on housing needs in Malibu as well as potential strategies for addressing housing needs.

Review Period: Begins: **January 16, 2024** Ends: **January 24, 2024**

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. All comments will be provided to the City Council for its consideration.

How to Participate in Study Session: All persons wishing to address the City Council during the study session will be afforded an opportunity in accordance with the Council's procedures. To view and participate during the meeting, please review the meeting agenda which will be posted at malibucity.org/agendacenter and follow the directions for public participation.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by January 8, 2024. Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

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Malibu, CA 9026

A written staff report for the study session will be available at malibucity.org/agendacenter prior to the meeting.

Next Steps: Once the City Council conducts its review, the draft will be submitted to the California Department of Housing and Community Development. Following its review, an updated draft will be presented to the Planning Commission and City Council for its final review and adoption.

Receive Notifications: To be notified of important information regarding the Housing Element, sign up at malibucity.org/news and select Housing Element Update.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: December 21, 2023

Revised 2021-2029 Housing Element
City Council Study Session

January 17, 2024
City Council Meeting
Item No. 1.A.

Background Information

- Housing Element updated every 8 years
  - 6th Cycle Housing Element: 2021-2029 planning period
  - Certification by the Housing and Community Development (HCD) required by October 15, 2021

- HCD Review and Revisions
  - August 24, 2021 - First draft submitted to HCD
  - October 22, 2021 - HCD review letter
  - January 10, 2022 - City Council adopted the revised draft and resubmitted to HCD
  - March 22, 2022 - HCD review letter

Revisions to the Housing Element

Housing Plan (Section 7.5)

- Contains goals, policies, and programs the City is committed to accomplish during the planning period
- New programs added to the Housing Plan:
  - MMC and LIP amendments are needed to address new State law
  - Affirmatively Furthering Fair Housing (AFFH) analysis completed
- Existing programs' actions, objectives, and timelines were strengthened or clarified as needed

Revisions to the Housing Element

Affirmatively Furthering Fair Housing
(New Appendix F)

- HCD requires a full assessment of fair housing:
  - Fair housing enforcement and outreach
  - Geographic analysis of trends related to disparities and segregation
  - Assessment of contributing factors to fair housing concerns
- The Housing Element was revised to provide a complete assessment using HCD's guidance

Revisions to the Housing Element

Residential Land Inventory (Appendix B)

- Demonstrates adequate land with appropriate zoning and development standards to meet the City's Regional Housing Needs Allocation (RHNA).
  - RHNA: specific number of housing units broken down by household income category

Housing Units	Household Income Category (Based on Area Median Income)				
	Very-Low	Low	Moderate	Above Moderate	Total
RHNA 2021-2029	28	19	17	15	79

Sites Inventory

- Revised to be limited to sites that could support a realistic development capacity and achieve RHNA
- City-owned La Paz site in the Civic Center removed from Site Inventory –parcels in inventory must be available during entire 2021-2029 planning period
- Capacity assumptions of two AHO sites on Pacific Coast Highway revised
- Updated assumptions for the projected number of Accessory Dwelling Units (ADUs)
  - Annual Progress Report

Public Notification- Deadlines

- The revised Housing Element is available for review on the City's web page at: malibucity.org/HousingElement.

- State law requires a 7-day public review process before resubmitting the revised draft to HCD.

- Notices of the City Council study session and availability of the revised Housing Element were sent to 840 individuals and public agencies published in the newspaper and advertised on the City's social media platforms and the City's webpage.

- Comments on the Housing Element are due **January 24** and can be sent to Planning Director Richard Mollica at RMollica@malibucity.org

Next Steps

- The revised Housing Element will be revised with input from the City Council and the public before resubmitting to HCD.
- Any further comments by HCD will be addressed until HCD considers the Housing Element in compliance.
- Future public hearings will be held by the Planning Commission and City Council to consider the readoption of the Housing Element.
- When the City Council re-adopts the revised Housing Element, it will be resubmitted to HCD for certification.

Recommendation

No formal action is required at this time. Staff recommends the following:

- Receive public comments
- Provide comments to staff on the revised Housing Element as appropriate

Revised 2021-2029 Housing Element
City Council Study Session

January 17, 2024
City Council Meeting
Item No. 1.A.

Revised Housing Element Public Review Comment from March 13- March 20 2024

[redacted]

Fri 3/15/2024 6:17 PM

To:Richard Mollica <RMollica@malibucity.org>

Hi my name is [redacted] I am interested in the Revised Housing Element if it does come to pass and the City of Malibu CA does indeed build Housing for low- income individuals I want to be on list to be first renter approved for the program if the Revised Housing Element does come to pass so here I am making a comment following the program and would like feed back on how to stay informed on City Hall meetings and emails regarding the Revised Housing Element 2021-2029 and just to be informed on how I can make myself the first renter on the list for the Revised Housing Element program if it comes to pass my info to be contacted is [redacted]
Phone number [redacted] email [redacted]

Sent from my Metro by T-Mobile 5G Device

[redacted]

Revised Housing Element

[redacted]

Fri 3/15/2024 7:56 PM

To:Richard Mollica <RMollica@malibucity.org>

Cc:[redacted]

Hi Richard:

I skimmed the report and from what I saw it looked very professional.

A couple of thoughts:

We host millions of visitors a year in the open space we have which is a valuable public service—would we be able to perform that service if required to increase residential density? Isn't Malibu's value its open space and rural character?

What are the CCC thoughts on the impact of residential build out and increased density in Malibu? Is it consistent with our visitor serving mandate?

Thanks

[redacted]

Sent from my iPhone

[redacted]

Housing Mandate

[redacted]

Mon 3/18/2024 3:14 PM

To:Richard Mollica <RMollica@malibucity.org>

The long and detailed Housing Document required by the state seems to be very complete in the requirements of what to report. But we also know that the State Housing Mandate has not been fulfilled in Malibu, and that right now there is no approved plan to do anything about it.

Here are two simple steps to help Malibu move towards compliance, and that I believe will benefit all of Malibu. However, I'm aware that there will be opposition as there is to every new suggestion in Malibu.

Step One: The city should build workforce housing to provide below market rate rents to teachers, city employees, firemen and policemen. Other cities do it. Universities do it for their professors. Even with below market rents, by floating a bond issue the rents will pay off the bonds with no out of pocket costs to the city. Let's remember that there are no real estate taxes nor development fees charged to the city. Also, the land is already owned by the city so the sunk costs for the land are the same as doing nothing with it, or just putting up a water fountain.

Step Two: Although there is the desire to maintain our rural character, the city should give waivers to those who wish to build ADU's and guarantee that if they rent them out, they will first be offered at below market rents to teachers, city employees, firemen and policemen. This requirement can be a deed requirement.
Right now the city is restricting the building of ADU's with requirements that could be waived in exchange for this commitment. Lot size minimums for example, could be reduced to allow for this kind of commitment.

Malibu needs the additional housing for not only the benefit of those who serve our city, but for the city's wellbeing. Our schools are being depopulated as more and more homes are bought for second homes. Not only are there less children in our schools, but there are fewer people who have an incentive to care about our city and to engage in local issues.

Please pass this email onto each of the planning commissioners and to each of our city council members.

Thanks, [redacted]

Great work! Housing Element Feedback

[redacted]

Sat 3/16/2024 11:08 AM

To:Richard Mollica <RMollica@malibucity.org>

[redacted]

Dear Mr. Mollica,

I was delighted to have the opportunity to review the City's recent revision of the Housing Element. Congratulations to you and your team on a thorough report with great depth and breadth.

I was pleased to see so many sub-populations called out in the report, especially attention to special needs populations.

I was also encouraged to see real attention to proactive and new steps being taken to expand the affordable housing stock in the City…long overdue. I have sat through City council meetings where I was dismayed that the apparent approach in the City of Malibu had essentially been to count the nanny's quarters as affordable housing. Sigh.

But I am hopeful that with the amount of resources and land in this area, and a proactive and empathic approach, engaging the whole community, that more solutions can be found, as they are readily available.

Just a few more specific comments and ideas:

- There is clearly a need for housing for **people with Intellectual and Developmental Disabilities (I/DD).** What will be required is the funding to offset costs of developing the housing. Having been in the I/DD field for 25 years myself, and specifically as a non-profit housing developer for over the past decade, it's simple math that a larger down payment offsets the need for a high mortgage, and makes rents affordable. **HOME funds** are a key source to developing this housing, and I am hopeful the City would consider broadening its funding availability to include more HOME funds. Also a call or letter to the Westside Regional Center to speak to the desire for housing to be developed here wouldn't hurt…they have some limited funding for housing too.
- I was pleased to see attention focused on **ADUs**. I would hope that this program can continue to be expanded, and planning costs reduced or abated. Orbit Homes could probably be a solution here…they're cool kids and right there!
- I would also think that **motorhomes and other mobile homes could be expanded**… indeed so many of my neighbors still live in one still not having rebuilt after the fire. Seems to be working just fine for them for now. Mayhaps a **buy-back program** sponsored by the City to get all these motorhomes everyone had to get after Woolsey. Cuz what are they supposed to do with them anyways?
- I would encourage the City to revise some of its own **regulations regarding zoning** or whomever needs to do that. For example, in our last home here (destroyed by Woolsey) we were in an R-10 zone…and even though we had a great set-up to provide additional housing on our 2.5 acres the zoning wouldn't allow for it. What a waste.
- There is SO much **surplus land** off of Encinal and Mulholland and Latigo, just to name a few back canyons, that could provide not only new developments, but also **Safe Parking sites**. As I am sure you are aware: there are a lot of people sleeping in cars off of our canyon and beach roads already. Rather than ticket everyone all the time how about a proactive approach by providing a more safe and reasonable accommodation. Safe Parking has been shown to be an effective solution. Especially when basic facilities are

included: it can work. What's nice about these back canyon areas are they aren't on PCH and in the face of our more affluent and/or NIMBY-neighbors.

- The **defunct Malibu Golf Course** would seem a great spot to provide multi-family or other mixed-use development. How about a live-work farm? A retreat-center or VRBO for tourists + homeless shelter of some kind + vineyard/farm for meaningful work and income = big wins.
- Of course "purpose" is critical to a meaningful life, therefore encouraging and **incentivizing the hiring of people** experiencing homelessness, veterans, the elderly, and people with an I/DD in many of our wineries and businesses can help provide a more holistic approach.
- And finally more **services** services services for people with special needs to ultimately work to find permanent housing. How many therapist-types and such do we have living in these hills here….tons. Continuing to partner with our own community, and the bounty of resources within it, is part of the solutions we are seeking.

Just a few ideas, nothing really novel. But mostly, I am glad you are taking it all seriously: as it is a very serious issue…and it has appeared that, historically, Malibu has figured out ways to not do its part.

What I do know is that Malibu, and its very own community, has plenty of resources to make true impact. From lots of land, to thriving businesses, to skilled therapists and retired folks, to money, to City folks like you. Really looking at the whole community can help us to reach solutions…cuz it's got to be a multi-pronged approach. And how cool would it be for Malibu to be a model for addressing housing! That's the kind of community I would love to be a part of.

Keep up the grrrrreat work!

Sincerely,

[redacted]

[redacted]

Revised 2021-2029 Housing Element question

[redacted]
Tue 3/19/2024 11:36 AM

To:Richard Mollica <RMollica@malibucity.org>

Dear Richard,
I saw your public comment period for the Revised 2021-2029 Housing Element online and was curious if you have been receiving a lot of comments on your draft? What does your process for tracking and analyzing those comments look like?

If you're using a spreadsheet, we'd love to help! We have been developing an AI-powered comment tagging system that has been proven to save time categorizing and organizing comments and are looking to try it with more entities to continue to improve. There is no cost for the trial (for a reasonable amount of comments).

Would this be something that might be helpful to your team?

Thanks very much,
[redacted]

[redacted]

Just FYI, we found your announcement on Google; feel free to unsubscribe
logo

Links not working.

[redacted]

Fri 3/15/2024 5:51 PM

To:Richard Mollica <RMollica@malibucity.org>

Subject: Review the City of Malibu's Revised Housing Element and Give Your Comments, March 13 - 20

The links cannot be accessed on two different devices.

Housing elements plan

[redacted]

Fri 3/15/2024 5:58 PM

To:Richard Mollica <RMollica@malibucity.org>

I am a long-term Malibu resident. Here's my input on your housing elements plan.

There is a serious shortage of rental housing in Malibu primarily because of short term vacation rentals. Your housing report says:

Short-Term Rentals Municipal Code Chapter 17.55 (Short-term Rental of Property) allows short-term rental of residential property subject to obtaining a short-term rental permit from the City. The City is currently working on a short-term rental ordinance that balances the need for overnight accommodations and the availability of long-term rental housing.

We do not need a "balance", we need a policy that puts the needs of resident's first. When entire neighborhoods are 50% vacation rentals, that is not a "balance", that is a very serious housing problem. This statement does not reflect the impact that vacation rentals have had on renters and people wanting to buy. If you pull up a map of Airbnb's in Malibu, the map is covered with red dots and every red dot you see is a home that is no longer available for someone to live in. Add to that the vacation rentals on other platforms and you can clearly see the problem.

Several of my former neighbors who were long term renters were forced out so the properties could be turned into Airbnb's (or sold to investors who turned them into vacation rentals). Nearly every home in my neighborhood is a vacation rental. I used to know all my neighbors, now I live in a hotel zone. This is not a balance.

I spoke with two Malibu renters recently, both are putting up with poor conditions of their rental units because they are afraid to complain, the shortage is so severe. I understand the City has been stymied by the Coastal Commission but there must be ways to cut down on the proliferation. I know you are working on it, but nothing has changed in years. Ideally the hosted ordinance would achieve what we need; allow for rentals but prioritize residents. Until we can get that passed, Here are a few ideas that would make the vacation rental business less attractive.

1. Mandatory inspections (owner pays cost). Many of these units are out of code. For example, a vacation rental near me added two bedrooms to a three-bedroom townhome, because it has five bedrooms, they can say it sleeps 10. One bedroom is an interior room with no fire exit and the other is a garage conversion (also with no windows/fire exits). They obviously do not have enough parking for 10 renters, and I doubt their septic can handle that many guests. If owners know they will have fewer bedrooms to rent or must pay the cost of compliance, their profitability will be impacted. These inspections should be annual. Yes, your policy states these properties are subject to inspection, but I don't know any that have been inspected. How do I know? because they are all still in business. You need to inspect every property, no inspection, no permit. Don't have the manpower? Bring in contractors to do the work, get the hosts to pay for it.
2. City run nuisance enforcement. Palm Springs does this (LAT article on it), *the hosts pay for it* through their permit fees and fines. Many of these homes are party houses. If you crack down on the parties, you cut into their profits. The current system of calling the Sheriff doesn't work. Many of my neighbors have called the Sheriff and complained to the City, the policy claims it will take their permits away for having parties, but they don't enforce it. Now more than ever, we need to Sheriff to focus on crime and PCH safety, not policing loud parties.
3. A tax break for long term rentals. Make it more attractive to rent long term, and less profitable for short term rentals.
4. Limit super hosts. Keep the big investors out, by limiting the number of properties one owner can rent short term within the City.

A housing plan that doesn't fix this problem is not an effective housing plan.

Best Regards,

[redacted]



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MALIBU'S HOUSING MUDDLE

Ever hopeful of a more affable Malibu, I have in the past proposed affordable housing developments for those who serve the city, the teachers and first responders, seniors and deserving others, contending it could bolster our public schools and public service, and possibly lend the civic center a sense of place and our community some civility.

For this, I have been mostly rebuked or ignored by conflicted residents, who have both cheered and chided Malibu's transition from an iconic coastal village to a tourist town, while shunning the state's imperative housing crisis and any gesture of neighborly good will.

As for a challenged City Hall, the responses have been muddled, while neophyte Councils have kept their collective heads buried in the sand, content to overpay sycophantic consultants to produce derivative reports to placate if not confuse residents and frustrate regional mandates, inviting the inevitable law suits and bad publicity for Malibu.

With this the sad state of local politics, and not believing in miracles, I hesitate to comment on the city's latest housing element to be shortly submitted to the State. Though If someone needed a single word to sum up the run-on report, I suggest "obfuscation."

Its lack of specific sites, schedules, stratagems and possibly some suggestive renderings make the Element all but useless in the quest for viable affordable housing. Put a match to it and it will explode for all the gas it contains.

But to be sure there are some bonbons to be plucked in the report's bundle of bureaucratic babble.

In declaring that its goals, policies and programs to encourage the housing needs "of residents from all economic segments" the city pledges to "coordinate with potential developers at least once annually to provide information on density bonus, potential funding sources, and available incentives."

Yes, it dangles liberal density bonuses that would make a Don Spitz weep, as well as fast track processing and, surprise, deep in the report actually cites a precise development goal of 47 lower-income and 17 moderate-income units.

But of course it doesn't specifically say where, what or when. On vacant land the City owns? In the Civic Center that begs for well-designed low rise multi-family development? The Trancas open space near shopping and schools?

It also notes that Malibu has been awarded $15,803,348 of federal funds in response to the 2018 Woolsey Fire, monies that could be used for affordable housing projects. To date, no developers have expressed interest.

There are other items in the Element that could challenge a befuddled City Hall and a naysaying public, but not wanting to overtax readers, I'll end it here and await reaction.

[redacted]

You should make note of the reaction.

[redacted]

Kay Real

From: Anna Nicolas <anicolas@bautelaw.com>
Sent: Tuesday, January 23, 2024 11:19 AM
To: Housing Elements@HCD
Subject: City of Malibu - ADU Ordinance and RHNA Requirements

Hello,

I am contacting you on behalf of Mark Baute, he appeared before the Malibu City Council a couple of months ago to prevent them from adopting a clearly illegal “nimby” ADU Ordinance, which, if adopted, would be a clear violation of the State ADU Statutes and Senate Bill 9. That city council has no intention of ever approving or building any RHNA housing, and their proposed ADU statute is designed to discourage, block, derail and delay any and all ADU construction.

His main goal is to contact who ever may be overseeing this issue so that the HCD has time to weigh in before he meets with the City Council again. The last person we heard of that was in control of situations like these was Steve Miller but we do not have contact information for him nor do we know if he still maintains this position. I recently contacted Fidel Herrera who provided me the information for a Melinda Coy, but she has not contacted us back and we do not have a phone number for her.

If you can provide any information as to who the person may be to talk to about this issue, please provide the names, emails, and phone numbers of those who it would be best to contact.

Thank you!

Anna S. Nicolas
BAUTE CROCHETIERE HARTLEY & McCOY LLP
777 S Figueroa Street, Suite 3800
Los Angeles, California 90017
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LAW OFFICE OF SEBASTIAN RUCCI, P.C.
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March 20, 2024

COMMENTS REGARDING MALIBU'S SIXTY CYCLE HOUSING ELEMENT

CITY OF MALIBU
Richard Mollica, Planning Director (Rmollica@malibucity.org)
Mayor Steve Uhring (SUhring@malibucity.org)
Mayor Pro Tem Doug Stewart (DStewart@malibucity.org)
Councilmember Bruce Silverstein (BSilverstein@malibucity.org)
Councilmember Paul Grisanti (PGrisanti@malibucity.org)
Councilmember Marianne Riggins (MRiggins@malibucity.org)
Trevor Rusin, Interim City Attorney (Trevor.Rusin@bbklaw.com)
Steve McClary, City Manager (SMcClary@MalibuCity.org)
Adrian Fernandez, Assistant Planning Director (AFernandez@malibucity.org)
Hani Baker, Senior Planner (HBaker@malibucity.org)
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Alexander Da Silva, Assistant Planner (ADaSilva@malibucity.org)
Samantha Elias, Assistant Planner (SElias@malibucity.org)
Patricia Salazar, Development and Operations Manager (PSalazar@malibucity.org)

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Paul McDougall, Senior Program Manager (Paul.McDougall@HCD.ca.gov)
Fidel Herrera, Program Manager (Fidel.Herrera@HCD.ca.gov)

Dear Malibu Planning Director, Mayor, Councilmembers, HCD and others:

The following are timely comments to Malibu's draft 6th Cycle Hosing Element. As shown below, the City's 6th cycle draft housing element violates the Housing Element Law. (Gov. Code §§ 65580 through 65589.11) and fails to affirmatively further fair housing.

Malibu's RHNA allocation focuses on three parcels comprising 9.11 acres that have a dual zone, Multi-Family (M-F) and Affordable Housing Overlay (AHO). It is true that the AHO zone allows 20 units per acre; however, the AHO zone permits development under the base M-F zone which permits 6 units per acre; hence, the minimum zoning is 6 units per acre, not 20 units per acre. The Housing Element Law mandates that affordable housing "shall be zoned" with a "**minimum density** . . . **at least 20 units per acre**." (Gov. Code § 65583.2(h).)

The court of appeals in the recent case of *Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193, 244 held that while "the RHN Overlay complies with this minimum density requirement, the base zoning does not. Because development may occur at a density that is lower than the statutory minimum, the RHN Overlay sites do not comply with § 65583.2(h). Therefore, the ordinance that created the RHN Overlay does not substantially comply with the Housing Element Law." Malibu's Affordable Housing Overlay zone similarly fails to substantially comply with the Housing Element Law and must be replaced.

Malibu's selection of the 9.11 acres on PCH during the 6th cycle, overlooks that the same 9.11 acres was used in the 5th and the 4th cycles. The Housing Element Law prevents reuse of the same 9.11 acres a third time. Under Gov. Code § 65583.2, subd. (c) a "nonvacant site identified . . . in a **prior housing element** and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need **shall not be deemed adequate to accommodate a portion of the housing need for lower income households** . . ." in the current housing cycle.

"No multifamily developments have been proposed within the past 10 years." (6th Cycle page 79.) In fact, Malibu "did not meet the 5th cycle RHNA objective of two units." (6th Cycle at page 115.) This lack of housing is likely because the AHO zone requires that "**all units in excess** of the permitted base density of six dwelling units per acre, **shall be affordable**." (MMC § 17.42.020.L.3.a.iv.) The AHO zone does not give any increase in market rate units for providing affordable housing units. A project may be built at 6 market rate units per acre in the MF zone, or 14 affordable and 6 market rate units per acre under the AHO zone. The market rate units are 6 in both scenarios. The lack of incentive to produce affordable housing explains why the 9.11 acres failed to produce two units in the 5th cycle. In the 6th cycle, the 9.11 acres are supposed to produce 111 units. As is clear, without incentives, like increasing the units for market rate housing, no affordable housing will be produced in Malibu under the AHO zone.

Malibu must comply with its mandatory duty to "affirmatively further fair housing opportunities and promote housing throughout the community." (Gov. Code § 65583, subd. (c)(5).) The identified Housing Element Law violations confirm that Malibu "is engaging in housing discrimination, it is not affirmatively furthering fair housing." (*Martinez,* 90 Cal. App. 5th at 289.) The Martinez court concluded "as a matter of law that the violations of §§ 65583, 65583.2(h), and 65584.09 . . . establish that the City has failed to 'affirmatively further fair housing' in violation of § 8899.50, subd. (b)(1)." (*Id.* at 289.)

THE CITY OF MALIBU'S DRAFT 6TH CYCLE HOUSING ELEMENT DOES NOT COMPLY WITH THE HOUSING ELEMENT LAW

After decades of failing to achieve, adequate affordable housing, the Legislature held that "California has a housing supply and affordability crisis of historic proportions" and significantly expanded city's responsibility under the Housing Element Law. (Gov. Code §§ 65580 through 65589.11). Cities "shall make adequate provision for the existing and projected needs of all economic segments of the community." (Gov. Code § 65583.)

Housing affordability is arrived at by viewing the area median income (AMI) further divided into four income categories: Very Low (31-50% of AMI), Low (51-80% of AMI), Moderate (81-120% of AMI) and Above Moderate (over 120% of AMI). Malibu's 6th Cycle Housing Element included its "Regional Housing Needs" in Table 7.2-22 (pg 37) as comprising 79 units and further divided into four categories: 28 Very Low units (31-50% of AMI), 19 Low units (51-80% of AMI), 17 Moderate units (81-120% of AMI), and 15 above Moderate units (over 120% of AMI).

Table 7.2-22
Regional Housing Needs - Malibu

Very Low[1]	Low	Moderate	Above Moderate	Total
28[2]	19	17	15	79

Malibu's 6th Cycle Housing Element identifies six zoning districts in Table 7.4-2 (pg 51). According to Malibu, only the MFBF (Multi-Family Beachfront) zone with a density of 23.1 units per acre, and the AHO zone (Affordable Housing Overlay) zone with a density of 23.1 units per acre, exceed 20 units per acre mandated by the Housing Element Law.

Table 7.4-2
Residential Development Standards

Development Standard	RR[1]	SF[7]	MF	MFBF	MH	AHO
Maximum density	1 du/acre	4 du/acre	6 du/acre[8]	23.1 du/acre[9]	NA	27du/acre

Malibu focuses on "maximum density;" however, the Housing Element Law is based on "minimum density" and mandates that affordable housing sites "shall be . . . zoned with **minimum density** . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).).

Malibu's multi-family zone provides a maximum density of 6 units per acre, which is 30% of that mandated by the Housing Element Law. Neither the MFBF zone, the AHO zone, nor any other district in Malibu comply with the mandate requiring that affordable housing require a minimum density of 20 units per acre. Malibu's failure to provide zoning with a minimum density of 20 units per acre violates the Housing Element Law.

MALIBU CANNOT RELY ON THE SAME PROPERTIES IN THREE HOUSING CYCLES

The Housing Element Law mandates that Malibu provide a housing inventory with sites that "can accommodate the development of some portion of its share of the regional housing need by income level during the planning period." (Gov. Code § 65583, subd. (c).)

Malibu's 6th Cycle Housing Element includes a "Sites Inventory" (page 138) which identifies three contiguous parcels comprising 9.11 acres (5.12 + 0.74 + 3.25) which will produce 66 Low Income units and 45 Moderate Income units, for a total of 111 units.

Table B-~~24~~
~~Multi-Family~~ Sites Inventory

APN	Address	Street	Parcel Size (acres)	Parcel Size (sq.ft.)	General Plan/ Zone	Realistic Density (units/acre)	Potential Units		
							Lower	Moderate	Above-Moderate
4467013022	28517	PACIFIC COAST HWY	5.12		MF/AHO	20	~~64~~36	25	
4467013023			0.74						
4467012005	28401	PACIFIC COAST HWY	3.25		MF/AHO	20	~~52~~30	20	

Malibu's 5th Cycle Housing Element (Jan. 13, 2014) includes the same three properties as meeting Malibu's affordable housing projection during that cycle.

Table B-2
Multi-Family Sites Inventory

APN	Address	Street	Parcel Size (acres)	Parcel Size (sq.ft.)	Zone	Realistic Density (units/acre)	Potential Units	
							Lower	Moderate
4467013022	28517	PACIFIC COAST HWY	5.12		AHO	20	61	
4467013023			0.74					
4467012005	28401	PACIFIC COAST HWY	3.25		AHO	20	52	

Malibu's 4th Cycle Housing Element (adopted six years past its due date) relied on the same three properties as meeting Malibu's affordable housing requirements. Malibu projected that these three properties would provide 181 affordable units during that cycle.

Table B-5
Candidate Affordable Housing Sites

APN	Address	Site Size	General Plan Zoning	LCP Zoning	Existing Use	Owner Interest in Use for Housing	Potential Units (20 units/acre)
4467-013-022 & -023	28517 Pacific Coast Hwy / Not assigned	5.12 & 0.74 (5.86 total)	MF	MF	The larger of the two parcels is vacant and the smaller is developed with a 3,000 sq. ft. single-family residence which was constructed in 1958.	The property owner has indicated an interest in using this property for housing.	116
4467-012-005	28401 Pacific Coast Hwy	3.25	MF	MF	The parcel is developed with a 2,550 sq. ft. single-family residence which was constructed in 1957.		65

The 9.11-acre parcels comprise the bulk of Malibu's housing inventory. Selecting the same 9.11 acres for three housing cycles is similar to a police department rounding up the usual suspects. This makes people feel that something is being done. It is apparent that after two prior housing cycles, the 9.11 acres at issue will not produce affordable housing.

The Legislature was well aware that many gimmicks are used to exclude affordable housing. It closed this loophole by preventing cities from using the same properties to account for affordable housing. Gov. Code § 65583.2, subd. (c) addressed this as follows:

> "A nonvacant site identified . . . in a **prior housing element** and a vacant site that has been included **in two or more consecutive planning periods** that was not approved to develop a portion of the locality's housing need **shall not be deemed adequate to accommodate a portion of the housing need for lower income households** that must be accommodated in the current housing element planning period . . ."

The statutory exception to the consecutive use of the same land does not apply here because the overlay zone used to calculate the density for the 9.11 acres does not provide a minimum of 20 units per acre. Malibu's identification of the same three properties to provide affordable housing in three housing cycles violates the Housing Element Law.

MALIBU'S OVERLAY ZONE VIOLATES THE HOUSING ELEMENT LAW

During the 4th cycle, Malibu established "an Affordable Housing Overlay (AHO) zone, MMC § 17.42.020(L), allowing multi-family development at a minimum density of 20 units/acre." (6th Cycle at page 53.) The AHO zone is not a citywide zone, only the same three 9.11 acre properties are in the overlay zone. (MMC § 17.42.020(L) Table 1.)

Table 1 – AHO District Sites

Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway

"The Affordable Housing Overlay (AHO) District is . . . in addition to (and not as a limitation of) uses allowed within the underlying zoning district . . ." (MMC § 17.42.020(L), subd. 1.) Malibu's 6th Cycle Housing Element confirms that the "**three AHO parcels have a base zoning designation of MF (multi-family residential)** and . . . the types of housing permitted on AHO sites are determined by the underlying zoning, **which is MF for the sites identified in the Sites Inventory**." (6th Cycle at page 127.) The AHO zone "does not represent an 'inclusionary' requirement because property owners who do not wish to take advantage of the density incentive would be **allowed to develop market-rate housing at the allowable base density of 6 units per acre**." (6th Cycle at page 102.)

The AHO zone does provide 20 units per acre for three parcels; however, the three parcels base MF zone permits 6 units per acre; hence, **the minimum zoning is 6 units per acre, not 20 units per acre**. Malibu's RHNA allocation to 9.11 acres zoned MF does not comply with the Housing Element Law. The 9.11 acres are "allowed to develop market-rate housing at the allowable base density of 6 units per acre." (6th Cycle at page 102.)

In *Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193, the court held that the **dual density limits** did not comply with the Housing Element Law. In *Martinez*, the city "created a citywide zoning overlay that would allow multifamily housing on properties that meet specific standards." (*Id.* at 229.) The court described the overlay zone as follows:

> "An overlay zone district is a special zone district that adds another layer of permitted uses and standards over and beyond the existing (*i.e.*, base layer) zoning. Unlike a conventional rezoning, **an overlay does not remove the zoning rights of the base layer**. Thus, when an area previously zoned for single-family housing becomes subject to an overlay district for multifamily housing, both types of housing are allowed within the overlay district. In such an overlay district, multifamily housing development and single-family housing development compete for sites." (*Martinez,* 90 Cal. App. 5th at 229.)

The density required by Gov. Code § 65583.2(h) requires that the "minimum density . . . **shall be at least 20 units per acre**." The *Martinez* court noted that "the base zoning in existence when the overlay was enacted still applies to the RHN Overlay sites and permits development at densities below 20 units per acre." (*Martinez,* 90 Cal. App. 5th at 238.)

Martinez held that minimum density "is not susceptible to multiple interpretations and means what it says -- that the **sites must be zoned with at least a density of 20 units per acre**. As drafted, the RHN **overlay merely allows an additional possible density and does not impose a minimum density of at least 20 units per acre**." (*Martinez,* 90 Cal. App. 5th at 240.) The "base zoning allows for development at a lower density and, thus, the RHN Overlay sites do not comply with Gov. Code § 65583.2(h)." (*Id*.)

"While the RHN Overlay complies with this minimum density requirement, the base zoning does not. Because development may occur at a density that is lower than the statutory minimum, the RHN Overlay sites do not comply with § 65583.2(h). Therefore, the ordinance that created the RHN Overlay does not substantially comply with the Housing Element Law." (*Martinez,* 90 Cal. App. 5th at 244.) The "amended housing element does not substantially comply with the Housing Element Law because the RHN Overlay does not comply with applicable density requirements." (*Id.* at 252.)

It is true that the AHO allows "a minimum density of 20 units/acre." However, the "**three AHO parcels have a base zoning designation of MF (multi-family residential)** and . . . AHO sites are determined by the underlying zoning, **which is MF for the sites identified in the Sites Inventory**." (6th Cycle at page 127.) The overlay zone is not explicitly prohibited; however, "Gov. Code § 65583.2(h) limits the parameters of the base and overlay by requiring the site to be zoned for a minimum density." (Martinez, 90 Cal. App. 5th at 242.) Malibu must either increase the density of the existing multi-family zone to 20 units per acre or enact a new multi-family zone with a minimum of 20 units per acre. Until then, Malibu's zoning code fails to comply with the Housing Element Law.

THE 9.11 ACRES WILL NEVER PRODUCE AFFORDABLE HOUSING

Malibu's AHO requires that "**all units in excess** of the permitted base density of six dwelling units per acre, **shall be affordable** to lower and moderate income households." (MMC § 17.42.020(L), subd. 3.a.iv.) The AHO zone requires 70% of the housing to be affordable. Six units are market-rate units, and 14 units out of 20 units (70%) are affordable.

Malibu's 6th Cycle Housing Element states that the AHO zone allows "a minimum density of 20 units per acre for projects that include affordable housing. To qualify for the **increased density incentive**, all 'bonus' units (i.e., additional units allowed above the base density of 6 units per acre) must be deed-restricted for low- and moderate-income households. . ." (6th Cycle at page 101.) Malibu's 6th Cycle states that this "creates a strong incentive for affordable housing development because of the additional units allowed at 20 units per acre to the base density of 6 units per acre." (6th Cycle at page 102.)

However, Malibu's AHO does provide any additional market rate unit for providing affordable housing. The lack of incentive is difficult to understand. The landowner can choose between 6 market rate units for every acre (MF zone), or 6 market rate and 14 affordable units for every acre (AHO zone). The disincentive is readily apparent: Without any incentive in additional market rate units, affordable housing will never happen. The explains why "the City did not construct any very low and low income units and did not meet the 5th cycle RHNA objective of two units." (6th Cycle at page 115.) Malibu could not provide a minuscule two units in the 5th cycle, but now proposes in the 6th cycle, to provide 66 low income units and 45 moderate income units (total 111 units), using the same 9.11 acres and exclusionary AHO zone offered to the public during three prior housing cycles.

Malibu's 6th Cycle Housing Element states that the "Affordable Housing Overlay (AHO) District is applied to three vacant sites [in Table B-24]. The AHO allows multi-family development by-right at a minimum density of 20 units/acre. The AHO parcels were included in the 4th and 5th housing cycles to accommodate the lower-income RHNA requirement." (6th Cycle at page 129.) However, "No multifamily developments were developed on those parcels during the 4th and 5th housing cycles. The disincentive to provide 70% affordable housing makes it clear that the AHO zone will not produce any affordable housing. This is not a strong incentive as Malibu states, it is a disincentive, and fully explains why "No multifamily developments have been proposed within the past 10 years." (6th Cycle page 79)

"Some multi-family development . . . is located in the flatter portions of the City along Pacific Coast Highway." (6th Cycle at page 12.) However, "since its incorporation in 1991, the City has focused its efforts on preserving its rural character." (6th Cycle at page 48.) "The Mobile home parks [were] in existence as of City incorporation." (6th Cycle at page 63.) "The City was incorporated in 1991, long after urbanization and land use patterns had been established." (6th Cycle at page 240.) In effect, all multi-family housing predates Malibu's incorporation, Malibu has not added a single affordable unit in the past 33 years!

Malibu has yet to produce any affordable housing since its incorporation. The mobile home parks and multi-family housing predate Malibu's incorporation. It is time for Malibu to "make adequate provision for the existing and projected needs of all economic segments of the community." (Gov. Code § 65583.)

Gov. Code § 65583, subd. (a)(6) requires that an analysis of constraints on land include "the price of land." Malibu's 6th Cycle housing inventory offers three parcels, the 9.11 acres identified above. This is not an adequate housing inventory. Malibu comprises 19.9 square miles or 12,736 acres. It is surprising that Malibu focuses on only the 9.11 acres which calculates into a minuscule **0.07% of all land in Malibu** (12,736 acres / 9.11 acres)!

The mandatory components of Malibu's housing element require an "inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level . . ." (Gov. Code § 65583, subd. (a)(3).) Malibu does not identify all vacant parcels in the city.

It is not true as Malibu states that "most of the buildable land in the City has already been developed." (6th Cycle at page 78.) SCAG's website has a vacant land inventory for each city within SCAG and the vacant land inventory for Malibu shows 476 vacant properties. It is unfathomable that Malibu focuses on only three properties.

Malibu's 6th Cycle Housing Element correctly states that "a recent survey of vacant land offered for sale found asking prices of approximately $100,000 to $15 million." (6th Cycle at page 78.) Malibu should have noted that the 5.86 acre parcel, the largest of the 9.11 acres, is for sale for a $15 million (see attached Exhibit A). There is a host of land in the City that is selling for much less, and the $15 million price tag, along with the disincentive for any affordable housing under the AHO zone, puts a nail on the coffin of any affordable housing.

It may be true that the "density achieved is largely driven by the environmental conditions and the market demand for single family residences over multi-family residences in Malibu." (6th Cycle at page 50). However, Malibu must comply with state law which demands that affordable housing sites "shall be . . . zoned with **minimum density** . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h)).

"The goal is not just to identify land, but to pinpoint sites that are adequate and realistically available for residential development targets for each income level. (Gov. Code § 65583, subd. (c)(1).)" (*Martinez,* 90 Cal. App. 5th at 244.) The "main way a housing element accommodates lower income housing needs is through zoning ordinances that allow sufficient opportunities to construct multifamily residences." (*Id.* at 219.) It is time for Malibu to enact a citywide multi-family zone of 20 units per acre.

MALIBU'S HEIGHT LIMITS VIOLATE THE HOUSING ELEMENT LAW

Malibu's 6th Cycle Housing Element states that the maximum "height limit of 18 feet **may constrain** the development of residential developments specifically for **developments in the Multi-Family zone as 18 feet may only accommodate one story**. Height limits are generally intended to maintain visual consistency within an area and compatibility between adjacent buildings." (6th Cycle at page 50.)

There are many units in Malibu well above 18 feet. These units were built long before Malibu was incorporated. It is time for Malibu to remove the height constraint to multi-family housing. Contrary to Malibu's assertion that the height constraints "are generally dictated by the state coastal zone regulations." (6th Cycle at page 50.)

Malibu readily admits that "development standards such as **height may constrain development for multi-family residences**." (6th Cycle at page 50.) It is time for Malibu to enact height limitations to permit four-story multi-family units. This was the norm in Malibu prior to its incorporation, and contrary to its assertion, the existing multi-family units were developed with identical state coastal zone regulations. The only difference is that Malibu was incorporated to prevent any multi-family housing, and the data since its incorporation proves that it has done precisely that. It is time to remove these barriers.

THE MULTIFAMILY BEACH FRONT DISTRICT DENSITY IS INACCURATE

The City's March 2024 housing element states that the "default density refers to the density at which low-income housing development is presumed to be feasible . . . The MFBF zone allows development of more than 20 units per acre." (6th Cycle at page 52.) This statement is not accurate for multiple reasons.

FIRST, the Housing Element Law is concerned with minimum density, not maximum density: "If local law or regulations require the **development of a site at a minimum density**, the department shall accept the planning agency's **calculation** of the total housing unit capacity **on that site based on the established minimum density**." (Gov. Code § 65583.2, subd. (c)(1).) The City must "accommodate 100 percent of the need for housing for very low and low-income households . . . on sites that shall be . . . zoned with **minimum density** and development standards that **permit at least 16 units per site** at a density of . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).)

SECOND, the Malibu Municipal Code ("MMC") provides the "Lot development criteria" for the MFBF zone and states that the "Minimum lot area: five thousand (5,000) square feet." (MMC § 17.14050(A).) This calculates to only 8.71 units/acre (43,560/5,000) and is far less than a "minimum density" of 20 units per acre.

THIRD, according to the MMC, the "Lot development criteria" for the MFBF zone permits the following density: "Units per lot: one unit per one thousand eight hundred eighty-five (1,885) square feet of lot area, **not to exceed four units**." (MMC § 17.14050(D).) "Density: one additional unit per lot may be permitted, **not to exceed five units per lot**, for affordable housing . . . of very low, low, and moderate income households." (MMC § 17.14050(E).) The limitation to five units per lot does not "**permit at least 16 units per site** at a density of . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).)

Setting aside the defect in limiting the density to five units per lot, the Housing Element Law is concerned with "the total housing unit capacity **on that site based on the established minimum density**." (Gov. Code § 65583.2, subd. (c)(1).) Lots for affordable and lower-income households "shall be zoned with **minimum density**" of "**at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).) In theory, the maximum zoning could be 23.1 du/acre. However, the minimum density is 8.71 du/acre (43,560/5,000), not 23.1 du/acre.

The maximum density of 23.1 du/acre is also inaccurate as it is limited to five lots. It is noted that in Table 7.4-2, the City correctly states that in the MFBF zone the "**Maximum density** is 1 unit per 1,885 sf of lot area, **not to exceed 4 units per lot**. One additional unit may be permitted if affordable to a very-low, low, or moderate-income household." (6th Cycle at page 51, Table 7.1-2 at footnote 9.)

FOURTH, after omitting the lots on PCH comprising 9.11 acres discussed above, the balance of the "Sites Inventory" (Table B-4) consists of 21 lots producing 21 moderate houses; but 20 of the lots are less than 0.25 acres in size, and the Housing Element Law excludes sites "smaller than half an acre" (Gov. Code § 65583.2, subd. (c)(2)(A).)

Malibu's 6th Cycle Housing Element states the "**default density** established by HCD for sites feasible to facilitate development of housing affordable to lower-income households **is 20 units per acre**. Although these sites are zoned at a maximum density greater than 20 units per acre, the vacant sites in the MFBF zone are smaller than 0.5 acres and permit up to four units per lot, which limits development potential. Based on development trends in the MFBF and the lot sizes, realistic development of these sites is 10 units. Based on market conditions, units in this zone would be affordable to above moderate-income households if developed with market rate units." (6th Cycle at page 126.)

The City's zoning map shows the MFBF zone at two different places in the City, and it is true that lots in the MFBF will be developed for above moderate housing, *i.e.*, million dollar homes. However, the lots in the MFBF zone will never provide affordable housing, with density and size as required by the Housing Element Law. After all, the lots designated in the MFBF zone are all 50 feet wide by 160 feet deep. The limitation to four or five units is inconsistent with the mandate that parcels are large enough to "**permit at least 16 units per site** at a density of . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).)

MALIBU IS ENGAGING IN HOUSING DISCRIMINATION

"In 2018, the Legislature enacted a statute requiring local governments to affirmatively further fair housing (AFFH). The mandatory AFFH duty greatly increases the responsibilities on local governments in administering their land use and housing policies." (*Martinez,* 90 Cal. App. 5th at 283.) Gov. Code § 8899.50 requires cities "to affirmatively further fair housing and 'also required cities and counties to consider AFFH in their housing element's implementation plan. By placing AFFH provisions into housing element law, the California law expanded its reach to all cities." (*Martinez,* 90 Cal. App. 5th at 285.)

Gov. Code § 8899.50, subd. (b)(1) provides that a city "shall administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing." Compliance with this AFFH provision is "a mandatory duty." (Gov. Code § 8899.50, subd. (b)(2).)

"Affirmatively furthering fair housing' means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." (Gov. Code § 8899.50, subd. (a)(1), italics added.)

Malibu's 6th Cycle Housing Element must "affirmatively further fair housing opportunities and promote housing throughout the community." (§ 65583, subd. (c)(5).) "The requirement to affirmatively further fair housing is not only a mandate to refrain from discrimination but a mandate to take the type of actions that undo historic patterns of segregation and other types of discrimination and afford access to opportunity that has long been denied." (*Martinez,* 90 Cal. App. 5th at 288.) The court in *Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193 stated:

> "Thus, we conclude as a matter of law that the City's acts and omissions in 2019 related to the amended housing element qualify as the administration 'programs and activities relating to housing and community development' for purposes of § 8899.50, subd. (b)(1)." (*Martinez,* 90 Cal. App. 5th at 288.)

"In other words, if a municipality is engaging in housing discrimination, it is not affirmatively furthering fair housing." (*Martinez,* 90 Cal. App. 5th at 289.) "Consequently, we conclude as a matter of law that the violations of §§ 65583, 65583.2(h), and 65584.09 . . . establish that the City has failed to 'affirmatively further fair housing' in violation of § 8899.50, subd. (b)(1). Restated using the language in the statutory definition of 'affirmatively furthering fair housing,' the City failed to 'foster[] and maintain[] compliance with … fair housing laws.'" (§ 8899.50, subd. (a)(1).)" (*Martinez,* 90 Cal. App. 5th at 289.)

Malibu is a beautiful city with a 21-mile coastline consisting of beachfront residential lots and large estate lots in the hillsides and canyons overlooking the ocean. Producing affordable housing will not change Malibu's character. It will provide housing to the nurses, teachers and others who work and wish to live in Malibu but cannot afford the cost.

Malibu's multi-family zone of 6 units per acre is the most restrictive of any city in Los Angeles County. The effort in enacting an affordable housing overlay zone has not produced any affordable housing, because it provides no economic incentives for doing so. It looks good as the AHO zoning has the word "affordable" in the zone, but it has not produced a single unit in two prior hosing cycles. It takes very little difficulty to enact a new multi-family zone with a minimum of 20 units per acre or increase the existing multi-family zone to provide the mandatory 20 units per acre.

The combination of the restrictive zoning, the one-story height limit, and lack of incentive with additional density has made it clear that Malibu is not affirmatively furthering fair housing. It could be inferred that Malibu is engaging in housing discrimination. The many violations of the Housing Element Law at the very minimum establish that Malibu has failed to "affirmatively further fair housing." (Gov. Code § 8899.50, subd. (b)(1)).

It is time to make honest corrections to Malibu's 6th Cycle Housing Element. I am available to assist and will gladly meet with staff, or the council, to address solutions to the critical need for affordable housing in one of the most amazing cities in the country.

Respectfully submitted,

LAW OFFICES OF SEBASTIAN RUCCI, P.C.



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Kay Real

From: DJ Dee <[redacted]>
Sent: Tuesday, January 9, 2024 10:33 AM
To: Housing Elements@HCD
Subject: Complaint about The Home Gallery in Malibu, California

Hi there,

I hope this email finds you well. I am writing to bring to your attention some concerning issues related to The Home Gallery, aka Orbit Homes aka Autonomous Living LLC, a company operating in Malibu California. We believe there have been malpractices, and we would like your department to investigate the matter.

We have compiled a set of articles that shed light on the reported malpractices of The Home Gallery. These are some items that we saw on their malpractices.

- **Leaks in the new properties** - Despite the promise of comfort, multiple reports have surfaced regarding the compromised quality of The Home Gallery.
- **Mold Infestations** - The compromised quality of construction has led to water intrusion, creating a conducive environment for mold growth.
- **Environmental Impact** - . The company stores its homes on a vacant lot, leaving them exposed to the elements — be it dust storms, rain, or the risk of break-ins.
- **Unattended Homes and Electrical Issues** - These oversights not only jeopardize the safety of homeowners but also reveal a disregard for the sanctity of the very spaces that The Home Gallery is entrusted to create.
- **Project Failures and Refunds** - Clients struggling to secure refunds in the wake of project failures face more than just monetary challenges.
- Unmet Expectations from the properties they sold

Here are some articles with more information about this complaint.

Article 1 [reddit.com]
Article 2 [reddit.com]

If you require any additional information or if there is a specific process we need to follow, please do let us know. We appreciate your attention to this matter and trust that your department will conduct a thorough investigation.

Thank you for your time and consideration.

Emily Green

From: David Kellogg <[redacted]>
Sent: Friday, November 18, 2022 5:07 PM
To: Housing Elements@HCD
Subject: Public Comment on Housing Element

Nov 18, 2022

On behalf of David Kellogg (a Contra Costa County resident), 350 Contra Costa, Greenbelt Alliance, CaRLA, Scott O'Neil (a resident of Palo Alto), Watson Ladd (a resident of Berkeley), Marven Normal (a resident of San Bernadino), Dara Dadachanji (a resident of San Francisco), and George Grohwin (a resident of San Francisco), we provide the following comment on the Housing Element from MALIBU.







Issue

- The Housing Element from MALIBU fails to adequately analyze compliance with one of the state's fundamental streamlining laws.
- Under PRC 21080.1 & 21080.2, a lead agency must determine if a housing development is exempt from CEQA within 30 days of completeness, or if an EIR or other CEQA document will be required.
- For CEQA-exempt housing, this CEQA determination then triggers a 60-day approval clock (with deemed approved remedies) under the Permit Streamlining Act. Thus, if state housing laws were followed, CEQA-exempt housing projects should generally receive approvals in about 120 days.
    1. 30 days to determine completeness
    2. 30 days for CEQA review
    3. 60 days for approval.
- MALIBU does not appear to issue determinations of CEQA-exemption within 30 days of completeness. As a result, **builders and the public are denied the right to the timely approval of housing**. Additionally, the builders are forced into an unreasonable bargaining position, as they lack the "deemed approved" options they should have. This improperly empowers jurisdictions to treat builders arbitrarily in the entitlement process.

- Moreover, MALIBU has no apparent good-faith basis for delaying CEQA-exemption determinations beyond the allowance of Public Resources Code 21080.1 & 21080.2. In the vast majority of instances, these exemptions are uncontested and straightforward.

Recommendation

- The Housing Element from MALIBU should include an analysis of compliance in its approval process with PRC 21080.1 & 21080.2.
- The Housing Element from MALIBU should add a program to specify (i) who is responsible for making the CEQA determination of PRC 21080.1, specify (ii) that their decision will be made within the timeframe permitted by PRC 21080.2, and specify that (iii), when they determine a project is exempt from CEQA, their determination triggers the Permit Streamlining Act (PSA) 60-day deadline (Gov. Code 65950(a)(5)). If existing local practices or regulations are incompatible with these state laws, the program should commit to enacting reforms necessary to achieve compliance within a reasonable and definite timeline.

HCD Technical Assistance Letter

- The CEQA issues mentioned herein are discussed in the June 3, 2022 Technical Assistance letter sent to Berkeley by Shannan West, Housing Accountability Unit Chief (copy included below).
- In the letter, HCD notes that Berkeley had been issuing "recommendations" of CEQA-exemption and that the actual "determinations" were made more than 30 days beyond the completeness date. HCD notes that such practice was in violation of PRC 21080.1 & 21080.2 and "may act as a governmental constraint on housing."

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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June 3, 2022

Sharon Gong, Senior Planner
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Dear Sharon Gong:

RE: Berkeley – Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of Berkeley (City). The California Department of Housing and Community Development (HCD) has become aware of potential conflicts between the practices of the City's Zoning Adjustments Board (ZAB) concerning determinations for projects determined to be exempt from the California Environmental Quality Act (CEQA) and timelines pursuant to Public Resources Code section 21080.1, subdivision (a), and Public Resources Code section 21080.2. HCD is concerned that these actions may act as a governmental constraint on housing development and requests the City review the CEQA determination process in Berkeley's 6th Cycle Housing Element and include programs to mitigate or remove constraints as necessary.

Obligations Under Public Resources Code sections 21080.1 & 21080.2

HCD has been made aware of at least five development applications where the final ZAB determination was made more than 30 days after the relevant permit was determined to be complete. As the City is aware, under the Public Resources Code, a lead agency must make a determination under CEQA for projects exempt from environmental review within 30 days of a project application being deemed complete. These provisions are critical to meeting the Permit Streamlining Act requirement set in Government Code section 65950, subdivision (a) (5), and generally facilitate the processing of housing developments.

6th Cycle Housing Element

As Berkeley is updating its 6th Cycle Housing Element, the City must describe and analyze the permit process from application to approvals, including a discussion on timeframes for each step in the process, impediments, and how it addresses the

application of state law on application processing pursuant to Government Code section 65583, subdivision (a)(5). In addition, the element must also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and include program actions to remove or mitigate identified constraints pursuant to Government Code section 65583, subdivision (c)(3). Excessive CEQA review timeframes can delay project approval and pose a constraint to the development of housing and should be reviewed as part of the City's housing element update.

Conclusion

HCD understands that the City is currently reviewing its compliance with these provisions and is looking at strategies to transparently document the process to ensure timely approval of CEQA determinations and provide additional transparency. HCD supports these efforts and encourages the City to take meaningful steps to ensure that its processes comply with provisions of state housing law.

If you have questions or need additional information, please contact Kevin Hefner at Kevin.Hefner@hcd.ca.gov

Sincerely,

Shannan West
Housing Accountability Unit Chief

Emily Green

From: Patricia Salazar <psalazar@malibucity.org>
Sent: Wednesday, May 8, 2024 3:33 PM
To: Lilly Rudolph; Veronica Tam; Emily Green; Kay Real
Cc: jparkerbozylinski@gmail.com
Subject: [EXT] FW: Malibu's 2021-2029 HOUSING ELEMENT

Follow Up Flag: Follow up
Flag Status: Flagged

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Public comment

From: losangeleschicagonewyork3 <[redacted]>
Sent: Friday, May 3, 2024 5:17 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: Malibu's 2021-2029 HOUSING ELEMENT

Hi yes my name is David Rodriguez [redacted] i have reviewed the updated Malibu 2021-2029 Housing element and i see that they are going to be 47 housing units availible to very low- income households i am very interested on one of those housing units and i am keeping touch with Malibu City Hall so i can be one of the first or first individual on the list to pay rent for one of the Housing Units under Malibus 2021-2029 Housing Element as my updated public comment i see Malibu CA as a safe neighberhood for me and i would love to be a resident of Malibu CA near the water enjoying the coast and Sun on the beach where i can hold my prayers under the Sunlight I am glad the City of Malibu CA is making way for this opurtunity please notify me through email or text on future Malibu City Hall meetings on the Malibu's 2021-2029 HOUSING ELEMENT
Sincerely David Rodriguez

Sent from my Metro by T-Mobile 5G Device

Appendix D – List of Acronyms

AB	Assembly Bill
AHO	Affordable Housing Overlay
AMI	Areawide Median Income
CCC	California Coastal Commission
CCRL	California Community Redevelopment Law
CDBG	Community Development Block Grant
CDP	Coastal Development Permit
CEQA	California Environmental Quality Act
CUP	Conditional Use Permit
DOF	California Department of Finance
DU	Dwelling unit
ELI	Extremely low income
ESHA	Environmentally Sensitive Habitat Area
FAR	Floor area ratio
FMR	Fair market rent
HCD	California Department of Housing and Community Development
HMDA	Home Mortgage Disclosure Act
HUD	U.S. Department of Housing and Urban Development
LCP	Local Coastal Program
LIP	Local Implementation Plan
MF	Multi-family
RHNA	Regional Housing Needs Assessment
SB	Senate Bill
SCAG	Southern California Association of Governments
SF	Single-family

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Appendix E
Contributing Factors to Fair Housing Issues

I. Executive Summary

Impediments/Contributing Factor	Priority	Justification	Service Area
Barriers to mobility	High	According to 2015 ACS data, an estimated 9.2 percent of persons in the Urban County had a disability. The ability for persons with disabilities to access infrastructure, public facilities, and housing units is limited by barriers to mobility, such as physical accommodations for access. Some 37.6 percent of survey respondents with a disability indicated that it was difficult or somewhat difficult getting about their neighborhood or housing complex. In addition, an estimated 10.5 percent of respondents in Los Angeles County indicated that there are problems with their home that create physical/accessibility issues for their households. Based on a survey of participating cities regarding their CDBG spending priorities, over 80% indicated that they will use CDBG funds if available during the next five (5) years to address accessibility improvements such as sidewalks, public facilities, or housing. Participating cities considered the needs identified through assessments and input from residents to set their CDBG spending priorities. Barriers to mobility limits access to opportunities, creating a disproportionate access and contributing to fair housing issues. As such, this factor has been rated as a high priority. While the CDC and HACoLA have made continued efforts in the past to increase access for persons with disabilities, the need remains. The CDC and HACoLA must establish goals to increase access in order to diminish any disproportionate access to opportunity that persons with disabilities in the Urban County experience.	Los Angeles Urban County HACoLA
Lack of affordable housing in a range of sizes	High	According to the 2017 HUD AFFH data, approximately 74 percent of family households with five or more members experience housing problems such as cost burdens or overcrowding. The high percentage of families that need appropriately sized housing makes this contributing factor a high priority. Almost a quarter of all households surveyed expressed severe cost burdens which impact racial and ethnic minorities at an even higher rate. The lack of affordable housing units available in a wide variety of household sizes is evident in the proportion of households with severe cost burdens. The 2017-18 Resident Survey found that countywide the need for housing for seniors and persons with disabilities, ranked out of a possible 4, were 3.36 and 3.28, respectively. Although the CDC has encouraged the development of affordable units for special needs and low income households, the need for additional housing options is striking compared to available units. As a high priority, the CDC will continue to direct efforts and resources to promoting affordable housing options that comply with federal and state fair housing requirements, including Section 504 of the Rehabilitation Act (Section 504), Title II of the Americans with Disabilities Act (ADA), and the Fair Housing Act.	Los Angeles Urban County
Lack of sufficient accessible housing in a range of unit sizes	High	While 2015 ACS data states that 9.2 percent of persons in the Urban County had a disability, according to the County's 2015 Health Survey, 22.6 percent had a disability countywide. Barriers to mobility are compounded with limited access to affordable housing to create a lack of accessible housing options. Service providers echo this sentiment, highlighting the need for additional accessible units for varying households. The 2017-2018 Resident Survey found that, countywide, the rated need for housing for persons with disabilities was 3.28 out of 4. Lack of sufficient accessible housing in a range of unit sizes is rated as a high priority due to its impact on persons with disability to access fair housing options. This factor is a core function of both the CDC and HACoLA to address fair housing issues in the County. HACoLA and the CDC have been increasing the number of accessible units in the County through various efforts over time. However, these efforts still do not meet the need of persons with disabilities to access housing. In establishing goals to meet this need, the CDC and HACoLA will help decrease the disparity in access to housing options and access to opportunity for persons with disabilities.	Los Angeles Urban County HACoLA

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of sufficient publicly supported housing for persons with HIV/AIDS	High	The HIV/AIDS population in Los Angeles County has seen 85,500 cumulative diagnosis of HIV/AIDS, according to the 2015 Annual HIV Surveillance Report, which also estimates that 60,000 persons are currently living in the County with HIV/AIDS. This report also suggests that the Hispanic population is disproportionately affected, as well as persons in San Fernando and San Gabriel Valley. The U.S. Department of Health and Human Services states that stable housing options for this population has been linked to better ability to access care and supportive services, as well as maintenance of treatment.[2] The continued need for housing options for persons with HIV/AIDS was emphasized during the AI process through service providers and public input. The lack of sufficient publicly supported housing for persons with HIV/AIDS limits access to housing options for this special needs population. This directly impacts access to opportunity and exasperates levels of segregation. Due to these impacts, this factor has been given a high priority. Housing efforts have been undertaken county-wide to increase housing option for person with HIV/AIDS. However, the need for additional housing options is still prominent for this special needs community. The CDC will Establish a goal to increase housing options to help diminish the dipartites in access for persons with HIV/AIDS.	Los Angeles Urban County
Land use and planning decisions restrict fair housing choice for persons with disabilities and affordable housing in general	High	The location of accessible and affordable housing units in the Urban County may indicate that land use and planning decisions are restricting the housing options for eligible households. Affordable housing options tend to be located in or adjacent to R/ECAP areas, as seen in the maps in Section F. Land use and planning decisions restricting fair housing choice for persons with disabilities and affordable housing in general plays an immediate impact on fair housing issues by limiting housing choices, diminishing access to opportunity, and further exacerbates segregations among minorities and for persons with disabilities. For these reasons, this factor has been places as a high priority. While the CDC and participating cities have reviewed and implemented Housing Elements and other plans, the need for additional review and revision exists in order to identify restrictions to accessible and affordable housing. Identifying and revising existing land use and planning decisions will expand housing options and increase access to fair housing options within the County.	Los Angeles Urban County
Presence of lead poisoning exposure	High	Lead poisoning exposure continues to be an issue for households, particularly for low income households. Between 2011 and 2015, over 15,000 children under the age of 6 test positive for lead.[3] However, the number of those children that have elevated blood lead levels is unclear, and under-testing appears to be a continued problem[4] According to the Response and Surveillance System for Childhood Lead Exposure (RASSSCLE), the highest levels of lead poisoning exposure can be found in Central and South Los Angeles. Elevated blood levels are more prevalent among low income households.[5] In addition, CDC studies have found that black populations have been found to be more likely to have elevated blood levels.[6] This heightened risk limits access to healthy neighborhoods and safe housing environments. It is selected as a high priority due to its impact of access to healthy housing options and increases disproportionate housing needs within R/ECAP areas. The CDC has funded lead abatement procedures, but the continued risk threatens the health and safety of households, especially those with children. The CDC will continue efforts to promote increased access to healthy and safe housing options through lead abatement efforts and review.	Los Angeles Urban County

[2] https://www.hiv.gov/hiv-basics/living-well-with-hiv/taking-care-of-yourself/housing-and-health
[3] "Lead's Hidden Toll", Joshua Schneyer, April 20, 2017. Reuters Investigates. http://www.reuters.com/investigates/special-report/usa-lead-la/.
[4] https://www.reuters.com/article/us-usa-lead-la/l-a-health-officials-misstated-some-cases-of-childhood-lead-exposure-idUSKBN18S66J
[5] http://www.epi.umn.edu/let/nutri/disparities/causes.shtm
[6] https://www.cdc.gov/mmwr/volumes/65/wr/mm6539a9.htm

Impediments/Contributing Factor	Priority	Justification	Service Area
Significant disparities in the proportion of members of protected classes experiencing substandard housing when compared to the total population	High	Housing problems impact a large proportion of households in LA County. Racial and ethnic minorities, people with disabilities, families with children, and other protected classes face housing problems at higher rates than the total population. For example, black and Hispanic households face housing problems at a rate of 58.7 and 66.5 percent, respectively, and families with 5 or more people face housing problems at a rate of 74.0 percent, according to HUD AFFH Data. The rate at which protected classes face housing problems compared to the general population exemplifies the disproportionate housing need in the County, particularly those in R/ECAPs. This is a high priority as it impacts the level of access to fair housing options for these households in the County. While the CDC has directed resources to address disparities in access to housing in at-need areas, continued efforts are needed in order to guarantee access to housing options. The CDC will continue to establish meaningful and impactful goals to increase access for protected classes to access housing and decrease disproportionate need.	Los Angeles Urban County
Noise Pollution due to plane traffic from Los Angeles International Airport	High	R/ECAPs in the Urban County are more likely to face environmental issues, such as noise pollution from LAX. There are an estimated 8,424 dwelling units impacted by noise from LAX.[7] Noise pollution continues to be a hazard for low income households and for R/ECAPs. Noise pollution decreases quality of life and limits access to healthy neighborhoods. This factor has been selected as a high priority due to the enormous need and its effect on persons living in R/ECAPs as well as the ability of the CDC to work with Federal Aviation Administration and Los Angeles World Airports to address the need. The CDC has recognized the impact of noise pollution on household access to healthy neighborhood, and is creating goals to help diminish the impact of noise pollution on access to healthy neighborhoods.	Los Angeles Urban County
Poor land use and zoning situating sources of pollution and environmental hazards near housing	High	The disparity in access to healthy neighborhoods shows a marked disparity for racial and ethnic minorities in accessing healthy neighborhoods. The location of housing adjacent to environmental hazards may continue to allow for disparities to exist and limit household access to lower pollution levels. R/ECAP areas in the Urban County tend to have higher levels of toxic emissions and environmental hazards, as seen in Map IV.110. Poor land use and zoning policies diminish access to opportunity and healthy neighborhoods. Siting decisions increase the disproportionate level of access to unhealthy neighborhoods for racial and ethnic minorities and low-income households, particularly those in R/ECAPs. These limiting factors to fair housing options, places this factor as a high priority. While the CDC and participating cities have reviewed and implemented Housing Elements and other plans, the need for additional review and revision exists in order to identify restrictions to accessible and affordable housing. Identifying and revising existing land use and planning decisions will expand housing options and increase access to fair housing options within the County. In addition, the CDC will continue its policy in the Notice of Funding Availability for affordable housing that applicants that propose projects within 500 feet of a freeway will not qualify for funding such as HOME Partnerships Investment and other applicable funding. Participating cities will also be trained on the policy and encouraged to implement it within their jurisdictions	Los Angeles Urban County

[7] http://www.lawa.org/uploadedFiles/LAX/pdf/3q17_20171115_Quarterly_Report.pdf

Impediments/Contributing Factor	Priority	Justification	Service Area
Access to quality healthcare	Low	Healthy Neighborhoods focus groups highlighted the poor access to quality healthcare in areas with higher concentrations of poverty. The 2015 LA County Health Survey found that 43.0 percent of persons below the Federal Poverty Line had difficulty accessing medical care. Racial and ethnic minorities also have more difficultly accessing medical care, with 31.2 percent of Hispanic and 26.8 percent of Asian adults having difficulty, compared to 12.7 percent of white adults. While this issue remains vital to the overall well-being of Urban County households and impacts the ability of households to access healthy neighborhoods, the CDC has limited capacity to make effective change with its available resources to provide access to quality healthcare. The Department of Public Health and other agencies throughout Los Angeles County are responsible for healthcare and the CDC partners with these agencies where possible. The CDC has funded community efforts to promote access to community health services. The CDC will continue these efforts by establishing goals to create more access to healthcare and healthy neighborhoods.	Los Angeles Urban County
Food insecurity - Access to healthy and nutritious food options	Moderate	Food insecurity continues to be an issue for many households in Los Angeles County. The 2015 County Health Survey found that 41.1 percent of households below the FPL had low or very low food security. In addition, Latino, black, and American Indian households had a markedly higher rate of low or very low food security.[8] Many areas experience limited access to fresh food, particularly R/ECAPs in the County, as shown by USDA food atlas.[9] This sentiment was echoed by the Healthy Neighborhoods Focus Groups. Limited access to food options and food insecurity are directly impactful to access to healthy neighborhoods. Since the County is seeing disproportionate access for R/ECAPs and low-income and minority populations in food security, the priority for this factor is moderate. It is rates as a moderate priority as the CDC will focus more resources on issues directly related to fair housing choice. Increasing access to food options will reduce the level of disparity that low-income and minority populations face in access to healthy neighborhoods. In light of this, although it's a moderate priority, HACoLA and the CDC can establish goals to help increase access to food options and social services with its limited resources.	Los Angeles Urban County HACoLA
Location and access to local businesses, especially in economically depressed areas	Moderate	Access to local businesses may limit job proximity and labor force engagement. As seen in the Opportunity Indices. Labor force engagement for some racial and ethnic minorities is markedly lower than for white Urban County residents. Labor market index scores for black and Hispanic households were 44.4 and 34.9, respectively, while those for white households were 69.4. Location and access to local businesses, especially in economically depressed areas such as R/ECAPs, limits access to opportunity. This is directly connected to fair housing issues and the CDC continues to invest in business assistance in R/ECAPs. However, it is rated as a moderate priority as the CDC will focus more resources on issues directly related to fair housing choice. Areas with high concentrations of racial and ethnic minorities and poverty, or R/ECAPs, are inundated with lower level of access to opportunity and access to local businesses. The CDC will implement activities to increase access to increased business activity in R/ECAPs in order to decrease disparities in access to opportunity.	Los Angeles Urban County

[8] http://www.publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm
[9] https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas.aspx

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of Information on Affordable Housing	High	Public input brought to light the limitation of current outreach practices that do not provide sufficient reach for eligible households to access information regarding affordable housing opportunities in the Urban County. Limited access to information on affordable housing directly impacts access to housing options. Disparities in access to housing options relates directly to fair housing issues and is placed as a high priority. Efforts to increase access to information have been on-going throughout the County. Efforts by the CDC to increase knowledge about federal and state fair housing requirements will decrease disparities in access and increase the accessibility of fair housing options.	Los Angeles Urban County
Increasing measures of segregation	High	The Urban County has seen moderate to high levels of segregation since the 1990s. Most of these levels have remained high into 2015, with Black/White segregation and Hispanic/White segregation remaining virtually unchanged since 2000 at 67.21 and 62.72, respectively, in 2015, according to AFFH Table 3. These areas of segregation continue to limit access to high opportunity areas, as well as compounding housing problems in R/ECAPs. The rate of segregation is a direct limiting factor in access to fair housing opportunities. As the rate of segregation in the Urban County remain high, the priority of this contributing factor remains high as well. The CDC will increase access to housing in low minority and high opportunity areas through the introduction of pertinent goals, such as developing housing outside of areas of minority concentrations with low opportunities. Increasing access to low minority areas will impact the rate of segregation.	Los Angeles Urban County
Discrimination in private rental and homes sales markets	High	According to Fair Housing public input and HMDA data, racial and ethnic minorities, as well as other protected classes, face discrimination in private rental and homeowner markets. HMDA data shows that some racial and ethnic minorities are more likely to be denied a mortgage. In addition, HUD Fair Housing Complaint Data showed over 2,600 complaints between 2008 and 2016. The basis of these complaints was most likely to be disability, race, or familial status. Discrimination in the private rental and home sales market has been selected as a high priority affecting the fair housing issues of disparities in access to opportunity, discrimination, and segregation. It is selected as a high priority because it directly relates to fair housing choice and restricts a person's ability to secure housing based on protected class status or some other arbitrary reason. The CDC also has the ability to contract with a fair housing service provider to address this contributing factor. Although the CDC has contracted with a fair housing service provider to investigate alleged violations of fair housing law in the past, the complaints still remain each year so there needs to be enhanced, on-going enforcement as well as fair housing education. In addition, to adequately determine and address patterns of discrimination, more specific complaint data needs to be collected such as where the resident currently lives, where the alleged infraction occurred, protective class, and issue code (type of discrimination). As a high priority, the CDC will need to set goals to ensure meaningful actions are implemented so that discrimination in the private rental and homes sales market can be decreased or eliminated.	Los Angeles Urban County
Access to Financial Services	Moderate	The Fair Housing survey found that 9.3 percent of respondents indicated that their home loan application was denied in the past five years. According to HMDA data, between 2008 and 2015, black mortgage applicants are denied at a rate more than 7 percentage points higher than white applicants, and Hispanic applicants are denied at a rate more than 5 percentage points higher than non-Hispanic applicants. Access to financial services is related directly to housing options, and contributes to segregation, R/ECAPs, disparities in access to opportunities, and disproportionate housing needs. While this factor contributes to fair housing issues, it is rated as a moderate priority as the CDC is not able to address this issue on a large scale due to funding as well as the fact that state and regulatory agencies are in a better position to ensure compliance. Although this factor is rated as a moderate priority, the CDC will conduct outreach and education services through a fair housing service provider to help additional households access financial services in the Urban County.	Los Angeles Urban County

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of coordination with other Planning Processes and Programs to address contributing factors	Moderate	Throughout the planning and evaluation process, the CDC acknowledges gaps in coordination and planning processes that may limit the impact of programs and resources that are used to address fair housing. The size of the Urban County, and coordination among the numerous cities and unincorporated areas is limited by scale and resources to implement large scale planning efforts. Lack of coordination contributes to a number of fair housing issues including segregation, R/ECAPs, disparities in access to opportunity, and disproportionate housing needs. At the time of preparing the AI, there were initiatives that were in process that could address some of these fair housing issues such as a County tenant protection ordinance. However, the role of the CDC was not defined. The CDC will continue to participate in various meetings to define these roles and will take active steps to coordinate with the agencies taking the lead in applicable planning and programming efforts. While this factor is important to reducing these fair housing issues, the role of the CDC is undefined at this point. As such, it is rated as moderate. In spite of the fact that this factor is rated as moderate, the CDC will address this factor with steps to increase coordination across agencies through active participation in the planning and development of future programs and policies to address fair housing issues as well as implementation of these initiatives where appropriate..	Los Angeles Urban County

Impediments/Contributing Factor	Priority	Justification	Service Area
Public safety concerns	High	Crime data reported by LA County, as well as public sentiment, pointed to a high level of need for public safety measures. This is particularly striking in R/ECAPs. According to the 2017 Fair Housing Survey, an estimated 37 percent of residents in R/ECAPs felt unsafe in their neighborhood at night, compared to 20 percent for the Urban County overall. Safety is a primary concern for promoting access to healthy neighborhoods. The diminished access to safety also diminishes access to healthy neighborhoods, and therefore establishes this factor as a high priority. Efforts to increase public safety, particularly for those households in R/ECAPs will increase access to healthy neighborhoods and decrease public safety concerns. The CDC's and HACoLA's efforts will promote community involvement and crime prevention through annual goals.	Los Angeles Urban County HACoLA
Violent and drug related crime in public housing	High	Violence and crime in public housing is a real concern for residents because it impacts their quality of life, particularly those in R/ECAPs. Violent crimes continued to grow and had jumped for a third time by 2016.[10] Increased incidents of crime and drug related offences have been linked to areas with higher concentrations of poverty. According to the Fair Housing Survey, only 46.7 percent of public housing residents felt safe or very safe in their public housing development at night, and 38.6 percent felt safe or very safe in their neighborhood at night. Violent and drug related crime in public housing directly impacts access to healthy neighborhoods. Residents in R/ECAPs are facing diminished access to healthy neighborhoods, and therefore this factor is rated as a high priority. HACoLA has engaged in crime and safety programs, including the Community Policing Team (CPT) Program, and Crime Prevention through Environmental Design. However, crime and safety are a continued issue for public housing residents. Continued efforts are necessary to reduce the number of violent and drug related crime incidents in public housing.	HACoLA
Minority and low-income communities experience higher rates of crime and violence	High	As demonstrated by higher levels of crime in R/ECAP areas, access to safe neighborhoods are limited for low-income household. The perception of neighborhood safety is markedly lower for low income and minority households. Only 68.9 percent of households below the Federal Poverty Line (FPL) felt their neighborhoods were safe, compared to almost 80 percent of households between 100 and 199 percent FPL.[11] In addition, Latino and African American households were more than 15 percentage points lower in perceived neighborhood safety than white households. The Portrait of Los Angeles County report found that areas in Los Angeles County, including Cudahy, Westmont, Lennox, East Rancho Dominguez, and Florence-Graham, have higher crime rates.[12] Disproportionate rates of violence and crime create disproportionate access to healthy neighborhoods. The factor is selected as high priority because of the impact on minority and low-income communities, and the disparities in access to safe neighborhoods and environments. The CDC and HACoLA's efforts to address crime and violence in minority and low-income communities will increase access to healthy neighborhoods. The CDC and HACoLA will establish goals to increase resources to combat the disproportionate rate of violence and crime for these communities.	Los Angeles Urban County HACoLA

[10] http://www.latimes.com/local/lanow/la-me-crime-stats-20161227-story.html
[11] http://www.publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm
[12] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf

Impediments/Contributing Factor	Priority	Justification	Service Area
Criminal activity in public housing facilities	High	Crime data reported by Los Angeles County, as well as public sentiment, pointed to a high level of need for public safety measures. This is particularly striking in R/ECAPs. According to the 2017 Fair Housing Survey, an estimated 37 percent of residents in R/ECAPs felt unsafe in their neighborhood at night, compared to 20 percent for the Urban County overall. According to the Fair Housing Survey, only 46.7 percent of public housing residents felt safe or very safe in their public housing development at night, and 70.6 percent felt safe or very safe in their development during the day. Criminal activity in public housing facilities not only impacts the residents' quality of life but also access to healthy neighborhoods. This impact on fair housing issues places this factor as a high priority. HACoLA has engaged in a variety of efforts to decrease criminal activity. Continued efforts are necessary to increase access to safe and healthy neighborhoods and diminish disparities in access to opportunity.	HACoLA
Juvenile crime activity	High	The rate of juvenile crime, echoing the rate of the crime statistics, is prevalent in lower income communities. In 2015, the juvenile felony arrest rate was 513 per 100,000 county-wide.[13] This rate has lowered over the past couple years for the County. Disproportionate rates of juvenile crime activity not only affects the residents' quality of life but also creates disproportionate access to healthy neighborhoods. The factor is selected as high priority because of the impact on minority and low-income communities, and the disparities in access to safe neighborhoods and environments. HACoLA has undertaken the Juvenile Justice Crime Prevention Act (JJCPA) Program to encourage lower rates of juvenile crime. The CDC also funds a gang and drug intervention program for youth in the RECAP areas. While rates are lowering county-wide, they still remain a crucial issue for neighborhood safety and access to healthy neighborhoods. Continued efforts to combat juvenile crime may help lower the dipartites in access to safe and healthy neighborhoods.	Los Angeles Urban County HACoLA
Increase independence for the elderly or families with disabilities	High	The 2015 County Health survey found that 22.6 percent of the population had a disability and 41.9 percent of those over 65 had a disability. In addition, those under the FPL had a higher disability rate than average, at 28.6 percent. Independence is reliant on access to a variety of components, including accessibility and services. Barriers to mobility and access to accessible housing are two primary hurdles to increasing independence. Limited independence for the elderly or families with disabilities is a primary barrier for access to housing options and opportunity. This factor contributes directly to fair housing issues, such as disparity in access to opportunity, and is therefore rated as a high priority. Efforts to increase independence will help integrate households with disabilities and negate any disparities in access to opportunity. HACoLA's established goals to encourage independence will support overarching fair housing goals and provide more equitable access to housing.	HACoLA
People with disabilities becoming homeless	High	Homelessness continues to be a major issue in Los Angeles County, and increased by 23 percent between 2016 and 2017 to 57,794 county-wide.[14] In 2016, more than 15 percent of the homeless population had a physical disability, and more than 3 percent had a developmental disability.[15] Homelessness is a critical issue throughout Los Angeles County, particularly for households with disabilities. This contributing factor limits access to housing options and is considered a high priority. Identifying people with disabilities at risk of becoming homeless will decrease the number of persons who enter homelessness each year. HACoLA will address the growing need for affordable and accessible housing by setting goals that target at-risk persons with disabilities.	HACoLA

[13] http://casi.cjcj.org/Juvenile/Los-Angeles
[14] https://www.lahsa.org/documents?id=1385-2017-homeless-count-results-los-angelescounty-presentation.pdf.
[15] https://www.lahsa.org/dashboards?id=18-2016-greater-los-angeles-homeless-count-demographic-summary

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of mental health services for school age children of public housing	High	Mental health concerns continue to be a crisis for public housing residents, impacting school age children. An estimated 7.4 percent of children in LA County attempted to access mental health care.[16] The incidence of violence and poverty have a documented impact on mental health for children, coupled with limited access to mental health services has continued to keep child mental health as a high priority.[17] Access to mental health services is an essential part of a healthy household and community, and limited access is a part of limited access to healthy communities. This factor is set as a high priority because of its impact on households' ability to access healthy neighborhoods and vital services. Although HACoLA has promoted mental health activities in the past, there is a continued need within public housing to promote access to mental health, particular for school aged children. Efforts to increase access must be implemented in order to eliminate any disparities in access to these services.	HACoLA
Access to affordable internet	Moderate	Data and public input have revealed a digital divide for low income households that do not have equitable access to affordable internet options. Areas with higher concentrations of poverty in LA County are the least connected to internet options.[18] About a third of low-income households do not have internet, more than double the general population.[19] This digital divide may have far reaching consequences, including limitations to service information, and limited access to educational and employment opportunities. This creates disparities in access to opportunity, but is rated as a moderate priority due to a lack of HACoLA resources to address the factor on a wide scale. Efforts to decrease the digital divide will help eliminate the disparities in access to educational and employment opportunities. HACoLA efforts must attempt to bridge this divide in order to establish more equitable access to opportunities in the County.	HACoLA
Industries not in compliance with health regulations - Pollution in Neighborhoods	Moderate	Access to healthy neighborhoods is markedly diminished in low income areas and R/ECAPs from industry practices. However, industry practices are not within the authority of HACoLA. The highest rates of pollution were found in areas of high poverty, and according to the Portrait of LA County report, were in Cudahy, Westmont, Lennox, East Rancho Dominguez, and Florence-Graham.[20] In addition, Latino, black, Native Hawaiian or other Pacific Islander (NHOPI) and Native American households were more likely to be in areas with high pollution levels.[21] Pollution directly impacts health and access to healthy neighborhoods. Disproportionate access to healthy neighborhoods for low-income and minority population creates a significant need. However, the ability of HACoLA to address industry policy is limited, and therefore this factor is weighed as moderate. Efforts by HACoLA to diminish disparities in access to healthy neighborhoods may be achieved through increased access and dissemination of information to residents. HACoLA goals to decrease exposure to pollution will help increase access to healthy neighborhoods.	HACoLA

[16] http://publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm#Child
[17] https://www.urban.org/urban-wire/povertys-toll-mental-health
[18] http://arnicusc.org/wp-content/uploads/2017/07/Policy-Brief-2.pdf
[19] http://arnicusc.org/wp-content/uploads/2017/07/Policy-Brief-2.pdf
[20] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf
[21] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf

Impediments/Contributing Factor	Priority	Justification	Service Area
Illegal Dumping - Proximity to environmental hazards, especially in communities of color	High	Environmental hazards are more likely to impact low-income households and R/ECAPs, as shown by the Environmental Health Index, the CalEnviroScreen, and the consultation process. Latino, black, NHOPU, and Native American households were more likely to be in areas with high pollution levels.[22] These hazards limit access to healthy neighborhoods and increase health hazards in vulnerable communities. This diminished access to healthy neighborhoods is a contributing factor to fair housing issues and is rated as a high priority. Efforts by HACoLA to diminish disparities in access to healthy neighborhoods may be achieved through increased monitoring and information. HACoLA goals to decrease exposure to pollution will help increase access to healthy neighborhoods.	HACOLA
Enhance adequacy of life skills (e.g. Housekeeping, healthy eating, financial management)	Moderate	The 2015 LA County Health survey indicated that households below the FPL may have less access to support for enhancing life skills. Additionally, public involvement and consultation provided insight on inadequacy of life skills for many households throughout the County. These may include housekeeping, healthy eating, and financial management. The impact of life skills on quality of life and access to healthy neighborhoods is a contributing factor to fair housing issues and disproportionate access to opportunity. The capacity of HACoLA to impact these skills may be minimal on a large scale, and is therefore rated as a moderate priority. Efforts to increase the adequacy of life skills may impact the disparity in access to opportunity by increasing access to healthy neighborhoods. HACoLA will enhance current programs to increase life skills.	HACOLA
Enhance air quality within housing development sites	Low	Studies have found that public housing residents nationwide are twice as likely to have asthma as the general population, advocating for the elimination of smoking in public housing units.[23] In December, 2016, HUD published a final rule requiring public housing agencies to initiate a smoke-free policy by July, 2018. Diminished access to healthy air limits access to healthy neighborhoods. While enhancing air quality within housing development sites is of high importance, HACoLA has already made great strides in improving air quality and rates it as a priority of low. Between 2013 and 2014, HACoLA implemented a smoke-free policy for its housing developments to protect the residents, including families, youth, and the elderly and disabled. HACoLA continues to make strides to protect the air quality within housing development sites, and promote the health of all public housing residents.	HACOLA
Instances of absentee/bad landlords	Low	The cases of bad and absentee landlords, as established by public input, diminish the quality of housing options for many low-income households throughout the Urban County. Over 19 percent of respondents to the Fair Housing survey indicated that they were not able to communicate with their landlord; and 21 percent of public housing residents were not able to communicate with their landlord. For the public housing program, HACoLA will improve the perception of absentee landlords by effectively communicating and meeting with the residents. The impact of these landlords on sub-par conditions is important in establishing equal access to housing, however, may be difficult to monitor on a County-wide scale, especially in the private rental market. While this may impact access to housing options, this factor has been rated as a low priority. Efforts to increase the responsibility of landlords will help encourage access to housing options. Establishing goals may be limited by the capacity of HACoLA, but may be focused on public housing residents to increase access to opportunity.	HACOLA

[22] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf
[23] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4716462/

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of opportunities for residents to obtain housing in higher opportunity areas	High	As seen in the Disparities in Access to Opportunity section of this document, R/ECAPs have a markedly lower level of access to education, employment, and healthy neighborhoods. A lack of affordable housing options in higher opportunity areas, with access to transportation, jobs, and education, limit access to these areas for low income and racial and ethnic minority households. Lack of opportunities for residents to obtain housing in higher opportunity areas directly contributes to fair housing issues of dipartites in access to opportunity. This contributing factor has been rated as a priority due to the level of disparate impact on fair housing choice for minority and low income households. Efforts to increase access to high opportunity areas have not mitigated the disparity in access to opportunity faced by households in low opportunity areas. Increasing housing options in high opportunity areas, through measureable goals, will help establish higher levels of access to minority and low income households.	HACOLA
Lack of knowledge of Fair Housing, Section 504 and ADA laws	High	The Fair Housing survey indicated that 39 percent of respondents were not aware of their right to request accommodations. Fair housing outreach indicated a lack of knowledge of fair housing, Section 504 and ADA laws throughout the Urban County. In addition, some 30.9 percent of public housing resident respondents were not aware of their rights to request accommodations. Limited knowledge limits access to services for eligible households. This limited access is a contributing factor to fair housing in limiting access to opportunity. This factor is rates as a high priority. HACoLA efforts to increase knowledge of fair housing laws will continue and increase access to opportunities and decrease disparities for households with disabilities.	HACOLA
Disconnect in matching people with disabilities with the right housing resources	High	The Fair Housing survey indicated that 39 percent of respondents were not aware of their right to request accommodations, and 11 percent were in need of a housing accommodation. Additionally, consultation with agencies and public input indicated that eligible households were not effectively matched with appropriate resources, especially accessible housing options. Persons with disabilities that are not matched with appropriate services are contributing factors to fair housing issues and decreasing access for persons with disabilities to housing options. This factor is a rated as a high priority due to its impact of fair housing. HACoLA has increased efforts to match persons with disabilities with services, but are not currently meeting the existing need. Establishing goals to remediate this factor through increased services will help close the gap in disparate access.	HACOLA
Discrimination in the private accessible rental markets	High	According to Fair Housing public input and HMDA households with disabilities face discrimination in private rental and homeowner markets. HUD Fair Housing Complaint Data showed over 2,600 complaints between 2008 and 2016 for Los Angeles County, with the most common basis of these complaints being a disability. Discrimination in accessible units has been selected as a high priority because it related directly to fair housing and access to opportunity. Although efforts had been made to investigate violations of fair housing law in the past, discrimination still remains an on-going continuing factor that limits access to fair housing. As a high priority, HACoLA will continue efforts to enhance access to housing options and resources to encourage fair housing practices in the marketplace.	HACOLA

Impediments/Contributing Factor	Priority	Justification	Service Area
Disparities in job readiness and educational achievement	High	The Education index as well as other data sources, indicated a marked disparity in school proficiency. While white households had a school proficiency index of 73.65, black and Hispanic household indices were 44.24 and 44.35, respectively. This disparity in job readiness has far reaching consequences, including future economic opportunities. Disparities in job readiness and educational achievement has been placed as a high priority due to its impact on fair housing issues and access to opportunity. This factor limits access to fair housing choice and economic security. Since disparities in access still exist in the County, particularly for racial and ethnic minorities, HACoLA will set goals to ensure meaningful actions are implemented to increase job readiness and educational achievement, so disparities in access can be reduced.	HACOLA
Availability of scholarships	Moderate	Limited availability of scholarships create a barrier for households to access proficient educational opportunities. As seen in the School Proficiency Index, some racial and ethnic minorities overall, and R/ECAPs experience lower levels of school proficiency compared to white households in the Urban County. Black and Hispanic households have a school proficiency index of 44.2 and 44.4, respectively, compared to 73.7 for white households. The limited availability of scholarships limits access to education opportunities. This factor is related to the fair housing issue of access to opportunity, but is not within the capacity of HACoLA to impact on a wide scale, and is therefore rated as a moderate priority. Efforts to increase access to educational opportunities will decrease the disparities in access to educational opportunities for low income households. R/ECAPs with particularly low school proficiency and educational achievement levels can be directly impacted by efforts to increase access to sustained educational opportunities.	HACOLA
Enhance programs to help at-risk homeless population	High	Homelessness continues to be a major issue in Los Angeles County, and increased by 23 percent between 2016 and 2017 to 57,794 county-wide.[24] More than 74 percent of the counted homeless population in 2017 were unsheltered. The growing rate of homelessness places this factor as a high priority in the County. While HACoLA have taken substantial efforts to combat homelessness, it continues to be a growing problem in the County. In an effort to help stabilize and even reduce homelessness, HACOLA will establish goals to provide services for at-risk households. Any effort to help reduce the growth of the homeless population will help decrease disparities in access to housing options.	HACOLA
Access to transportation	Low	A 2017 Metro study found that 84 percent of bus riders did not have a car, and that the median income for riders in 2016 was $15,620.[25] Public input and consolation activities reiterated the fact that many households with children struggle to access transportation options, limiting access to opportunity. Limited access to transportation is a key component in access to fair housing and disparities in access to opportunities. Limited access to transportation for families, including parents and children is rated as a low priority for addressing fair housing issues in the County due to a lack of capacity for HACoLA to address this factor. However, HACoLA has undertaken programs to increase access to transportation services, but the gap in access persists. Increasing the availability of transportation options for parents and children will help close this gap in access to opportunity.	HACOLA

[24] https://www.lahsa.org/documents?id=1385-2017-homeless-count-results-los-angelescounty-presentation.pdf.
[25] https://www.metro.net/about/metro-disparity-study/

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of resources and services for working families (e.g., helping find housing for minorities)	High	Resources and services for working class families are essential to bridge the gap in access to housing and other services. 2015 Health Survey data suggest that low income households have lower knowledge about where to turn for support when compared to higher income households. A lack of these resources acts as a barrier in access, and remains a high contributing factor to access to fair housing. This factor has been rated as a high priority due to its impact on access to opportunity. Increasing access to resources and services will help decrease any disparities in access to opportunities for low income households. Efforts by HACoLA can be achieved in measurable goals to connect working families with applicable resources.	HACOLA
Access to affordable childcare	Moderate	Affordable childcare is a barrier for many households to enter or remain in the workforce, with an estimated 31.6 percent of LA County housing facing difficulties finding childcare.[26] The rate was even higher for those living below the FPL, at 41.9 percent. Public involvement and outside consultation reiterated the importance of affordable childcare that acts as a barrier to economic opportunities for low income households. Access to affordable childcare is directly linked with access to employment. Inequitable access to childcare create disproportionate access to opportunity and therefore is a contributing factor to fair housing issues. While it is vital for households to have access to childcare options, it is not within the ability of HACoLA to impact change on a wide scale. Therefore, this factor is rated as moderate. While there have been past efforts to increase access to childcare, it still remains a critical issue for many households. Any efforts by HACoLA to increase access to services will decrease disparities in access to opportunity for low-income households.	HACOLA
Enhance place based investments	Moderate	The availability of services and access to opportunities varies for protected classes in Los Angeles County. This is exemplified by the opportunity index, such as access to low poverty areas. While non-Hispanic white households have a low poverty index of 70.81, black households have an index of 48.72, and Hispanic households have an index of 41.00. Disparities in access to opportunity are directly linked to limiting access to fair housing. Enhancing place based investments will increase access to opportunity and is therefore rated as a moderate priority. HACoLA will increase place based investments through the use of additional funding for rental assistance, resident service programs, and addressing homelessness.	HACOLA
Facilitate Access to proficient schools	Moderate	Minority populations in the Urban County have significantly lower school proficiency indices than white non-Hispanic households. While white households have index ratings at 73.66 for school proficiency, black households have 44.24, and Hispanic households have 44.35. Disparities in access to opportunity, such as disparities in access to proficient schools are a significant issue for the Urban County. However, due to the lack of control over the education system, facilitating access to proficient schools has been rated as a moderate priority. HACoLA will continue to increase access to educational opportunities for public housing residents in an effort to increase access to proficient schools, and decrease disparities in access to opportunity.	HACOLA

[26] http://publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm#Child

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Appendix F – Affirmatively Furthering Fair Housing (AFFH)

The following section is new text subsequent to City Council adoption on January 10, 2022 and has not been denoted with formatting (underlines, strikethroughs, highlighting) to improve readability.

Introduction

Government Code § 8899.50 requires local agencies to affirmatively further fair housing (AFFH). Under California law, AFFH means "taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." California law requires Housing Elements to include an assessment of fair housing that addresses the following components:

- A summary of fair housing issues and assessment of the jurisdiction's fair housing enforcement and outreach capacity
- An analysis of segregation patterns and disparities in access to opportunities
- An assessment of contributing factors
- An identification of fair housing goals and actions.

Analysis of Fair Housing Methodology

Government Code Section 65583(c)(10)(A)(ii) requires the City of Malibu to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk.

Resources

To conduct this analysis, the City utilized data from a variety of sources, including Housing and Community Development's (HCD) AFFH Viewer, Urban Displacement Project (UDP), CalEnviroScreen, California Tax Credit Allocation Committee (TCAC), and the 2018 Analysis of Impediments to Fair Housing Choice (AI) for the Community Development Commission and Housing Authority of the County of Los Angeles.

Housing and Community Development's AFFH Viewer

The AFFH Data Viewer is a tool developed by HCD that features census block group and tract level data from an expansive collection of sources including the American Community Survey (ACS), US Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), TCAC, and Urban Displacement Project (UDP). The Data Viewer tool serves as a resource for local and regional governments and provides the ability to explore spatial data patterns concerning fair housing enforcement, segregation, and integration, racially and ethnically concentrated areas of poverty, and disparities in access to opportunities and housing. The Data Viewer is intended to assist in the creation of policies that alleviate disparities, combat discrimination, and increase access to safe and affordable homes.

Urban Displacement Project (UDP)

The UDP was developed as a research initiative by the University of California, Berkeley in partnership with the University of California, Los Angeles. The tool was developed to track neighborhood change and identify areas that are vulnerable to gentrification and displacement in California. Indicators of gentrification and displacement are measured at the census tract level based on data from the 2017-2021 ACS. UDP indicators examine census tracts to identify areas that qualify as disadvantaged neighborhoods. Additionally, census tracts qualifying as disadvantaged neighborhoods per UDP's criteria are further analyzed to explore changes in the percentage of college educated residents, non-Hispanic white population, median household income, and median gross rents over time to determine levels of gentrification and displacement risk.

CalEnviroScreen

The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology to help identify California communities disproportionately burdened by multiple sources of pollution. This tool is called the California Communities Environmental Health Screening Tool (CalEnviroScreen). CalEnviroScreen utilizes existing environmental, health, and socioeconomic data to rank census tracts based on 20 distinct indicators. In general, the higher the score, the more impacted a community is by pollution burdens and population vulnerabilities. Designated disadvantaged communities are those communities that scored within the highest 25 percent of census tracts across California (CalEnviroScreen percentile scores of 75 or higher).

California Tax Credit Allocation Committee (TCAC)

To assist in the analysis of integration and segregation in the context of race and income status, HCD and TCAC convened the California Fair Housing Task force to "provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD)." The Task force created opportunity maps to identify resource levels across the state to accompany new policies aimed at increasing access to high opportunity areas. These opportunity maps are made from composite scores of three different domains (economic, environmental, and education) with each including a set of indicators. Table F-1 shows the full list of indicators. The opportunity maps include a measure or "filter" to identify areas with poverty and racial segregation. To identify these areas, census tracts were first filtered by poverty and then by a measure of racial segregation. The criteria for these filters were:

- Poverty: Tracts with at least 30 percent of the population under the federal poverty line
- Racial Segregation: Tracts with location quotient higher than 1.25 for Black, Hispanic, Asian, or all people of color in comparison to the county

Table F-1
Domains and List of Indicators for Opportunity Maps

Domain	Indicator
Economic	Poverty, Adult Education, Employment, Job Proximity, Median Home Value
Environmental	CalEnviroScreen 3.0 pollution Indicators and Values
Education	Math proficiency, Reading proficiency, High school Graduation Rates, Student Poverty Rates

Source: California Fair Housing Task Force, Methodology for the 2020 TCAC/HCD Opportunity Maps, December 2020

2018 Analysis of Impediments to Fair Housing Choice for the Community Development Commission and Housing Authority of the County of Los Angeles

As part of the Community Development Block Grant (CDBG) program certification process, participating jurisdictions must prepare an analysis of impediments to fair housing choice every five years (See Appendix E). This analysis and the AI provide an assessment of the regional laws, ordinances, statutes, and administrative policies, as well as local conditions that affect the location, availability, and accessibility of housing. This analysis also considers the conditions in the private market and public sector that may limit the range of housing choices or impede a person's access to housing and provides solutions and measures that will be pursued to mitigate or remove identified impediments. The AI assesses the extent of housing needs among specific income groups and evaluates the availability of a range of housing choices for residents. Regionally, the AI identifies the following contributing factors to fair housing pertaining specifically to the cities located within Los Angeles County:

- Barriers to mobility
- Lack of affordable housing in a range of sizes
- Lack of sufficient accessible housing in a range of unit sizes
- Lack of sufficient publicly supported housing for persons with HIV/AIDS
- Land use and planning decisions restrict fair housing choice for persons with disabilities and affordable housing in general
- Presence of lead poisoning exposure
- substandard housing when compared to the total population
- Noise pollution due to plane traffic from Los Angeles International Airport
- Poor land use and zoning
- Sources of pollution and environmental hazards near housing
- Access to quality healthcare
- Food insecurity – Access to healthy and nutritious food options
- Location and access to local businesses, especially in economically depressed areas

Approach to Analysis

Appendix F is an assessment that evaluates fair housing issues. An assessment of fair housing identifies and analyzes patterns, trends, conditions, and practices that result in less fair housing choice. This Appendix F was prepared consistent with HCD's *Affirmatively Furthering Fair Housing Guidance for All Public Entities and for Housing Elements* (AFFH Guidance Memo).[1] The AFFH Guidance Memo was prepared in response to Assembly Bill 686, which amended Government Code § 8899.50 to require housing elements to include an assessment of fair housing. Government Code § 8899.50 stipulates that an assessment of fair housing include the following components:

i. A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
ii. An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
iii. An assessment of the contributing factors for the fair housing issues identified under clause (ii).
iv. An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
v. Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

Appendix F provides a fair housing assessment organized along the following topics:

1. Fair Housing Enforcement and Outreach Capacity
2. Integration and Segregation Patterns and Trends
3. Racially and Ethnically Concentrated Areas of Poverty
4. Disparities in Access to Opportunity
5. Disproportionate Housing Needs
6. Local Data and Knowledge
7. Other Relevant Factors, including historical disinvestment, lack of infrastructure improvements, and presence of older affordable housing units that may be at risk of conversion to market-rate housing.

1 HCD, AFFH Guidance, p 7. April 2021 Update. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf#page=23

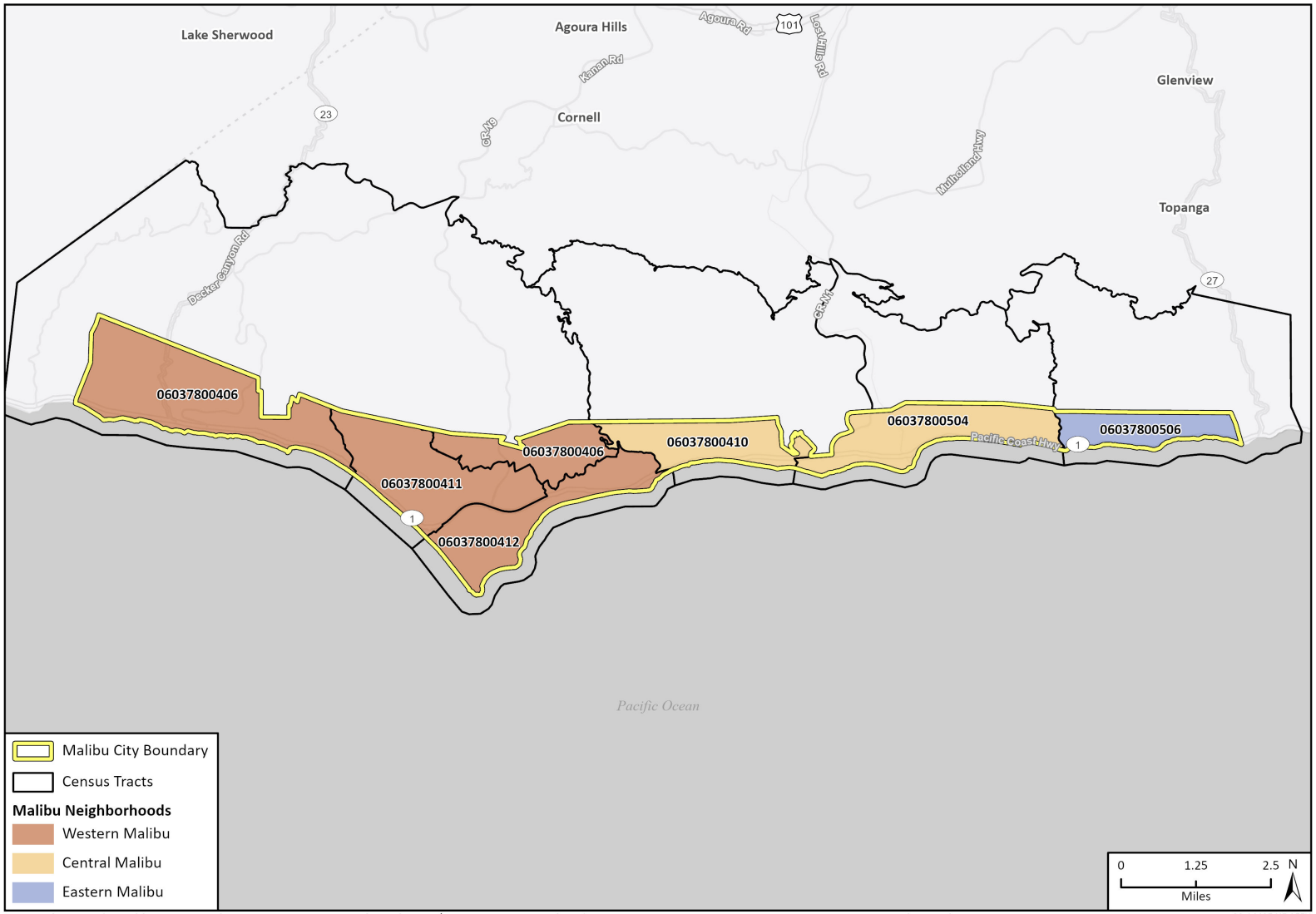
For each topic, trends are presented at the regional scale and locally at the city scale. Trends for overlapping issues were noted in the discussion for each topic and are referenced geographically by area or by census tract (see Figure F-1 for census tracts and neighborhoods within the city). Fair housing priorities, goals and actions are also provided specific to Malibu to address as implementation actions for the Housing Element. The goals and actions address the contributing factors for each theme itemized above.

Malibu's city boundaries overlap with six census tracts: 8004.06, 8004.10 8004.11, 8004.12, 8005.04, and 8005.06. Most of these census tracts contain unincorporated county areas outside of the city boundary. Since the Census data for each census tract aggregates data from all households in the census tract regardless of jurisdictional boundaries, the Census data may not accurately reflect data that pertains only to Malibu households. This analysis considers that discrepancy and noted where appropriate.

The neighborhoods and census tracts that make up Malibu include:

- Western Malibu: Consists of portions of Census Tracts 8004.06, 8004.11, and 8004.12. Census Tracts 8004.06 is primarily comprised of unincorporated land and extends approximately three miles past the city's boundaries into the Santa Monica Mountains. Census Tract 8004.12 encompasses the community of Point Dume.
- Central Malibu: Consists of portions of Census Tracts 8004.10 and 8005.04. These census tracts are primarily comprised of unincorporated land and extend approximately 2.5 and 1.5 miles into the Santa Monica Mountains, respectively.
- Eastern Malibu: Consists of a portion of Census Tract 8005.06, which is primarily comprised of unincorporated land and extends approximately 1.5 miles into the Santa Monica Mountains.

Figure F-1
City of Malibu Census Tracts and Neighborhoods



County of Los Angeles, California State Parks, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

23-14425 HE AFFH
AFFH - City Basemap 8.5 x 11

Fair Housing Enforcement and Outreach Capacity

Fair housing enforcement and outreach capacity relates to the ability of public jurisdiction and fair housing entities to disseminate information related to fair housing and provide outreach and education to assure community members are informed of fair housing laws and tenants' rights. In addition, enforcement and outreach capacity includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing.

Regionwide Fair Housing Services

Throughout the County of Los Angeles, there are a variety of organizations that provide fair housing services (see Table F-2). These organizations helped to coordinate the development of the Los Angeles County Consolidated Plan for 2018 – 2023 (organizations shown in Table F-2). The Consolidated Plan assesses the county's affordable housing and community development needs by analyzing housing markets; articulating priorities, goals, and strategies to address identified needs; and describing the actions that need to be taken to implement strategies for affordable housing.

Table F-2
Organizations Active in Los Angeles County

Organization	Activities and Capacity
1736 Family Crisis Center	Outpatient services and emergency shelters
Housing Rights Center	Fair housing services
Helpline Youth Counseling	Individual and community wellness services
Shelter Partnership, Inc.	Affordable housing services
YWCA of Greater Los Angeles	Health related wellness services
Affordable Living for the Aging	Senior living housing services
Quality of Life center	Mental health services
Volunteers of East Los Angeles	Community wellness services
East Los Angeles Women's Center	Individual and community wellness services
WINTER	Education and career development services
St. Joseph Center	Educational and vocational services

Source: Los Angeles County Consolidated Plan 2018 – 2023.

Enforcement

The Housing Rights Center (HRC) is a large non-profit civil rights organization dedicated to securing and promoting fair housing. HRC services all of Los Angeles County, including Malibu. HRC investigates housing discrimination and offers free, confidential housing counseling to assist tenants with housing discrimination issues, rent increases, notices and evictions, repairs, security deposits, disability accommodations, and other fair housing concerns.

Fair housing testing and enforcement services are also provided by the State of California's Department of Fair Employment and Housing (DFEH), which has the authority to investigate and prosecute violations of state civil rights laws on a state-wide basis, including the use of discriminatory language in housing advertisements. Fair housing testing is a technique used to uncover evidence of discrimination in rental housing. Initiated by the Department of Justice's Civil Rights Division in 1991, fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws. Enforcement actions may be taken when investigations yield evidence of a pattern or practice of illegal housing discrimination. Testing may be initiated following the filing of a specific housing discrimination complaint or, as is the case when testing for disability discrimination, as part of an overall effort to determine whether the design or architectural features of a specific rental facility comply with state and federal accessibility requirements. In Los Angeles County, fair housing testing is used to identify unlawful housing discrimination practices based on the race, color, religion, sex, national origin, disability, familial status, marital status, age, ancestry, sexual orientation, and source of income of prospective renters.

HUD's Office of Fair Housing and Equal Opportunity maintains a record of all housing discrimination complaints filed. These grievances can be filed on the basis of race, color, national origin, sex, disability, religion, familial status and retaliation. Between January 5, 2010, and June 26, 2020, 2,881 housing discrimination cases were filed within Los Angeles County by the Office of Fair Housing and Equal Opportunity. Overall, disability-related discrimination was the most reported—comprising 53 percent of all cases. Other complaints concerned race (21 percent), retaliation (15 percent), and familial status (16 percent).

Outreach

HRC organizes an annual fair housing conference and resource fair for housing providers. Housing rights workshops are offered to landlords, property managers, and community members. Information on federal and state fair housing laws, common forms of housing discrimination, protected characteristics, unlawful practices, and fair housing liability is presented to workshop participants. Bilingual media outlets (primarily English and Spanish) and social media platforms are used to promote the conference and scheduled workshops and provide general information on fair housing. Information on rental housing options gathered from various classified and rental property sources is published on a monthly basis and distributed to the public and to social services representatives throughout Los Angeles County. Individual assistance is provided to landlords and tenants, with a focus on low- and moderate-income households.

Local Enforcement and Outreach

The City of Malibu is a participating city in the Los Angeles Urban County, which is a consortium of 48 cities that was formed to be eligible to receive HUD entitlement grants. The Los Angeles County Development Authority (LACDA) administers the Los Angeles County's CDBG programs for the Los Angeles Urban County. The CDBG programs include fair housing assistance programs through the Housing Rights Center, including legal

counseling, discrimination complaints investigation, and landlord/tenant counseling. Services are provided throughout the County.

Enforcement and Compliance with Existing Fair Housing Laws

The City of Malibu is subject to state and federal laws related to fair housing. These laws include the following:

- Fair Housing Act; Title VI of the Civil Rights Act of 1964. The City complies by ensuring its actions related to housing are not discriminatory through City protocols, decision-making procedures, and adhering to non-discrimination requirements of federal funding programs.
- Rehabilitation Act of 1973. See Fair Housing Act; also, the City complies through its accessibility protocols, administered and enforced by the City's ADA Coordinator. See https://www.malibucity.org/DocumentCenter/View/29478/ADA-Grievance-Form?bidId=
- American Disabilities Act. The City complies with the ADA through building permit review and issuance and as described in this Housing Element.
- California Fair Employment and Housing Act (FEHA) Regulations. The City complies with FEHA and its regulations through established City protocols decision making, legal counsel and advisement.
- Government Code Section 65008. The City Zoning Code is written to ensure that the City's actions regarding the development of housing for persons and families of very low, low, moderate, and middle incomes, or emergency shelters for the homeless, are not discriminatory. Programs have been included in this Housing Element to remove constraints and facilitate housing for all households, including protected classes (e.g., programs regarding residential care facilities, emergency shelters, etc.)

  Government Code Section 8899.50. Appendix F of this Housing Element documents compliance with Affirmatively Furthering Fair Housing requirements.
- Government Code Section 11135 et seq. The City complies with anti-discrimination requirements through the City's Human Resources programs and the City's procurement protocols.

  Density Bonus Law (Gov. Code, Section 65915.). The City will update its density bonus ordinance to comply with the new provisions as part of the updates to the Zoning Ordinance (Program 3.4).
- Housing Accountability Act (Gov. Code, Section 65589.5.). The City has documented compliance with the Housing Accountability Act as described in Chapter 7.4, Housing Constraints.
- No-Net-Loss Law (Gov. Code, Section 65863). The City has documented compliance with sufficient capacity for RHNA and will ensure compliance with no-net loss via required annual reporting to HCD.

- Least Cost Zoning Law (Gov. Code, Section 65913.1). The City includes programs in this Housing Element to ensure that sufficient land is zoned with appropriate standards to accommodate its RHNA.
- Excessive subdivision standards (Gov. Code, Section 65913.2.). The City's subdivision standards are typical or not excessive in compliance with the Government Code.
- Limits on growth controls (Gov. Code, Section 65302.8.). The City complies as it has no growth control measures.
- Housing Element Law (Gov. Code, Section 65583, esp. subds. (c)(5), (c)(10).). This Housing Element documents compliance with Housing Element Law.

The City of Malibu complies with these laws through the City's daily operations. The City complies with the California Fair Employment and Housing Act (FEHA), prohibiting discrimination based on marital status, ancestry, source of income, sexual orientation, and arbitrary discrimination in addition to the groups protected under federal fair housing legislation. The City does not have local ordinances that relate to fair housing.

As a participant of the Los Angeles Urban County program for CDBG funds, the City is served by the HRC, which provides fair housing services countywide under a contract with the LACDA. The City refers requests for services to HRC Any complaints or requests for services are referred to the HRC for investigation and action. According to HUD data, the City had three fair housing discrimination cases between 2013 and 2022. One complaint was on the basis of disability, one on the basis of sex, and one on the basis of retaliation. HRC did not receive calls from Malibu residents from July 2022 through June 2023.[2] The City is unaware of any past or current fair housing lawsuits.

Outreach

The City advertises fair housing services through the placement of fair housing service brochures at the public counter and at the Malibu Senior Center. Apartment owners and managers are provided with current information about fair housing issues, rights and responsibilities. The Apartment Association of Greater Los Angeles conducts seminars on state, federal and local fair housing laws and compliance issues. The City website does not provide fair housing information. Program 5.1 requires the City to provide more information and resources on fair housing, and Program 5.2 Fair Housing Community Outreach aims to provide community outreach to increase participation from all sectors in the community in developing the City's housing policies and overall planning process. Specifically, outreach for affordable housing opportunities will extend beyond city limits to include workers who work but do not live in the City.

Integration and Segregation Patterns and Trends

To inform priorities, policies, and actions, the housing element must include an analysis of integration and segregation, including patterns and trends, related to people with protected characteristics. Integration generally means a condition in which there is not

[2] Communication with Javier Beltran, HRC. September 2023.

a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability when compared to a broader geographic area. As defined in Title 24 Code of Federal Regulations (CFR) Section 5.151, segregation generally means a condition in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. In order to adequately assess the patterns of both integration and segregation, trends at the regional scale are presented for the greater Los Angeles region and at the local scale for the City of Malibu.

Race and Ethnicity

The ethnic and racial composition of a region relates to fair housing concerns such as household size, locational preferences, and economic opportunity.

Regional Trends

In the Southern California region, Hispanic/Latino populations are most concentrated in and around South Los Angeles, to the north of Los Angeles near the City of San Fernando, and in central Orange County near the City of Santa Ana. Asian American populations are most prevalent in Downtown Los Angeles, East Los Angeles, near the cities of Alhambra, Monterey Park, and Chino Hills, and in Orange County near the cities of Cerritos, Westminster, and Irvine. The largest concentration of Black/African American populations is in South Los Angeles and the nearby unincorporated county communities of Athens-Westmont and View Park/Windsor Hills. White populations tend to have highest prevalence near the coast, including in Malibu, and along the Interstate 210 Corridor south of the San Gabriel Mountains. Los Angeles County has the one of the highest percent of non-white population in the Southern California Association of Governments (SCAG) region, second to Imperial County.[3]

The areas with highest percentage of non-white residents in the region are in South Central Los Angeles, near the city of San Bernadino, eastern San Fernando Valley, and in central Orange County near the city of Garden Grove. These areas have at least 80 percent of non-white residents, as shown in Figure F-2. Comparatively, the less urbanized areas of the region and along the coast have a significantly lower percentage of non-white populations.

HUD utilizes the racial/ethnic dissimilarity index to measure segregation levels across a defined geographic boundary. The racial/ethnic dissimilarity index ranges from 0-100, where 0 represents perfect integration between racial groups and 100 representing perfect segregation.[4] According to the most recent HUD data, segregation levels in Los Angeles County are roughly similar to the Los Angeles-Long Beach-Anaheim region (as defined by HUD). Over the past three decades, the racial/ethnic segregation index score in Los Angeles County fluctuated (Table F-3). Since 2010, segregation increased between non-white and white residents; and between Asian American/Pacific Islander,

[3] SCAG. Racial Equity Baseline Conditions Report. 2022. https://scag.ca.gov/sites/main/files/file-attachments/2022racialequitybaselineconditionsreport_final.pdf#:~:text=People%20of%20color%20currently%20comprise,2024%20RTP%2FSCS%20Projection), accessed August, 2023.

[4] HUD, 2020. https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf

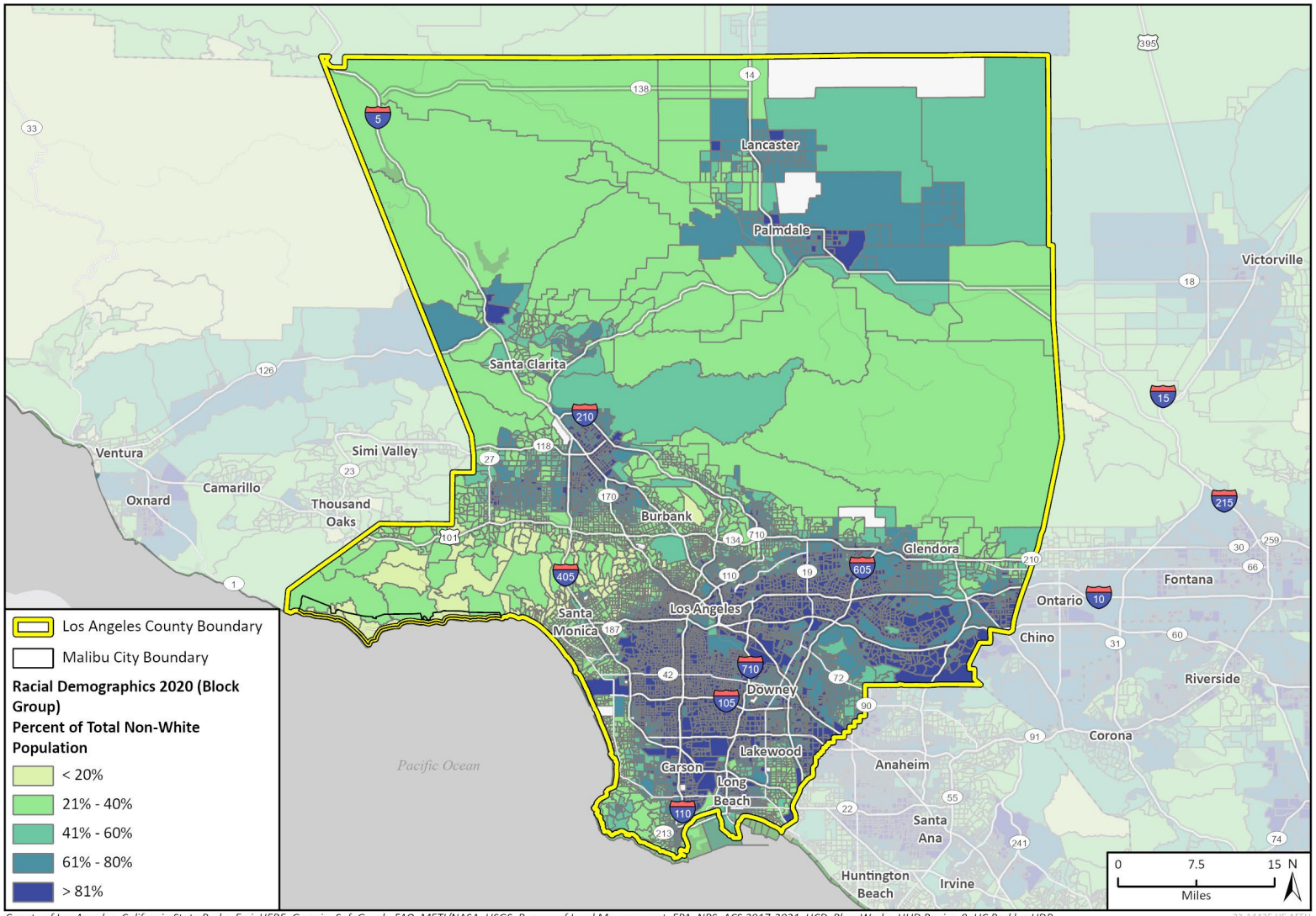
Hispanic/Latino, and /white residents. Segregation between Black/African American and white residents decreased during this time.

Table F-3
Racial Dissimilarity Index Values for Segregation (Los Angeles County and Los Angeles-Long Beach-Anaheim Region)

	Los Angeles County				Los Angeles-Long Beach-Anaheim Region			
Race	1990	2000	2010	Current	1990	2000	2010	Current
Non-White/White	53.33	53.62	53.85	55.87	55.32	55.50	54.64	56.94
Black/White	68.29	63.51	60.24	64.21	72.75	68.12	65.22	68.85
Hispanic or Latino/White	62.81	64.99	64.38	65.12	60.12	62.44	62.15	63.49
Asian or Pacific Islander/White	41.58	48.57	49.62	52.79	43.46	46.02	45.77	49.78

Source: HUD, 2023, Table 3 – Racial/Ethnic Dissimilarity Trends

Figure F-2
Percentage Total Non-White Population (Los Angeles County)



Source: AFFH Viewer, 2023

Local Trends

According to the 2020 Census, white residents comprised the most prevalent racial/ethnic group in Malibu. Table F-4 shows the population by racial category for Malibu in 2010 and 2020 and compares the 2020 population to the composition of the Southern California region in 2020. Malibu's racial composition has a higher percentage of white, non-Hispanic residents than the Southern California region and a lower percentage of non-white residents. Approximately 77 percent of Malibu's population is non-Hispanic white compared to approximately 30 percent of the Southern California regional population. The percentage of Hispanic/Latino residents in Malibu is 12 percent, compared to approximately 47 percent of the Southern California regional population.

Malibu's population has become more diverse during the past decade, but most of the city is designated an area of high white segregation by HUD, as shown in Figure F-3. The areas that are not designated high white segregation do not have available data.

The concentration of non-white residents by census tract is shown in Figure F-4. The figure shows that areas with 20 percent non-white residents are located in the area neighborhood of Point Dume and the area between Latigo Canyon Road and Malibu Canyon Road in western Malibu. The figure also shows that certain areas of the city are 21-40 percent non-white. However, these areas are primarily located within the census tracts that contain large areas of unincorporated Los Angeles County (Census Tracts 8004.06, 8004.10, and 8005.06) . This overlap with County land may affect the census data concerning racial composition within the boundaries of Malibu and may not accurately reflect the population in the city. Given local knowledge of City staff, it is likely that the racial composition of Census Tracts 8004.06, 8004.10, and 8005.06 are similar to other areas of the city with 20 percent non-white residents.

Table F-4
Share of Population by Racial/Ethnic Group, City of Malibu and the Southern California Region

	Malibu (Percent of Population)		Southern California Region (Percent of Population)
Race	2010	2020	2020
Hispanic/Latino	6.7	12.0	46.7
Non-Hispanic White	82.0	77.1	30.3
Black/African American	1.4	0.5	6.2
Asian American/Pacific Islander	4.5	2.8	13.5
Other or Multiple Races	0.0	0.5	3.1

Source: US Census, 2020. ACS Demographic and Housing Estimates, Table DP05; SCAG. Racial Equity Baseline Conditions Report. 2022. https://scag.ca.gov/sites/main/files/file-attachments/2022racialequitybaselineconditionsreport_final.pdf

Figure F-5 shows the predominance of white populations in the city. White residents are the predominant racial/ethnic group in all census tracts in the city.

Figure F-3
Neighborhood Segregation (Malibu)

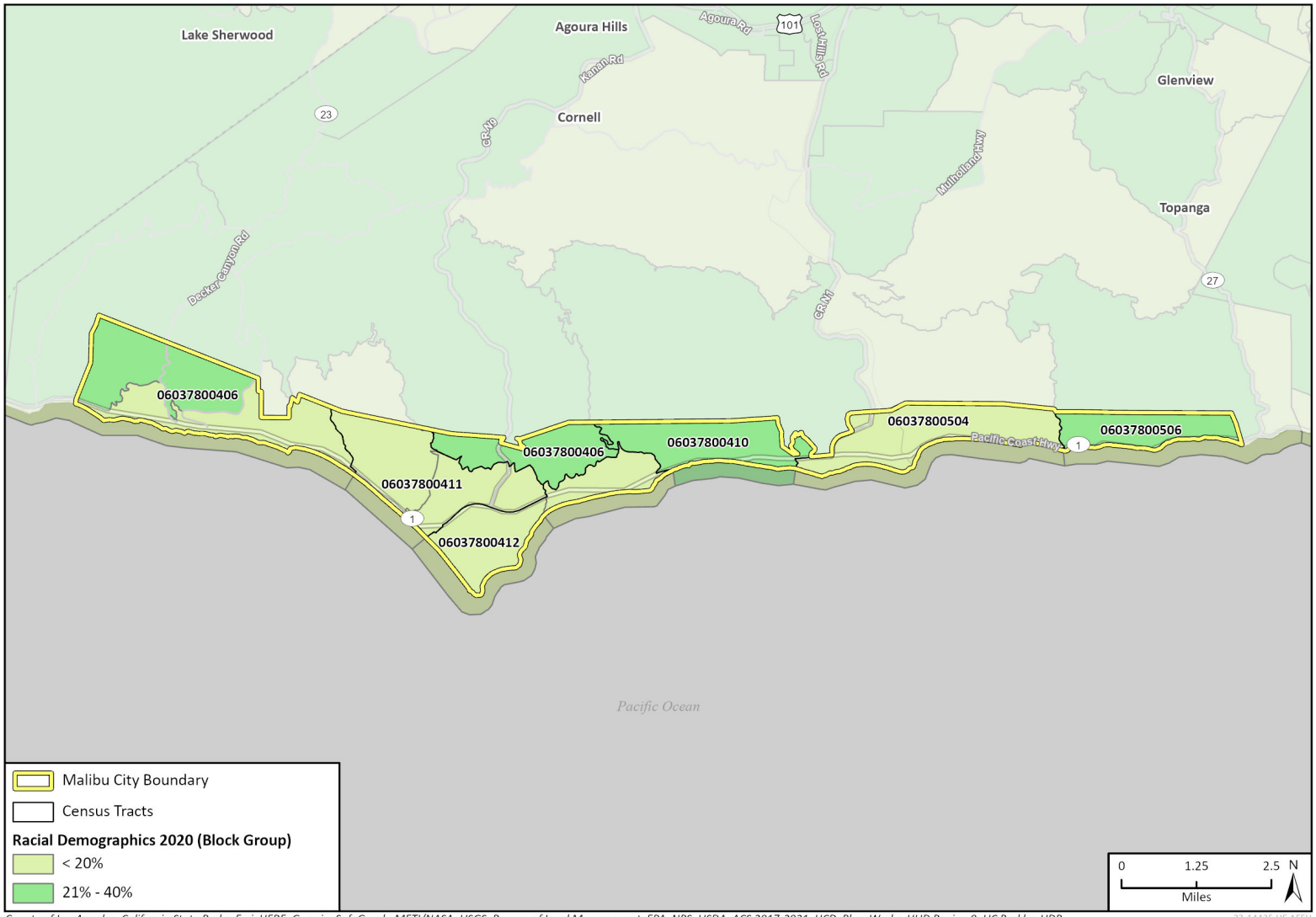


County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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AFFH - City Basemap 8.5 x 11

Source: AFFH Viewer, 2023

Figure F-4
Percent of Total Non-White Population (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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AFFH - City Basemap 8.5 x 11

Source: AFFH Viewer, 2023.

Figure F-5
Predominant Populations (Malibu)



Source: AFFH Viewer, 2023

Persons with Disabilities

Physical, mental, and/or developmental disabilities may prevent a person from working, restrict one's mobility, or make it difficult to care for oneself. Disabled persons often have special housing needs related to limited earning capacity, a lack of accessible and affordable housing, and higher health costs associated with a disability. The living arrangement of persons with disabilities depends on the severity of the disabilities and the available resources. Many people with disabilities live at home in an independent arrangement or with other family members. To maintain independent living, people living with disabilities may need assistance. Four factors – affordability, design, location, and discrimination – significantly limit the supply of housing available to households of people with disabilities.

Regional Trends

According to 2021 ACS estimates, 1,004,632 Los Angeles County residents have one or more disabilities, or 10.1 percent of the total population. Most of this population are seniors: 4.7 percent are aged 18 or younger, 13.8 percent are between the ages of 18 and 64, and 73.7 percent are 65 and older. Figure F-6 shows the percent of population living with a disability for each census tract in Los Angeles County. In most of the county, less than 20 percent of the population has one or more disabilities. There are small areas with more than 40 percent of the population with a disability in Long Beach, Santa Monica, and Downtown Los Angeles.

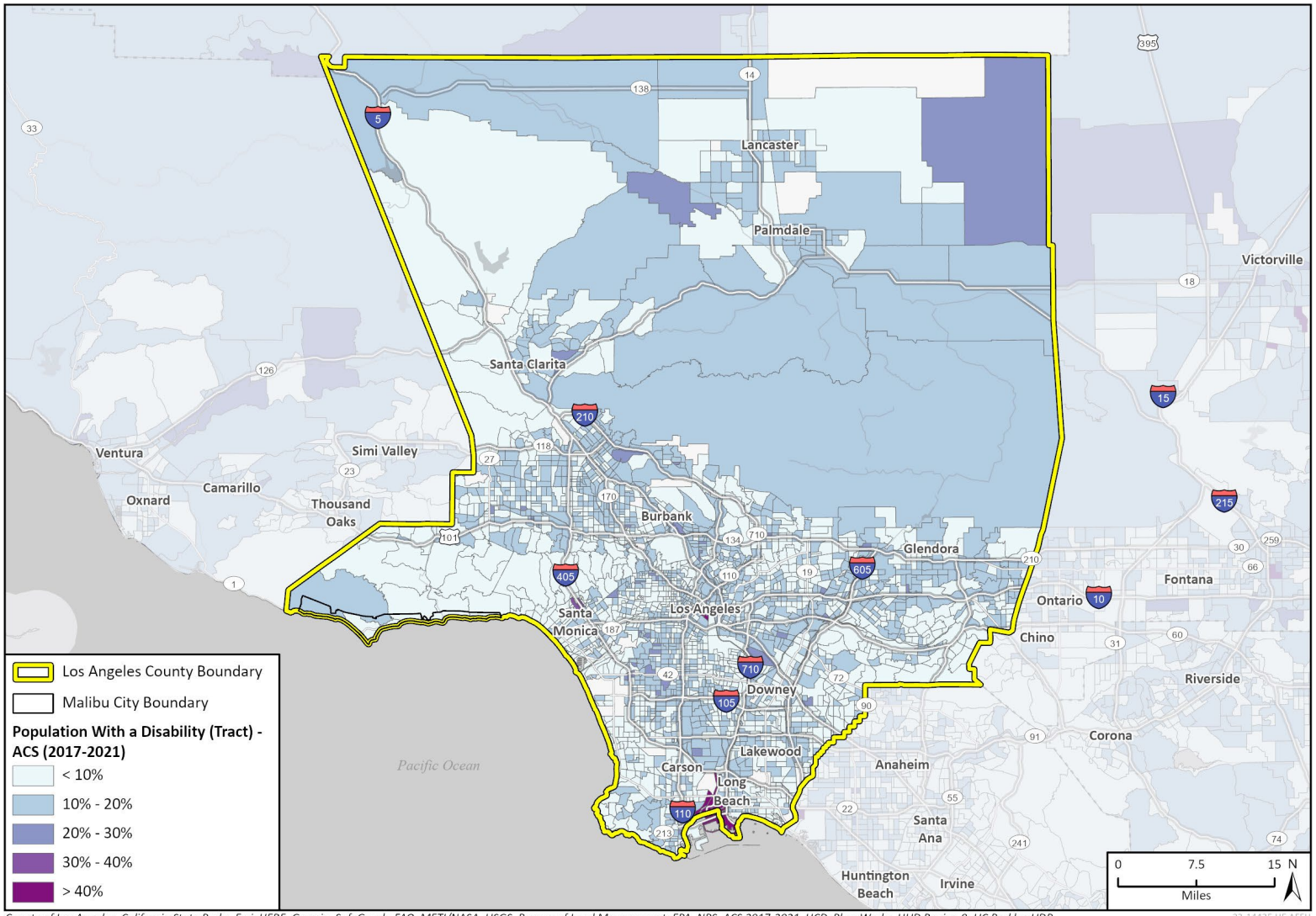
Local Trends

Approximately 883 residents (8.1 percent) of Malibu's population live with one or more disabilities. This is lower than the county average of 10.1 percent. According to 2021 ACS estimates shown in Figure F-8, cognitive difficulty was the most common disability reported by Malibu residents.

Figure F-7 shows the percentage of the population living with one or more disabilities in the city by census tract. In most areas of the city, less than 10 percent of residents live with a disability. The census tract that makes up the majority of Western Malibu and the area north of Point Dume (Census Tract 8004.06) has between 10 to 20 percent of residents reporting living with one or more disability. This census tract also has a high percentage of residents who are over 65 years of age (29 percent). However, the data may be affected due to the inclusion of unincorporated County land in the census tract and may not accurately reflect differences within the city's population. Residents in Western Malibu live further away from resources such as grocery stores, retail, and community facilities than residents in Central and Eastern Malibu. Combined with a lack of transit options, this distance creates a disproportionate burden on residents with disabilities in Western Malibu, particularly those who do not have access to or ability to drive a vehicle.

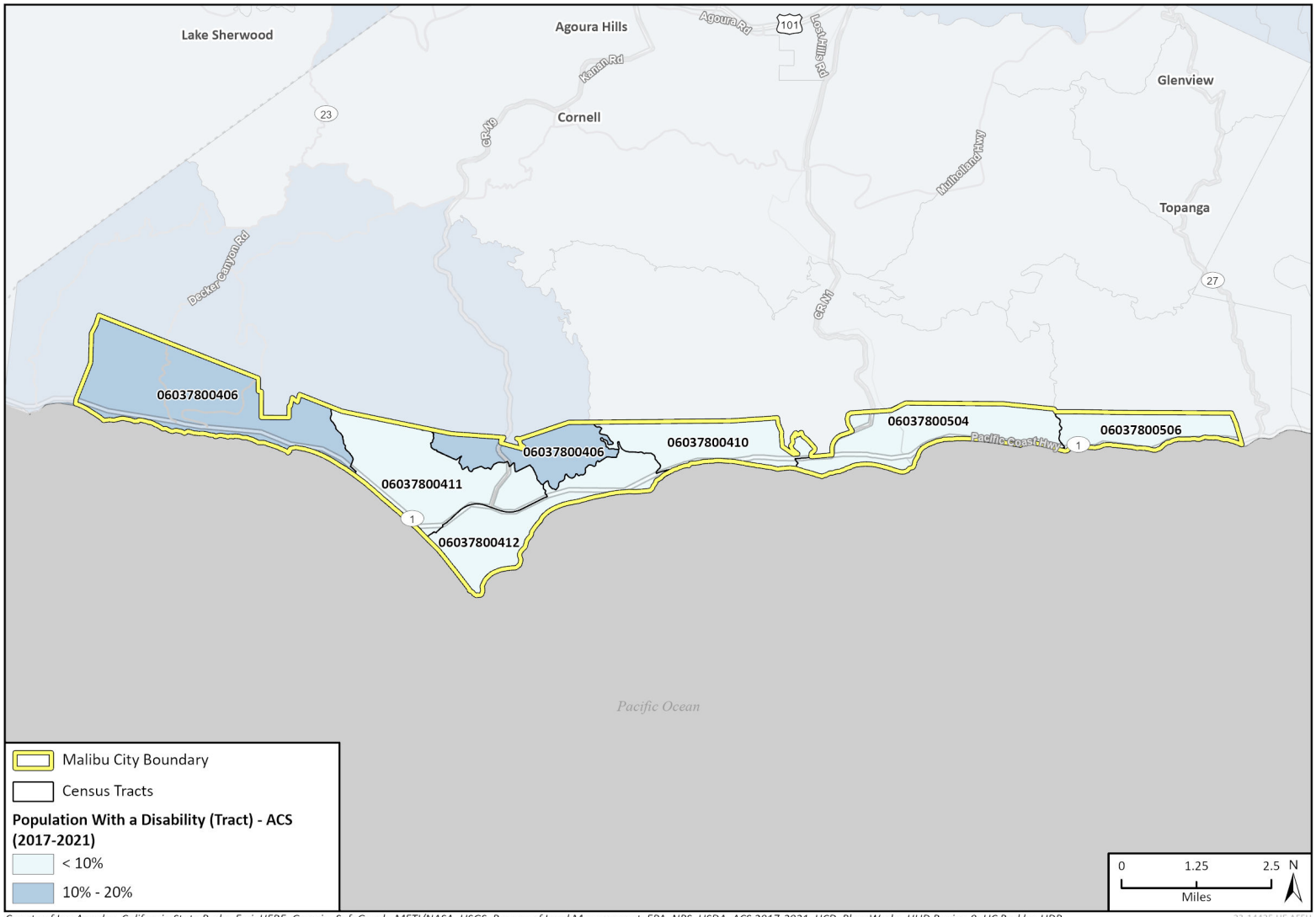
As noted in Chapter 7.2, *Housing Needs Assessment*, there are two senior residential care facilities in Malibu, but there is no housing specifically for people with disabilities. The City will implement Program 2.4b to remove constraints to the development of residential care facilities.

Figure F-6
Percent of Population with a Disability (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-7
Percentage of Population with One or More Disabilities (Malibu)

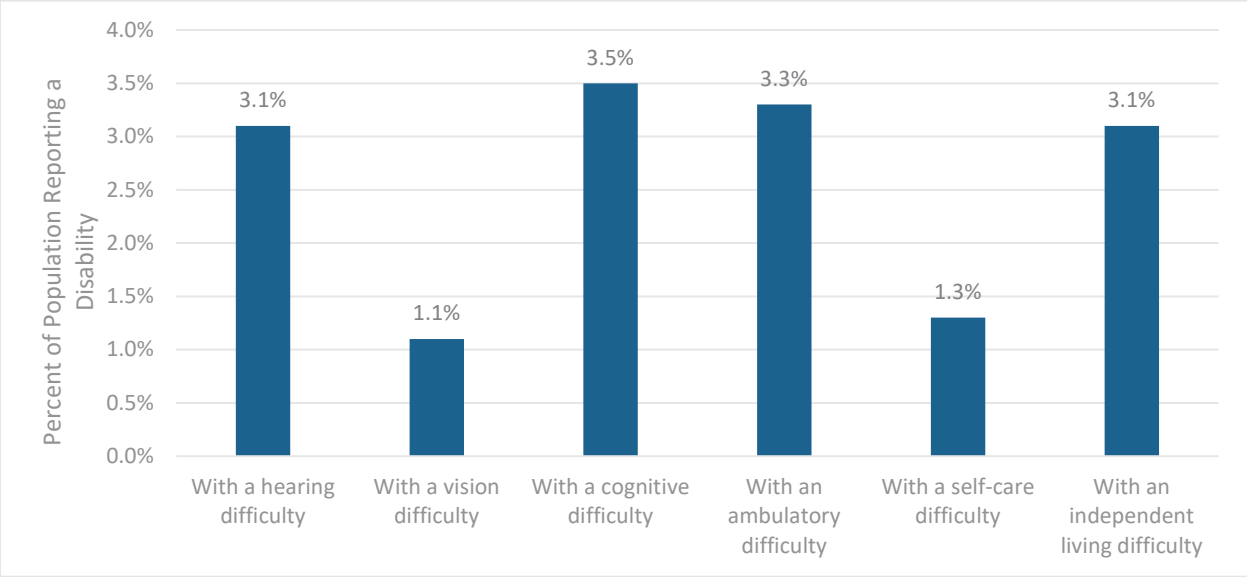


County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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AFFH - City Basemap 8.5 x 11

Source: AFFH Viewer, 2023

Figure F-8
Disability by Type (Malibu)



Notes: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.
Source: U.S. Census Bureau, American Community Survey 1-Year Estimates (2021), Table S1810

Familial Status

According to the Fair Housing Act, familial status refers to the presence of children under the age of 18 in a household with a legal guardian or designee of such guardian.[5] HUD provides examples of familial discrimination as (a) refusing to rent to families with children; (b) evicting families once a child joins the family through, e.g., birth, adoption, custody; (c) requiring families with children to live on specific floors or in specific buildings or areas; (d) imposing overly restrictive rules about children's use of the common areas (e.g., pools, hallways, open spaces); and (e) advertising that prohibits children.[6] Single parent households are protected by Government Code § 65583(a)(7). Because of their relatively lower incomes and higher living expenses, single-parent households can have limited options for affordable, decent, and safe housing. As a result, single parents are considered to be among the groups most at risk of experiencing poverty.

In addition to barriers to fair housing for single-parent households, large families can also experience housing discrimination as property owners impose occupancy limitations that can preclude large families with children. HUD data shows that familial status discrimination ranks third in discrimination of protected classes, behind discrimination due to disability and race.[7]

[5] 42 U.S. Code sections 3601, *et seq*., the Fair Housing Act.
[6] https://www.hud.gov/program_offices/fair_housing_equal_opp/discrimination_against_families_children#_Who_Is_Protected?
[7] U.S. Department of Housing and Urban Development. "Annual Report on Fair Housing FY 2017."

Regional Trends

About 35 percent of all households within Los Angeles County are family households, consisting of two or more individuals who are related by birth, marriage, or adoption, although they also may include other unrelated people. Non-family households consist of people who live alone or who share their residence with unrelated individuals. Approximately 15 percent of households are characterized as female-headed, single-parent households, as shown in Figure F-9. There are areas with a higher concentration of households with children who reside in female-headed, single-parent households in the neighborhoods of South Central and San Pedro in Los Angeles, and the cities of Inglewood and Huntington Park.

Table F-5 shows a breakdown of each household type in the county. Countywide, 58.4 percent of owner-occupied households are married couple families while 23.3 percent are categorized as non-family households. In contrast, non-family households constitute the majority of renter-occupied households, with 41.9 percent as non-family households and 30.3 percent as married-couple families. Figure F-10 highlights the percentage of children residing in married-couple households. There are greater percentages of children in married-couple households in relatively less urbanized communities of the county. Highly urbanized neighborhoods within and surrounding the City of Los Angeles have lower percentages of children in married-couple households compared to cities near the coastal region and the county periphery.

Additionally, 12.0 percent owner-occupied households are headed by a female-headed householder with children present, while 6.1 are headed by a male-headed householder with children present. Approximately 17.1 percent of renter-occupied households are female-headed compared to 8.6 percent that are male-headed household.

Table F-5
Household Type by Tenure (Los Angeles County)

Household Type	Owners		Renters	
	Households	Percent	Households	Percent
Married couple family	917,264	58.4%	548,495	30.3%
Male householder, no spouse present	96,698	6.1%	157,039	8.6%
Female householder, no spouse present	188,337	12.0%	309,816	17.1%
Non-family households	365,710	23.3%	792,228	41.9%
Total Households	1,568,009	100.0%	1,807,578	100.0%

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table B25011 Tenure By Household Type (Including Living Alone) and Age of Householder, 2021 5-yr Estimates.

Local Trends

Table F-6 shows household type by tenure in the City of Malibu. Owner-occupied households are predominantly married-couple households. Approximately 68 percent of owner-occupied households in Malibu are family households, slightly less than the Southern California region. Thirty percent are categorized as non-family households, which is higher than the Southern California region. The higher percentage of non-family

households in the city may be due to the city's proximity to Pepperdine University and college students residing in off-campus housing as roommates. Only 60 percent of undergraduate students reside on campus; therefore, 40 percent reside off-campus and likely in Malibu.[8] The higher percentage may also be due to a higher percentage of single-person households and seniors living alone.

Of the family households, 57.8 percent of owner-occupied households in Malibu are married-couple families. In contrast, family households comprise 49.6 percent of renter-occupied households, while non-family households comprise 50.1 percent. Of the family households, married-couple families comprise 40.5 percent of renter-occupied.

Of all owner-occupied households, female-headed households comprise approximately 6.3 percent male-headed households comprise 3.7 percent. Of all renter households, female-headed comprise 4.9 percent and male-headed households comprise 4.2 percent. As shown in Figure F-11, children in female-headed households comprise less than 20 percent of all households with children present in all areas of the city. Female-headed households do not appear to be segregated from other populations in Malibu. The percentage of households in Malibu that are single-parent households for both renter- and owner-occupied households is less than in the Southern California region.

As shown in Figure F-12, the east Malibu has a higher percentage of children in married couple households than western Malibu.

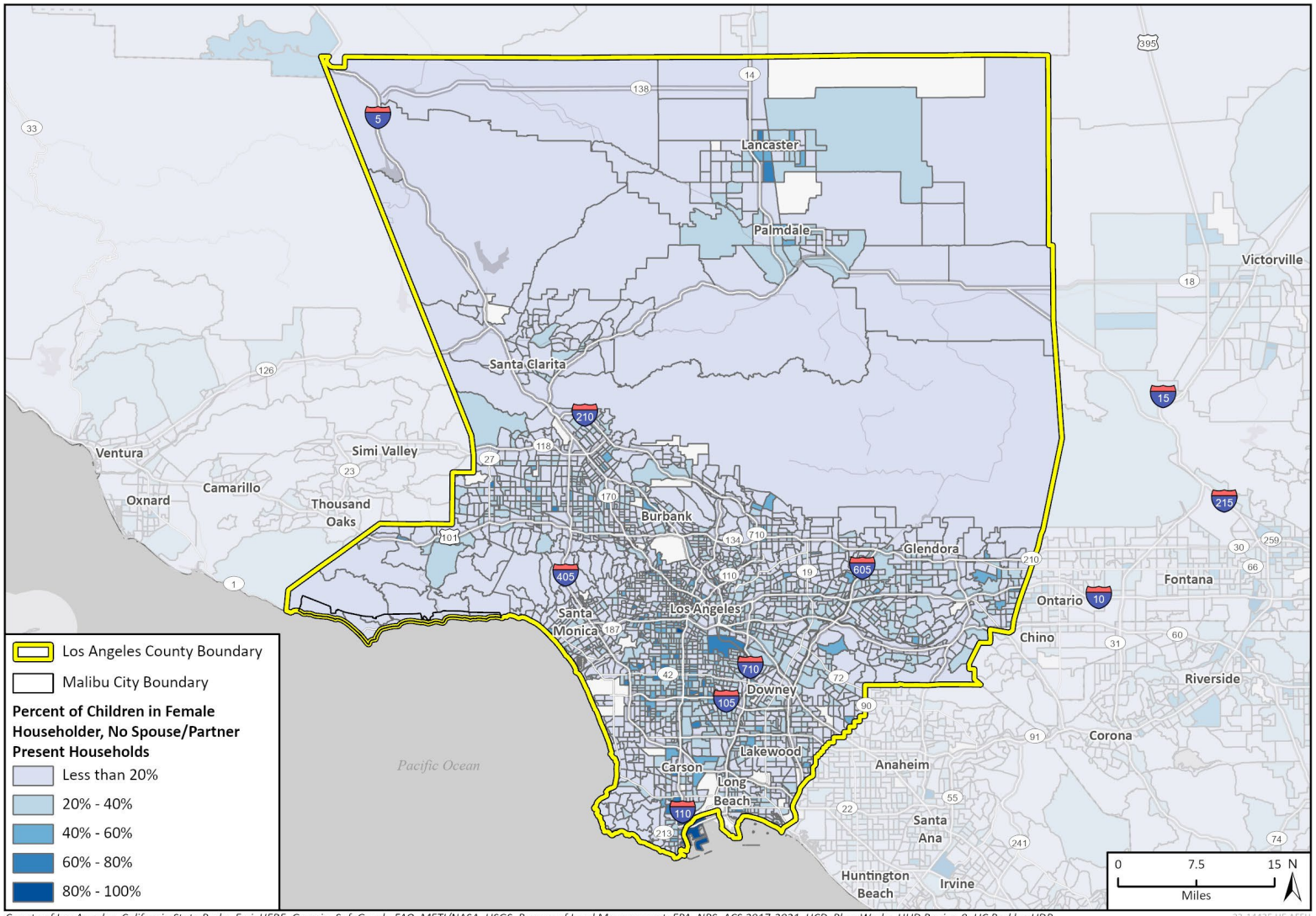
Table F-6
Household Type by Tenure (City of Malibu)

Household Type	Owner		Renter	
	Households	Percent	Households	Percent
Married couple family	1,965	57.8%	425	40.5%
Male householder, no spouse present	128	3.7%	45	4.2%
Female householder, no spouse present	215	6.3%	52	4.9%
Non-family households	1,087	32.0%	525	50.1%
Total Households	3,395	100.0%	1,047	100.0%

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table B25011 Tenure By Household Type (Including Living Alone) and Age of Householder, 2021 5-yr Estimates.

[8] Pepperdine University. 2018. https://www.pepperdine.edu/oie/content/pdf/housing_residence_life_program_review_2018.pdf

Figure F-9
Female Headed Households with Children, No Spouse/Partner Present (Los Angeles County)

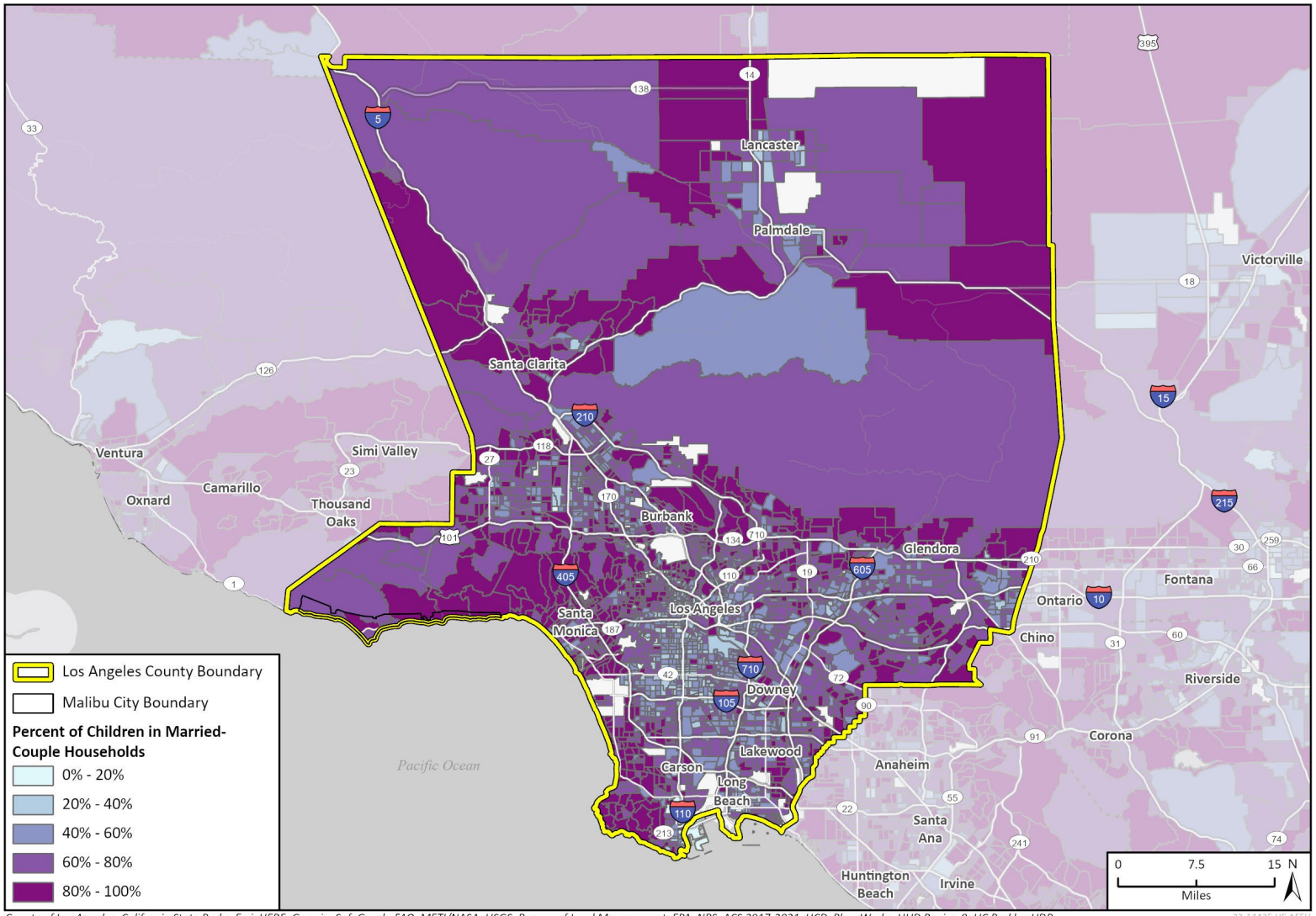


County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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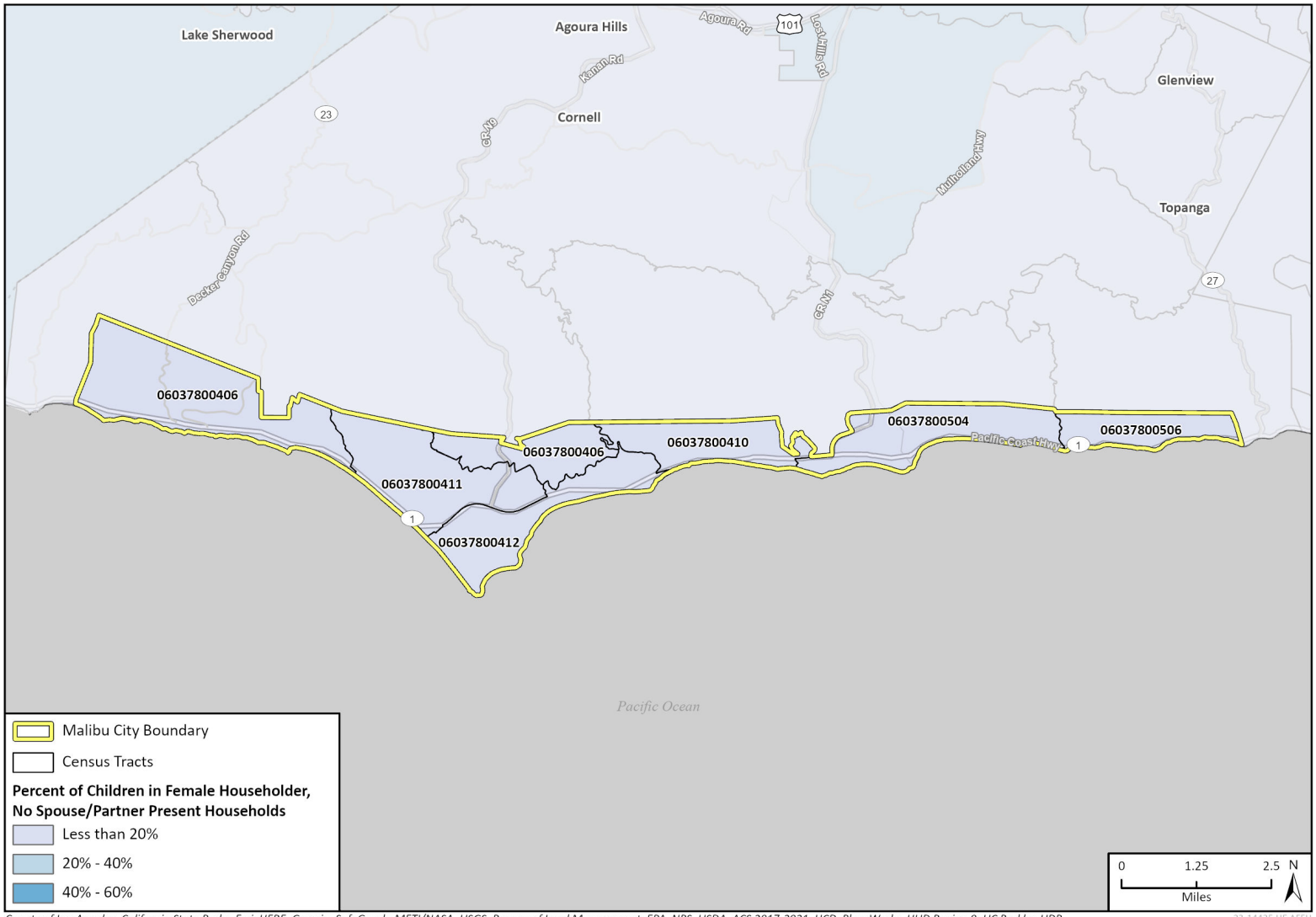
Source: AFFH Data Viewer, 2023

Figure F-10
Percent of Children in Married-couple Households (Los Angeles County)



Source: AFFH Data Viewer, 2023

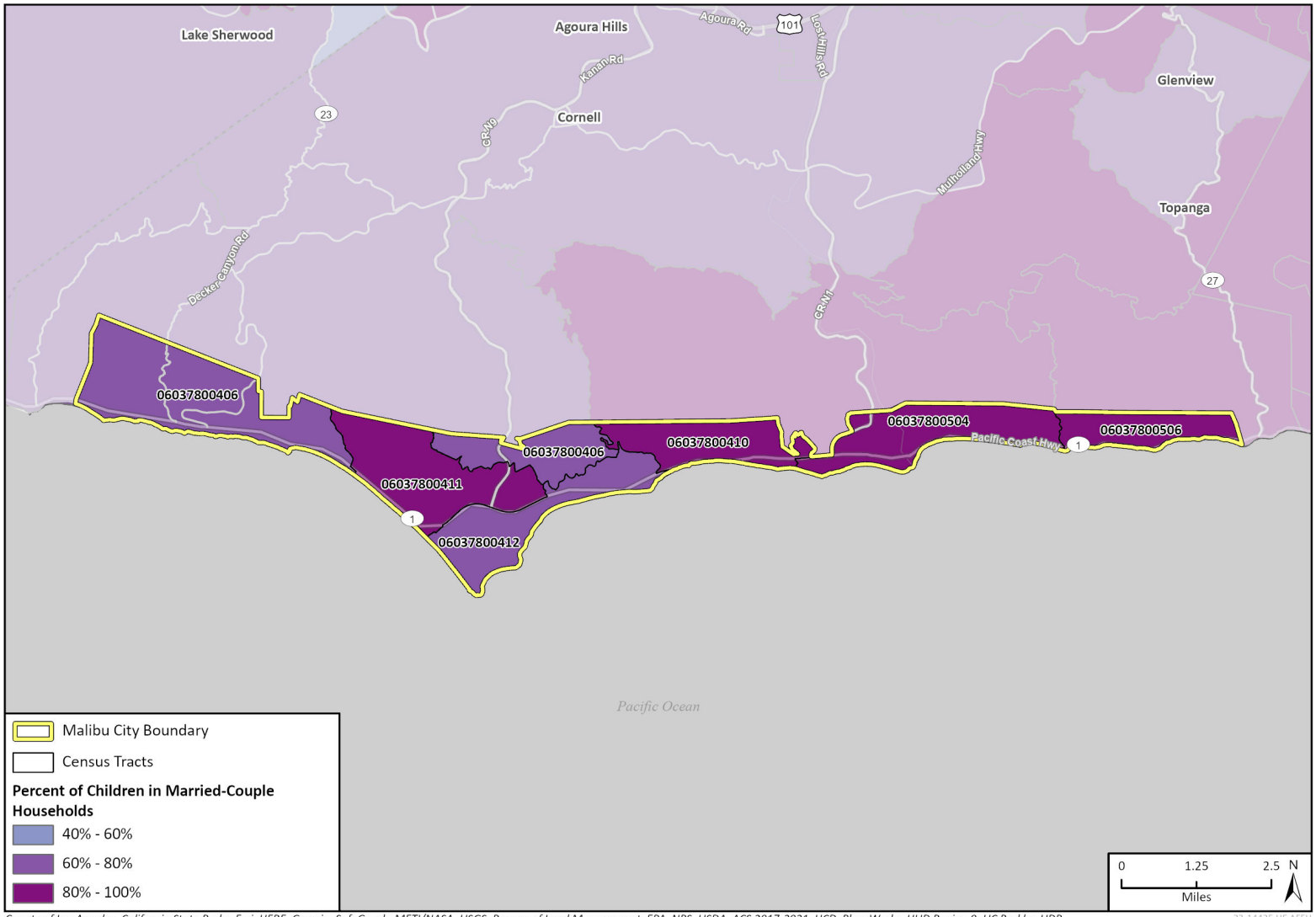
Figure F-11
Female Headed Households with Children, No Spouse/Partner Present (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

Source: AFFH Data Viewer, 2023

Figure F-12
Percent of Children in Married-couple Households (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

Source: AFFH Data Viewer, 2023

Household Income

Household income is directly connected to the ability to afford housing. Higher-income households are more likely to own rather than rent housing. As household income decreases, households tend to pay a disproportionate amount of their income for housing and the number of persons occupying unsound and overcrowded housing increases. To achieve fair housing objectives, people in low-income households must have a choice in housing opportunities—that is, when they are able to locate units that are affordable and well maintained in all parts of a jurisdiction and region.

This section identifies household income disparities using data based on median household income and low or moderate income (LMI) geographies. HUD defines an LMI area as a census tract or block group where over 51 percent of the population is LMI. The definition of low or moderate income is based on HUD income definitions of up to 80 percent of the AMI.

Regional Trends

According to 2021 ACS estimates, Los Angeles County has a median household income of $77,456, which is similar to the Southern California regional median household income of $77,430.

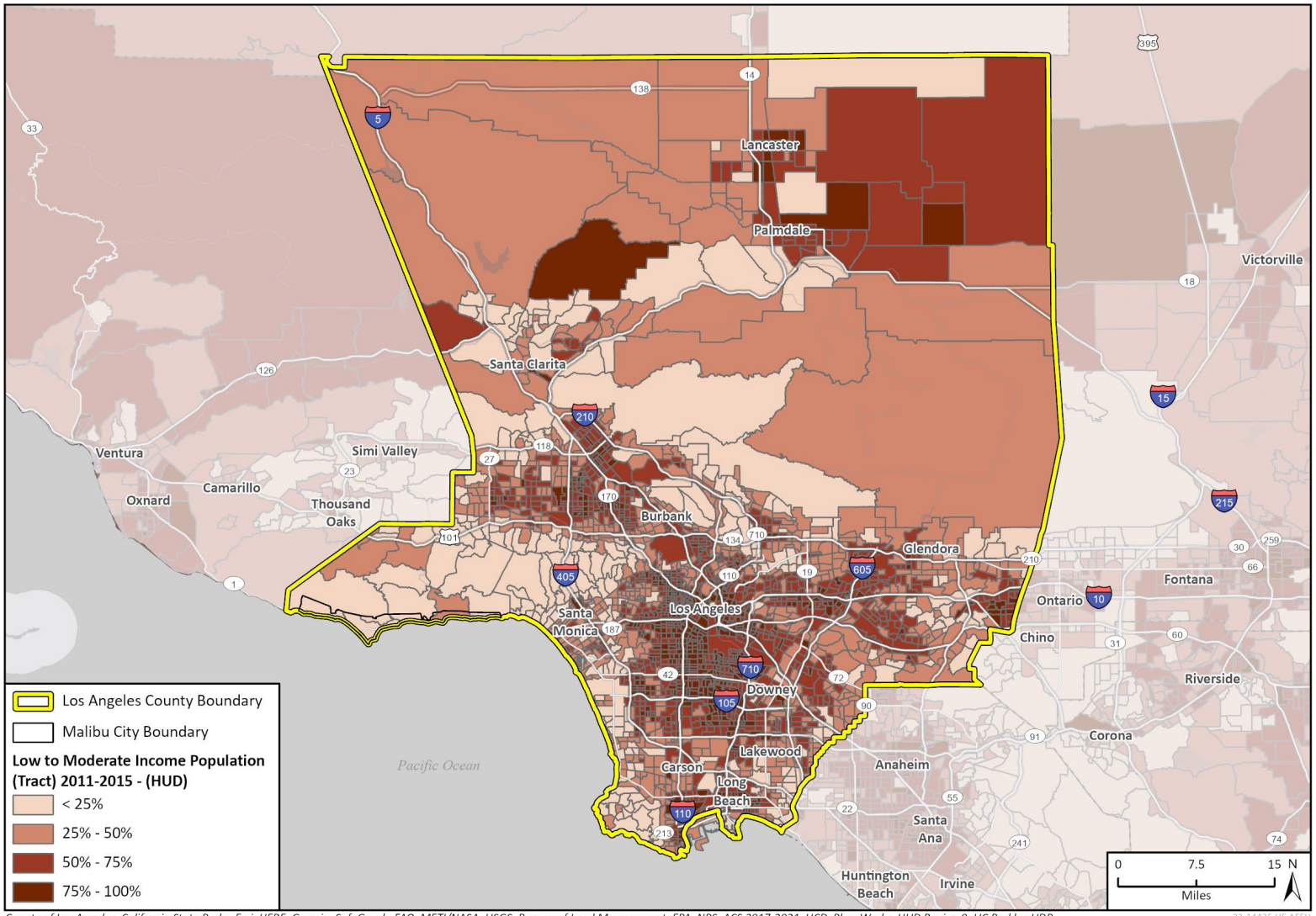
As shown in Figure F-13, there are concentrations of low and moderate income (LMI) households throughout Los Angeles County, centered within and around the City of Los Angeles and scattered throughout cities in the San Fernando Valley and San Gabriel Valley. The largest concentration of LMI households is in the Downtown and South-Central neighborhoods of the City of Los Angeles. In most of these areas, between 75 and 100 percent of households are LMI households. Regionally, coastal cities such as Malibu generally have a lower percentage of LMI households (less than 25 percent), except for the cities of Long Beach and Santa Monica.

Local Trends

According to 2021 ACS estimates, Malibu has a median household income of $178,594, approximately 230 percent higher than Los Angeles County's median income of $77,456. Figure F-14 shows the median household income in Malibu by census tract. Eastern Malibu and the census tract north of Point Dume (Census Tract 8004.11) have the highest median annual household income in the city (greater than $175,000).

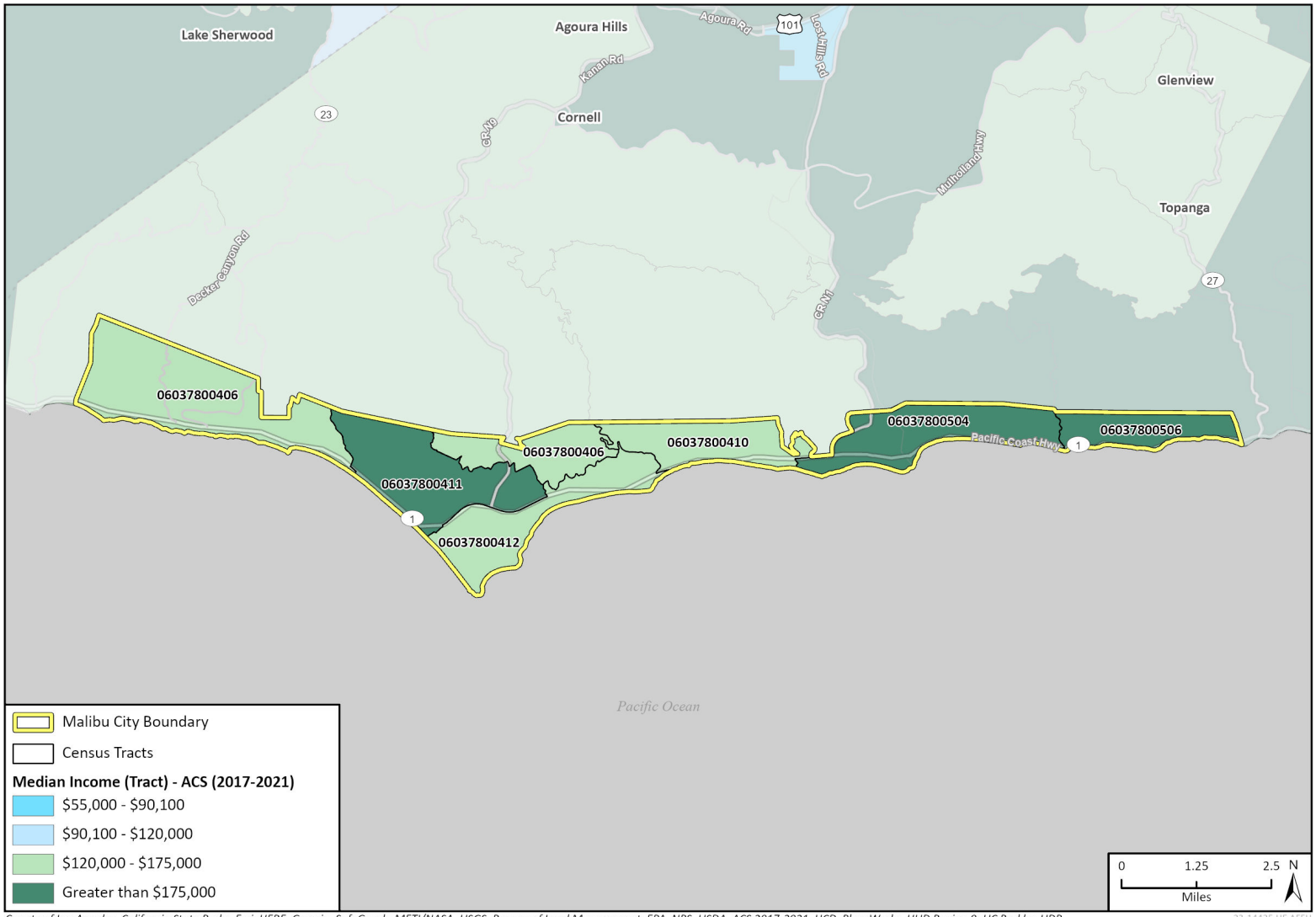
Figure F-15 shows the percent of households that are LMI households, by census tract. The percentage of LMI households is low throughout most of the city, but there is an LMI household concentration between 25 and 50 percent in Census Tract 8005.04, which includes the Civic Center in Eastern Malibu. This area has a higher concentration of commercial uses and is in proximity to Pepperdine University. While the campus is not within Malibu city limits, it is located within the same census tract. On-campus student housing does not factor into census-designated households. However, as noted previously, approximately 40 percent of students live off campus, and likely reside close to the university. It is possible that a higher number of students live in this census tract than other census tracts, accounting for the higher percentage of LMI households.

Figure F-13
Low to Moderate Income Population (Los Angeles County)



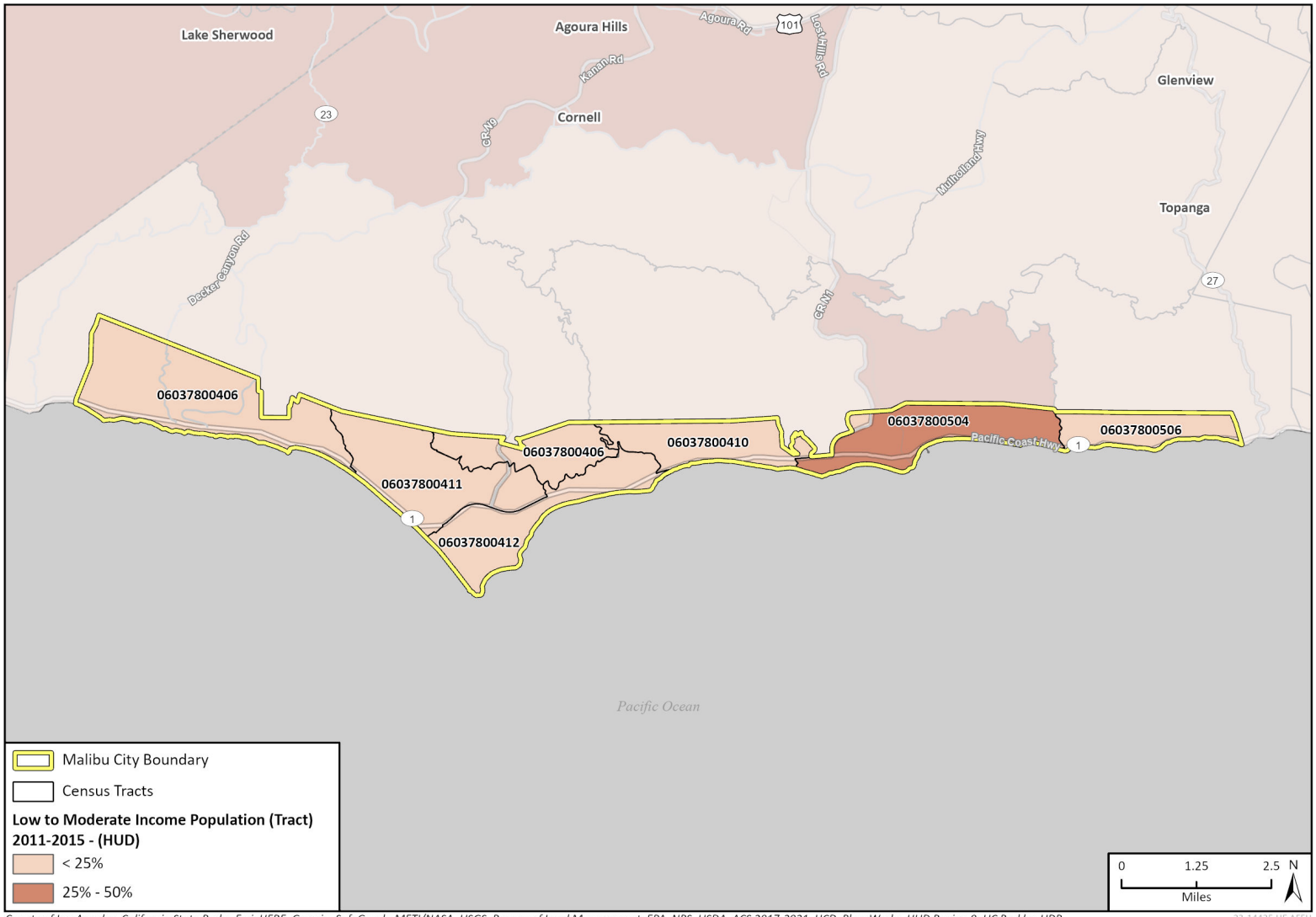
Source: AFFH Viewer, 2023.

Figure F-14
Median Household Income (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-15
Low to Moderate Income Population (Malibu)



Source: AFFH Data Viewer, 2023

This census tract also contains a significant amount of unincorporated land, which could affect the data and may not accurately reflect the household income levels of residents within Malibu's city limits. Of the total housing units in Census Tract 8005.04, 32 percent are multifamily, the highest percentage of multifamily units compared to other census tracts that overlap with the city limits. No census tract within the city qualifies as a LMI area (with 51 percent or more LMI households). The city's high-cost real estate makes it difficult for a low-income household to live within city limits. Therefore, Malibu is economically segregated from the region.

Table F-7 displays income level by household type. According to 2017-2021 ACS data, married-couple families in Malibu have significantly higher incomes than non-family households. Approximately 85.3 percent of married couple families earn an income above $100,000 per year, compared to 48.4 percent of nonfamily households and 71.4 percent of total households. Approximately 24 percent of all households earn an annual income of less than $75,000 per year (approximately the County median household income). More than 40 percent of households in Malibu earn an annual income of $200,000 or more.

Table F-7 Income Level by Household Type (Malibu)

Income Level	Total Households	Married-Couple Families	Nonfamily Households
Less than $10,000	7.5%	5.9%	9.7%
$10,000 to $14,999	0.7%	0.0%	2.0%
$15,000 to $24,999	4.3%	0.0%	11.8%
$25,000 to $34,999	3.6%	1.4%	6.3%
$35,000 to $49,999	1.9%	1.0%	3.3%
$50,000 to $74,999	5.9%	3.5%	8.5%
$75,000 to $99,999	4.8%	2.8%	10.0%
$100,000 to $149,999	11.6%	11.8%	13.0%
$150,000 to $199,999	16.6%	17.9%	11.5%
$200,000 or more	43.2%	55.6%	23.9%
Median income	$178,594	$129,862	$58,271

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table S1901, Income in the Past 12 Months (Inflation-Adjusted Dollars), 2017-2021 Estimates

Racially and Ethnically Concentrated Areas of Poverty

To identify racially and ethnically concentrated areas of poverty (known as R/ECAPs), TCAC includes a poverty concentration and racial segregation filter that aligns with HUD's R/ECAP methodology but is intended to reflect the level of racial and ethnic diversity more effectively. TCAC categorizes census tracts that have both a poverty rate of over 30 percent and that are designated as being racially segregated (overrepresentation of people of color relative to the region) as areas of high segregation and poverty.

Poverty and Segregation

Regional Trends

Countywide, concentrations of poverty and segregation may exasperate existing impediments to fair housing such as lending discrimination and overcrowded housing conditions. Approximately 14 percent of the population in Los Angeles County earns an income below the poverty line, higher than the state average of 12.2 percent. Figure F-16 shows areas of high segregation and concentrated poverty in Los Angeles County. The most prominent areas of high segregation and poverty are in the South-Central area of the City of Los Angeles and East Los Angeles. Areas of high segregation and poverty are also present in the San Fernando Valley in the neighborhoods of Panorama City, Pacoima, and Van Nuys. In North Los Angeles County, high segregation and poverty areas are present within the cities of Palmdale, Lancaster, and Victorville.

Local Trends

Areas of high segregation and poverty are not present within the city of Malibu. Therefore, Malibu does not have census tracts that meet the HUD definition of a R/ECAP. However, Malibu does have residents that experience poverty. Approximately 8.6 percent of the population of Malibu earns an income below the poverty line. As shown in Figure F-17, there is a higher percentage of residents in poverty within census tracts located south of the Pacific Coast Highway in the neighborhood of Point Dume, and the area between Latigo Canyon Road and Malibu Canyon Road in western Malibu (Census Tracts 8004.12 and 8004.10). Census Tract 8004.10 is primarily made up of unincorporated land, which may affect the data and may not accurately reflect the households within Malibu's city limits. In these areas, between 10 and 20 percent of residents earn an income below the poverty line. As confirmed by City staff, it is likely that many low-income households in Malibu are retired elderly households who are "income-poor" but "asset-rich", as home values in these census tracts are comparable to citywide home values[9] and it is difficult for a low-income household to afford the real estate prices in city limits.

Concentrated Areas of Affluence

While R/ECAPs have long been the focus of fair housing policies, racially concentrated areas of affluence (RCAAs) must also be analyzed. RCAAs are defined as affluent, white communities.[10] According to a policy paper published by HUD, white residents are the most racially segregated group in the United States and typically more affluent than majority non-white communities. RCAAs have not been studied extensively, nor has a standard definition been adopted by HCD or HUD. Therefore, this assessment uses the percent white population and median household income as thresholds to identify potential RCAAs. In addition to having a higher median income, areas of affluence typically experience less overcrowding, less housing cost burden on renters, and are generally less susceptible to displacement compared to areas of high segregation and poverty.

[9] Zillow. https://www.zillow.com/ Accessed 16 November 2023
[10] Goatz, Damanio and Williams, 2019. https://www.huduser.gov/portal/periodicals/cityscpe/vol21num1/ch4.pdf

HCD's AFFH Data Viewer identifies RCAAs as census tracts that have a white population that is 1.25 times higher than the county and a household median income 1.5 times higher than the county AMI.

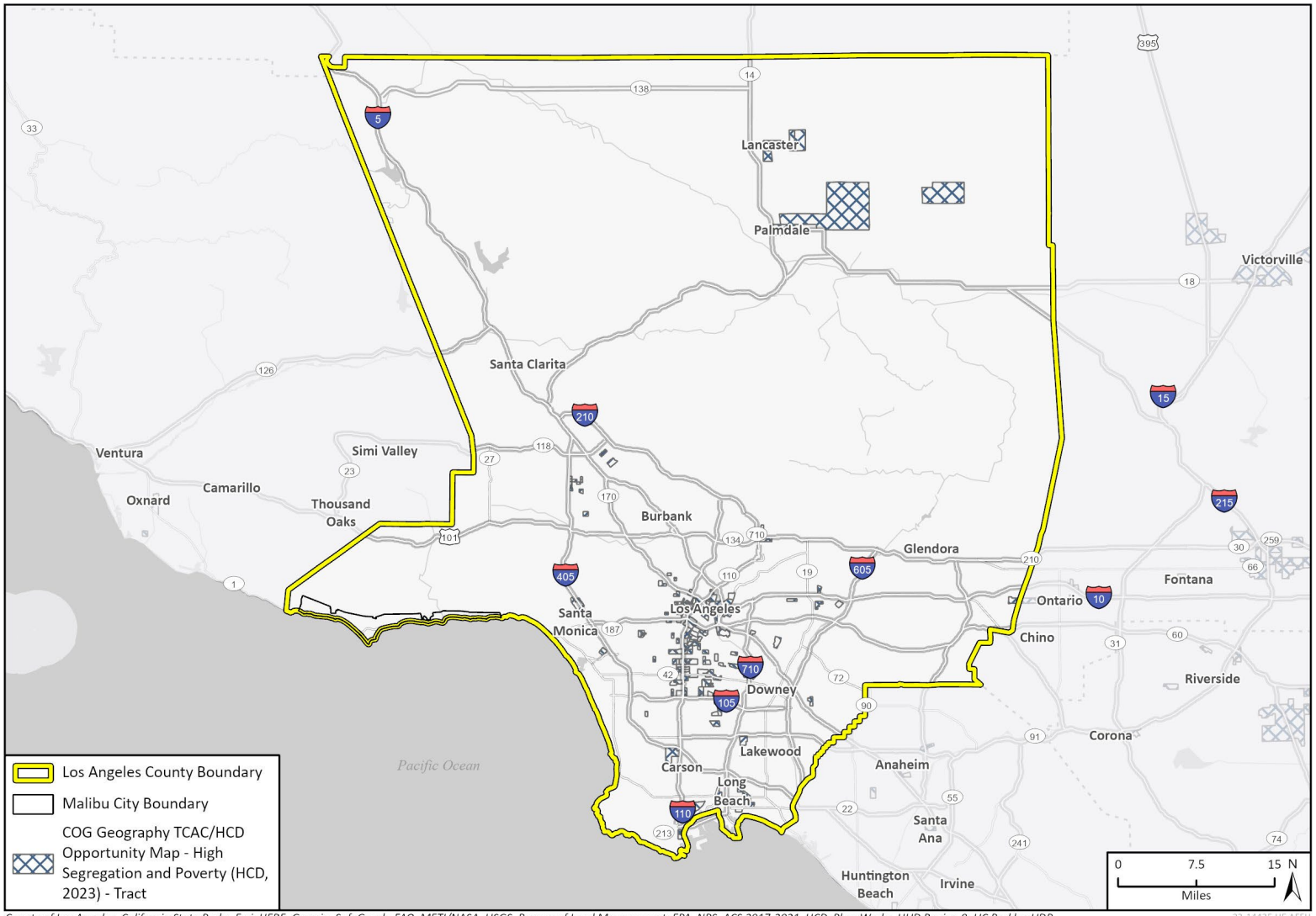
Regional Trends

The areas characterized as RCAAs in Los Angeles County are shown in, Figure F-18,and are located throughout the county. Many coastal cities, including the cities of Malibu, Santa Monica, Redondo Beach, and Rancho Palos Verdes, as well as the cities of Pasadena, Burbank, and Monrovia in eastern Los Angeles County. The communities of Palos Verdes Peninsula, Hollywood Hills, Santa Monica Mountains, and La Canada/Flintridge are also characterized as RCAAs.

Local Trends

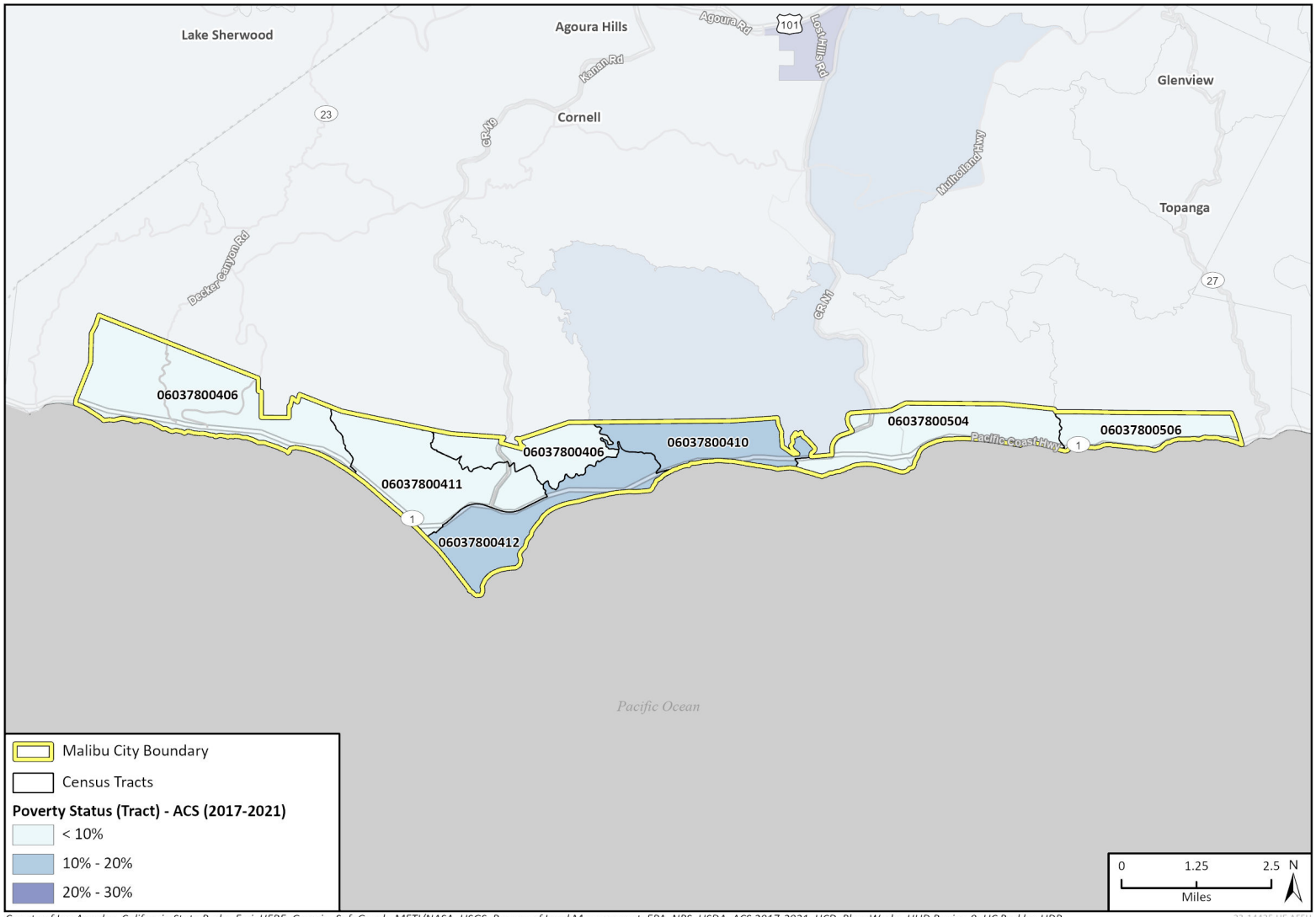
The entire city of Malibu is designated as RCAA as shown in Figure F-19. While the entire city is classified as a RCAA, Census Tract 8005.04 in Eastern Malibu has a higher concentration of both affluent and white-dominant communities compared to other areas of the city. The city has a large proportion of white residents and a median income that is more than double the median income of Los Angeles County. The city's economic and racial segregation is likely due to redlining practices and racial covenants practiced between the 1930s and 1970s that promoted exclusion on the basis of race, as discussed in *Local Knowledge*. The City was not incorporated until 1991, after land use patterns were already established. By that time, Malibu had long been established as an enclave for higher-income households with mostly single-family homes. As a result, white, affluent households are significantly more prevalent in Malibu, and non-white and low-income households have faced difficulty accessing housing in the city due to availability and affordability. Program 5.1 and Program 5.2 aim to provide fair housing services and community outreach to decrease segregation within the city.

Figure F-16
Areas of High Segregation and Poverty (Los Angeles County)



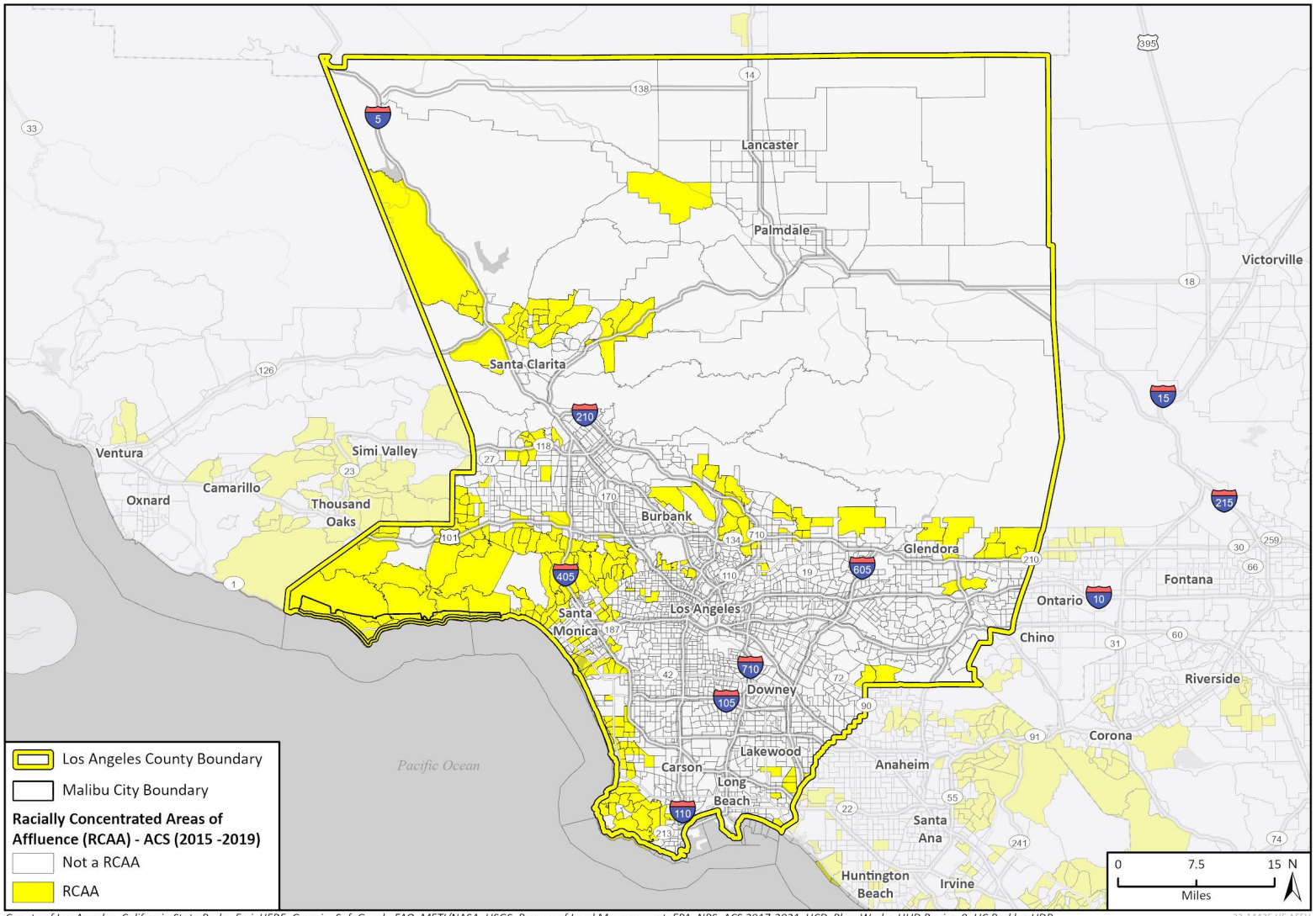
Source: AFFH Data Viewer, 2023

Figure F-17
Poverty Status (Malibu)



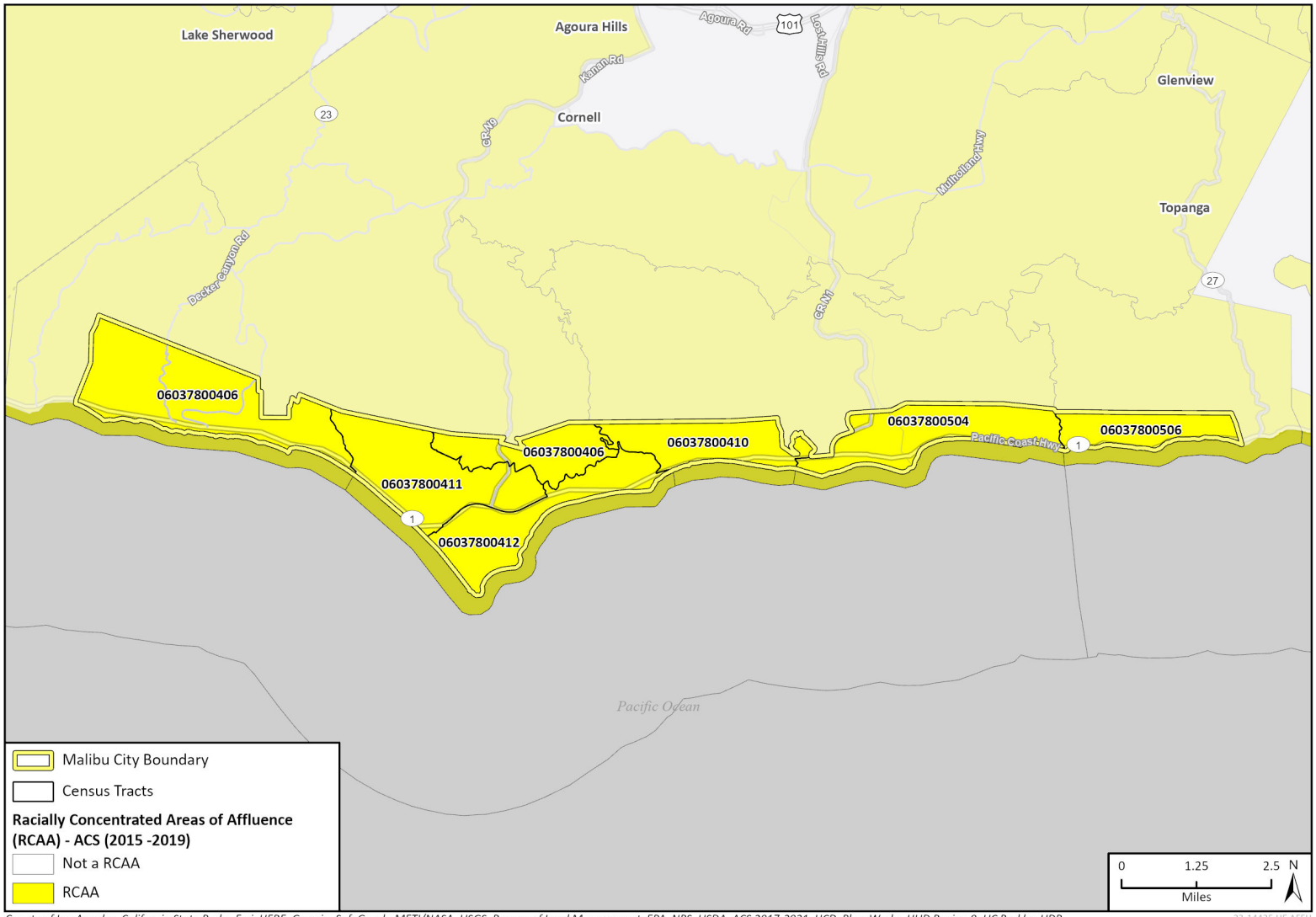
Source: AFFH Data Viewer, 2023

Figure F-18
Concentrated Areas of Affluence (Los Angeles County)



Source: AFFH Data Viewer, 2023

Figure F-19
Concentrated Areas of Affluence (Malibu)



Source: AFFH Data Viewer, 2023

Disparities in Access to Opportunity

Access to opportunity, including access to education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, recreation, and food and healthy environment (including clean air and water, safe neighborhoods, safety from environmental hazards, and access to social services and cultural institutions) influences health and economic outcomes. According to the California Fair Housing Taskforce, a group convened by HCD, "opportunity," can be thought of as pathways leading to better lives, including through health, education, and employment.[11] Improving access to opportunity can include supporting low-income communities with mobility and access to neighborhoods considered by TCAC to be 'high resource.'[12]

HUD's Opportunity Indices were created to inform communities about racial/ethnic segregation and disparities in access to opportunity.[13] Indicator index scores range from 0-100, with 100 representing the most positive outcomes). Measured at the neighborhood level, the index scores are intended to inform communities about segregation and disparities in access to opportunity in their jurisdiction and compare the opportunity indicators rankings across racial/ethnic groups. Generally, higher index scores are indicative of greater access to opportunity. For example, the "low poverty index" captures the poverty rate within a given neighborhood; the higher the index score means the less exposure to poverty. A higher "jobs proximity" score means that residents have greater accessibility to employment locations within the larger region.[14] Each index is measured using the following variables:

- Economic Opportunity Index: a composite of poverty rate by census tract, percentage of adults with a bachelor's degree, percentage of adults employed, and number of jobs for persons without a bachelor's degree that fall within a given radius of each census tract.
- Environmental Opportunity Index: exposure to pollution burden shown in CalEnviroScreen.
- Educational Opportunity Index: the percentage of fourth-grade students testing proficient in reading and math within three miles of a census block group.
- Low Transportation Cost Index: the cost of transportation and proximity to public transportation by neighborhood.
- Transit Index: How often low-income families in a neighborhood use public transportation.

[11] California Fair Housing Task Force. 2020. Methodology for the 2020 TCAC/HCD Opportunity Map. June 2020. https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf
[12] Ibid.
[13] HUD, 2020. https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf
[14] Urban Institute, 2018. https://www.urban.org/sites/default/files/publication/98674/place_and_opportunity_brief_3.pdf

Transit

Access to public transit is of paramount importance to lower-income households. Limited transportation options reduce access to jobs, public spaces (such as parks, plazas, and campuses), and goods and services.

Regional Trends

Mass transportation in Los Angeles County consists of regional bus systems, city bus systems, ADA paratransit services, heavy rail, light rail, and subways. Service operations include:

- Los Angles Metro: Multiple commuter rail lines connecting to cities located throughout the greater Los Angeles Region
- San Fernando Valley Transit Services: Antelope Valley Transit, Burbank Bus, Glendale Beeline, LADOT Dash/Commuter Express, La Canada Flintridge Shuttle, Pasadena Transit, Santa Clarita Transit, Simi Valley Transit
- San Gabriel Valley Transit Services: Alhambra Community Transit, Baldwin Park Shuttle, Commerce Municipal Bus, Duarte Transit, El Monte Transit, Glendale Beeline, Glendora Mini Bus, La Puente LINK, LADOT DASH, Monterey Park Spirit, Omnitrans, OCTA, Pasadena Transit, Rosemead Explorer, Go West / West Covina, Foothill Transit
- South Bay, Gateway Cities and Central/West Side Los Angeles Transit Services: Long Beach Transit, Torrance Transit, Gardena G-Trans, Norwalk Transit, Montebello Bus Lines, Santa Monica Big Blue Bus, Culver CityBus, Foothill Transit
- Metrolink Line: multiple Commuter rail lines connecting to cities located throughout the greater Los Angeles Region and cities within the Counties of Ventura, Orange, San Bernardino and Riverside
- Amtrak: Interstate train service serving coastal and inland areas of California

Transit use is higher in parts of the Los Angeles region where the greatest investment in transit service has been made, including the north coastal, central, and south bay regions of Los Angeles. Almost all major employment centers in Los Angeles County are served by some form of public transit. However, low-income employees, especially female heads of household with children, have unique travel patterns that may prevent them from obtaining work far from home, regardless of access to public transit. Generally, women are disproportionately responsible for household-supporting activities such as trips to grocery stores or accompanying young children to and from schools and day care.

According to 2021 ACS data 70 percent of county residents drive alone to work and 4.9 percent used public transportation. Furthermore, county residents have a longer average commute time (29.2 minutes) than the statewide averages (27.6 minutes).

Local Trends

AllTransit is an online database that provides details on transit opportunity throughout the United States. The website uses metrics to understand the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to Alltransit.com, Malibu has an overall performance score of 3.1, suggesting a low combination of trips per week and number of jobs accessible enabling few people to take transit to work. There is one bus route that runs along the Pacific Coast Highway (Route 134). The 134 bus (Malibu-PCH-Trancas) has 36 stops from Olympic Boulevard/7th Street in Santa Monica to Trancas Canyon/Pacific Coast Highway in Malibu. The bus takes about one hour from the Olympic Boulevard/7th Street in Santa Monica to the commercial center of Malibu, which is a constraint to lower-income employees who do not have access to a vehicle but work in Malibu.

Figure F-20 shows areas of the city within a one-half mile to transit. The eastern portion of Malibu has greater transit access than the western portion. The areas with lower transit access have a higher concentration of people with a disability (Figure F-7). Local organizations have reported that accessible transit is an issue in the city, particularly for lower-income and public sector employees who commute to the city from elsewhere in the region (see the Loal Knowledge section of this analysis).

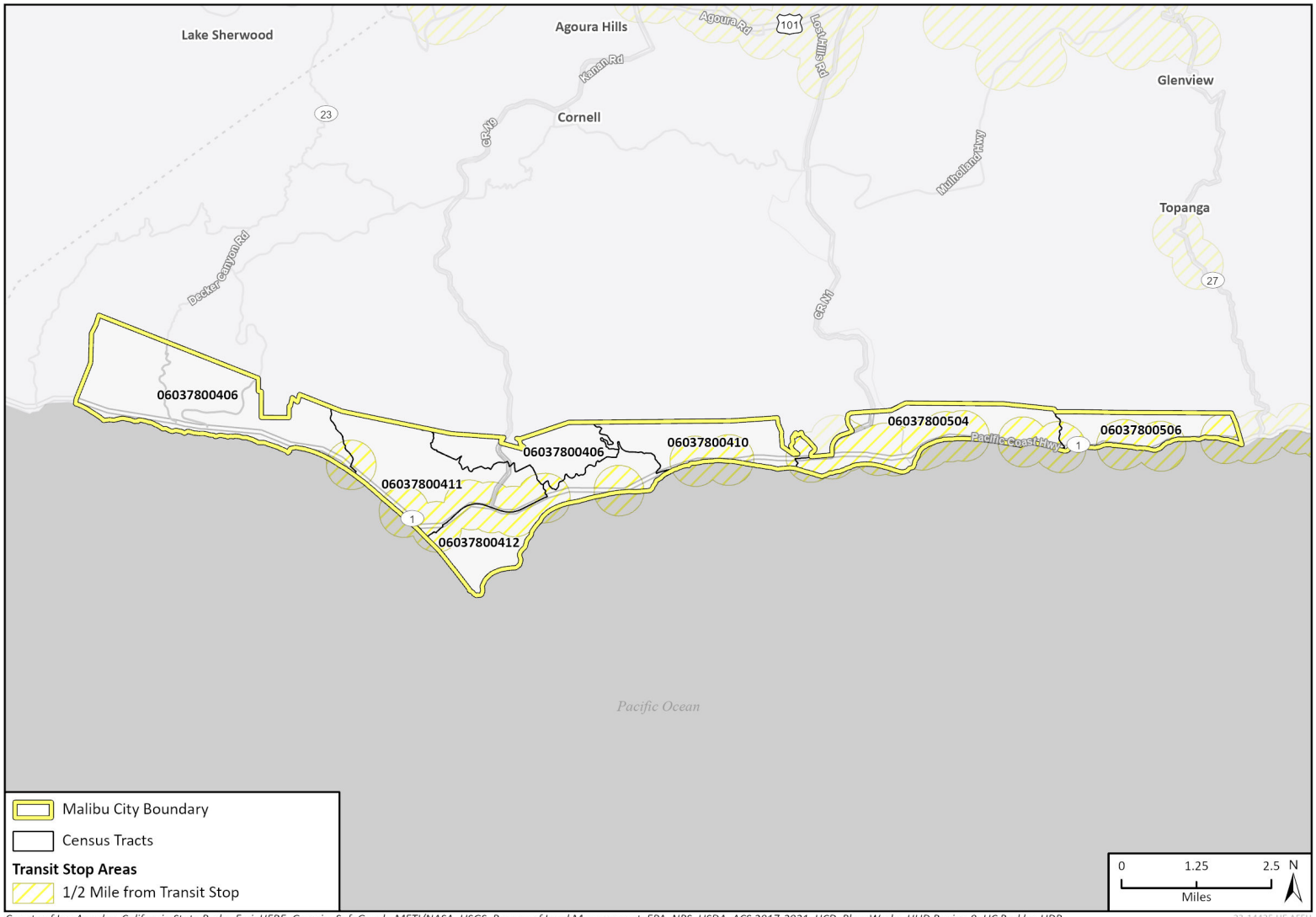
The City provides paratransit services, called Dial -A-Ride, to Malibu seniors (60 years and older) and disabled residents through the City's contracted service provider, Ventura Transit Systems. The Dial-A-Ride service provides transportation to the Malibu Senior Center, various locations in the city, and the neighboring cities of Agoura Hills, Calabasas, and the neighborhood of Westwood in Los Angeles. The program has two vans in service and provides approximately 25 to 30 rides, or 60 hours of service per month. The program is currently meeting the demand of residents and does not have a waitlist. To promote the program, the City displays banners in the Senior Center, advertises in the newspaper, provides give-a-ways with program information, and gives presentations and announcements at social and recreation programs. Program 3.3, Housing for Persons with Special Needs, directs the City to fund and promote transportation services available to seniors.

According to 2021 ACS data, 1.7 percent of residents used public transportation to commute to work, 59.8 percent drove alone, and 29.6 percent worked at home. Compared to Los Angeles County, Malibu has a lower percentage of residents that drive alone and use public transportation when commuting to work, and a higher percentage of residents who work from home. According to the Healthy Places Index, a platform that provides open data on health equity indicators, Western Malibu has a higher rate of active commuting than central or eastern Malibu.[15]

The Environmental Protection Agency (EPA) has a walkability index that ranks Census block groups.[16] The EPA walkability map, shown in Figure F-21, shows that most of the city has a walkability score below the national average, but the area surrounding Point Dume and the southeastern corner of the city have an above average walkability score.

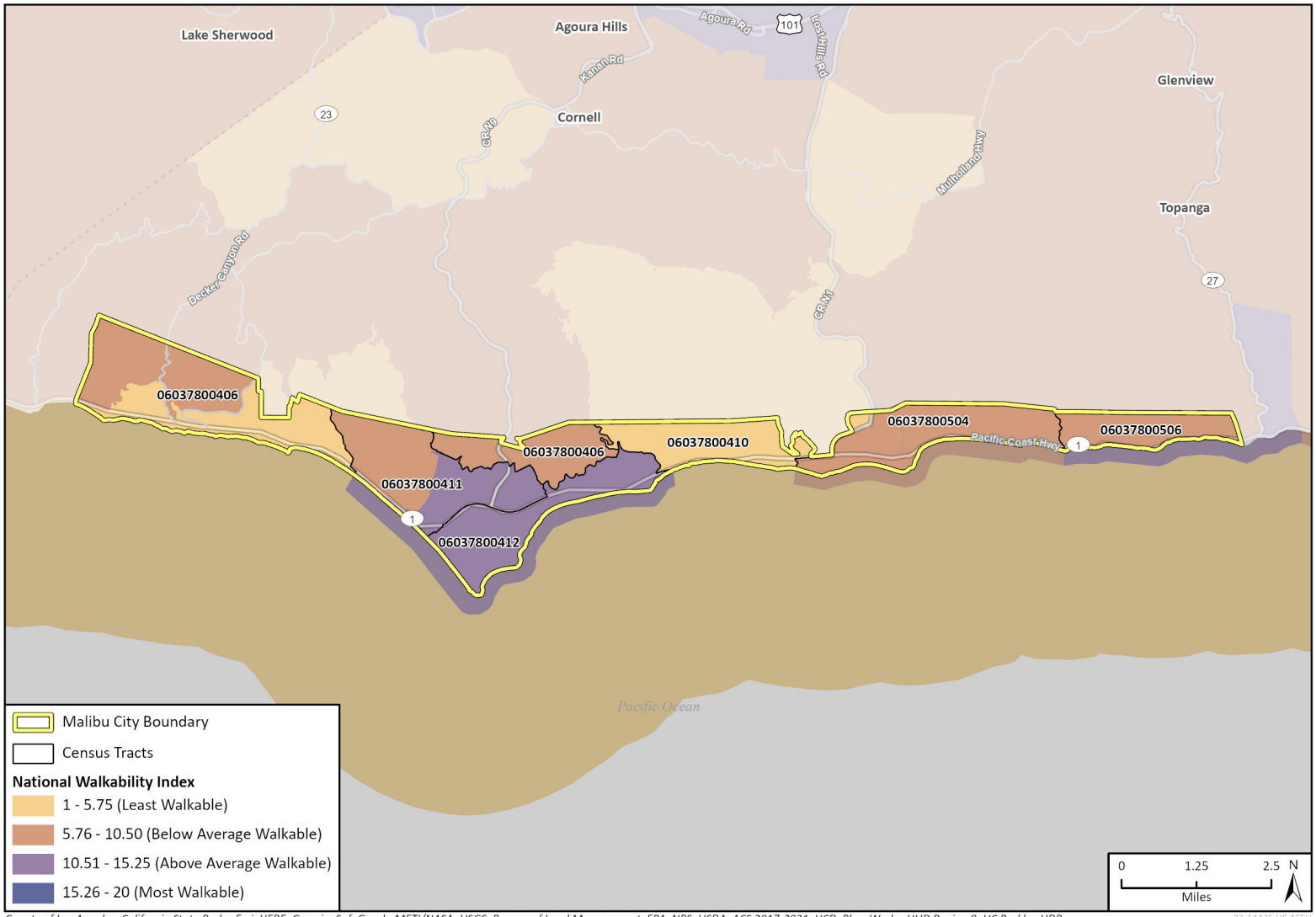
[15] California Healthy Places Index. Active Commuting Indicator. https://map.healthyplacesindex.org/?redirect=false, accessed March 29, 2024.
[16] EPA, 2021. https://www.epa.gov/smartgrowth/national-walkability-index-user-guide-and-methodology

Figure F-20
Access to Transit Within a Quarter Mile (Malibu)



Source: County of Los Angeles, 2023.

Figure F-21
Walkability Index (Malibu)



Source: National Walkability Index, 2023.

Educational Opportunity

Economics literature has consistently found about a 10 percent increase in wages/salary with each additional year of education.[17] Therefore, educational attainment is directly linked to housing opportunities. To assess educational opportunities by geography, this analysis uses TCAC education domain scores, which incorporate a variety of indicators including math and reading proficiency scores, high school graduation rates, and student poverty rates at the census tract level.

Regional Trends

An overview of education outcomes across Los Angeles County is illustrated in Figure F-22. Educational outcomes vary across Los Angeles County. In general, urban areas within Central Los Angeles, Long Beach, and northwestern areas of the county, including the cities of Lancaster and Palmdale, had less positive education outcomes compared to the rest of the county. The coastal communities, including the cities of Santa Monica, Malibu, and Rancho Palos Verdes, as well as areas northeast of Downtown Los Angeles, and the northeastern portion of Los Angeles County, have higher educational outcomes.

According to Kidsdata.org, a data compilation program of the Lucile Packard Foundation for Children's Health, Los Angeles County had a high school graduation rate of 82.4 percent. High school graduation rates were highest among Asian-American and Filipino students (94 percent) and white, non-Hispanic students (87 percent). American Indian/Alaska Native students (63 percent) and African American/Black students (73 percent) had lower graduation rates.[18]

Local Trends

Public schools in Malibu are part of the Santa Monica-Malibu Unified School District (SMMUSD). The SMMUSD serves 8,820 students in grades K-12 in the cities of Malibu and Santa Monica. In addition to Malibu High School (grades 9-12) and Malibu Middle School (grades 6-8), which share a campus, Malibu has two public elementary schools (grades K-5): John L Webster Elementary School and Malibu Elementary School. According to the California School Dashboard, Malibu Elementary School located in Western Malibu has a higher percentage of socioeconomically disadvantaged[19] students (16 percent) and English learners (11 percent) compared to Webster Elementary School, located in Eastern Malibu (10 percent and five percent, respectively). The Santa Monica-Malibu Unified School District had an overall high school graduation rate of 96.1 percent in 2021, higher than the county average.[20] According to the California School Dashboard, Asian American, English learners, Hispanic/Latino, and socioeconomically disadvantaged students had lower graduation rates than Black/African American, white, or students of

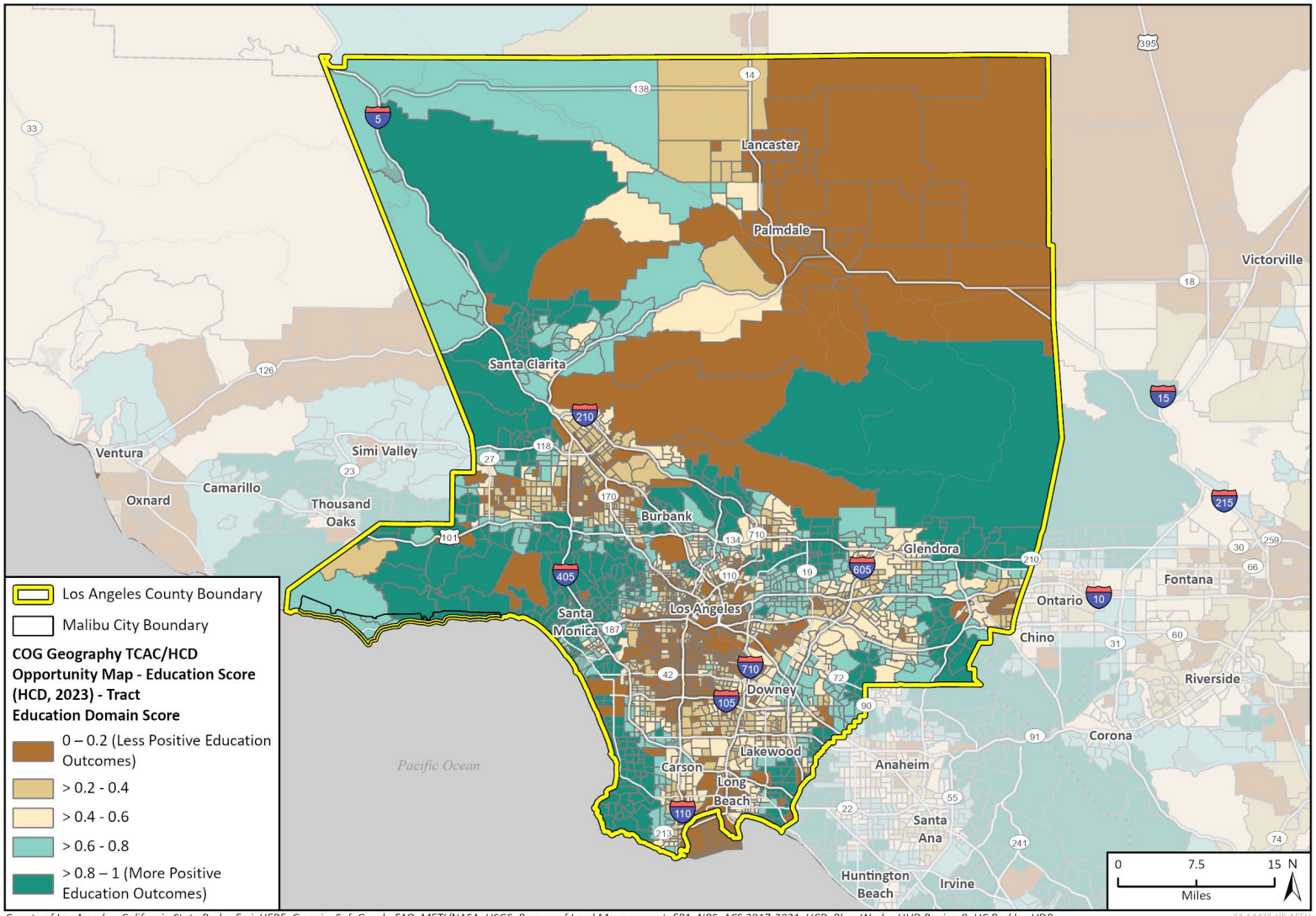
[17] Annual Disability Statistics Compendium, 2020. https://disabilitycompendium.org/annualreport
[18] Kids Data. 2021. All Data: Los Angeles County. https://www.kidsdata.org/region/364/los-angeles-county/results#ind=&say=&cat=18
[19] Students who are eligible for free or reduced priced meals; or have parents/guardians who did not receive a high school diploma.
[20] Kids Data. 2021. All Data: Malibu. https://www.kidsdata.org/region/720/malibu/results#ind=&say=&cat=18

two or more races.[21] Approximately 26 percent of all students in the district are socioeconomically disadvantaged. According to GreatSchools, an online database that provides data on school quality, Malibu High School has above average test scores and levels of college readiness.[22] The GreatSchools equity indicators show that underserved students at Malibu High School perform better than the state average on tests and college readiness. However, there are differences within the school based on race and ethnicity and household income. Malibu High School is reported as 76 percent white, 14 percent Hispanic/Latino, five percent two or more races, two percent Black/African American, two percent Asian American, and less than one percent Native American/Pacific Islander. Twelve percent of students are from low-income households. At Malibu High School, Hispanic/Latino students and students from lower-income households are less likely to be eligible for state college or university upon graduation than white students and students from higher-income households. Students with disabilities that attend Malibu High School have higher rates of absenteeism compared to the state average.[23]

While all areas in Malibu have positive educational outcomes, Eastern Malibu has slightly higher positive educational scores than Western Malibu, as shown in Figure F-19. However, this data may be impacted by the inclusion of unincorporated land in this census tract and may not accurately represent conditions in the city. Eastern Malibu also has the highest percentage of children in married couple households (Figure F-12), as well as households with the highest median incomes, suggesting that educational opportunity is segregated by income and family composition. Disparities in access to educational opportunity for low-income households is exacerbated by the lack of housing options in the city due to the high cost of owner and rental housing. Program 5.1 identifies actions the City will take to increase housing mobility, which will increase access to greater educational opportunities.

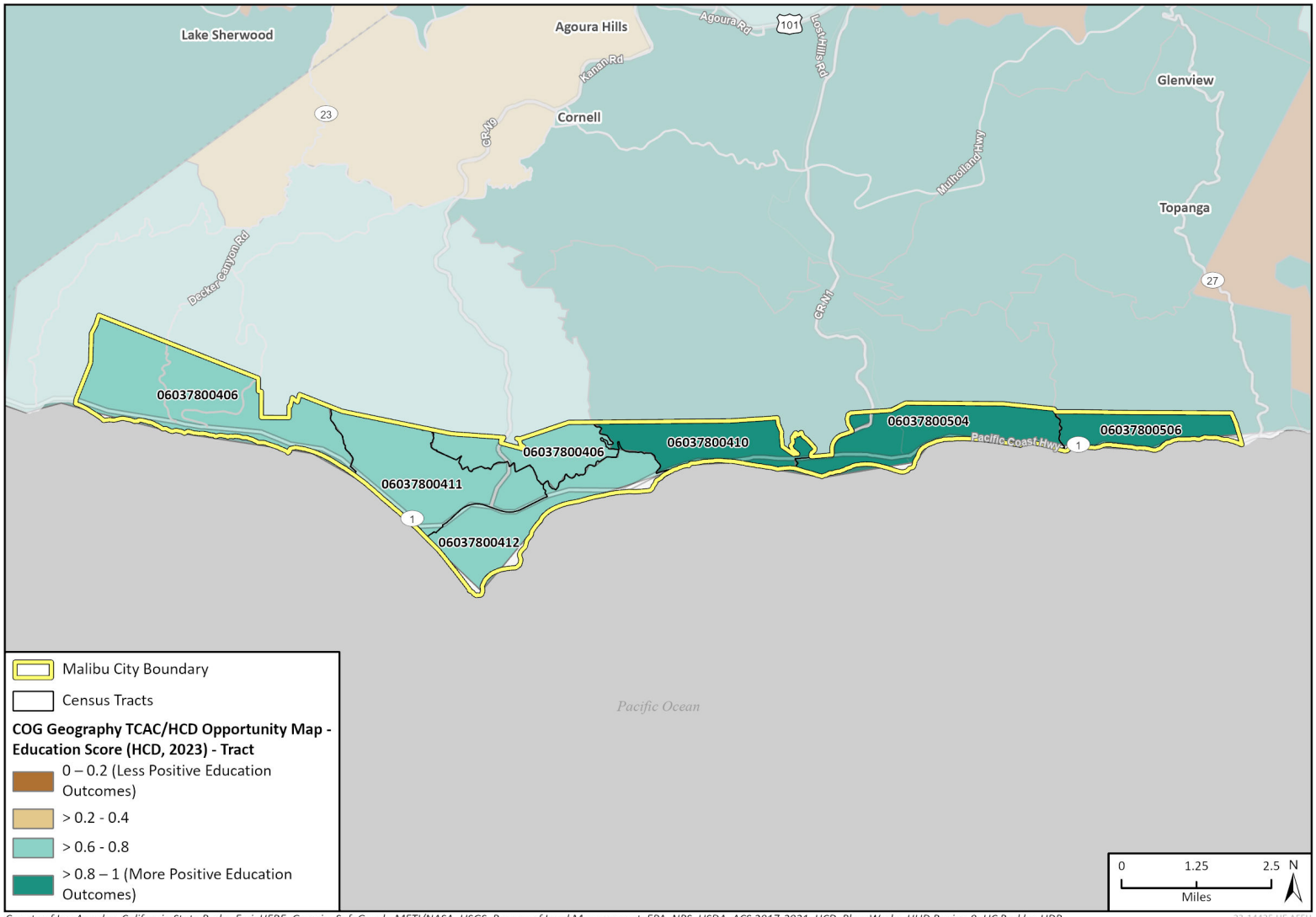
[21] California School Dashboard. Santa Monica-Malibu Unified: Academic Engagement. https://www.caschooldashboard.org/reports/19649800000000/2023/academic-engagement#graduation-rate, accessed March 29, 2024.
[22] GreatSchools. Malibu High School. https://www.greatschools.org/california/malibu/2925-Malibu-High-School/#Equity_overview, accessed March 29, 2024.
[23] Ibid.

Figure F-22
TCAC Opportunity Areas – Education Outcomes (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-23
TCAC Opportunity Areas - Education Outcomes (Malibu)



Source: AFFH Viewer, 2023

Employment

Housing opportunities are directly related to economic opportunities. Access to high quality employment close to desired and affordable housing results in more housing opportunities and shorter commute times. The analysis for economic opportunities uses TCAC economic indicators, employment participation data from the ACS and the HUD Jobs Proximity Index.

TCAC economic opportunities are measured by census tract and considers poverty, adult education, employment, job proximity, and median home values. A higher economic index score reflects more positive economic outcomes. The HUD Jobs Proximity Index assesses the accessibility to job opportunities at the census block group level.

Regional Trends

Economic outcomes vary across Los Angeles County as shown in Figure F-24. Areas with more positive economic outcome scores were identified along the coastal communities and portions of east Los Angeles County. Conversely, similar to educational outcomes, the urban areas in Central Los Angeles, Long Beach, and northwestern areas of the county had less positive economic outcomes.

According to 2021 ACS estimates, Los Angeles County has an employment rate of 90.8 percent, a decrease of two percent from 2019. Table F-8 shows employment status by disability status estimates for Los Angeles County for ACS 2015-2019 and 2017-2021. Overall, the percentage of all employed residents aged 16 remained the same, but unemployment increased slightly.

Table F-8 Employment Status by Disability Status (Los Angeles County)

Disability Status	Employed 2015-2019	Unemployed 2015 -2019	Employed 2017-2021	Unemployed 2017-2021
No Disability	4,502,627 (96.4%)	274,277 (91.5%)	4,187,832 (95.5%)	396,066 (87.7%)
With a Disability	169,322 (3.6%)	25,535 (8.0%)	197,504 (3.2%)	45,578 (8.0%)
Total	**4,671,949 (93.9%)**	**299,812 (6.0%)**	**4,385,336 (90.8%)**	**441,644 (9.2%)**

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table C18120 Employment Status by Disability Status, 2015-2019, 2017-2021 Estimates.

Local Trends

Economic outcomes are positive throughout Malibu, as shown in Figure F-25. As of 2021, the employment rate in Malibu is 94.4 percent, slightly higher than the County employment rate. In 2021, the largest industries for employees in Malibu are professional, scientific, and management, and administrative and waste management services (25 percent of employed population); educational services, and health care and social

assistance (17 percent); and finance and insurance, and real estate and rental leasing (13 percent).

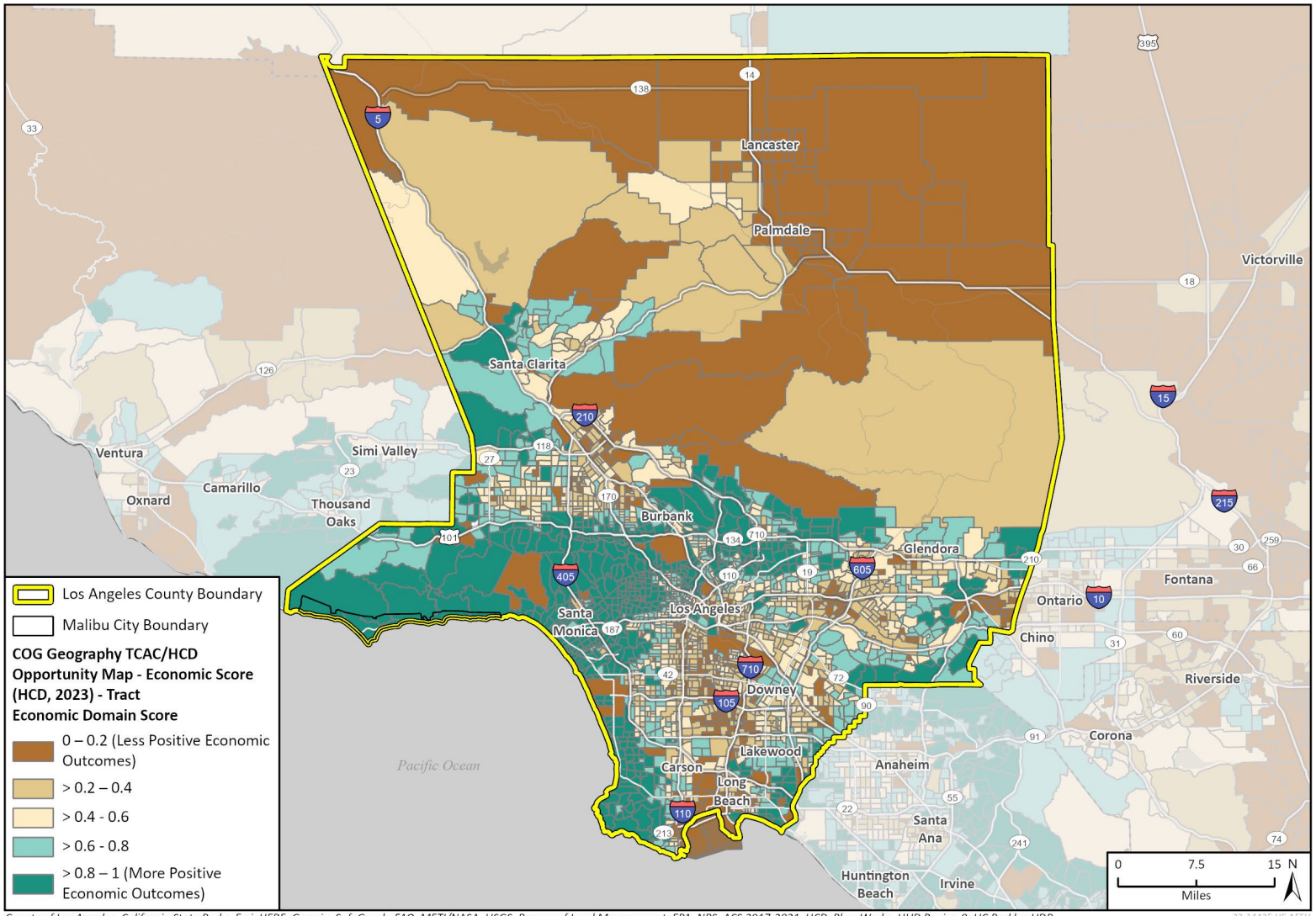
Employment status by disability status estimates is provided in Table F-9. The labor participation rate of residents aged 16 and older decreased by approximately two percent, similar to the county's rate of change. The number of employed residents with a disability decreased by almost three percent, while employment for residents without a disability increased. However, the number of unemployed residents with a disability remained the same at zero percent. The total unemployment rate (2.9 percent) in 2021 is lower than the county (3.9 percent) and the Southern California region (9.3 percent).

Table F-9
Employment Status by Disability Status (Malibu)

Disability Status	Employed 2015-2019	Unemployed 2015 -2019	Employed 2017-2021	Unemployed 2017-2021
No Disability	4,772 (96.0%)	205 (100%)	3,907 (97.9%)	236 (100%)
With a Disability	249 (4.9%)	0 (0%)	83 (2.1%)	0 (0%)
Total	**5,021 (96.1%)**	**205 (3.9%)**	**3,990 (94.4%)**	**236 (5.6%)**

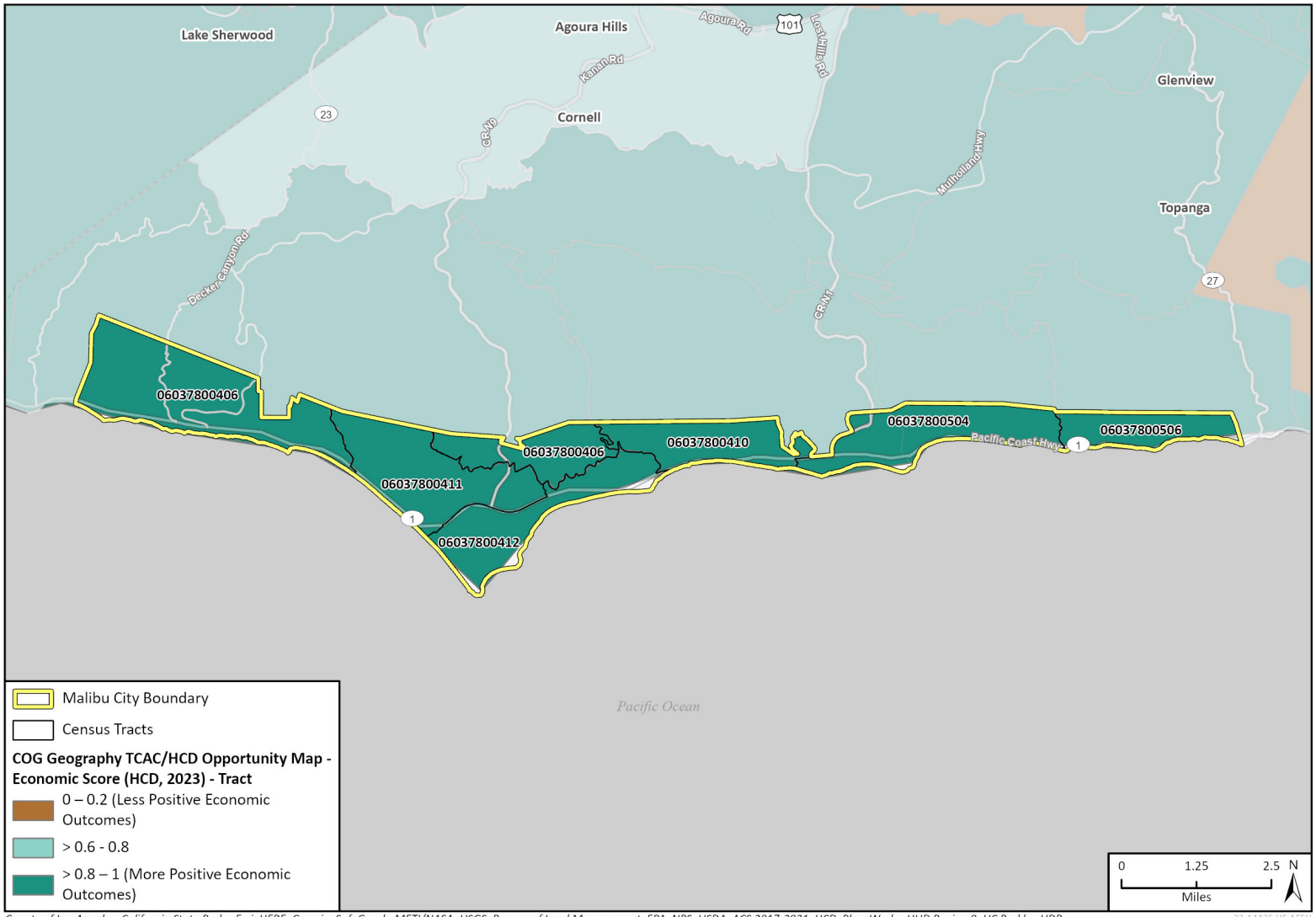
Source: U.S. Bureau of the Census, American Community Survey (ACS), Table C18120 Employment Status by Disability Status, 2015-2019, 2017-2021 Estimates.

Figure F-24
TCAC Opportunity Areas - Economic (Los Angeles County)



Source: AFFH Viewer, 2023.

Figure F-25
TCAC Opportunity Areas – Economic (Malibu)



Source: AFFH Viewer, 2023

Healthy Environment

Healthy Environment in AFFH addresses disparities in access to environmentally healthy neighborhoods by protected class groups. An assessment of environmentally healthy neighborhoods can include air and water quality, safety, environmental hazards, social services, and cultural institutions. Recent California laws—Assembly Bill (AB) 1550, Senate Bill (SB) 535 and SB 1000 emphasize the importance of environmental justice as a fair housing issue. Environmental Justice, according to HUD, means ensuring that people have equal access to safe and healthy housing. HUD requires all entitlement jurisdictions to conduct reviews under the National Environmental Protection Act to determine if a proposed project creates adverse impacts due to environmental conditions. It furthers the requirement that human health deserves equal protection for all people regardless of race, color, national origin, or income. Under Executive Order 12898, Federally assisted projects may also target funding to communities that have disproportionately high and adverse human health impacts on minority and low-income populations due to environmental conditions. [24] The California Office of Environmental Health Hazard Assessment developed CalEnviroScreen, a mapping tool that uses spatial data collected by various regulatory agencies (e.g., air quality indicators from South Coast Air Quality Management District, water quality indicators from Orange County Water District, monitored chemical releases into the air or water table from Environmental Protection Agency, HUD socio-economic indicators, etc.). The dataset uses a methodology to identify communities disproportionately burdened by exposures to pollution, environmental effects of existing pollutants in communities, among other indicators of sensitive populations or socioeconomic factors. Residents in census tracts with high CalEnviroScreen scores (shown as percentiles) are disproportionately burdened by pollution and are more vulnerable to related effects.

Regional Trends

According to CalEnviroScreen data, areas with higher pollution percentiles are generally urban areas with higher proportions of LMI and overcrowded households. Areas experiencing the highest pollution percentile scores in the Los Angeles region are as the cities of Baldwin Park, El Monte and South El Monte in the San Gabriel Valley, neighborhoods and cities located south of Downtown Los Angeles, and in the Pacoima and Sylmar neighborhoods of the San Fernando Valley (Figure F-26). The areas of Los Angeles County with lower scores (i.e., low exposure to pollution and high household income) are near the county boundaries and along the coast.

Local Trends

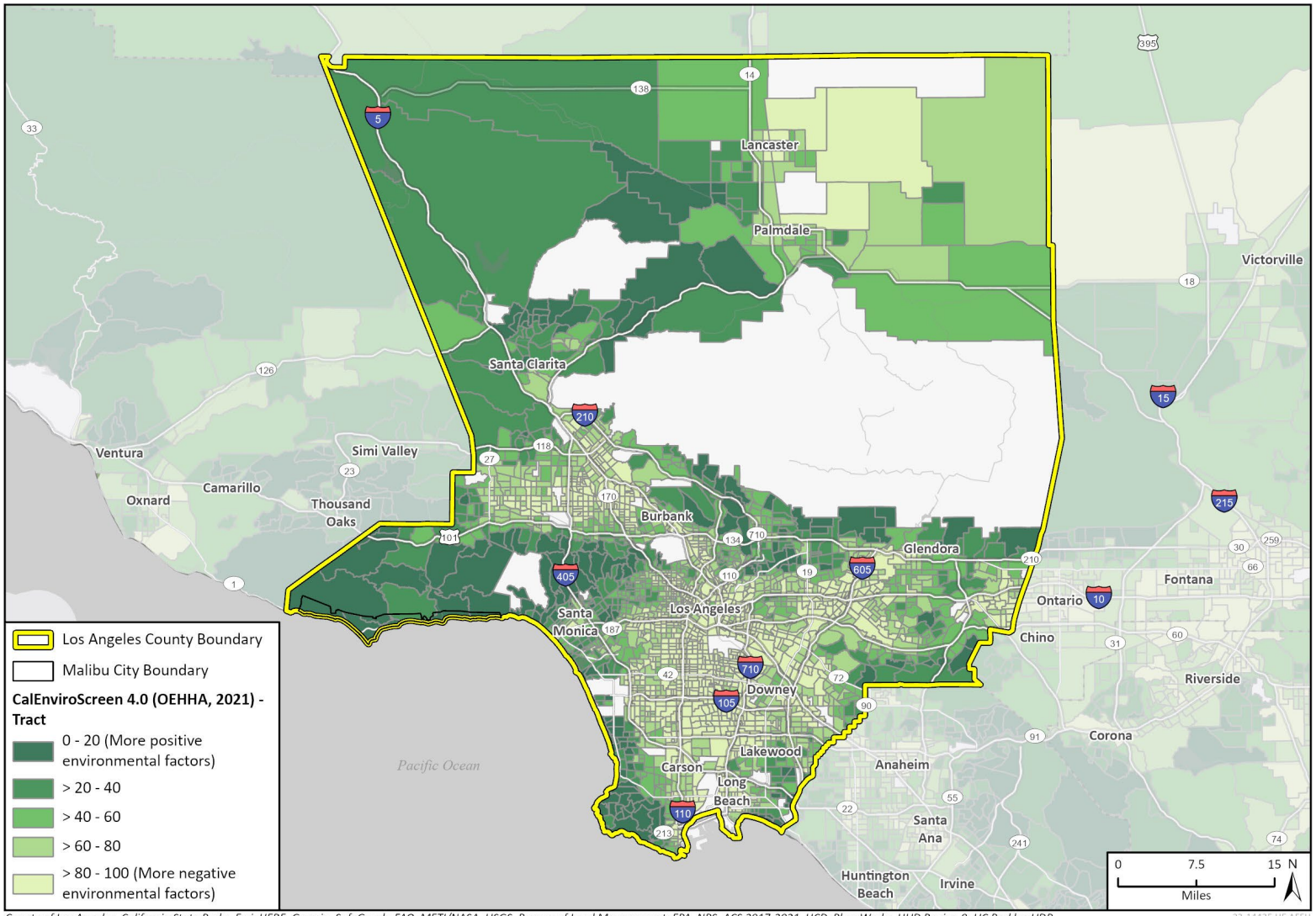
The City of Malibu has a low environmental pollution burden. This is likely due to the lack of industrial uses and the lack of truck routes through Malibu that generate pollutants in other areas in Southern California. Pacific Coast Highway has a permanent truck ban from Topanga Canyon Road (Route 27) to Decker Road (Route 23).

Throughout the entire city, the CalEnviroScreen score percentile ranges between zero and 30. The majority of the city scores below the 20th percentile, while a small portion of city between Malibu Canyon Road and Latigo Canyon Road scores between the 20th

[24] HUD, 2022. https://www.hudexchange.info/programs/environmental-review/environmental-justice/

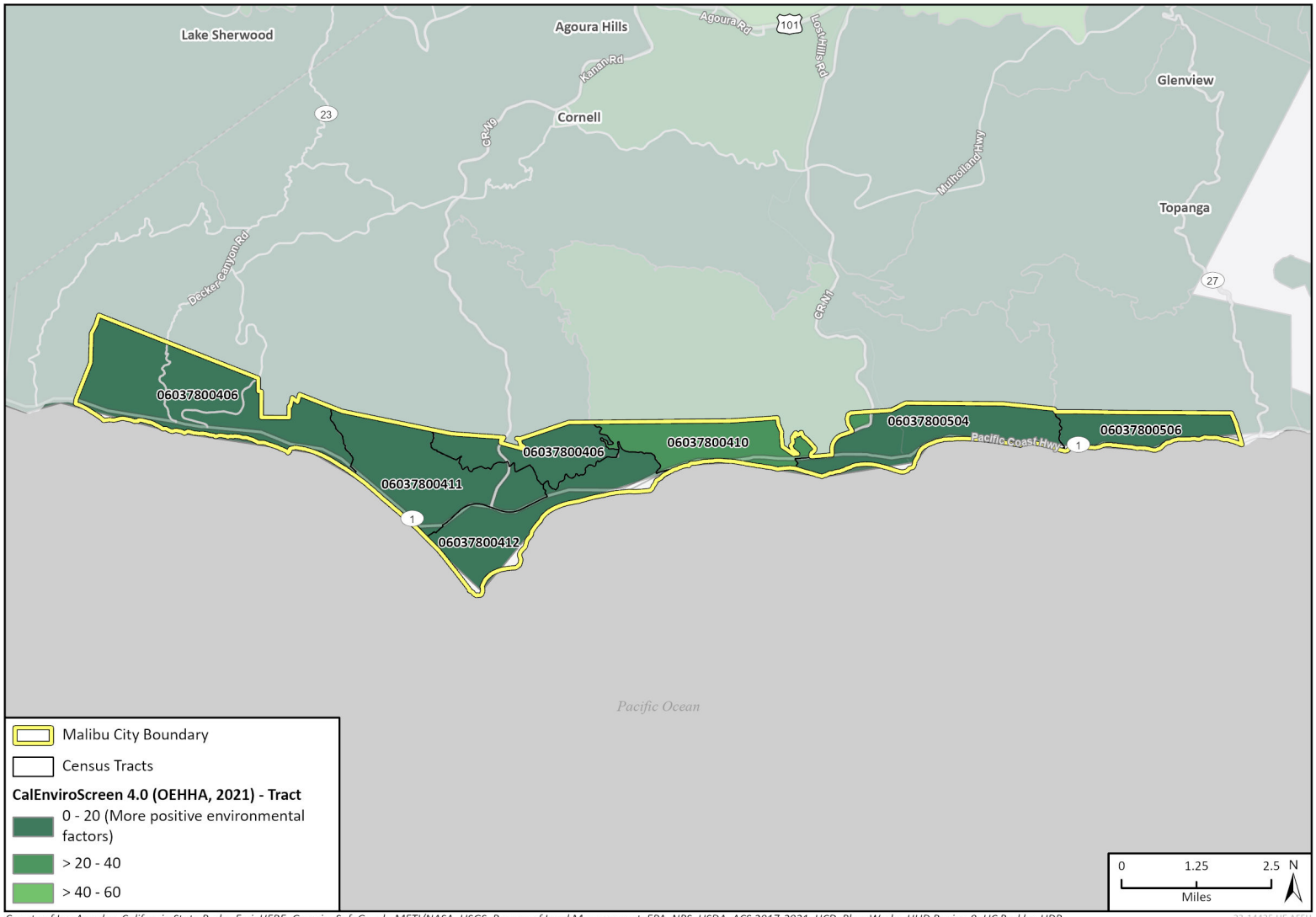
and 40th percentile, as shown in Figure F-27. This area overlaps with the TCAC Opportunity Areas data for environmental outcomes, with the central portion of the city having less positive environmental outcomes than the western and eastern portion of the city (Figure F-28). The TCAC environmental outcomes map shows that Census Tract 8005.04 has the lowest environmental outcomes of all census tracts that overlap with the city boundaries. This area has more multifamily housing and commercial uses than other areas of the city, which could account for lower environmental outcomes due to traffic congestion and/or regional smog. This Census Tract also has the highest concentration of LMI residents (Figure F-15), which suggests that lower-income households may be more likely to reside in areas with less positive environmental outcomes.

Figure F-26
CalEnviroScreen 4.0 Percentile Scores (Los Angeles County)



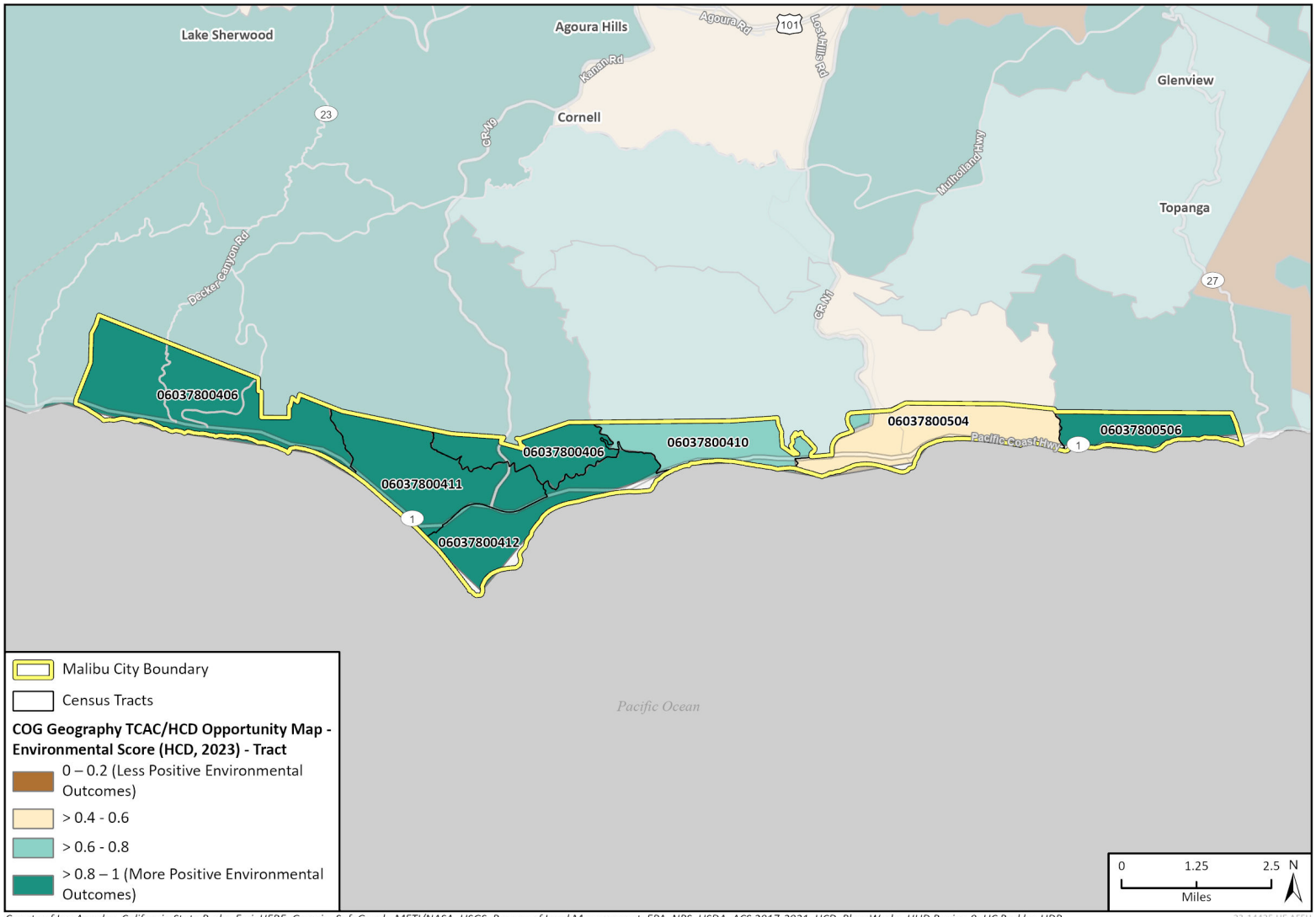
Source: AFFH Data Viewer, 2023

Figure F-27
CalEnviroScreen 4.0 Percentile Scores (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-28
TCAC Opportunity Areas – Environment (Malibu)



Source: AFFH Data Viewer, 2023

Disproportionate Housing Needs

Disproportionate housing needs refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need, or the total population experiencing that category of housing need in the applicable geographic area. To analyze the extent of disproportionate housing needs in Malibu, this section reviews data on housing cost burden and severe housing cost burden, overcrowding, homelessness, and substandard housing conditions. Information for this section relies on the HUD CHAS data.

Housing Cost Burden

Housing cost burden is defined as the proportion of a household's total gross income spent on housing costs. Households that spend at least 30 percent of their total gross income on housing costs (rent, mortgage, utilities, and other housing-related costs) are considered "cost burdened," and households spending over 50 percent on housing costs are considered "severely cost burdened." The higher the housing cost burden, the more likely residents are to live in overcrowded and substandard conditions and are less likely to afford to relocate. Low-income households and persons in protected classes disproportionately experience severe housing problems.

Regional Trends

According to HUD CHAS estimates, 33.7 percent of owner-occupied households and 52.8 percent of renter-occupied households are burdened by housing costs.

Figure F-29 shows areas of Los Angeles County where renter households experience housing cost burden (spending more than 30 percent of household income on housing costs). As shown, paying more than 30 percent of gross income on rent is widespread across Los Angeles County. There are many areas where between 40 and 80 percent of renter households are housing cost burdened. Neighborhoods in South-Central City of Los Angeles have census tracts where at least 60 percent of renter households are burdened by housing costs. In contrast, renter households in coastal areas, where median incomes tend to be higher, generally experience less housing cost burden. Overpayment amongst homeowners is also widespread across the county, as shown in Figure F-30. Housing cost burden among homeowners is most prevalent in South-Central City of Los Angeles and in eastern Los Angeles County, especially in the cities of Industry, El Monte, and Huntington Park

Local Trends

According to HUD CHAS estimates, 34.9 percent of residents are cost burdened, and 20.2 percent are severely cost burdened, as shown in Table F-11. Cost burden is significantly higher among low-income households than high-income households.

Table F-10
Housing Cost Burden by Income Level (Malibu)

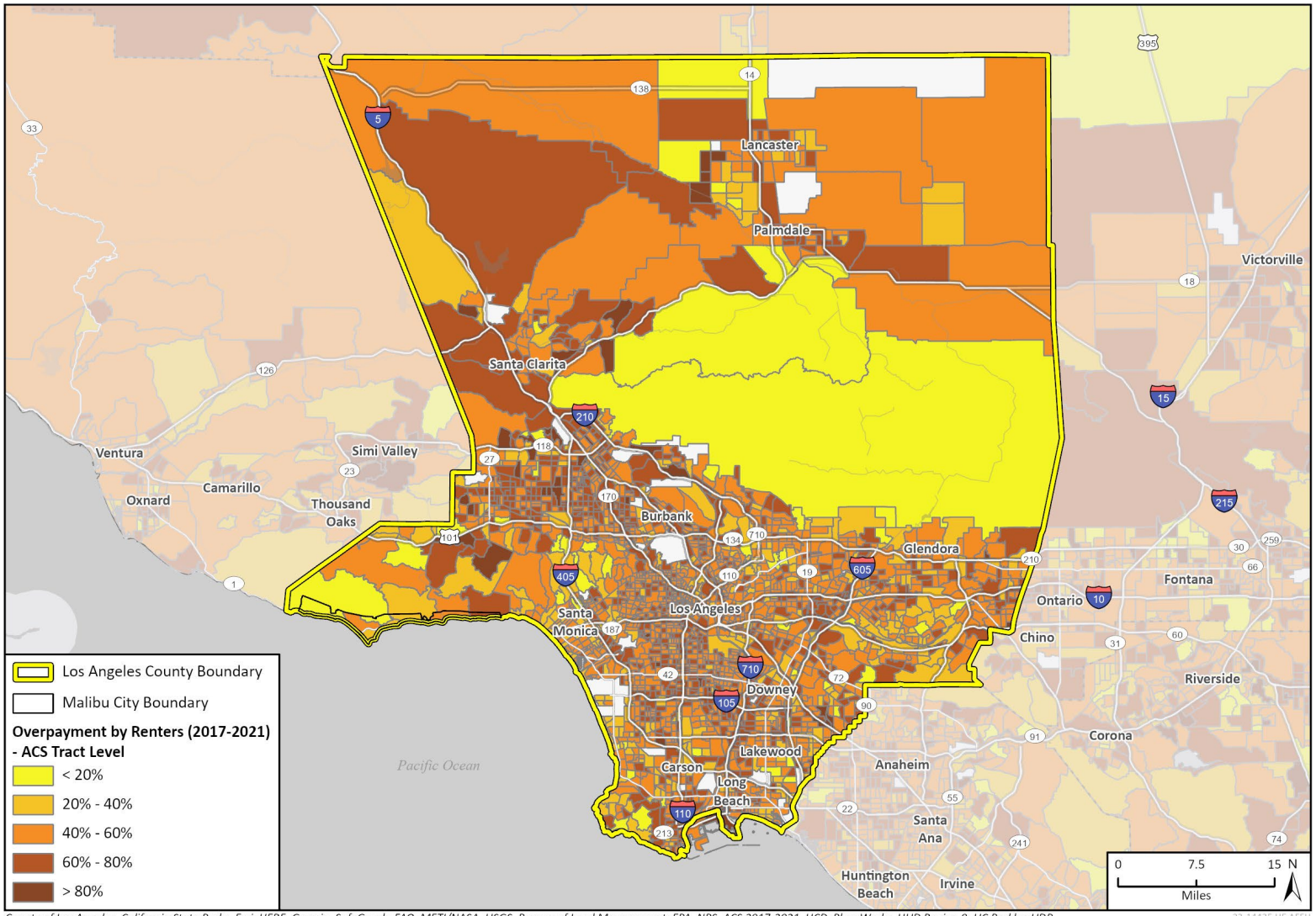
Household Income	Cost Burden >30%	Cost Burden >50%	Total
<30% AMI	500 (64.1%)	465 (59.6%)	780 (100%)
>30% to <50% AMI	210 (79.2%)	180 (67.9%)	265 (100%)
>50% to <80% AMI	190 (60.3%)	125 (39.7%)	315 (100%)
>80% to <100% AMI	165 (60.0%)	50 (18.1%)	275 (100%)
>100% AMI	740 (20.9%)	230 (6.5%)	3,530 (100%)
Total	**1,805 (34.9%)**	**1,045 (20.2%)**	**5,170 (100%)**

Source: U.S. Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2016-2020 Estimates.

Of owner-occupied units, 32.8 percent of owner-occupied are cost-burdened and 30.2 percent of renter-occupied households are burdened by housing costs.

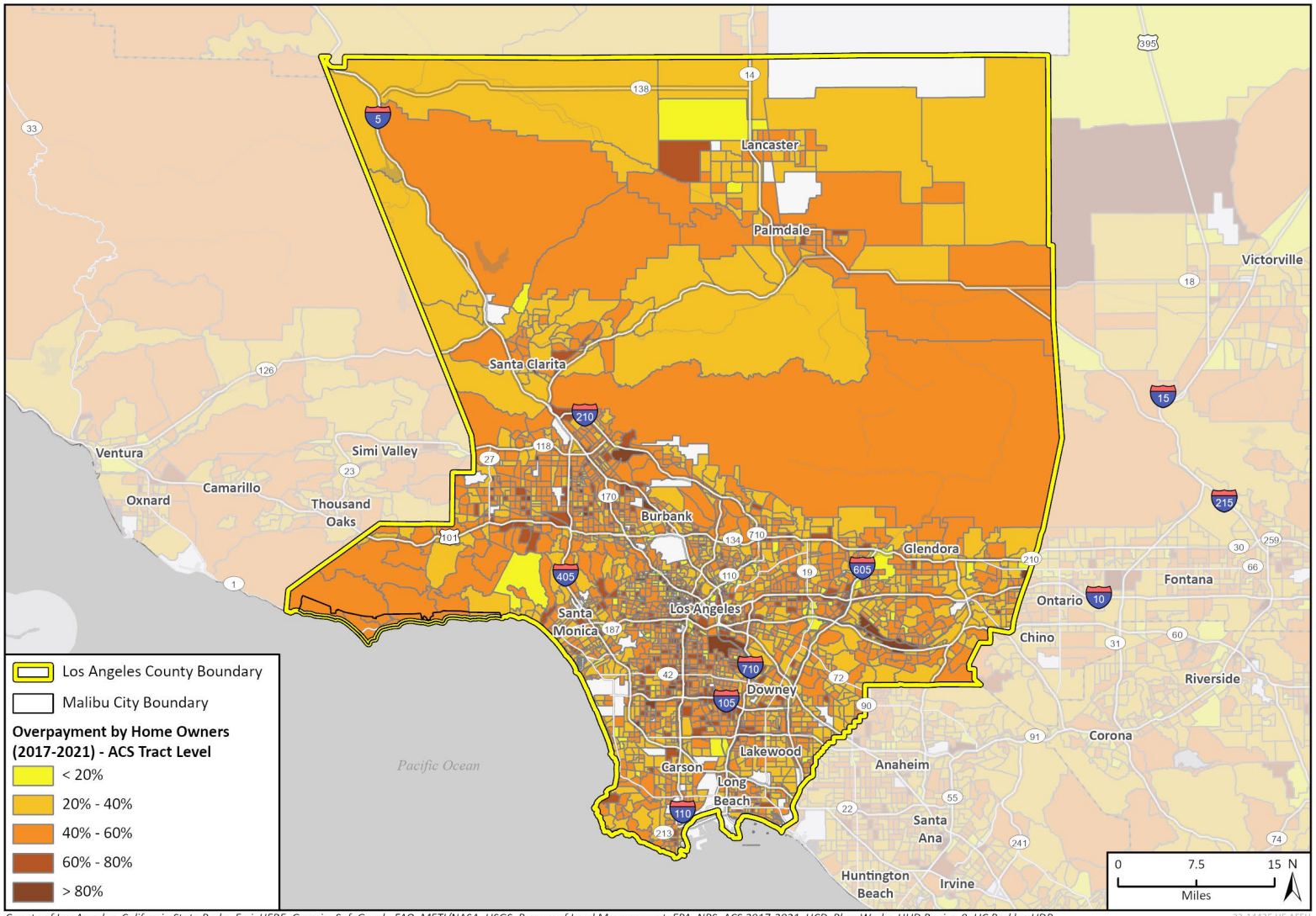
As shown in Figure F-31, the area with the highest levels of renter cost burden is in the in the eastern potion the city east of Las Flores Canyon Road, where between 60 and 80 percent of renters are burdened by housing costs. However, the data may be affected due to the inclusion of unincorporated County land in the census tract and may not accurately reflect differences within the city's population. The western portion of the city has the lowest levels of cost burden by renters, with less than 20 percent of renter households experiencing cost burden. These areas in the western portion of the city also have the highest population with a disability (Figure F-7). Conversely, housing cost burden by homeowners is lowest in the eastern portion of the city, where 20 to 40 percent of homeowners are cost burdened. This area also has some of the highest median incomes in the city (Figure F-14). West of Las Flores Canyon Road, between 40 to 60 of homeowners are cost burdened, as shown in Figure F-32.

Figure F-29
Overpayment by Renters (Los Angeles County)



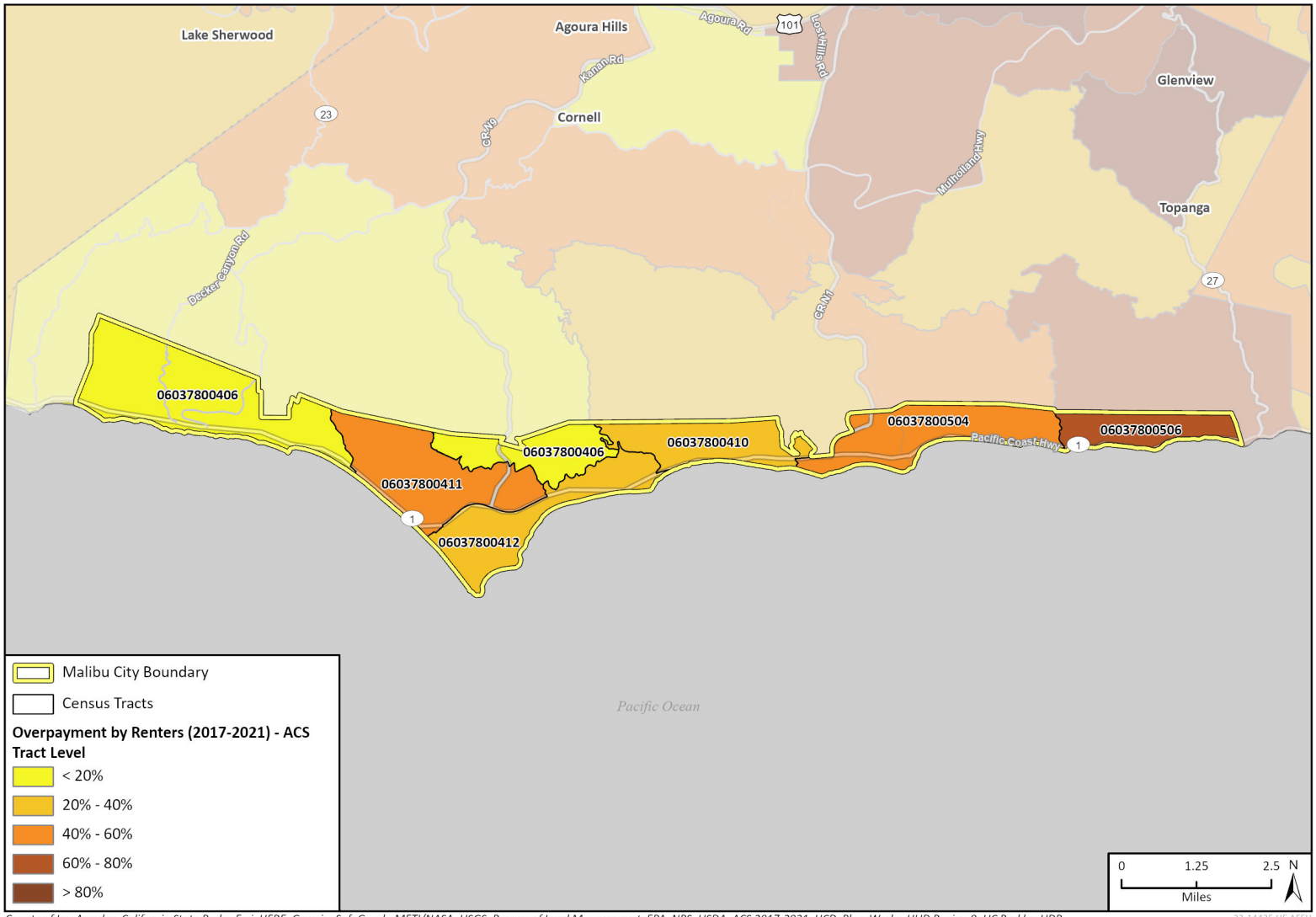
Source: AFFH Viewer, 2023

Figure F-30
Overpayment by Homeowners (Los Angeles County)



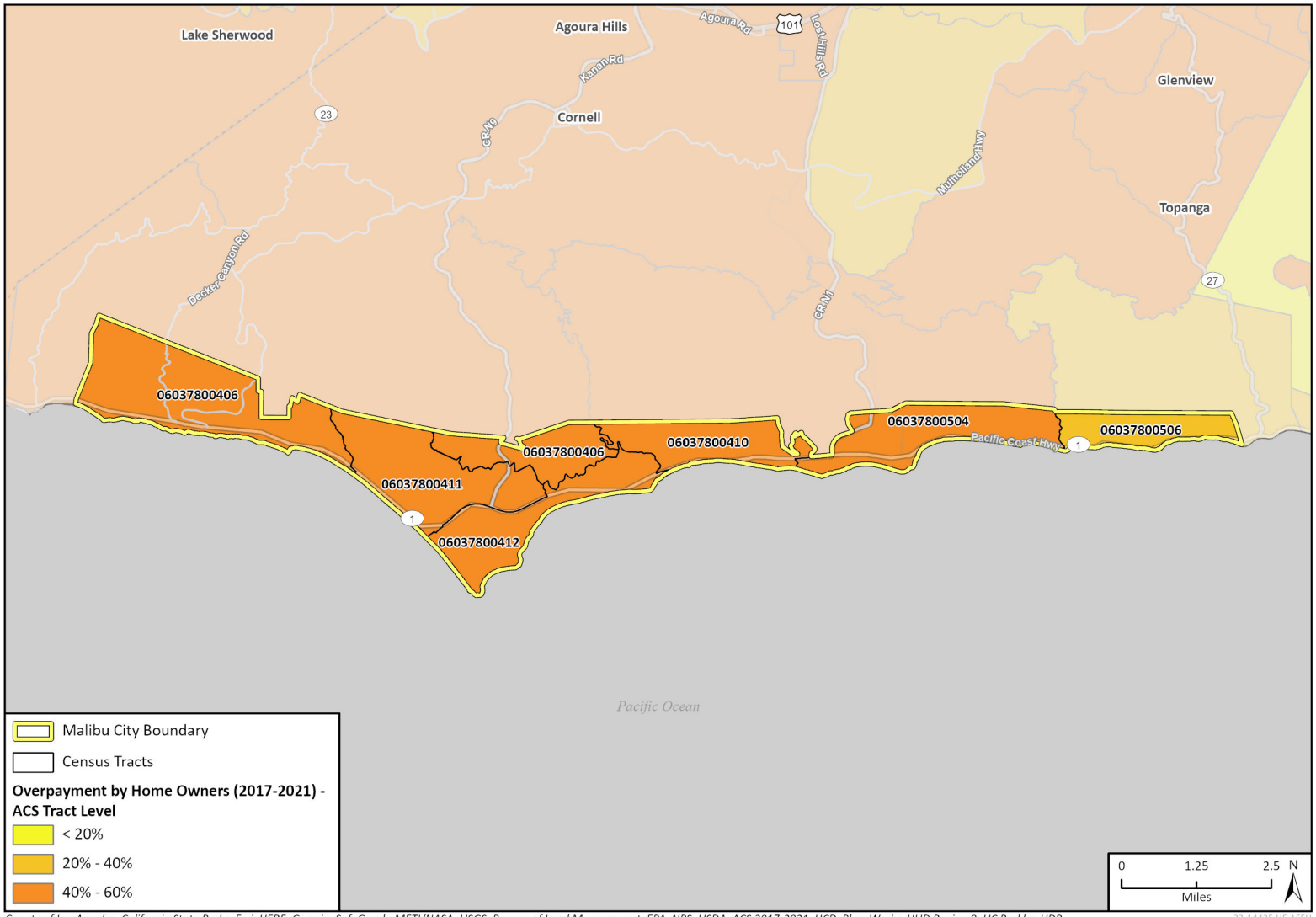
Source: AFFH Viewer, 2023

Figure F-31
Overpayment by Renters (Malibu)



Source: AFFH Viewer, 2023

Figure F-32
Overpayment by Homeowners (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

Source: AFFH Viewer, 2023

Overcrowding

Overcrowding is defined as housing units with more than one person per room (including dining and living rooms but excluding bathrooms and kitchen) while severe overcrowding refers to more than 1.5 persons per room. Overcrowding is a measure to understand the needs of large families, defined as five or more persons per household. Generally, large households have special housing needs due to lower per capita income and the need for housing with three or more bedrooms.

Some large households may not be able to accommodate high-cost burdens for housing and accept housing with too few rooms. Potential fair housing issues emerge if non-traditional households are discouraged or denied housing due to a perception of overcrowding. Household overcrowding reflects various living situations, including housing units that are inadequately sized to meet a household's needs; the necessity or desire to have extended family members reside in an existing household; or unrelated individuals or families that share a single housing unit.

Not only is overcrowding a potential fair housing concern, but it can also potentially strain electrical systems in older housing that have not been updated or contribute to a shortage of parking. As a result, some property owners/managers may be more hesitant to rent to large households, thus making access to adequately sized housing even more difficult. Fair housing issues may arise from policies aimed to limit overcrowding that have a disparate impact on specific racial or ethnic groups with different preferences for housing size and/or ability to pay according to the household size standards identified.

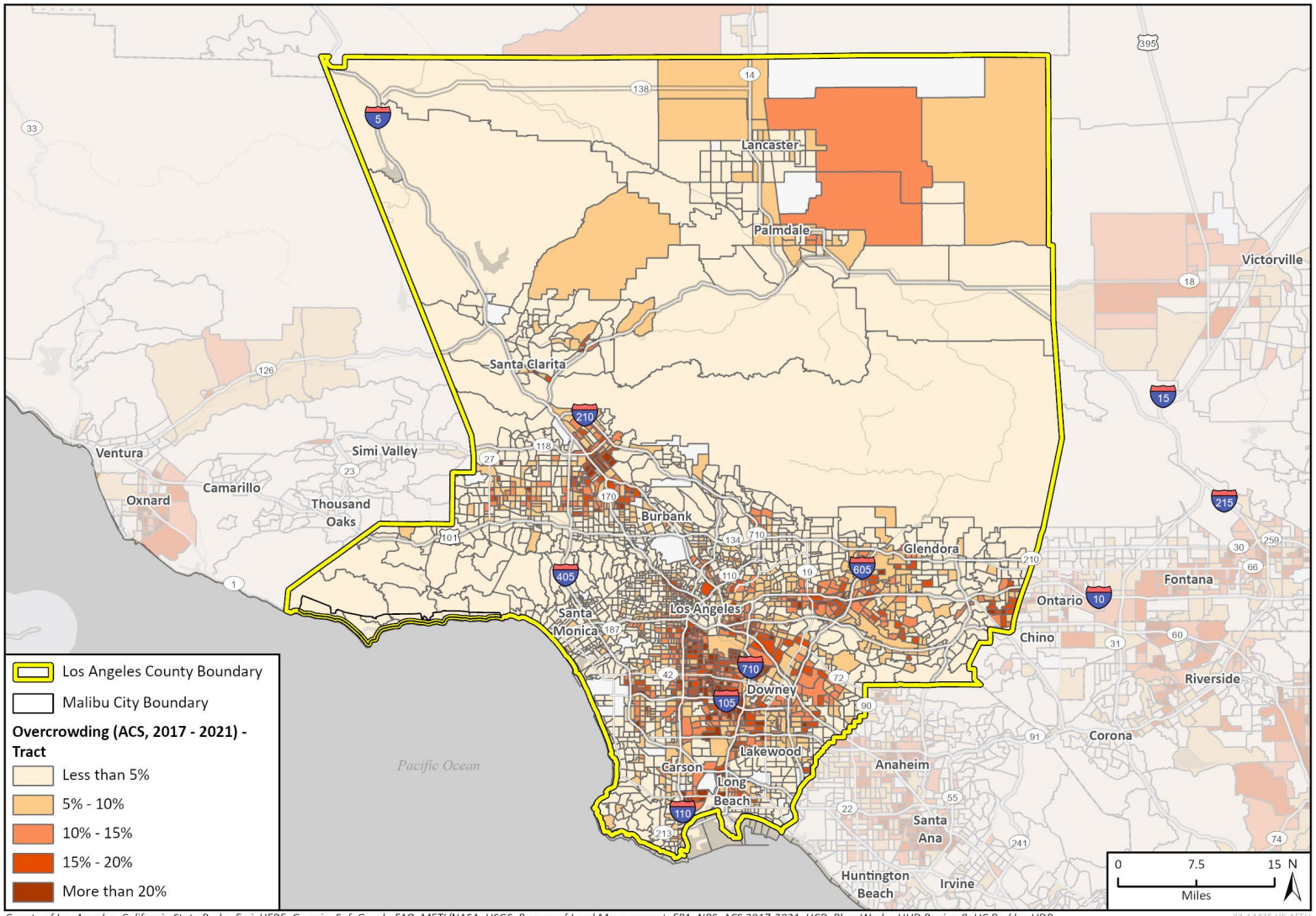
Regional Trends

According to ACS 2021 estimates, approximately 11 percent of households in the county are overcrowded and five percent are severely overcrowded. Overcrowding is present throughout the county, particularly in the communities of South-Central Los Angeles, in eastern Los Angeles County near the cities of El Monte and Baldwin Park, and in the San Fernando Valley. Coastal areas tend to have lower rates of overcrowding, as shown in Figure F-33.

Local Trends

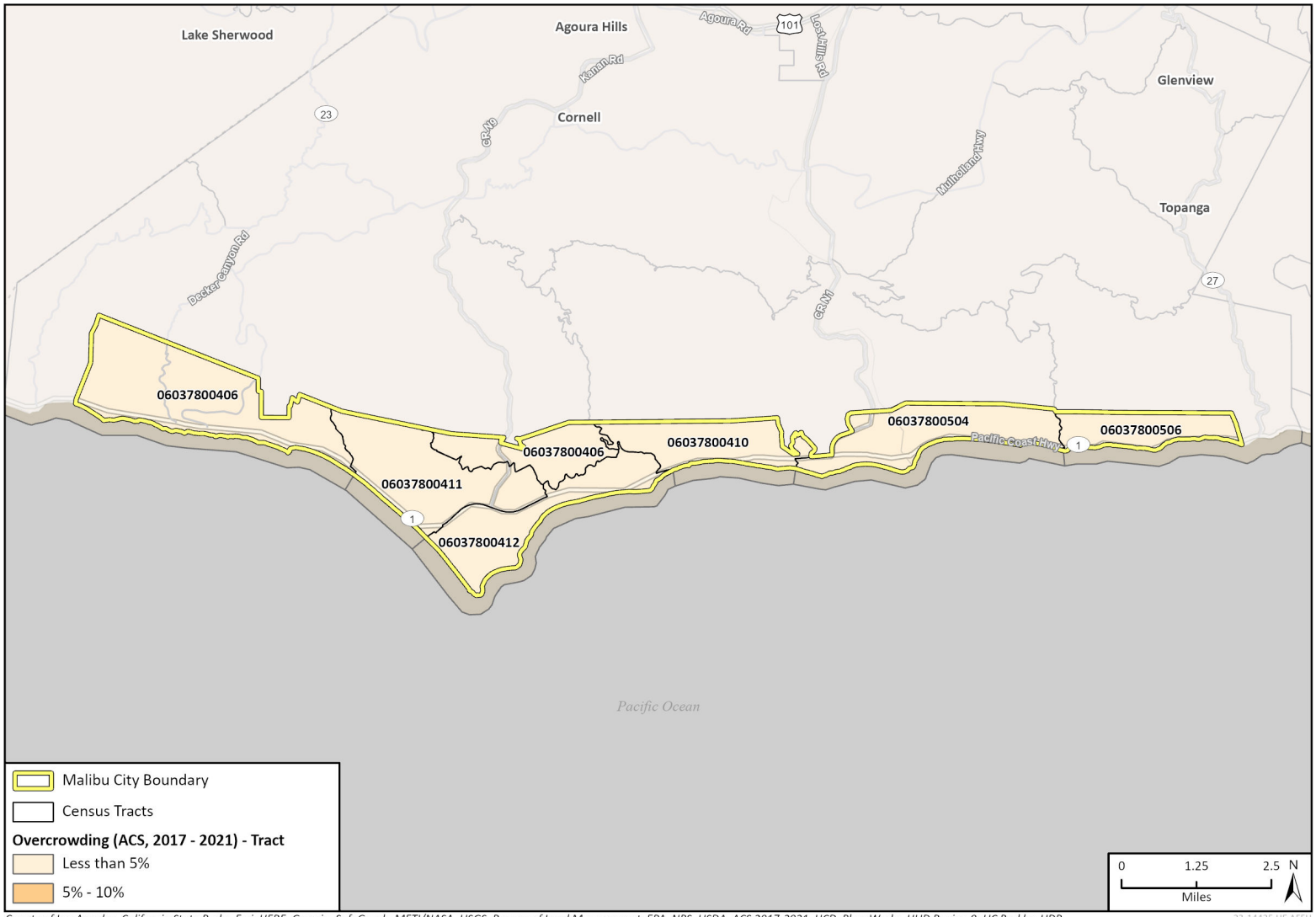
The rate of overcrowding is low throughout the City of Malibu. Figure F-34 shows overcrowded households in Malibu. Approximately one percent of all households in the city are overcrowded, and less than one percent are severely overcrowded. All overcrowding in the city is experienced in owner-occupied households.

Figure F-33
Overcrowded Households (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-34
Overcrowded Households (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

Source: AFFH Viewer, 2023

Housing Problems

HUD considers housing units to be "standard units" if they are in compliance with local building codes. Many federal and State programs use the age of housing as a factor to determine a community's housing rehabilitation needs. Housing age can be an important indicator of housing condition in a community. Like any other tangible asset, housing is subject to gradual physical or technological deterioration over time. If not properly and regularly maintained, housing can deteriorate and discourage reinvestment, depress neighboring property values, and eventually impact the quality of life in a neighborhood. Typically, housing over 30 years old is more likely to have rehabilitation needs that may include replacing plumbing, roof repairs, foundation work, and other repairs. Housing units built before 1978 may have health risks such as lead-based paint and asbestos. Housing issues prompted by disrepair such as mold may elevate health conditions such as asthma.

Regional Trends

Housing problems are defined as units having incomplete kitchen facilities, incomplete plumbing facilities, more than one person per room, and households with a cost burden greater than 30 percent. Severe housing problems are defined as all of the above and with a cost burden greater than 50 percent.[25]

Approximately 50 percent of households in Los Angeles County experience housing problems, and 32 percent experience severe housing problems.

A housing unit is considered substandard by the ACS if it lacks complete plumbing or kitchen facilities. According to the 2017-2021 ACS, 0.5 percent of occupied housing units in Los Angeles County lack complete plumbing facilities and 1.6 percent lack complete kitchen facilities.

Seventy-three percent of Los Angeles County's housing stock was built prior to 1980. Only 3.4 percent of the county's current housing stock was constructed in the last decade. These units are potentially in need of repair and modernization improvements. Additionally, lead-based paint was banned from residential uses in 1978. All houses constructed before 1978 are therefore considered at risk for containing lead-based paint.

Local Trends

According to 2021 ACS estimates, approximately 34 percent of households in Malibu experience housing problems and 19 percent of total households experience severe housing problems. These rates are significantly lower than the percentages of households experiencing housing problems in the county.

According to the 2017-2021 ACS, 0.7 percent of all occupied housing units in Malibu lack complete plumbing facilities and 0.9 percent lack complete kitchen facilities.

Sixty-four percent of Malibu's housing stock was built prior to 1980. Only 2.4 percent of the city's current housing stock was constructed in the last decade. As noted in Chapter 7.2,

[25] HUD, 2021. https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

Housing Needs Assessment, the majority of units are well-maintained due to high property values, although it is estimated that 10 units are in need of rehabilitation. Additionally, the 2018 Woolsey fire destroyed approximately 488 homes. Concentrated areas of substandard housing in Malibu are in the eastern part of the city, mainly east of Malibu Canyon Road and along the Pacific Coast Highway near Topanga Canyon. Program 1.3 Housing Rehabilitation Assistance directs resources to households that need rehabilitation assistance.

Persons Experiencing Homelessness

Nationally and in Los Angeles County, homelessness has become an increasingly significant issue. Many factors are identified as contributing to the increase in homeless populations.

State law (Section 65583(a)(7)) requires municipalities to address the special needs of persons experiencing homelessness within their boundaries. "Homelessness," as defined by HUD, describes the condition of an individual, who is not imprisoned or otherwise detained, who:

- Lacks a fixed, regular, and adequate nighttime residence; and
- Has a primary nighttime residence that is:
  - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Regional Trends

The 2023 Greater Los Angeles Point-in-Time (PIT) Summary by the Los Angeles Homeless Services Authority (LAHSA) provides the most recent evaluation of people experiencing homelessness in the county. According to the 2023 PIT count, there are 75,518 people experiencing homelessness in Los Angeles County (sheltered and unsheltered), an increase of 6,374 people (nine percent) from 2022. Approximately 26 percent of individuals in this count are sheltered adults and youth, 70 percent are unsheltered adults, and three precent are unsheltered youth.[26] Thirty percent reported a substance abuse issue, and 25 percent are experiencing serious mental illness.

The proportion of Black/African American persons experiencing homelessness in Los Angeles County (31.7 percent) far exceeds their relative proportion in the county's population (7.1 percent). American Indian/Alaskan Native residents and Native Hawaiian/Other Pacific Islander residents are also overrepresented in the homeless population count compared to the respective county population share.

[26] Los Angeles Homeless Services Authority. 2023 Greater Los Angeles Homeless Count Deck. 2023. https://www.lahsa.org/documents?id=7232-2023-greater-los-angeles-homeless-count-deck, accessed August, 2023.

Los Angeles voters passed Proposition HHH in 2016, which enabled City officials to issue $1.2 billion in bonds for the development of permanent supportive housing units for people experiencing homelessness. In addition to funding permanent supportive housing development, the bonds can be used to help build temporary shelters.[27]

Local Trends

The preliminary data from the January 2024 homeless survey[28] conducted by LAHSA showed 51 people experiencing homelessness in Malibu, the lowest number since 2016, when the City began participating in the count, and a 30 percent decline since the 2023 count. The data follows reports from the City's Homeless Outreach Team through The People Concern that they helped 51 people in Malibu exit homelessness in 2023 through placement in permanent and interim housing, or family reunification.

Detailed information about persons experiencing homelessness is unavailable for the 2024 count. Data for the 2020 count (most recent available data) showed that most unsheltered persons resided on the street (43 percent) and in vans (approximately 20 percent). The remaining unsheltered persons resided in cars (18 percent), in RVs/Campers (12 percent), and in tents/makeshift shelters (seven percent). Malibu represents 0.11 percent of the county's population but has 0.14 percent of the county's population experiencing homelessness (2022 data). Therefore, Malibu has a disproportionately higher percentage of the county's unhoused population.

Demographic data from the homeless survey conducted by LAHSA is compiled by LASHSA Service Planning Area (SPA). Malibu is in SPA 5 West Side, which includes Bel Air, Beverly Hills, Beverly Crest, Beverly Glen, Brentwood, Century City, Culver City, Holmby Hills, Laurel Canyon, Malibu, Mar Vista, Marina Del Rey, Manchester, Pacific Palisades, Palms, Rancho Park, Santa Monica, South Robertson, Venice, Westchester, and Westwood. Demographic data for SPA 5 is available for the 2023 survey, which estimated 5,712 total unhoused individuals (unsheltered and sheltered). Most (68 percent) were male. Nine percent were under the age of 18 and eight percent were over the age of 65.

In terms of race and ethnicity, 24 percent were Hispanic/Latino, one percent was American Indian/Alaska Native, three percent Asian, 30 percent were Black/African American, one percent was Native Hawaiian/Other Pacific Islander, 37 percent were white, and four percent were multiple races. In comparison, Malibu's population is eight percent Hispanic/Latino, 81 percent white alone (not Hispanic/Latino), three percent Asian, one percent Black/African American, five percent multiple races, and less than one percent American Indian/Alaska Native or Native Hawaiian/Other Pacific Islander.[29] While comparison between the unhoused population of SPA 5 and the population of Malibu is not a direct comparison, it can be assumed that Black/African American and Hispanic/Latino racial and ethnic categories are likely overrepresented among the unhoused residents in Malibu. This data suggests that Black/African American and

[27] Local Housing Solutions. 2024. https://localhousingsolutions.org/housing-policy-case-studies/los-angeles-proposition-hhh/

[28] City of Malibu, https://www.malibucity.org/homelessness, accessed April, 2024

[29] U.S. Census data. 2023. Table P9. https://data.census.gov/table/DECENNIALDHC2020.P9?t=Race%20and%20Ethnicity&g=160XX00US0645246

Hispanic/Latino residents are at higher risk for displacement compared to other racial and ethnic groups.

For adult individuals over the age of 18 in SPA 5, 23 percent had a substance abuse disorder, two percent reported having HIV/AIDS, 26 percent reported a serious mental illness, 10 percent had a developmental disability, and 22 percent had a physical disability. In comparison, nine percent of all Californian residents met the criteria for a substance abuse disorder (2022 data), and less than one percent of all Californian residents live with diagnosed HIV infection (2021 data), which implies overrepresentation of these characteristics among the unhoused residents in SPA 5.[30] In addition, 48 percent of individuals in SPA 5 reported having experienced domestic/intimate partner violence and 11 percent reported being homeless due to fleeing a domestic/intimate partner violence situation. [31]

Malibu partners with The Malibu Community Assistance Resource Team (CART) and The People Concern to bring resources to people experiencing homelessness in the city. Malibu CART provides ongoing dinner and lunch programs, vaccinations, mobile eye clinics, home transition supplies, shelter transport, and hygiene items for people experiencing homelessness. Additionally, Our Lady of Malibu Church and other local churches and synagogues provide a Monday Afternoon Community Meal, collect and distribute clothing, offer shower and support services, and host thanksgiving dinner. Standing on Stone (S.O.S.) partners with local churches to host dinners for the homeless.

There are no emergency shelters within city limits. According to local service providers, there is a concentration of people experiencing homelessness within the Civic Center and Legacy Park. A significant portion of the unhoused population are older individuals who have been homeless for decades and desire to remain in the city. Most of the population experiencing homelessness did not live in Malibu before becoming homeless but have arrived in the area for various reasons. However, some individuals resided in Malibu before becoming homeless, but lost their housing during the Woolsey Fire. In these circumstances, it is common that these residents resided on another resident's property in a guest home or trailer. Although housing vouchers were provided after the fire to all residents, not all displaced residents participated in the assistance program.

In February 2024, according to the latest report by The People Concern, the total number of contacts made by the Homeless Outreach Team was 258, with 72 unduplicated contacts. Fourteen individuals were contacted in permanent or temporary housing. Of the 54 unduplicated contacts currently residing on the streets, two were new contacts, with one of them becoming a repeat contact. There are currently 29 contacts considered in various stages of engagement, and 25 are currently refusing services. The outreach team continues to contact these individuals with the goal of getting them engaged in the housing process.[32]

[30] California Health Care Foundation. 2022. California Health Care Almanac; California Department of Public Health. 2023. The California HIV Surveillance Report https://www.chcf.org/wp-content/uploads/2022/01/SubstanceUseDisorderAlmanac2022.pdf

[31] LAHSA. 2023 Greater Los Angeles Homeless Count – SPA 5. https://www.lahsa.org/documents?id=7685-spa-5-hc2023-data-summary

[32] The People Concern. February 2024. https://www.malibucity.org/ArchiveCenter/ViewFile/Item/716

To address the issue of homelessness in Malibu, the City has maintained a proactive, service-driven approach that strategically bridges outreach and enforcement while considering impacts on the community. Some of those measures include the development of a strategic plan, increased collaboration with stakeholders throughout Los Angeles County, establishing a Homelessness Task Force, securing interim shelter bed opportunities for people experiencing homelessness in Malibu, and the formation of a working group to strengthen cooperation between the various agencies and organizations providing assistance within the community. The City currently provides funding for an Outreach Team and a Housing Navigator who work with landlords and shelter facilities throughout Los Angeles County to help people experiencing homelessness get off the streets and into housing. City staff conduct routine field checks to prevent the formation of new encampments, address public safety concerns related to homeless encampments in partnership with the Los Angeles County Sheriff's Department, and properly assist those who are experiencing homelessness in the city.[33] There are no interim beds in Malibu. The closest shelter is in Santa Monica, where the City contracts for three beds available to Malibu residents. As a result, the Malibu Library is an unofficial base to provide services to those experiencing homelessness. Service providers acknowledged that while there is a beneficial working relationship between the providers, the Sheriff's Department, City staff, and community volunteers, the lack of interim or emergency housing in the city creates challenges to providing adequate service coordination for their clients.

The City adopted and is currently implementing the Homelessness Strategic Plan to help guide and coordinate efforts to prevent and alleviate homelessness in Malibu. The Malibu Homelessness Working Group, comprised of City staff, outreach workers, the faith community, and residents, meets monthly to review community and City efforts to execute the Plan. The City funds two dedicated, full-time outreach workers from The People Concern to conduct outreach and offer services to the homeless population in Malibu. These outreach workers engage with and perform outreach to homeless individuals and families on the streets, hillsides, and beaches of Malibu and provide case management services. The outreach workers assess the needs of these individuals and connect them with, or provide referrals to, local services, housing, and resources. The Outreach Team performs its activities eight hours per day, five days a week, beginning in the early morning when homeless individuals are most likely to be engaged. The Outreach Team operates throughout the city and focuses outreach where homeless individuals are likely to be, such as within the Civic Center and Legacy Park.

Additionally, the Las Virgenes-Malibu Council of Governments (COG), comprised of the Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake village, was awarded Los Angeles County Measure H funds to hire a homelessness outreach worker to serve the five cities. The COG outreach worker coordinates with other service providers operating in Malibu through joint operations in the field and through the Malibu Homelessness Working Group.

Given the low number of people experiencing homelessness relative to the extensive level of services provided by service organizations and the City, adequate services exist

[33] City of Malibu. 2024. https://www.malibucity.org/homelessness

to serve people experiencing homelessness, and there are no gaps in providing services locally.

Displacement

Displacement, as defined by HCD, is used to describe any involuntary household move caused by landlord action or market changes. Shifts in neighborhood composition are often framed and perpetuated by established patterns of racial inequity and segregation. Movement of people, public policies, and investments, such as capital improvements and planned transit stops, and flows of private capital can lead to displacement. Displacement is fueled by a combination of rising housing costs, rising income inequality, stagnant wages, and insufficient market-rate housing production. Decades of disinvestment in low-income communities, coupled with investor speculation, can result in a rent gap or a disparity between current rental income of the land, and potentially achievable rental income if the property is converted to its most profitable use. These processes can disproportionally impact people of color, as well as lower income households, persons with disabilities, large households, and persons at-risk or experiencing homelessness.[34]

Regional Trends

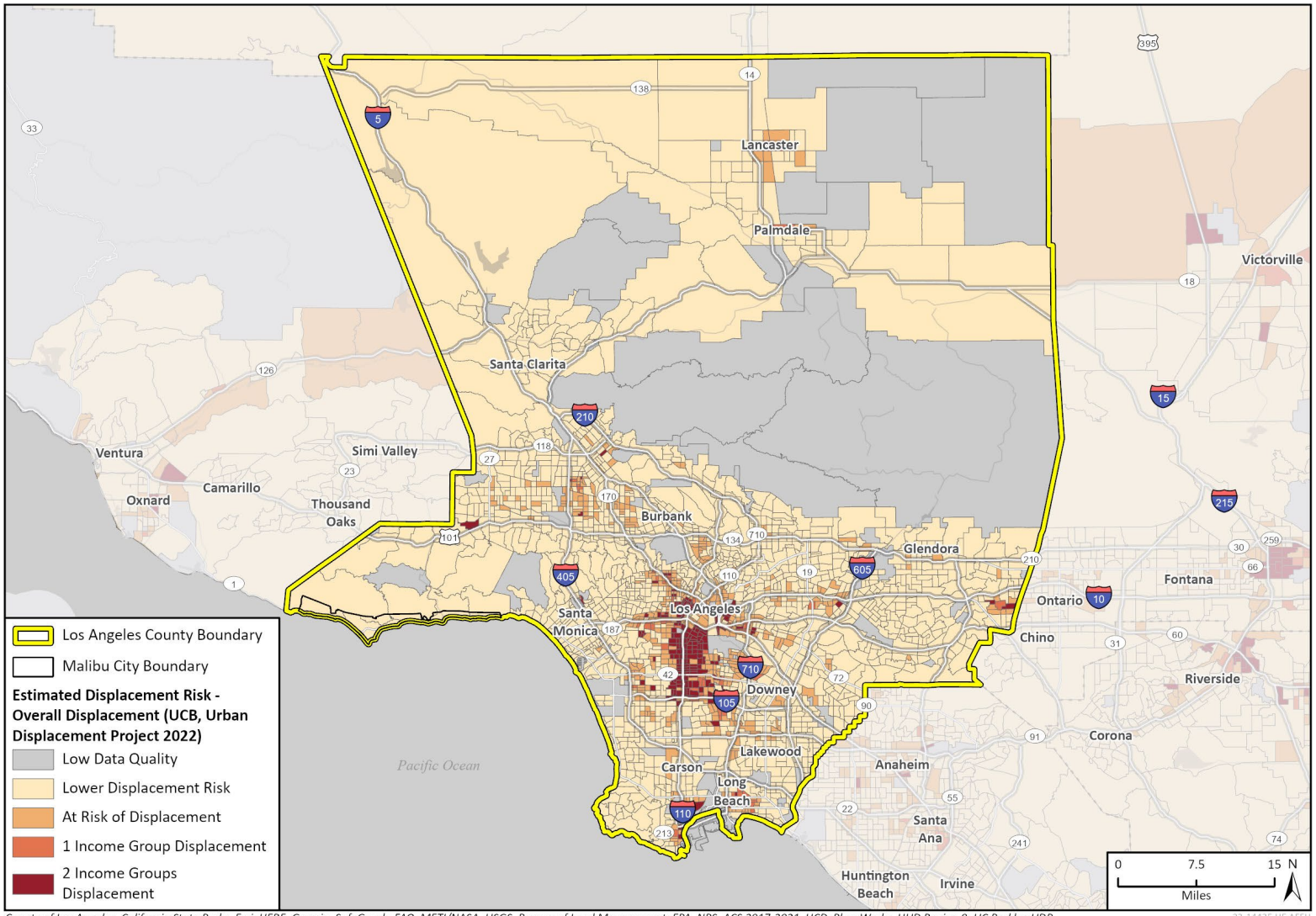
Regionally, much of Los Angeles County is considered vulnerable to displacement due to increases in housing costs combined with disparities in earned income and access to opportunity. Within the City of Los Angeles, most neighborhoods in the South-Central area and East Los Angeles experience high displacement risk. Within the San Gabriel Valley, cities such as El Monte and Montebello have high displacement risk. Most of the suburban, rural, and coastal communities have lower displacement risk, as shown in Figure F-35.

Local Trends

According to UDP, all of Malibu has a low risk of displacement, as shown in Figure F-36.However, those with high cost burden, particularly low-income households are at risk for displacement as there is no rent restricted housing within the city and no use of HCVs. Some households have been displaced in recent years by environmental disasters, such as the Woolsey Fire in 2018. Some have been unable to return due to the high cost of land and rebuilding. According to input from service providers, there is an upward trend of more women and more seniors becoming homeless. Lower-income residents, who may have had lower rent in private homes or apartments are vulnerable to displacement due to rental increases or changes in ownership. Residents in non-family households may be most at risk. Service providers acknowledged that displaced residents may lack knowledge of housing resources and/or may feel uncomfortable reaching out for assistance. To provide more housing opportunities in the city for low- and moderate-income households, the City will allow up to two Junior ADUs (JADUs) per single-family lot (Program 4.1.f). JADUs are a maximum of 500 square feet in size and are contained in the existing or proposed single-family structure. Allowing up to two JADUs may provide relatively affordable rental options in private homes.

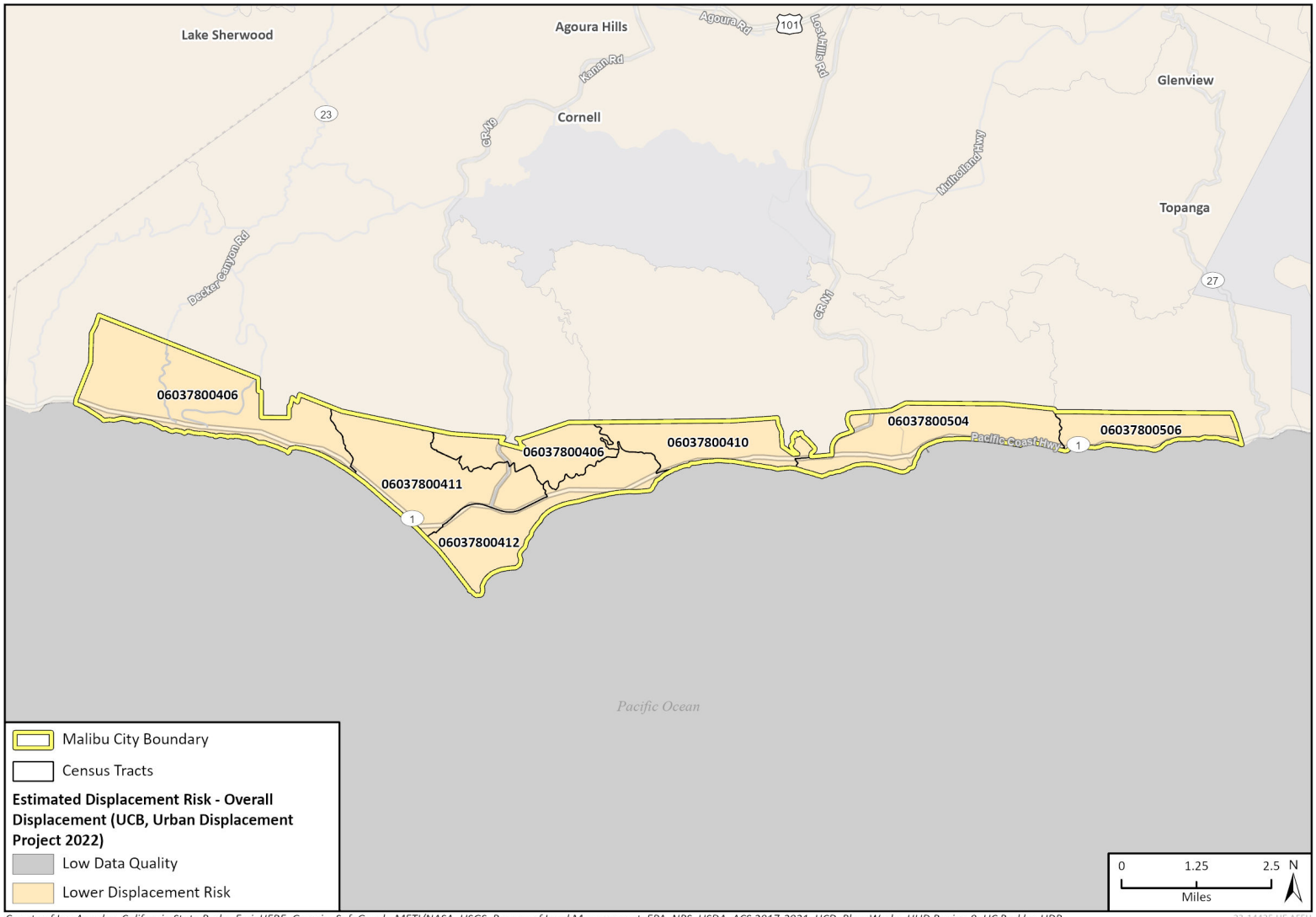
[34] HCD. 2021. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Figure F-35
Displacement Risk (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-36
Displacement Risk (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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AFFH - City Basemap 8.5 x 11

Source: AFFH Viewer, 2023

Local Data and Knowledge

Regional

Patterns of racial segregation are the byproduct of local and federal policies, private housing discrimination, and community prejudice. To understand present challenges to fair housing, it is necessary to review the history of actions that have led to regional patterns of segregation.

Starting in the 1930s, communities in the Los Angeles region were impacted by redlining, which is the practice of discriminating against loan borrowers based on the racial or socioeconomic status of the neighborhood in which a property is located. Redlining, a government-sponsored system of denying mortgage loans and services to finance the purchase of homes in specific areas, served as a tool to limit homeownership opportunities, as federally insured and long-term mortgages were routinely denied to persons seen as "undesirable," often non-white persons. Redlining directed both public and private capital to white households and away from Black/African American, non-white, immigrant, and Jewish households. As homeownership is one of the most significant means of intergenerational wealth building in the United States, these redlining practices had long-term effects in creating wealth inequalities.[35]

A federal agency called the Home Owners' Loan Corporation created residential security maps in the 1930s throughout American cities to support the Federal Housing Administration and its new mortgage program. These maps designated certain neighborhoods as desirable or not worth investment based on several factors. These included housing age, condition, and value, as well as proximity to services, amenities, and transportation. "Security" levels were color-coded from green (least risk), blue, yellow, and red (highest level of risk). Problematically, the key factors in determining risk were race and ethnicity. Neighborhoods with a multicultural community, recent immigrants, or families of color were severely downgraded or redlined. Areas that saw the majority populations of white residents were either left unmarked or were given a high-desirability rating. These maps documented the perceived risk of lending and determined the lending practices of banks and other mortgage lenders administering the federal loans. This led to disinvestment in cities and a loss of wealth building for generations of American families. This practice of racial exclusion from homeownership allowed white Americans to accumulate wealth through government backed homeownership while minority communities were excluded and marginalized. Over eighty years later, 74 percent of neighborhoods color coded red are low to moderate income today and nearly 64 percent are minority neighborhoods now.[36]

[35] Mapping Inequality: Redlining in New Deal America. https://dsl.richmond.edu/panorama/redlining/#loc=14/34.067/-118.143&city=los-angeles-ca&area=C127

[36] HOLC "Redlining Maps," The persistent Structure of Segregation and Economic Inequality, NCRC, Bruce Mitchell, PhD. Accessed: January 5, 2022, https://ncrc.org/wp-content/uploads/dlm_uploads/2018/02/NCRC-Research-HOLC-10.pdf

Local

Malibu was first settled by the Chumash peoples. Spanish explorers reached the canyon now known as Malibu Creek in approximately 1776 and Rancho Malibu was established.

In 1904, the Southern Pacific Railroad applied to the Interstate Commerce Commission to build tracks linking the Long Wharf in Santa Monica with the northern tracks that ended in Santa Barbara through the area of Malibu. To prevent a public railroad from going through the land, the owner of the land (the Rindge family) built a private railroad that extended near the eastern boundary of the ranch near Las Flores Canyon and ended near Yerba Buena Canyon in Ventura County. Efforts by the Rindge family to prevent development on the ranch continued with a battle over the Pacific Coast Highway. After several lengthy court battle that lasted 25 years, the Roosevelt Highway (now called the Pacific Coast Highway) opened to the public in 1929.[37] Despite the Rindge's efforts to keep their land isolated from the public, with the establishment of the highway, a large labor force from Santa Monica became accessible, as did the transportation to and from rail and shipping centers in Santa Monica, Los Angeles, and San Pedro. In 1968, the Rindge family donated 138 acres to Pepperdine University for the construction of the school's new campus near present-day Malibu. The first students of the Malibu Campus entered school on September 6, 1972, with an incoming class of 867 students.

Prior to the development of the roadway network, Malibu was mainly used for grazing cattle or transversing the beach to travel to other areas of the county. The urban development of Malibu started with the sale of the La Costa area in 1928 for the establishment of the Malibu Movie Colony. Land was leased and later sold to movie stars. Today, the Malibu Movie Colony is a gated community. While Malibu was not included in the HOLC maps, the Malibu Movie Colony (now Malibu Colony) had racial covenants attached to the sale of the land, prohibiting occupation or use by any non-white person.[38] In 1948, the United States Supreme Court ruled that racial covenants were unconstitutional (Shelley v. Kraemer). In 2022, Assembly Bill 1466 was enacted to redact unlawfully restrictive covenants from all property records in the State of California.

The City was incorporated in 1991, long after urbanization and low-density land use patterns, exclusive nature, and single-family homes had been established. By then, Malibu had long been famous for its beaches, surfing and celebrity culture, and high-profile houses. Large-scale multi-family residential development has been, and continues to be, limited by geographic limitations, including steep slopes and infrastructure concerns, mainly the ability to provide septic systems with sufficient capacity or connect to the City's limited wastewater system.

The high price of real estate, limited transportation options, and lack of accessibility due to the topography and environmental constraints has prevented lower-income non-white populations from moving into the city. These challenges have exacerbated

[37] Doyle, W.T, Doyle T., Laubach, C., May, F., Merrick, J. Pfeifer, L., Rindge, R., Ringer, J.. The Story of Malibu. https://www.malibucity.org/106/History-of-Malibu, accessed August, 2023.
[38] History News Network. *The Racist History of Malibu.* 2009. https://historynewsnetwork.org/article/118349, accessed August, 2023

segregation by race and income between Malibu and the rest of Los Angeles County.
Stakeholder Input

As part of the Housing Element update, the City held a virtual workshop and two public meetings in the summer of 2021. Notices were sent to non-profit housing providers, housing advocates, and fair housing organizations. The most common issues raised during the Housing Element update process included the following:

- Insufficient affordable housing for lower-income persons who work in Malibu
- Effect of short-term rentals on the supply of housing
- High cost of development in Malibu
- Consideration of the exceptional constraints on housing development in Malibu including high fire hazards, environmentally sensitive habitat areas, geological hazards, flood hazards, water supply, lack of a communitywide wastewater system, limited roadway access, and problems caused by sea level rise.

In April 2024, the City held meetings with two social service organizations: The People Concern and Malibu CART, both of which work primarily with people experiencing homelessness and lower-income residents. The following issues were raised at the meetings:

- Lower-income and moderate-income employees in the city have difficulty commuting into the city, especially via public transit, and cannot afford housing in the city. The long commute time has led to high staff turnover for public sector and lower-income positions. Lower-income employees working temporary jobs (for example, in construction) sometimes choose to sleep in their vehicles on the street rather than commute the long distance home every day.

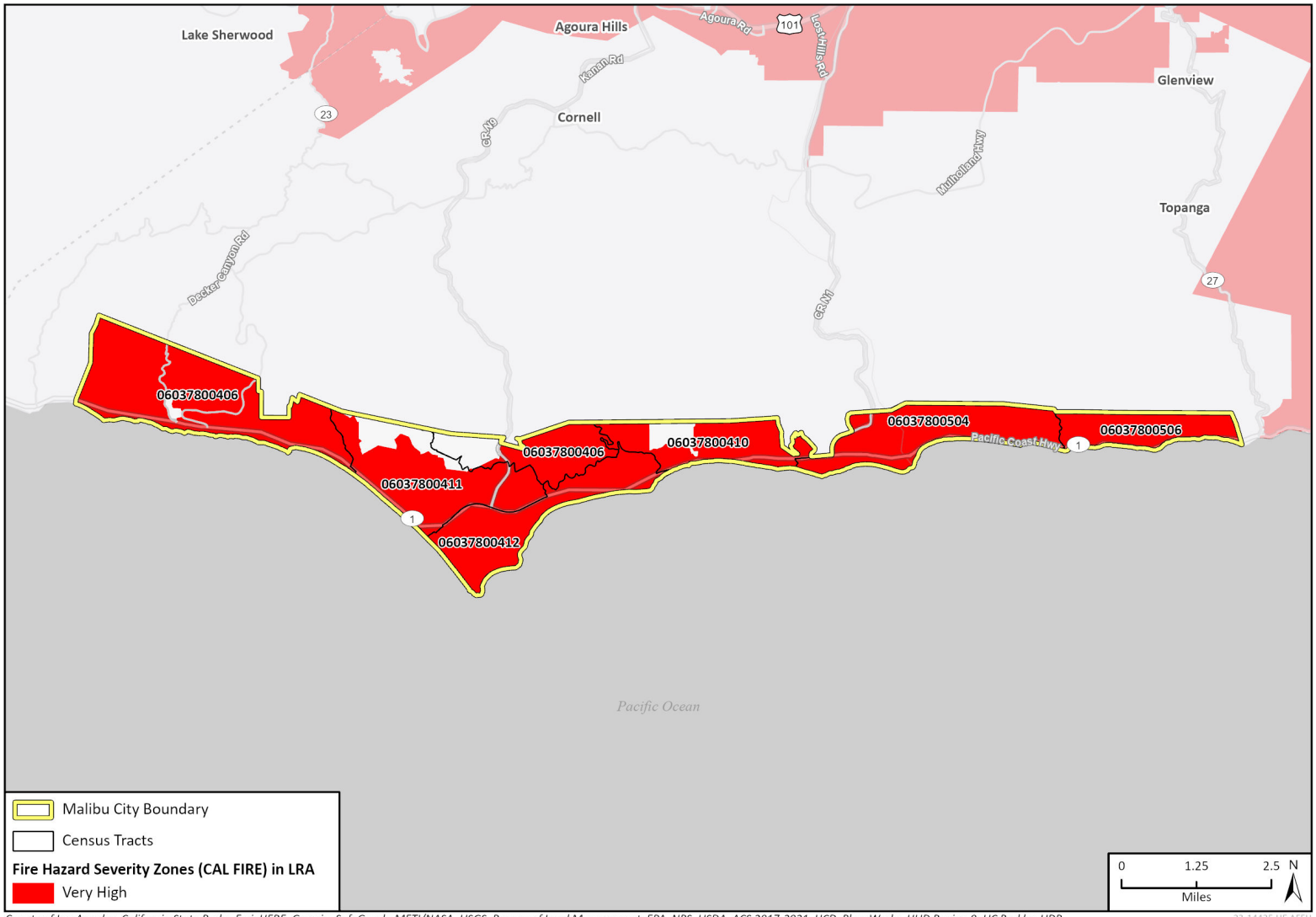
- Unhoused residents without vehicles have difficulty locating shelter and accessing services.

Other Relevant Factors

Other factors to fair housing issues in Malibu that have not been previously discussed in this analysis include lack of infrastructure and environmental factors. Development within the city is constrained by numerous land features including steep slopes, environmentally sensitive habitat areas (ESHAs), geologic instability, flood hazards, and extreme wildfire hazards. Although the city is characterized by a large amount of vacant land, only a small portion of that land is suitable for development due to these natural constraints. As shown in Figure F-37, almost the entire city is within a Very High Fire Hazard Severity Zones. Approximately 488 homes in the city were lost in the Woolsey Fire in 2018.

Development in steeply sloping properties requires substantial modification to the natural terrain, which significantly adds to the cost of development. Development on the steep hillsides also adds to erosion and landslide potential.

Figure F-37
Fire Hazard Severity Zones (Malibu)



Source: AFFH Viewer, 2023

Additionally, the entire city lies within the Coastal Zone as defined by the California Coastal Act of 1976[39]. All new single-family residences and multi-family residential development in the city require a Coastal Development Permit pursuant to the development requirements of the LCP, which limits grading on steep slopes and encroachment into environmentally sensitive habitat areas (ESHAs). Development is also constrained by federal and state laws (e.g., Federal Emergency Management Agency floodplain regulations, Clean Water Act, Endangered Species Act; and California Fish and Game Code and Alquist-Priolo Earthquake Fault Zoning Act). Because of these constraints, a large portion of the city remains undeveloped and rural in character. Growth is also severely limited by the lack of a centralized sewer system. The majority of the housing stock is served by private onsite wastewater treatment systems.

Access to Home Ownership

To understand current racial/ethnic disparities among homeownership opportunities, this analysis reviews mortgage application filing and acceptance by race using the latest available data. As shown in Table F-11, there were 1,381 mortgage applications filed in Malibu in 2021. Of the racial/ethnic categorization of mortgage applications, almost half were filed by non-Hispanic white residents. In comparison, Hispanic/Latino and Asian American/API applicants comprised approximately three percent each, and Black/African-American, Native Hawaiian/Other Pacific Islander, and American Indian or Alaskan Native applicants comprised less than one percent of total mortgage loan applications combined.

No racial population were representative for mortgage applications relative to proportion of population. Asian American residents were overrepresented for mortgage applications (3.1 percent of applications, 2.8 percent of population), as were Black/African American residents (0.7 percent of applications, 0.5 percent of population), and Other/Unknown (48 percent of applications, 0.5 percent of population. Hispanic/Latino residents were underrepresented for mortgage applications (2.6 percent of applications, 12 percent of population), as were non-Hispanic white residents (47.7 percent of applications, 77.1 percent of population).

[39] California Public Resources Code, Division 20.

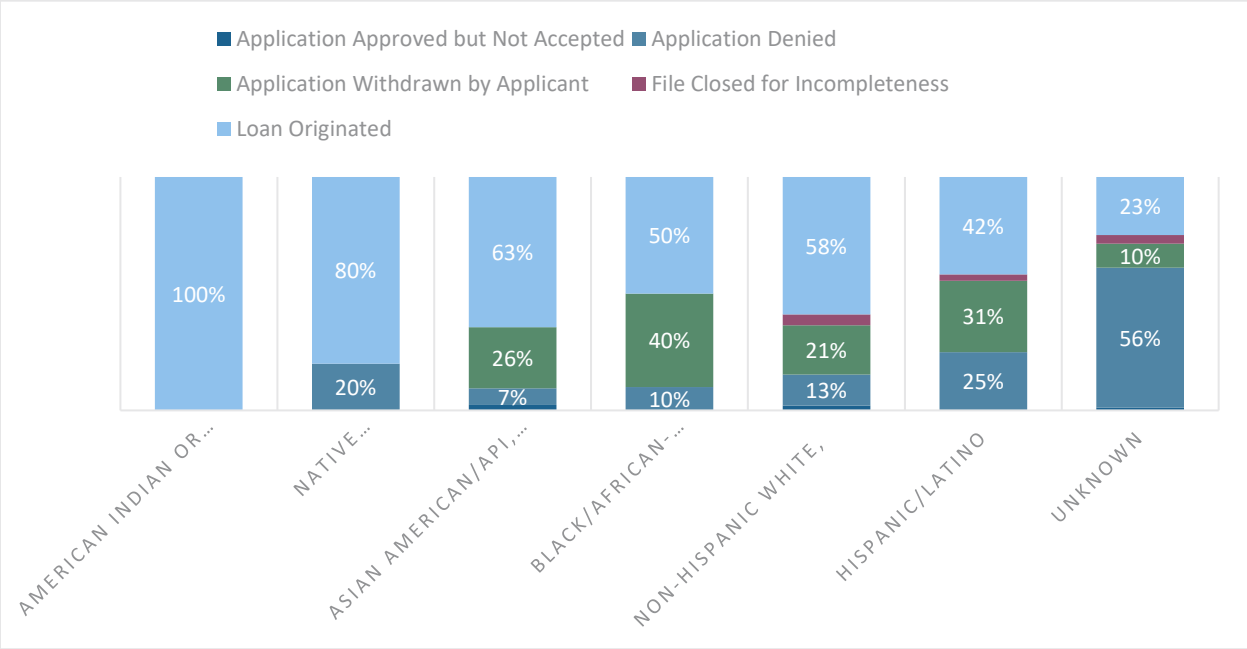
Table F-11
Mortgage Applications and Acceptance by Race, 2021

Racial/ Ethnic Group	Application Approved but Not Accepted	Application Denied	Application Withdrawn by Applicant	File Closed for Incompleteness	Loan Originated	Other Action	Total Applications
American Indian or Alaska Native, Non-Hispanic	0	0	0	0	1	0	**1 (0.1%)**
Native Hawaiian/Other Pacific Islander	0	1	0	0	4	0	**5 (0.4%)**
Asian American/API, Non-Hispanic	1	3	11	0	27	1	**43 (3.1%)**
Black/African-American, Non-Hispanic	0	1	4	0	5		**10 (0.7%)**
Non-Hispanic White	13	87	137	30	382	10	**659 (47.7%)**
Hispanic/Latino	0	9	11	1	15	0	**36 (2.6%)**
Other/Unknown	8	373	64	23	155	40	**663 (48%)**
Total	**22**	**465**	**216**	**53**	**574**	**51**	**1381**

Notes: "Loan originated" means that the application was accepted a loan was made by a financial institution to the applicant. "File incomplete or withdrawn" means a loan was not originated because the application was withdrawn before a credit decision was made or the file was closed for incompleteness. "Application denied" means a loan was not originated because the financial institution did not approve the mortgage application. "Application approved but not accepted" means the financial institution approved the loan application but the applicant did not complete the transaction and a loan was not originated. Other categories of application actions were not included in this analysis, such as purchased loan, preapproval request denied, and preapproval request approved but not accepted. For the purposes of this graph, the "Hispanic or Latino" racial/ethnic group represents those who identify as having Hispanic/Latino ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latino ethnicity.
Source: Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files

As shown in Figure F-38, 100 percent of American Indian or Alaska Native applicants, 80 percent of Native Hawaiian/Other Pacific Islander applicants, 63 percent of Asian American/API applicants, 58 percent of non-Hispanic white, and 50 percent of Black/African American applicants had their loans originated. Only 42 of Hispanic/Latino applicants had their loans originated. Black/African American and Hispanic/Latino applicants had the highest denial rates at 40 and 31 percent, respectively.

Figure F-38
Mortgage Rates and Acceptance by Race (Malibu)



Source: Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files

Subsidized Housing

The Housing Authority of the County of Los Angeles (Housing Authority) serves in Los Angeles County, administering both the Section 8 Housing Choice Voucher (HCV) and Public Housing programs. The HCV provides assistance to rent-burdened residents and will continue to seek opportunities to increase rental assistance and reduce overpayment. The HCV program currently assists approximately 23,000 families through a partnership with over 13,000 property owners. The Public Housing program manages 3,229 units of public and other affordable housing throughout Los Angeles County.

According to the California Housing Partnership, there are no subsidized or public housing units within the City of Malibu.[40] There is no data available on the number of HCV recipients in the city.

Site Inventory

This section provides an analysis of how the site inventory impacts fair housing in the city. The housing element must demonstrate that there are adequate sites zoned for the development of housing for households at each income level sufficient to accommodate the number of new housing units needed at each income level as identified in the RHNA. In the context of AFFH, the site identification requirement involves

[40] California Housing Partnership. Affordable Housing Map and Benefits Calculator. https://affordablehomes.chpc.net/?view=34.033807,-118.81921,12&rural=1,0&funding=hud,usda,lihtc,hcd,calhfa&selected=city,125, accessed August, 2023.

not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Housing Sites by TCAC Opportunity Areas

For purposes of evaluating fair housing, resource levels designated by TCAC/HCD denote access to economic and educational opportunities such as low-cost transportation, jobs, and high-quality schools and the quality of environmental factors in the area such as proximity to hazards and air quality. TCAC has a composite opportunity score for each census tract. The entire City of Malibu is within census tracts designated by TCAC as highest resource, indicating that each neighborhood of the city is associated with positive economic, educational, and health outcomes for low-income families – particularly long-term outcomes for children – when compared to other neighborhoods in the same region.

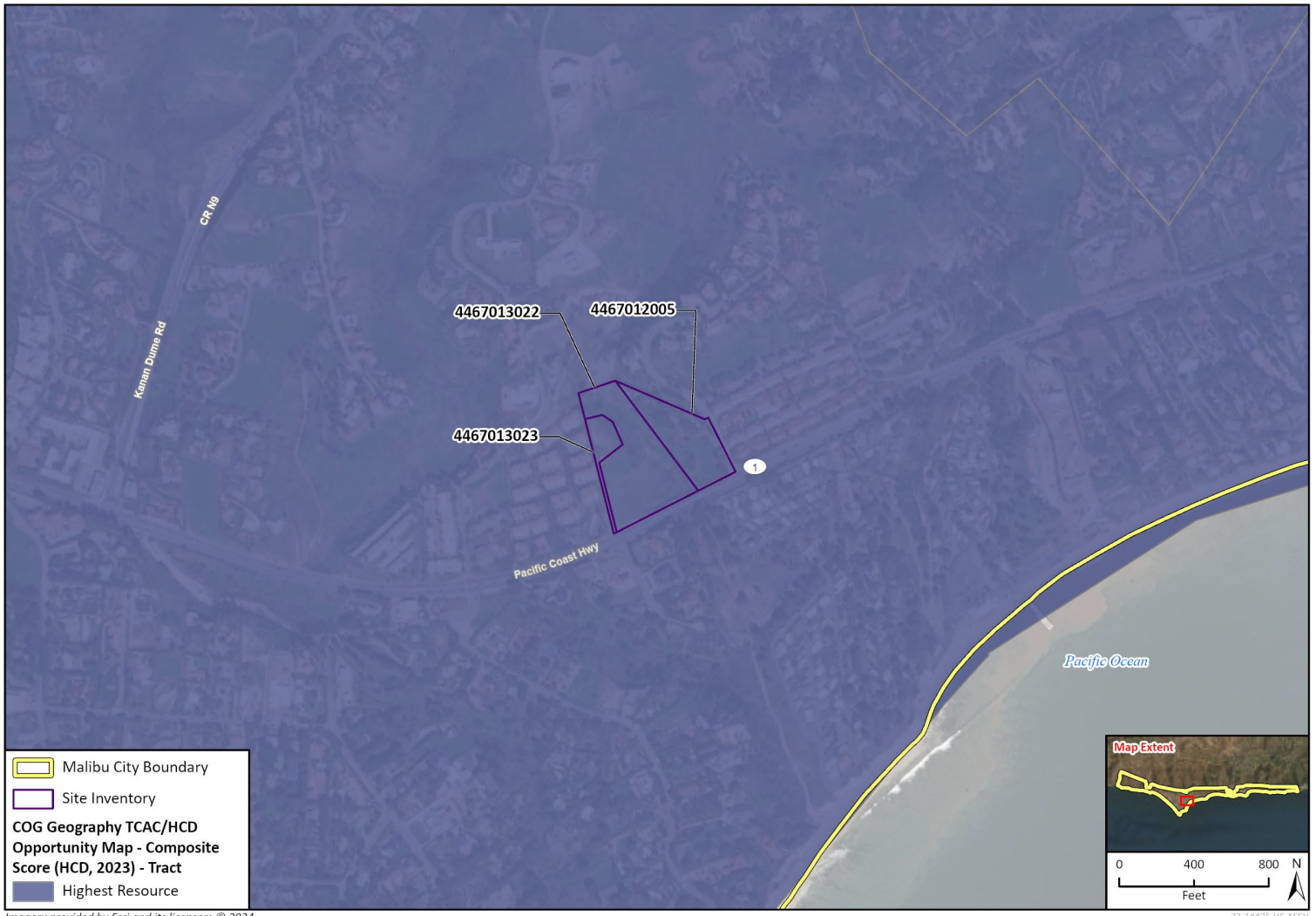
The City's site inventory can accommodate 111 units on three sites. Figure F-39shows the housing opportunity sites by TCAC-designated resource area, all within highest resource areas. The "appropriateness" of sites for various affordability levels -- whether the sites could accommodate housing appropriate for low-, moderate-, or above moderate-income households -- is dictated by state housing element law and HCD guidance and includes allowable density, size of site, realistic capacity, existing use(s), and other factors. More information about the sites and income designations is available in Appendix B, Residential Land Inventory.

A portion of the City's RHNA will be satisfied by planned and approved projects. All planned and approved projects and housing opportunity sites are in areas designated as highest resource.

Total Units by Resource Area

All 111 proposed housing units identified in the site inventory are in highest resource areas: 32 percent of those units (36 units) will be lower-income units, 20 percent (22 units) will be moderate-income units, and 48 percent (53 units) will be above moderate-income units. Due to the geographic constraints as discussed in detail in Chapter 7.4, *Housing Constraints*, the site inventory was limited in available opportunity sites for higher-density housing that could accommodate units for lower and moderate-income households. The AHO sites are the only sites in the city with sufficient area and zoning for higher-density housing, as well as proximity to transit and community amenities. As a result, all units proposed in the site inventory are limited to three neighboring AHO sites located within one census tract that is designated by TCAC as highest resource in Western Malibu. As discussed in Chapter 7.5, *Housing Plan*, the City will implement several programs to support affordable housing development and housing options throughout the city, such as Program 3.1. Facilitate Affordable Housing Development and Housing Assistance Opportunities, Program 3.2. Affordable Housing Development Incentives, and Program 4.1. Support Development of Accessory Dwelling Units. These programs will increase housing access and mobility for lower- and moderate-income households and reduce displacement risk for vulnerable residents. .

Figure F-39
Location of Site Inventory in Relation to TCAC/HCD Opportunity Areas



Source: AFFH Data Viewer, 2023

Sites by Income Population

Malibu does not contain areas with high levels of poverty relative to the region. Two census block groups in Western Malibu have a share of LMI households between 25 to 50 percent. The other census block groups in Malibu have a share of LMI households below 25 percent. All of the housing sites (84 percent of total units) are in the block groups with a share of LMI households between 25 to 50 percent. Figure F-40 shows the housing opportunity sites by percentage of LMI populations. LMI households in the city will benefit from the development of affordable units. The site inventory will improve the mixture of housing opportunities by income level in the city and will not exacerbate segregation by income. Program 5.2, *Fair Housing Community Outreach* will increase access to housing for lower income residents and provide housing mobility.

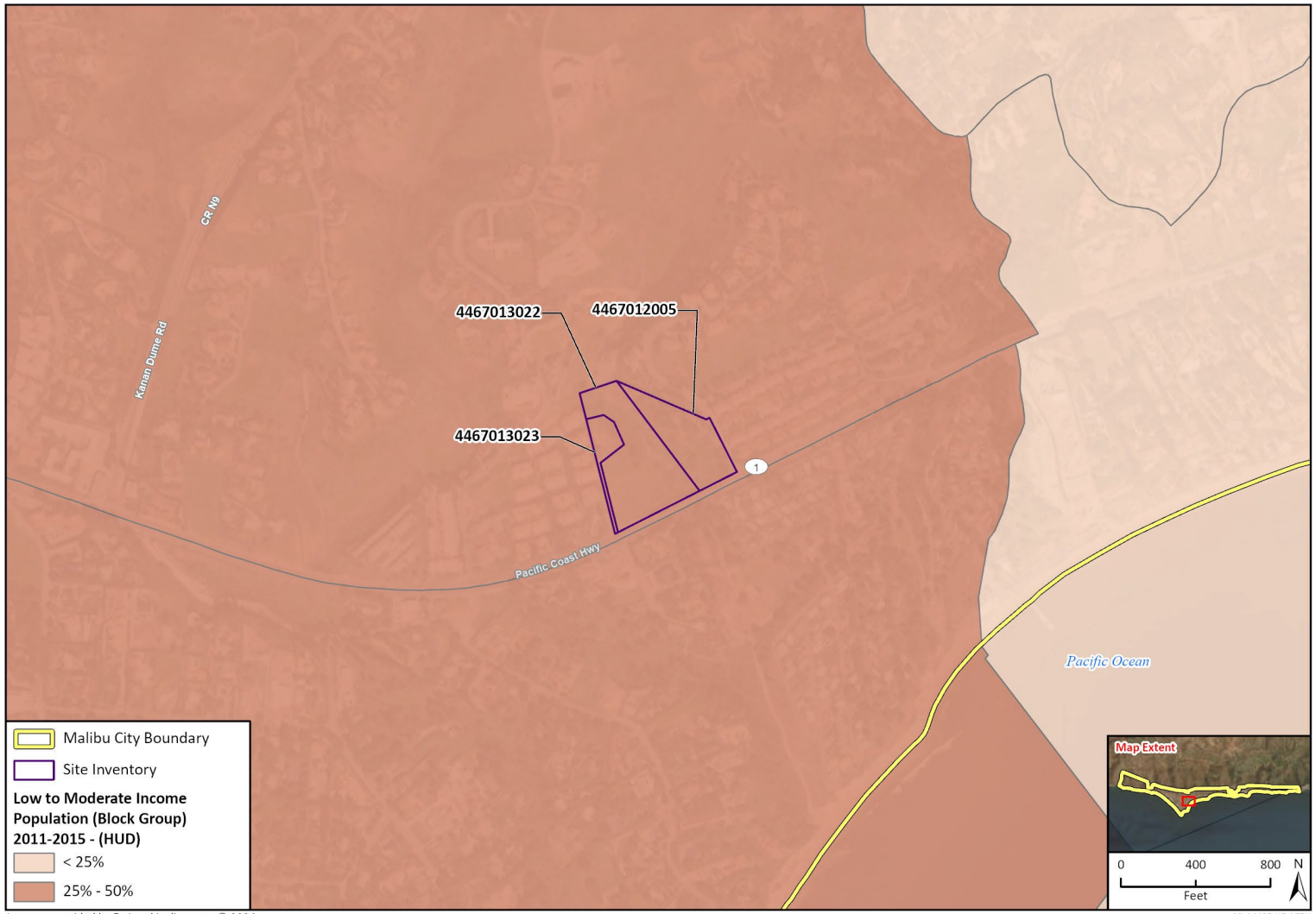
Sites by Overcrowded Households

Rates of overcrowding are less than five percent throughout Malibu (Figure F-41). The sites with units affordable to lower- and moderate-income households will provide opportunities for households that may otherwise need to rent smaller units or double with another household to afford the same opportunities.

Sites by Overpayment by Renters

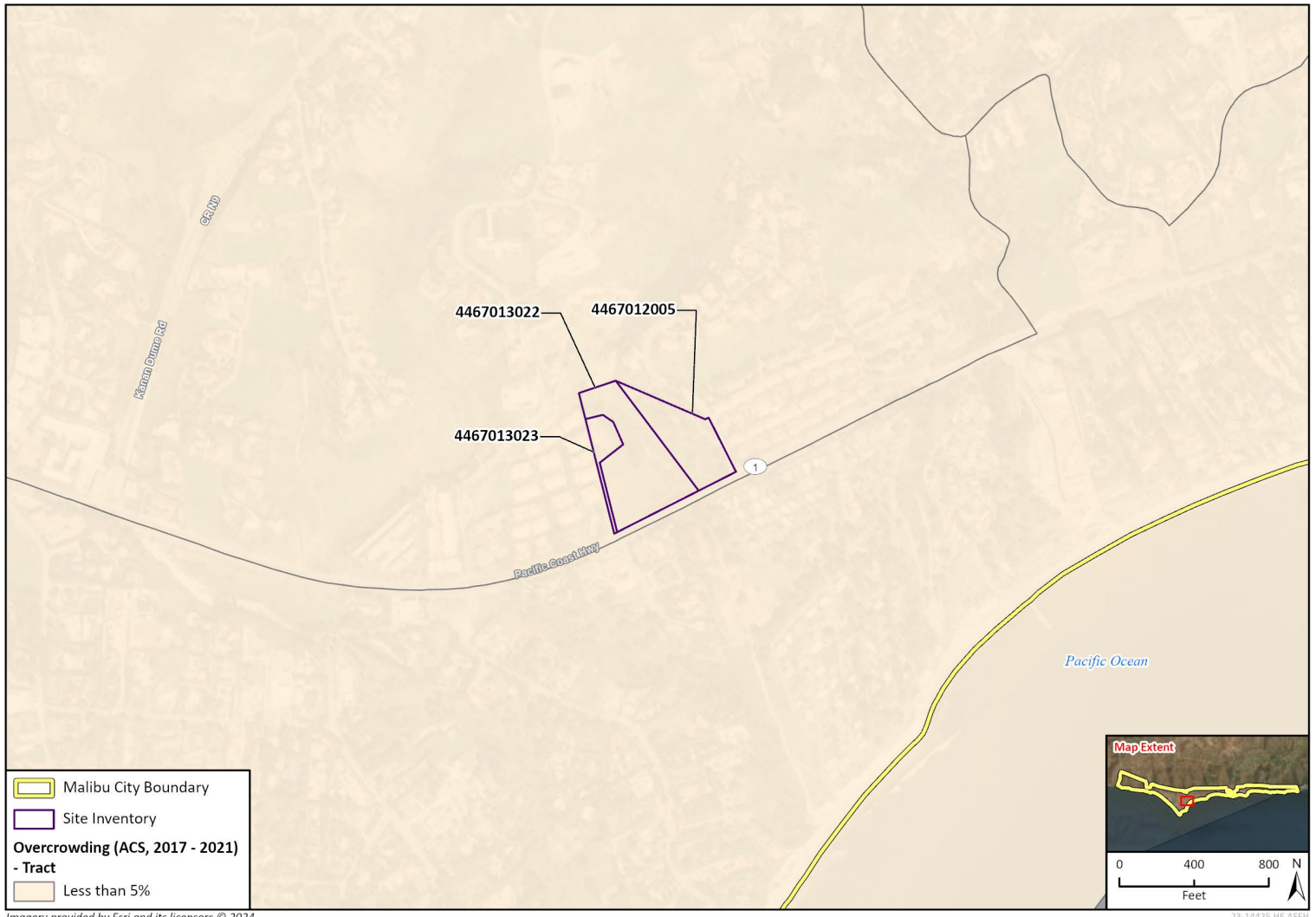
In most of the city, between 40 to 60 percent of renter households overpay for housing costs, as shown in Figure F-42. Eastern Malibu has the highest percentage of renters overpaying on housing costs (60 to 80 percent), but due to the availability of opportunity sites, all sites included in the Site Inventory are located in Western Malibu where rates of overpayment are 47 percent. This area can accommodate a mix of income levels, including 36 units appropriate for lower-income households, 22 units appropriate for moderate-income households, and 53 units appropriate for above moderate-income households. Housing units affordable to low- and moderate-income households will likely be rental units. The site inventory will not exacerbate overpayment by renters but will add affordable housing opportunities in areas that need them.

Figure F-40
Housing Opportunity Sites by Income Population (Western Malibu)



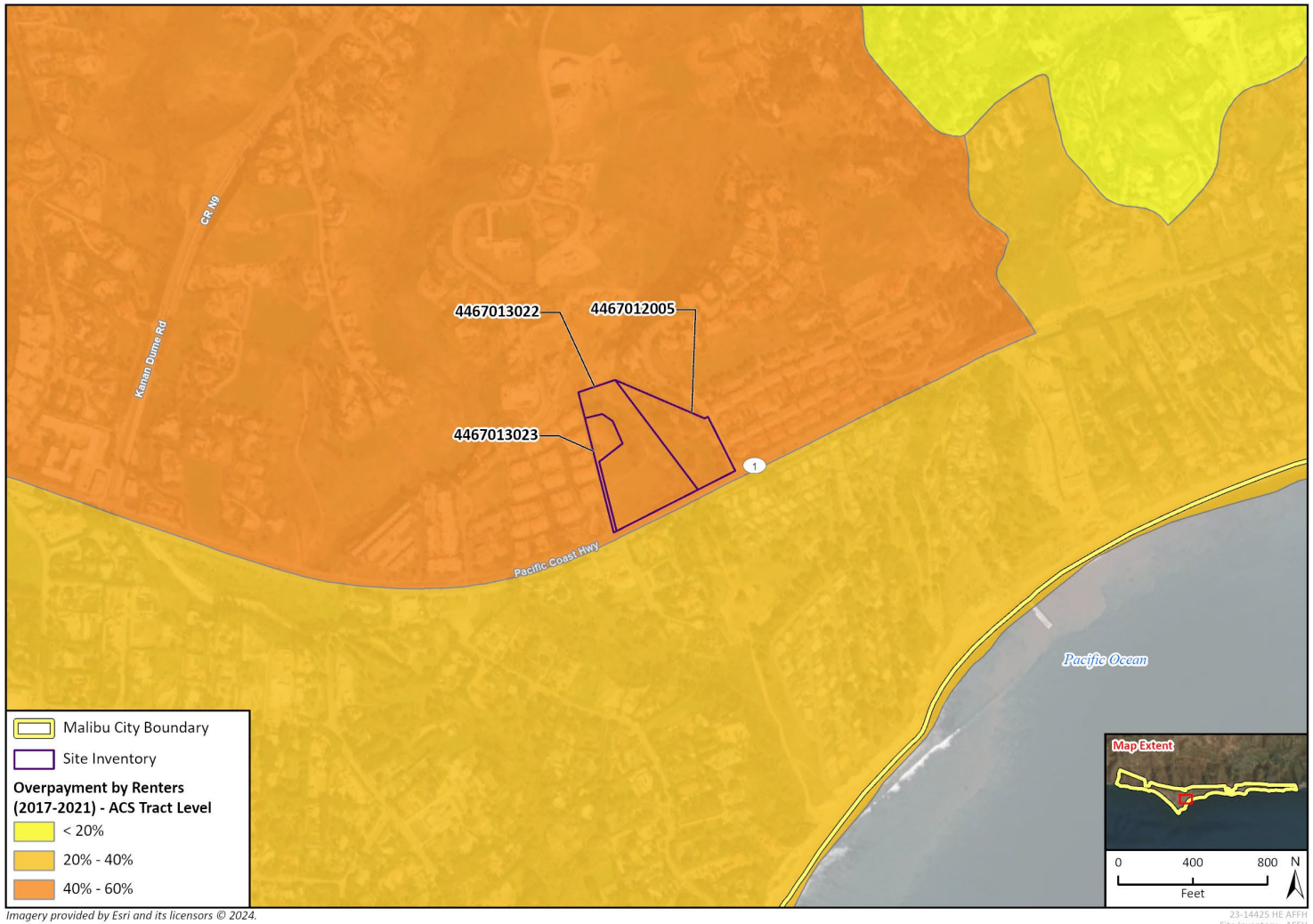
Source: AFFH Data Viewer, 2023

Figure F-41
Housing Opportunity Sites by Overcrowding (Western Malibu)



Source: AFFH Data Viewer, 2023

Figure F-42
Housing Opportunity Sites by Overpayment by Renters (Western Malibu)



Source: AFFH Data Viewer, 2023

Sites by Areas of Integration and Segregation

Malibu does not have any areas designated by TCAC as high segregation and poverty, and there are no R/ECAPs in the city. The entire city is designated an RCAA. Compared to the region, Malibu has high levels of white segregation. The census tract that encompasses Central Malibu has a higher percentage of non-white residents (30 percent) than other portions of the city. Sites by areas of non-white population are shown in Figure F-43. Housing sites in Central Malibu can accommodate five units appropriate for above moderate-income households. The site inventory will not contribute to segregation based on race/ethnicity or income level within the city. Regionally, the site inventory will add affordable housing opportunities in an RCAA.

Regionally, Malibu has a low rate of residents with one or more disabilities. For persons with disabilities who live independently or with other family members, independent living can be supported with special housing features, financial support, and in-home supportive services. The location of housing is also an important factor for people with mobility restrictions who rely on public transportation for travel. The development of the AHO sites on Pacific Coast Highway will include units affordable to low- and moderate-income households located within a quarter mile of public transit. Development on these sites will create opportunities for residents with disabilities to live in Malibu.

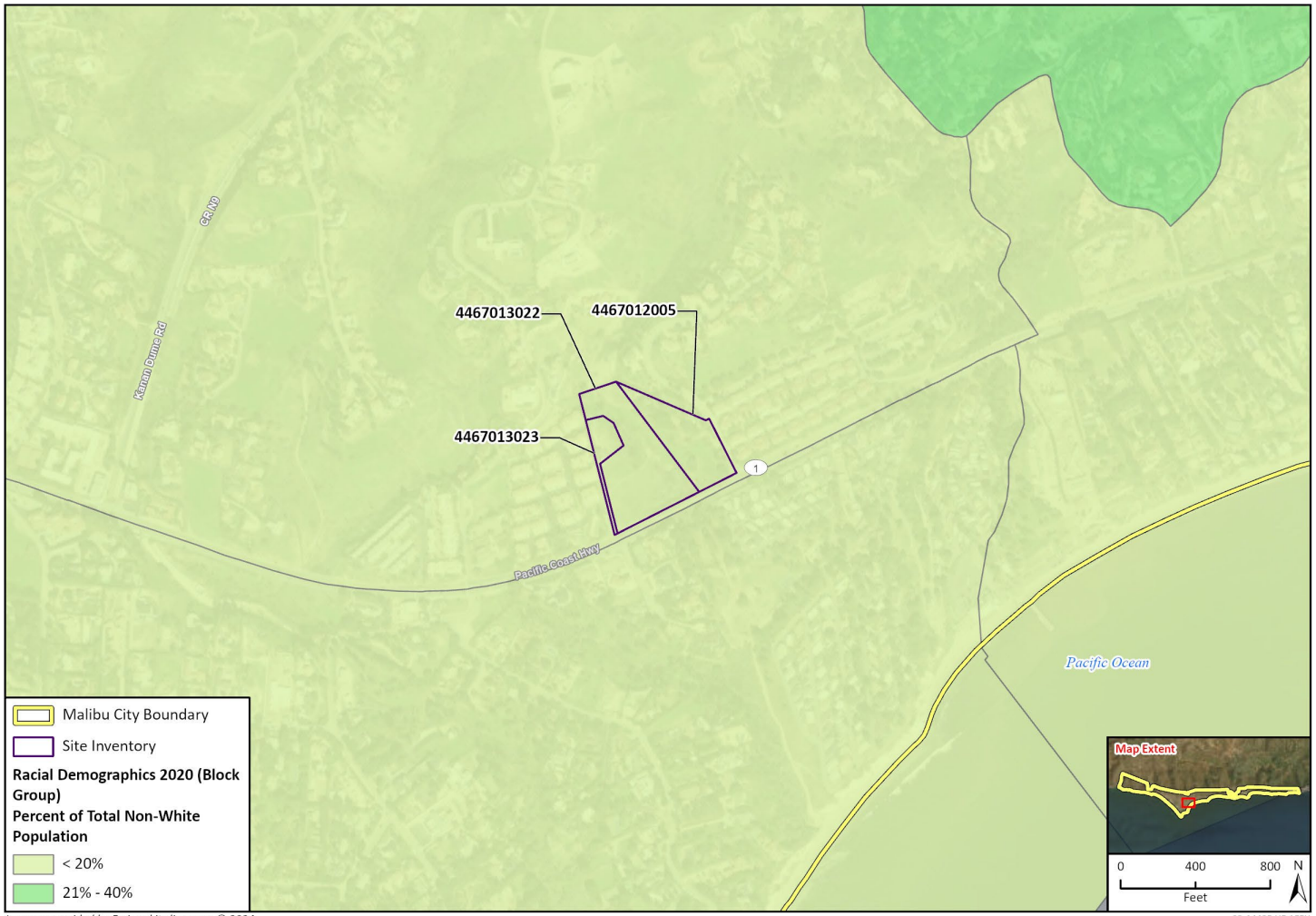
Sites by Communities Vulnerable to Displacement

The City of Malibu has a lower displacement risk as determined by the UDP. All lower-income and moderate-income housing sites proposed in the city are not in areas considered at risk of displacement, as seen in Figure F-44. Therefore, the site inventory will not increase segregation by risk of displacement.

Sites by CalEnviroScreen Score

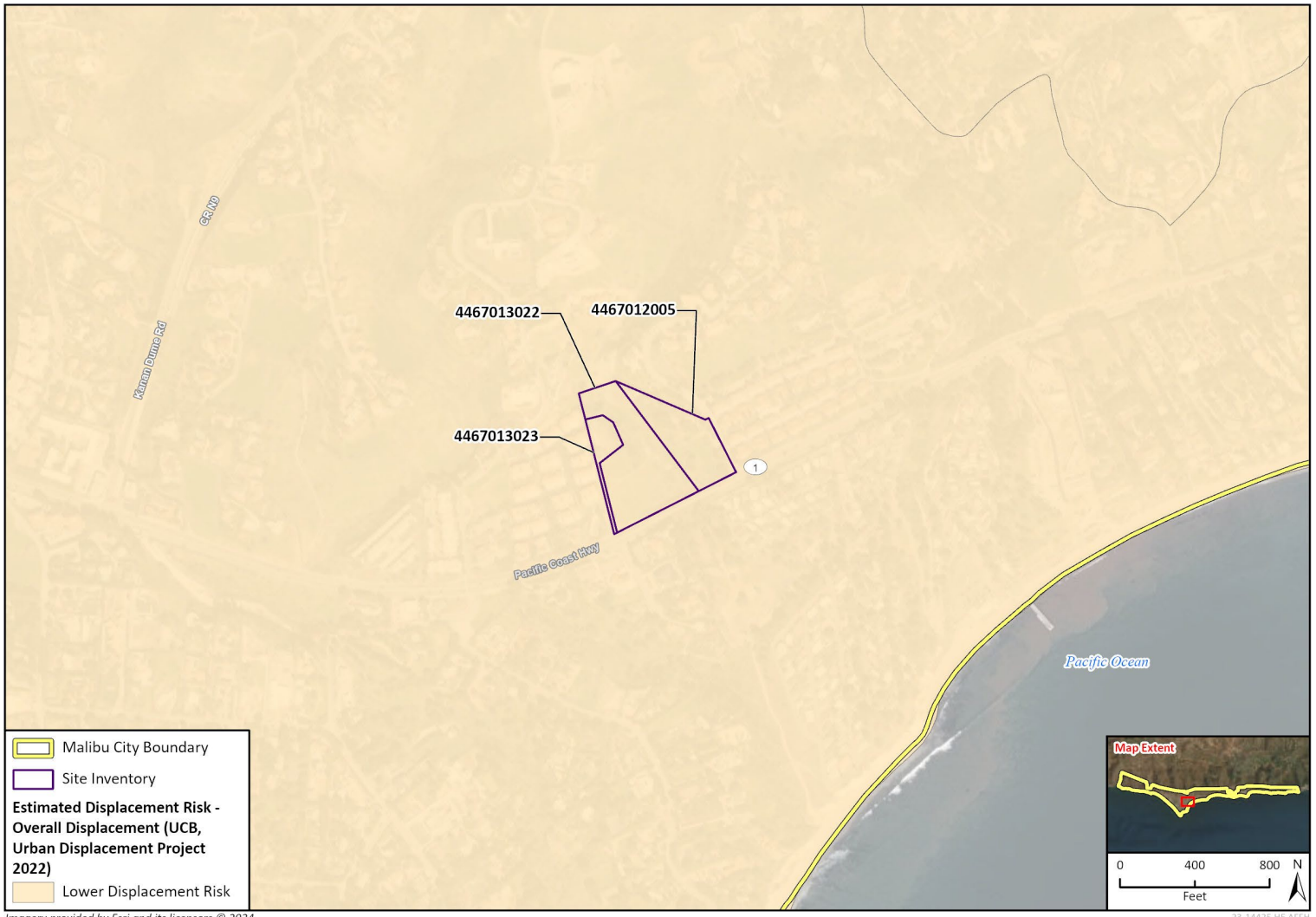
Malibu has a low CalEnviroscreen score compared to the region. Figure F-45 shows the housing opportunity sites by CalEnviroScreen score. The site inventory would not concentrate lower-income sites in areas of higher pollution burden. The site inventory will add affordable housing opportunities in an area with better environmental outcomes.

Figure F-43
Housing Opportunity Sites by Total Non-White Population



Source: AFFH Data Viewer, 2023

Figure F-44
Housing Opportunity Sites by Displacement Risk



Source: AFFH Data Viewer, 2023

Figure F-45
Housing Opportunity Sites by CalEnviroScreen Percentile Score



Source: AFFH Data Viewer, 2023

Sites Analysis Summary Data

Table F-12 summarizes the site inventory by development priority area, sites, number of units by income level, and census tract characteristics.

Contributing Factors and Meaningful Actions

State law (AB 686) requires the identification and prioritization of contributing factors to fair housing issues based on all the previously required analysis. This identification and prioritization must give highest priority to factors that limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights. AB 686 also requires identification of metrics or quantified objectives and milestones for determining what fair housing results will be achieved. Meaningful actions must be taken in concert with each other and address the following:

- Significant Disparities in Housing Needs and in Access to Opportunity
- Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns
- Transforming R/ECAP into Areas of Opportunity
- Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws[41]

This section lists contributing factors that create, perpetuate, or increase the severity of one or more fair housing issues that were identified in community outreach and the analysis in this document. Table F-13 summarizes the identified fair housing issues, contributing factors to these issues, and meaningful actions the City will undertake to affirmatively further fair housing for special needs, racial/ethnic minority, and low-income residents.

Fair Housing Enforcement and Outreach Capacity

The following contributing factors to inadequate fair housing enforcement and outreach include:

- Lack of local fair housing outreach and enforcement
- Lack of resources for fair housing agencies and organizations to conduct more rigorous testing and audits, outreach, training, public education campaigns.
- Lack of property owners/landlord education

Although Malibu is served by the Housing Rights Center, fair housing resources are limited to available funding. In order to meet the needs of residents of a large and diverse county, local fair housing agencies and organizations require greater levels of resourcing.

[41] HCD. 2021. Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements. April 2021 Update. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Table F-12 Site Inventory by Census Tract Characteristics

Census Tract Number	Number of Existing Households	Site Inventory Capacity (Units)			AFFH Indicators							
		Low-Income	Moderate-Income	Above Moderate-Income	Percent Non-White	Percent LMI Residents	Median Household Income	TCAC Opportunity Area	Percent Overpayment by Renters	Percent Overcrowded Households	Displacement Sensitivity	CalEnviroScreen Percentile
Western Malibu												
06037800411	1,069	36	22	53	16%	33%	$243,125	Highest Resource	47%	0%	Lower Displacement Risk	2%
Total		**36**	**22**	**53**								

Source: California Tax Credit Allocation Committee (TCAC)/California Housing and Community Development (HCD), Opportunity Maps (2023); U.S. Census Bureau, American Community Survey 5-Year Data (2017-2021)

The City works with the Southern California Housing Rights Center, which provides fair housing services countywide. However, the City does not provide fair housing information on the City's website. A local public enforcement agency would have the potential to be more responsive to victims of discrimination.

State law protects against discrimination based on source of income. However, as noted in Appendix C, Public Participation Summary, public comments revealed that property owners and managers in Malibu routinely deny applications from voucher holders. Denial of housing vouchers impedes voucher holders from utilizing their assistance in areas of opportunity and indicates a greater need for outreach education to property owners and managers to enhance housing mobility. Information on housing rights and responsibilities, including source of income protection, should be disseminated to both landlords and residents, as well as mobility assistance and strategies for voucher holders. As stated in Program 3.1: Facilitate Affordable Housing Development and Housing Assistance Opportunities, the City will work with LACDA and other local organizations that help to connect residents throughout LA County to housing choice vouchers and other affordable housing services in areas of opportunity.

Segregation and Integration

Contributing factors to segregation and integration patterns in Malibu include:

- Community opposition
- Lack of public investments
- Location, type, and supply of affordable housing
- Lack of housing vouchers

Malibu has historically been segregated by income and race/ethnicity compared to the region. Although the City has completed rezoning efforts to allow multi-family development, higher-density housing development is limited by infrastructure constraints and geographic conditions, such as lack of ability to install a central wastewater system, steep slopes, and protected environmental habitats (see Chapter 7.3, Constraints*)*. Housing in Malibu is some of the costliest in the region and unaffordable to most households. Economic disparities have been exacerbated by the high cost of housing in recent years in Malibu and Los Angeles County. These disparities have been worsened by the lack of housing available for low- and moderate-income households and have resulted in significant segregation by race and ethnicity and income levels.

There is no regulated affordable housing in the City of Malibu and a very low number of units that accept housing vouchers. Additionally, the lack of transportation options and relative geographic isolation of Malibu have created barriers to lower-income, non-white residents from moving into the city.

As discussed in the analysis of the sites, the City will accommodate units affordable to low- and moderate-income households on three parcels on Pacific Coast Highway. As outlined in Program 2.1: Adequate Sites to Accommodate Regional Fair Share of Housing Growth, the City will encourage development of new affordable housing on these sites to ensure implementation of the RHNA for very low-, low-, and moderate-income

residents. The City will also support the development of ADUs affordable to low- and moderate-income households through Program 4.1: Support Development of Accessory Dwelling Units. Additionally, the City will implement Program 3.1: Facilitate Affordable Housing Development and Housing Assistance Opportunities and Program 3.3: Housing for Persons with Special Needs to expand affordable housing to residents of all incomes, disability status, and race. Furthermore, the City will implement place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

Significant Disparities in Housing Needs and Access to Opportunity

The following contributing factors to disparities in access to opportunities in Malibu include:

- Location, type, and supply of affordable housing
- Land use and zoning laws
- Lack of supportive housing
- Lack of transportation options

Approximately eight percent of residents in Malibu have a disability, lower than several other areas of the region. The areas with the lowest access to transportation have the highest percentage of persons with a disability. The ability for persons with disabilities to reside in Malibu is limited by barriers to mobility, such as access to public transit and lack of supportive housing and services in the city.

There are limited resources for lower-income households in the city, for reasons previously discussed. These limiting factors have contributed to disparities in opportunity for lower-income households to reside in the city. For residents already residing in Malibu, those who rent are often impacted by housing cost burden.

Meaningful Actions to Address Fair Housing Issues

This assessment of fair housing issues identifies factors that contribute to fair housing issues in Malibu, identified in Table F-13. The meaningful actions are incorporated into programs and actions in Chapter 7.5, *Housing Plan*. Based on community feedback and data analysis, it was determined that high-priority issues in the city are lack of affordable housing, fair housing enforcement and outreach, and segregation of low-income residents. Housing mobility and rehabilitation programs collectively have a metric of assisting 55 households during the planning period. Housing mobility and rehabilitation programs collectively have a metric of assisting 55 households during the planning period. These programs are Program 1.3 Housing Rehabilitation Assistance, 3.1 Facilitation of Affordable Housing Assistance (specifically actions 3.1.c and 3.1.d), Program 3.3. Housing for Persons with Special Needs, 4.1 Support Development of Accessory Dwelling Units (specifically action 4.1.f), and 5.2 Fair Housing Community Outreach. See quantified objectives in Table 7.5-1 in Chapter 7.5 Housing Plan.

Table F-13 Meaningful Actions to Address Fair Housing Issues

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
Fair housing enforcement and outreach	• Lack of local fair housing outreach and enforcement (Moderate Priority) • Lack of resources for fair housing agencies and organizations to conduct more rigorous testing and audits, outreach, training, public education campaigns (High Priority)	Promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling, mediation, and testing. Advertise available fair housing services. (Program 5.1.a)	At least once annually starting in 2025, provide information on fair housing services available to Malibu residents and property owners via the City's social media, flyers at the planning counter and at community locations, and/or posting in the local newspaper. When possible, provide information in English and Spanish.
		Provide informative materials on fair housing resources with ADU applications. (Program 5.1.b)	Provide materials with ADU applications by December 2025.
		Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility. Create a Housing Resources page on the City's website to disseminate informational materials to residents on affordable housing and financial resources including links to the HCV and Home Ownership Program resources through Los Angeles County Development Authority, Mortgage Credit Certificate through the Golden State Finance Authority, and the California Homeownership Downpayment Assistance Program through the California Housing Finance Agency.. (Program 5.2.b)	Create webpage by January 2025
Lack of housing affordable to lower- and moderate-income and special needs households	• Community Opposition • Location, type, and supply of affordable housing • Land use and zoning laws • Lack of housing vouchers	Proactively promote affordable housing development on AHO sites. Prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. (Program 3.1.a)	Coordinate with potential developers at least once annually to provide information on density bonus, potential funding sources, and available incentives. Support the development of 47 lower-income units and 17 moderate-income units.
		Identify funding available through LACDA, HCD, and HUD and have a list of options available for interested developers and homeowners and post the list on the City's website by July 2025. Potential funding programs may include single- and multi-family affordable housing rehabilitation programs and homeownership programs administered by the California Housing Financing Agency (CHFA). (Program 3.1.c)	Identify at least three different types of funding and post on the City's website by July 2025 and monitor funding on an ongoing basis.

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
		Promote the Housing Choice Voucher program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used. (Program 3.1.d)	Establish a list of property owners and managers of multi-family units and ADUs and mail information about the Housing Choice Voucher program and state fair housing law regarding discrimination based on source of income by December 2025 and again by December 2027.
		Subject to funding availability, provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services. (Program 3.2.a)	Annually, through the budgetary process, allocate available funding to support affordable housing development.
		Prioritize AHTF assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group by creating scoring criteria that encourage the inclusion of units and services needed to support individuals with special needs. (Program 3.3.a)	Subject to the availability of funds, support at least five affordable housing units during the planning period.
		Support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices. (Program 3.3.b)	Allocate $127,500 in FY 2023-24 to the Ventura Transit Systems for Dial-A-Ride services to seniors (60 years and older) and disabled residents. Annually consider allocations and continue the service throughout the planning period as funding allows. Organize a senior resource fair at least once annually that promotes housing and transportation services available to seniors, including the Dial-A-Ride service. Provide informational lectures on housing resources at the Senior Center including the application process and funding options for assisted living. Promote shared housing programs such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners. Post information on shared housing programs on the City's website by June 2025 and invite the ALA and/or similar

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
			organizations to attend the City's senior resource fair as a vendor. Provide services throughout the planning period. Post information on shared housing programs on the City's website by June 2025.
		Inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential. (Program 3.4.b)	Communicate with at least two different affordable housing developers annually informing them about the City's density bonus program.
		Provide technical assistance to developers on how to use the Density Bonus incentives. (Program 3.4.c)	Maintain current information on the City's website. Refresh annually. Publish an informational bulletin for developers on the City's density bonus program by June 2025. Review annually and edit to include new information as necessary.
		Pursue mechanisms to facilitate the construction of at least 28 ADUs by the end of the planning period, including but not limited to: • Create pre-approved standards for ADU foundation plans or prefabricated plans. • Refer property owners to programs that assist lower and moderate-income homeowners in constructing ADUs. • Expand or extend fee waivers for ADUs beyond state law. (Program 4.1.a)	Apply for funding to create pre-approved plans by June 2024. Publish pre-approved plans for ADUs by December 2025.
		Review ADU trends and commit to adjustments if the City is not on track to meet target development. If the City is not meeting ADU goals, implement additional action(s) depending on the severity of the gap, including increased public outreach efforts to increase ADU development. (Program 4.1.b)	Review ADU trends every two years starting in 2023 and implement additional incentives and public outreach within one year of review, and if necessary, pursue other strategies to meet the RHNA, including rezone of sites..
		Publish resources on City's website on building ADUs and JADUs. (Program 4.1.c)	Publish material on the City's website by January 2025.
		Create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines. (Program 4.1.d)	Adopt an ADU Amnesty Program Ordinance by 2028.

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
		Allow up to two JADUs on single-family lots. (Program 4.1.f)	Update the ADU ordinance in MMC within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption
		Require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population, extending outreach to nearby communities in Los Angeles County and Ventura County, especially to workers in the city who do not live in the city. These affirmative marketing materials will include contact information for housing service providers (such as the home share programs) and non-profit housing organizations that serve lower-income tenants in the surrounding region. (Program 5.2.a)	By January 2025, require implementation of an Affirmative Fair Marketing Plan.
		Enter into a contract with HRC or other fair housing service providers to host an annual fair housing workshop to educate residents and landlords on fair housing laws, HCVs and housing rights and resources. (Program 5.1.c)	Once annually starting in 2025, partner with HRC to host a fair housing workshop.
		In collaboration with the Housing Authority, provide education to property owners and managers to expand awareness of the HCV program to increase acceptance of tenant-based HCVs and to facilitate mobility and provide choices for lower-income households throughout the city. Identify and address challenges that property owners/managers have with existing or prospective HCV holders. (Program 5.1.d)	Starting in 2025, annually conduct one workshop for landlords on the HCV program, for a total of seven workshops during the planning period, targeting property owners/managers in eastern Malibu.
		Subject to available funding, offer grants of up to $10,000 per applicant from the Affordable Housing Trust Fund to construct ADUs that are rent-restricted to lower income households (using County AMI thresholds (Program 5.2.c)	By January 2025, implement grant program for rent-restricted ADUs. By June 2025, promote the grant opportunity on the City's website and provide one grant by the end of the planning period.

RESOLUTION NO. 24-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DETERMINING THE PROPOSED AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM (LCP) LAND USE PLAN (LUP) POLICY 6.7 (LOCAL COASTAL PROGRAM AMENDMENT NO. 24-001) AS REQUIRED TO IMPLEMENT THE GOALS, POLICIES, PROGRAMS AND OBJECTIVES OF THE 2021-2029 GENERAL PLAN HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies, programs, and objectives that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and hold first readings on the MMC and LCP amendments; by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt,

the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element on the City website for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments to the City of Malibu Local Coastal Program (LCP) Land Use Plan (LUP) and Malibu Municipal Code (MMC) as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The Planning Commission reviewed and considered the staff report, public testimony, and other information in the record, and adopted Resolution No. 24-59 recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element; adopting Local Coastal Program Amendment (LCPA) No. 20-001 to amend the LCP LUP; and adopting Zoning Text Amendment (ZTA) No. 24-002 to amend Title 17 of the Malibu Municipal Code.

CC. On August 29, 2024, a Notice of Public Hearing of the City Council was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties; regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary amendments to the LCP LUP and MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The City of Malibu Local Coastal Program (LCP) Land Use Plan (LUP) amendment implements the goals, policies, programs, and objectives of the 2021-2029 Housing Element update, and is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The LUP amendment to implement the 2021-2029 Housing Element would not approve any development project and does not propose any standards, regulations, procedures, or application requirements that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the LUP amendment would have a significant effect on the environment.

B. In addition, pursuant to 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. This application is for an amendment to the LCP LUP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LCP 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP LUP amendment is approved, the City must also approve the corollary amendments to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because it is entirely dependent on, related to, and duplicative of the exempt activity, it is subject to the same CEQA exemption.

C. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

D. The proposed amendment is consistent with the provisions of the Malibu General Plan, MMC, LCP, and all other applicable programs.

SECTION 3. Local Coastal Program Land Use Plan Amendment Findings.

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The City Council, based on evidence in the whole record, finds that the LUP amendment is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows and hereby amends the LUP as set forth in SECTION 4:

A. The requirements and standards in the amendment for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 AFFORDABLE HOUSING and 3.4.5 Affordable Housing Overlay District), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendment does not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 4. Local Coastal Program Land Use Plan Amendment.

Policy 6.7 of the LCP LUP shall be replaced in its entirety as follows:

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

SECTION 5. Submittal to the California Coastal Commission.

The City Council hereby directs the City Manager or his designee to submit an application and all necessary materials to the California Coastal Commission to certify an amendment to the City of Malibu LCP LUP related to the implementation of the 2021-2029 Housing Element.

SECTION 6.

The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 23rd day of September 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

TREVOR RUSIN, Interim City Attorney

ORDINANCE NO. 523

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROPOSED CODE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING AMENDMENTS TO THE LOCAL COASTAL PROGRAM (LCP) LOCAL IMPLEMENTATION PLAN (LIP) (LCPA NO. 24-001) SPECIFICALLY LOCAL IMPLEMENTATION PLAN SECTIONS 2.1, 3.3, 3.4.5, 3.6, 3.7, 3.11, 3.14, 6.7, 13.30, AND APPENDIX 1 TABLE B, AND COROLLARY AMENDMENTS TO MALIBU MUNICIPAL CODE (MMC) TITLE 17 ZONING SPECIFICALLY SECTIONS 17.02.060, 17.08, 17.10.020, 17.12.020, 17.12.040, 17.14.020, 17.14.040, 17.24.020, 17.30.020, 17.30.030, 17.34.020, 17.34.030, 17.39.020, 17.40.040, 17.40.120, 17.41.1, 17.42.020, 17.48.030, CHAPTER 17.63, AND APPENDIX 1 (ZONING TEXT AMENDMENT NO. 24-002), AN AMENDMENT TO THE LIP AND MMC TO MODIFY STANDARDS, REGULATIONS, PROCEDURES AND APPLICATION REQUIREMENTS RELATED TO HOUSING PROJECTS CONSISTENT WITH THE CITY'S 2021-2029 HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies, programs, and objectives that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD’s comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and related code amendments by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt, the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element on the City website for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments to the City of Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) and Malibu

Municipal Code (MMC) as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The Planning Commission reviewed and considered the staff report, public testimony, and other information in the record, and adopted Resolution No. 24-59 recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element; adopting Local Coastal Program Amendment No. 20-001 to amend the LCP LIP; and adopting Zoning Text Amendment No. 24-002 to amend Title 17 of the Malibu Municipal Code.

CC. On August 29, 2024, a Notice of Public Hearing of the City Council was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties; regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary amendments to the LCP LIP and MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The LCP LIP amendments and MMC amendments implement the goals, policies, programs, and objectives of the 2021-2029 Housing Element update, and are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The LIP and MMC amendments to implement the 2021-2029 Housing Element would not approve any development project and do not propose any standards, regulations, procedures, or application requirements that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the LIP and MMC amendments would have a significant effect on the environment.

B. In addition, pursuant to 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. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LCP 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendments are approved, the City must also approve the corollary amendments to the Zoning Ordinance. These amendments are 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.

C. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

D. The proposed amendments are consistent with the provisions of the Malibu General Plan, MMC, LCP, and all other applicable programs.

SECTION 3. Local Coastal Program Amendment Findings.

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The City Council, based on evidence in the whole record, finds that the LIP amendments are in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows and hereby amends the LIP as set forth in Exhibit A:

A. The requirements and standards in the amendments for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community, as well as those individuals with special needs, (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 AFFORDABLE HOUSING, 3.4.5 Affordable Housing Overlay District, and 13.30 HOUSING ACCESSIBIITY – REQUEST FOR REASONABLE ACCOMMODATION), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 4. Zoning Text Amendment and Findings.

Section 17.74.040(C) of MMC Title 17 Zoning states that before approval of any zoning text amendment, the City Council must make the finding that such amendment is consistent with the general plan as adopted. The City Council, based on evidence in the whole record, makes the finding as follows and hereby amends the MMC Title 17 Zoning as set forth in Exhibit B:

A. The proposed amendments implement the goals, policies, programs, and objectives of the City of Malibu Housing Element 2021-2029, which is consistent with the goals, policies, and objectives of the City of Malibu General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade the environment, LUP Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment, and LUP Policy 1.14: The City shall preserve the City's rural residential character, as the amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 5. Submittal to the California Coastal Commission.

The City Council hereby directs the City Manager or his designee to submit an application and all necessary materials to the California Coastal Commission to certify amendments to the City of Malibu LCP LIP related to the implementation of the 2021-2029 Housing Element.

SECTION 6. Effective Date.

The Local Coastal Program Amendment and Zoning Text Amendment approved in this Ordinance shall become effective after certification by the California Coastal Commission of the Local Coastal Program Amendment.

SECTION 7. Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 9. The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 23rd day of September 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

TREVOR RUSIN, Interim City Attorney

Exhibit A

The City of Malibu Coastal Program (LCP) Local Implementation Plan (LIP) is amended as follows:

A. The following definitions shall be added to Section 2.1:

BY-RIGHT USE – means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

PERMANENT SUPPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

B. The following definitions in Section 2.1 shall be replaced in their entirety as follows:

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless. No individual or household may be denied emergency shelter because of an inability to pay.

LOWER INCOME HOUSEHOLDS –means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

RESIDENTIAL CARE FACILITY, SMALL - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of

limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "PERMANENT SUPPORTIVE HOUSING").

C. Section 3.3(Q)(2)(a) shall be modified to add new subparts v. and vi., as follows:

v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

vi. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

D. Table 1 of Section 3.4.5(B) shall be replaced in its entirety as follows:

Table 1 – AHO District Sites		
Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

E. Section 3.4.5(D) shall be replaced in its entirety as follows:

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, a minimum of twenty percent (20%) of all units shall be deed restricted ("restricted units") as lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in Subsection E below, and a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

2. Development.

a. Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments, unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

3. Restricted Units. The restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

F. Section 3.4.5(E) shall be replaced in its entirety as follows:

E. Affordability.

1. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.1(D)(4) of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to affordable levels according to Section 3.4.5(D)(1)(d) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

   a. The number of restricted units proposed.

   b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

   c. The proposed location of the restricted units.

   d. Amenities and services provided for the unit residents.

   e. Specific level of affordability for each of the restricted units.

   f. Schedule for production of the restricted and market-rate units.

G. Section 3.4.5(F) shall be replaced in its entirety as follows:

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

   a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

   b. Subject to any other form of rent or price control; or

c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

h. Specific level of affordability for each of the replacement units.

H. Section 3.4.5 shall be modified to add new subparts (G) and (H) as follows:

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

I. Section 3.6(E) shall be replaced in its entirety as follows:

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), every residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

   For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

J. Section 3.6(I)(2) shall be replaced in its entirety as follows:

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

K. Section 3.7.1 shall be replaced in its entirety as follows:

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement State Density Bonus Law (Government Code sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code sections 65915 through 65918 are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

    a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

    b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

    c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

        i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act.

        ii. The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.

        iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

    d. If the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

    e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall

grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the

California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

   a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

   b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

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4. Affordable Housing Agreement. For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

F. Affordable Housing Agreement Requirements.

1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required

hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

H. Affordable Housing Fund.

1. Fund Revenues. The fund shall receive all in-lieu fees paid and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

k. Other costs associated with the construction or financing of affordable housing;

l. Reasonable administrative charges or related expenses; and

m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

L. Section 3.11.5 shall be replaced in its entirety as follows:

3.11.5 Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 3.11.5 shall be a permitted use established by-right.

4. Regulations. An emergency shelter is subject to the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

   a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty~~ fifty-five (~~2~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

   b. Facility Requirements.

      i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

      ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B) (4) shall be permitted uses established by-right.

4. Regulations.

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right Permanent Supportive Housing

1. Purpose. The purpose of this section is to provide standards for by-right permanent supportive housing. By-right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(D)(2) and (4). Permanent supportive housing that does not comply with the provisions of this section shall be subject to the standards, requirements, and review process for residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. By-right permanent supportive housing uses that comply with the standards in sections 3.11.5(C)(4) shall be established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this section, the supportive housing development is consistent with all objective standards that apply to other multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP Section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

M. Section 3.14.3 subpart Residential Units shall be replaced in its entirety as follows. The remaining subparts of Section 3.14.3 shall be unchanged.

PARKING STANDARDS

Residential Units

Emergency shelters	One parking space per employee on the ~~largest~~ maximum staff shift.

Large residential care facility	One space for every two beds and 1 space for every employee. In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
Multi-family units	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms – 2 ½ spaces. Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(D)(4)(c).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

N. Section 6.7(A) shall be replaced in its entirety as follows.

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.

5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.

6. An analysis of the potential impacts of the proposed development on the identified public views.

7. Project alternatives designed to avoid and minimize impacts to visual resources.

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

O. Section 13.30(B)(3) shall be replaced in its entirety as follows.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

P. Sections 13.30(D), (E), (F), (G) and (H) shall be replaced in their entirety as follows.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation.

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

3. The reasonable accommodation would not adversely impact coastal resources, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

4. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be

considering the application and inviting written comments on the requested accommodation.

3. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

Q. The following subparts of Appendix 1, Table B, shall be replaced in their entirety as follows.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP

RESIDENTIAL																
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments) – new or the expansion of over 500 sf of multifamily residential use			P[19]	P[19]					P[20]							
Small residential care facilities (serving 6 or less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•

Q. The following subpart of Appendix 1, Table B, shall be deleted in its entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

R. The following subparts shall be added to Appendix 1, Table B.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Supportive housing, by-right			P[22]	P[22]					P[25]	•	•	P[22]				
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[23]	•	•	P[26]	•	•	•	•

S. The following Note 20 of Appendix 1, Table B, shall be replaced in its entirety as follows.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 4458-022-908 only), in compliance with Section 3.4.5.

T. The following Notes 21, 22, 23, 24, 25, and 26 shall be added to Appendix 1, Table B.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.

26. Allowed pursuant to Section 3.11.5.

Exhibit B

Title 17 Zoning of the Malibu Municipal Code (MMC) is amended as follows:

A. The following definitions shall be added to Section 17.02.060:

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or less, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

B. The following definitions in Section 17.02.060 shall be replaced in their entirety as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Lower income households" means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "permanent supportive housing").

C. Section 17.08.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

a. That the animals are located not less than 150 feet from any highway and not less than 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;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

I. Private equestrian and/or hiking trails;

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

D. Section 17.10.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

E. Section 17.12.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

C. Small family day care;

D. Residential care facilities, small;

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

F. Section 17.12.040 shall be replaced in its entirety as follows:

17.12.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

H. Parks and playgrounds;

I. Emergency communication and service facilities.

G. Section 17.14.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Transitional housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses.;

H. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

I. Residential care facilities, small;

I. Affordable housing development projects; and

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

H. Section 17.14.040 shall be replaced in its entirety as follows:

17.14.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Utility facilities related to public projects;

B. Lighted sports courts;

C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

D. Parks and playgrounds;

E. Emergency communication and service facilities.

I. Section 17.24.020 shall be replaced in its entirety as follows:

17.24.020 Permitted uses.
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L));

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

J. Sections 17.30.020 and 17.30.30 shall be replaced in their entirety as follows:

17.30.020 Permitted uses.
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

E. Cultural and artistic uses, such as museums, galleries, performing arts studios;

F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,

2. Manufacturing, processing or treatment of products,

3. Research and development and testing facilities,

4. Wholesale, storage and distribution,

5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

G. Movie theaters;

H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

I. Large residential care facilities involving seven or more persons.

J. Mixed Use (commercial and residential)

K. Sections 17.34.020 and 17.34.30 shall be replaced in their entirety as follows:

17.34.020 Permitted uses.
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel);

F. Emergency shelters;

G. Transitional housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses; and

H. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

17.34.030 Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Public or private educational institutions;

B. Towing and automobile storage;

C. Maintenance yards;

D. Public utility facilities;

E. Libraries, museums;

F. Community centers;

G. Health care facilities;

H. Religious institutions;

J. Day care facilities, nursery schools;

J. Accessory uses when part of an educational or nonprofit use (noncommercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, green-houses, and similar uses;

K. Educational (nonprofit) activities;

L. Emergency communication and service facilities;

M. Farmers' markets operated by a nonprofit charitable organization;

N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));

O. Helipad sites (public agency use only and not for private use);

P. Charitable, philanthropic activities;

Q. Parks, beaches, and playgrounds;

R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);

S. Residential care facilities for the elderly.

L. Section 17.39.020 shall be replaced in its entirety as follows:

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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

6. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

M. Section 17.40.040(A)(5) shall be replaced in its entirety as follows:

5. Height.

   a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

      For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

   c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

N. Section 17.40.040(A)(11) shall be replaced in its entirety as follows:

11. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

   a. Single-family. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre

or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25% requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

O. Section 17.40.120 shall be replaced in its entirety as follows:

17.40.120 Special housing projects.

A. Emergency shelters.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. Regulations. An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed 2555 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

b. Facility Requirements.

i. Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

c. Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district where the Affordable Housing Overlay (AHO) also applies, and Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial), and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Multiple Family Residential (MF), Multifamily Beach Front (MFBF), Community Commercial (CC), Commercial General (CG),

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

P. Section 17.41.1.010 shall be replaced in its entirety as follows:

A. Purpose. This section is intended to implement the provisions of:

1. State Government Code Sections 65915 through 65918, which require a local jurisdiction to provide incentives for the production of affordable housing units; and

2. The city's general plan housing element policies relating to the provision of affordable housing.

B. Eligibility. A density bonus may be granted to an eligible housing development as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

   b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

   c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

   a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
~~a~~
b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

Q. Sections 17.42.020(L)(3), (4) and (5) shall be replaced in their entirety as follows:

3. Standards.

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section, and a minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

b. Development

i. Site of Construction. Structures may be constructed on slopes flatter than 1½:1.

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units. The restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

vi. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

vii. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

R. Section 17.42.020(L) shall be modified to add new subparts (6) and (7) as follows:

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

   a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

      i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

      ii. Subject to any other form of rent or price control; or

      iii. Occupied by low- or very-low-income households.

   b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

   c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

   d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

   e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

   f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

S. Section 17.48.030(A) shall be replaced in its entirety as follows:

A. Residential Uses.	
Emergency shelters	One space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee.

	In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
Multifamily units	For each efficiency or one-bedroom dwelling unit, one space. For each dwelling unit with two or more bedrooms, two spaces. Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 17.40.120(C)(4)(c) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

T. Section 17.63 shall be replaced in its entirety as follows:

17.63.010 Purpose and intent.

This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

17.63.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing

opportunities. Requests related to deviation from the Building Code shall apply directly to the Environmental Sustainability Department.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

17.63.030 Application submittal.

A. Any person with a disability may file an application for a request for reasonable accommodation with the planning department, on a form approved by the planning director and shall contain the following information, accompanied by a fee established by resolution of the city council:

1. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

2. The address of the property for which the request is being made;

3. Current actual use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts;

5. The specific code provision, regulation, procedure or policy from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

6. The length of time the reasonable accommodation is necessary;

7. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

8. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

9. A site plan or illustrative drawing showing the proposed accommodation; and

10. Any other information required to make the findings required by subsection 5 of this section consistent with the Acts.

B. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a discretionary approval (including, but not limited to: CDP, conditional use permit, site plan review, etc.), then the applicant shall file the application submittal information together with the application for discretionary approval for concurrent review.

C. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

D. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible.

17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation.

B. Applications for reasonable accommodation submitted for concurrent review with the CDP application shall be reviewed by the authority reviewing the CDP application.

17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The reasonable accommodation would not adversely impact coastal resources, including:

a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

17.63.060. Decision.

A. The director shall consider an application, and issue a written determination within 45 calendar days of the date of receipt of a completed application. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.

C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

D. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.

E. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.

F. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

U. The following subparts of Appendix 1 shall be replaced in their entirety as follows:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development) – new or the expansion over 500 sf of existing multifamily residential use	•	•	P[30]	P[30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
Small residential care facilities (serving 6 or less persons)	P	P	P	P		•	•	•	•	•	•	•	•	•	•	•
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP[38]	CUP[38]	CUP	CUP	CUP	•	•	•	CUP

Q. The following subparts of Appendix 1 shall be deleted in their entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•

R. The following shall be added as subparts to Appendix 1:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[32]	P[32]	P[32]	P[32]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Supportive housing, by-right	•	•	P[33]	P[33]	•	•	•	•	P[36]	•	•	P[33]	•	•	•	•
Transitional housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[34]	•	•	P[37]	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

S. The following Note 31 of Appendix 1 shall be replaced in its entirety as follows:

31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.

T. The following Notes 32, 33, 34, 35, 36, 37, and 38 shall be added to Appendix 1.

32. Employee housing for 6 or fewer persons is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.

33. Allowed pursuant to Section 17.40.120(C).

34. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and pursuant to Section 17.140.120(B).

35. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

36. By-right permanent supportive housing is permitted pursuant to Section 17.40.120(C). Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

37. Allowed pursuant to Section 17.140.120(B).

38. Unless the use is an emergency shelter, low barrier navigation center, or by-right supportive housing, each of which is allowed by right pursuant to Section 17.40.120.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 31, 2024

Richard Mollica, Director
Planning Department
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Dear Richard Mollica:

RE: City of Malibu's 6th Cycle (2021-2029) Revised Draft Housing Element

Thank you for submitting the City of Malibu's (City) revised draft housing element received for review on July 30, 2024. The revised draft was posted and made available to the public for seven days prior to review. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). However, the housing element cannot be found in substantial compliance until the City has completed necessary rezones as described below. The housing element will comply with State Housing Element Law when the rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that did not adopt a compliant housing element within one year from the statutory deadline (October 15, 2021) cannot be found in compliance until rezones to make prior identified sites available or accommodate a shortfall of sites are completed pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c). As the City did not adopt a compliant housing element by October 15, 2022 and the necessary rezones are not complete, HCD cannot find the element in compliance. The element can be found in compliance when Program 3.5 (By-Right Approval) is complete. Upon completion of rezones, the City should submit appropriate documentation (e.g., resolution, ordinance) for HCD's review. HCD will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD

encourages the City to expeditiously adopt, rezone and submit to HCD to regain housing element compliance.

For your information, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities programs, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD appreciates the hard work and dedication the housing element update team provided throughout the housing element review and update process. HCD looks forward to working with the City through adoption and rezoning. If you have any questions or need additional technical assistance, please contact Sayed Murad of our staff, at Sayed.Murad@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

ATTACHMENT 5

Housing Element

August/September 2024 – Redline Version

Link:
https://malibucity.org/DocumentCenter/View/34726/City-of-Malibu-Housing-Element--AugustSeptember-Redline

City of Malibu
Housing Element 2021-2029 (6th Cycle) Implementation
Malibu Municipal Code (MMC) Amendments, Title 17 Zoning
8-23-24

Chapter 17.02. INTRODUCTORY PROVISIONS AND DEFINITIONS

17.02.060 **Definitions.**

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. ~~and is operated by a government agency or private nonprofit organization.~~

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Lower income households" ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include very-low income households, as defined in Section 50105 of the California Health and Safety Code, and extremely-low income households, as defined in Section 50106 of the California Health and Safety Code.~~ means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual.

This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

“Supportive housing” means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population", and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

“Supportive housing” means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population", and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, “permanent supportive housing”).

Chapter 17.08 RR RURAL RESIDENTIAL DISTRICT

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. Residential care facilities, small;
~~C.~~
D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

~~D.~~
E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

a. That the animals are located not less than 150 feet from any highway and not less than 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.~~

F. Manufactured homes, pursuant to Government Code Section 65852.3;

~~F.~~

G. Second units, pursuant to Government Code Section 65852.2;

~~G.~~

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

~~H.~~

I. Private equestrian and/or hiking trails;

~~I.~~

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

~~J.~~

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

~~K.~~

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.10 SF SINGLE FAMILY DENSITY RESIDENTIAL DISTRICT

17.10.010. **Purpose.**
The SF district will serve the majority of the city's single-family residential parcels. The intent of the district is to enhance the rural characteristics of the community by maintaining low density residential development in a manner which respects surrounding property owners and the natural environment.

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. Residential care facilities, small;
~~C.~~
D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

    c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

~~D.~~
E. Manufactured homes, pursuant to Government Code Section 65852.3;
~~E.~~
F. Second units, pursuant to Government Code Section 65852.2;
~~F.~~
G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

~~G.~~

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

~~H.~~

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses~~.~~;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.12 MF MULTIPLE-FAMILY RESIDENTIAL DISTRICT

17.12.010. **Purpose.**
The MF district consists of existing multifamily development in the city and is intended to provide for a variety of residential opportunities ranging from single-family to multiple-family and residential uses at a moderate density range.

17.12.020. **Permitted uses.**
The following uses and structures are permitted in the MF district:

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

~~B.~~

C. Small family day care ~~and residential care facilities serving six or fewer persons~~;

D. Residential care facilities, small;

~~C.~~

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

~~D.~~

F. Manufactured homes, pursuant to Government Code Section 65852.3;

~~E.~~

G. Second units, pursuant to Government Code Section 65852.2;

~~F.~~

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

~~G.~~

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18)~~.~~;

~~H.~~

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(D) of this title~~;~~

~~I.~~

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

17.12.040. **Conditionally permitted uses.**
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~
~~B.~~
A. Horticultural related activities;
~~C.~~
B. Utility facilities related to public projects;
~~D.~~
C. Governmental facilities;
~~E.~~
D. Nursery schools, day care facilities;
~~F.~~
E. Churches, temples and other places of worship;
~~G.~~
F. Lighted sports courts;
~~H.~~
G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;
~~I.~~
H. Parks and playgrounds;
~~J.~~
I. Emergency communication and service facilities.

Chapter 17.14 MFBF MULTIFAMILY BEACH FRONT DISTRICT

17.14.020. **Permitted uses.**
The following uses and structures are permitted in the MFBF district:

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

~~B.~~

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

~~C.~~

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

~~D.~~

E. Manufactured homes, pursuant to Government Code Section 65852.3;

~~E.~~

F. Second units, pursuant to Government Code Section 65852.2~~.~~;

~~F.~~

G. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

H. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

~~G.~~

I. ~~Small~~ ~~r~~Residential care facilities, small; ~~involving six or fewer persons~~

~~H.~~

I. Affordable housing development projects~~.~~;

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

17.14.030. **Uses subject to director's review.**
The following uses and structures may be permitted subject to obtaining a minor conditional use permit:

A. Mobilehome used as a residence during construction, subject to Section 17.40.040(A) (18);

B. Home occupations, subject to Section 17.40.040(A)(19).

17.14.040. **Conditionally permitted uses.**
The following uses may be permitted subject to obtaining a conditional use permit:

~~A. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~
~~B.~~
A. Utility facilities related to public projects;
~~C.~~
B. Lighted sports courts;
~~D.~~
C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;
~~E.~~
D. Parks and playgrounds;
~~F.~~
E. Emergency communication and service facilities.

Chapter 17.24. CC COMMUNITY COMMERCIAL DISTRICT

17.24.020. **Permitted uses.**
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily ~~A~~affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L)).~~,~~;

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO.~~,~~;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120 (C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

Chapter 17.30 CG COMMERCIAL GENERAL DISTRICT

17.30.020. **Permitted uses.**
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. **Conditionally permitted uses.**
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

E. Cultural and artistic uses, such as museums, galleries, performing arts studios;

F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,

2. Manufacturing, processing or treatment of products,

3. Research and development and testing facilities,

4. Wholesale, storage and distribution,

5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

G. Movie theaters;

H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

I. Large residential care facilities involving seven or more persons.

J. Mixed Use (commercial and residential)

Chapter 17.34 I INSTITUTIONAL DISTRICT

17.34.020. **Permitted uses.**
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel)~~.~~;

G. Emergency shelters~~.~~;

H. Transitional ~~and supportive~~ housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses;

I. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.39. MALIBU COAST ESTATE PLANNED DEVELOPMENT (PD) DISTRICT

§ 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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

6. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

17.40.040 Residential development standards.

A. All residential development shall be subject to the following development standards:

1. Every residence shall have a roof constructed with roofing material in compliance with a rating as specified by Section 1603 (Fire Zone 4) of Title 26 (Los Angeles Building Code) of this code (see Chapter 15.04).

2. Every residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited.

3. Except as specifically provided by this chapter, every single-family residence shall be not less than 20 feet in width. A single-family residence need only be a minimum of 18 feet wide when it is to be located on a lot or parcel of land less than 26 feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than 20 feet wide, but not less than 12 feet, if the floor area, exclusive of appurtenant structures, is at least 900 square feet and the side or sides oriented toward a public street, highway or parkway have a dimension of at least 20 feet. Additions to single-family residences are not restricted as to width.

4. The minimum floor area of a residential unit shall be as follow:

    a. For a single-family residence, not less than 800 square feet, exclusive of any appurtenant structures.

    b. For each multifamily dwelling unit, not less than 300 square feet, exclusive of any appurtenant structures.

5. Height.

    a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

    b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), ~~f~~For new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two~~.~~, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

6. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:

   a. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.

   b. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, on no event, shall a single side yard setback be less than 10% of the width of the lot or five feet, whichever is greater.

   c. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.

   d. For the purpose of calculating yards, slopes equal to or greater than 1:1 shall not be included in the lot dimensions.

   e. All structures must be set back at least 25 feet from the top of a 45 degree angle (1:1 slope) starting at the toe of an inland bluff or coastal bluff. For slopes greater than 45 degrees setback shall be 25 feet horizontal as measured from the top of the slope at the end of the 45 degree line commencing at the base of the slope. For the purposes of this section, an inland or coastal bluff is a topographic-feature not primarily composed of sand and at least 25 feet from top to toe with a slope of 1:1 or greater.

   f. Notwithstanding any provision of this section, where feasible, all structures shall be set back a minimum of 100 feet from an environmentally sensitive habitat area and other designated environmentally sensitive areas and a minimum of 100 feet from park natural vegetation. For the purposes of this section, “park natural vegetation” means native vegetation comprised of plan species identified as indigenous in the 1986 Edition of Flora of the Santa Monica Mountains (Raven, Thompson and Prigge).

7. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:

   a. Front. Twenty feet maximum or the average of the two immediate neighbors, whichever is less.

   b. Side. Ten percent of lot width on each side, with a three feet minimum and five feet maximum.

c. Rear. Setbacks are determined by the stringline rule. Separate setback standards apply to dwellings, decks, accessory structures, and shoreline protective devices, as indicated below:

1. Dwellings and Decks. For a dwelling or deck, new construction shall not extend seaward of a stringline drawn by the following procedure:

    a. General Rule. The stringline shall be drawn from a point on the closest upcoast and downcoast property with the same type of structure (dwelling or deck). The stringline point shall be located as follows: first, the predominant seaward projection of the structure on the upcoast and downcoast property shall be identified; second, the corner of the predominant seaward projection which is closest to the subject property shall be located, and shall constitute the stringline point. Predominant seaward projection shall be calculated using the formula in subsection (b).

    b. Predominant Seaward Projection. The “predominant seaward projection” shall be that portion of a structure closest to the ocean, which has a width (i.e., the dimension which is on a plane parallel to the ocean front) at least 30% of the maximum width of the structure.

2. Stringline Determination. After an application is determined to be complete and a preliminary stringline determination is made, the planning manager/director shall notify in writing the owners and residents of all beachfront property within 500 linear feet of the proposed stringline determination and in no event less than 10 developed properties. Not sooner than 21 days after the resident and owners are notified nor later than 30 days after the notification, the planning manager/director will consider all comments submitted in writing and orally. These deadlines are directory and no decision shall be subject to invalidation solely on the ground that it was made after the deadline. Thereafter, the planning manager/director shall approve, deny, or modify the preliminary stringline determination and issue a written decision.

3. Stringline Modification. Where the application of the general rule results in a stringline substantially inconsistent with the adjacent development, the applicant may apply for a stringline modification pursuant to Section 17.72.100(C).

4. Accessory Structures. No accessory structure (including, without limitation, a gazebo, pool, cabana) may project seaward of the deck stringline. Accessory structures may be permitted seaward of the dwelling stringline, provided that ocean views from adjacent developed properties are maintained to the maximum reasonable extent, as determined by the planning manager/director.

5. Shoreline Protective Devices. A shoreline protective device including sea walls, bulkheads or other similar devices shall be subject to site plan review approval pursuant to Section 17.62.040(A)(10). A shoreline protective device shall not extend seaward of a stringline drawn between the nearest corners of the closest existing shoreline protective device(s), as determined by the planning manager/director.

d. Bluff.

i. Beachfront Bluffs. Consistent with the stringline rule, structures may extend over a bluff which is 10 feet or less in height, from toe to top, as established by average beach profile and having underlying geology composed mostly of sand and/or naturally or artificially deposited fill materials.

ii. Shoreline Bluffs. Structures on non-infill lots shall not extend over a bluff which is greater than 10 feet but less than 25 feet and all structures shall be set back to comply with the requirements of Title 26 (Los Angeles Building Code) for foundations adjacent to descending slopes. Structures on infill lots on shoreline bluffs shall conform to the stringline rule.

8. Ridgelines.

1. Primary Ridgelines.

a. A primary ridgeline shall be defined as follows: a hill, ridge or promontory which drops on either side of the top of this landform feature, and includes at least one of the following conditions:

i. Forms a distinct part of the skyline when viewed from a public street or highway; or

ii. Is seen as a distinct and prominent edge against a backdrop of land at least 500 feet behind it when viewed from a public street and contains an average slope of at least 3:1.

2. Secondary Ridgelines.

a. A secondary ridgeline is defined as hills, ridges, and promontories other than primary ridgelines, but on which the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of this landform feature.

b. Any structures proposed on secondary ridgelines shall be subject to the planning director's review. If the structure projects above the top of the secondary ridgeline, as viewed from a public or private street, the planning director may impose conditions to minimize potential scenic impacts based on such factors as the prominence of the site and structure, the severity of visual impact to public view, and the existing development pattern in the surrounding area. These conditions would be based on the following secondary ridgeline development criteria:

i. Proposed structures are encouraged to be maintained at a low profile to mitigate visual impacts of the secondary ridgeline.

ii. The proposed design of the structure, including grading of the site should incorporate development techniques which sensitively conform to the natural terrain, including such measures as split level designs or second stores which are stepped back as viewed from the downhill side of the property, reduced building pads and roof pitches which parallel existing slopes.

3. Grading or berms which alter the natural contours of, or change the elevation of the crest of the ridgeline in order to create a pad shall be avoided.

4. Berms, contour or landform grading, and landscaping should be used, when necessary, to soften the visual impacts to secondary ridgelines created by structures and grading.

    c. Ridgetop development is particularly susceptible to wildfire hazard. In addition to the criteria to reduce visual impact, the planning director shall evaluate all ridgeline development on slopes of at least 3:1 to incorporate adequate setbacks to address potential fire hazard concerns.

9. Grading. Notwithstanding any other provisions of this code, grading (total cut and fill) is limited to 1,000 cubic yards as follows:

    a. Maximum Quantity. In conjunction with any grading, so that the maximum is not greater than 1,000 cubic yards (exclusive of remedial grading) cut and fill may be allocated as follows: (i) balanced cut and fill up to 1,000 cubic yards; or (ii) export of no more than 1,000 cubic yards; or (iii) import of no more than 500 cubic yards, where additional grading on site does not exceed 500 cubic yards in conjunction with any landform alteration so that the maximum is no greater than 1,000 cubic yards; or (iv) any combination of the above that does not exceed 1,000 cubic yards per lot for single-family residential development or per acre of multi-family residential development.

    b. Maximum height cut or fill: six feet in height for any one wall, or 12 feet for any combination of walls, where a minimum three foot separation exists between walls, except single cuts up to 12 feet in height which are an integral part of the structure are permitted.

    c. Maximum grade cut or fill: 3:1 for areas created for development of structures and open yard areas. Transition slopes may not exceed 2:1 and shall not exceed the maximum height permitted for cuts and fills.

    d. Criteria. Grading plans shall be submitted for approval with building plans. No grading permits shall be issued until a building permit is approved. Contour grading shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

    e. Remedial Grading. Notwithstanding the limitations of this subsection, the director may permit remedial grading pursuant to site plan review, Section 17.62.040. For the purposes of this section, “remedial grading” is defined as grading recommended by a full site geotechnical report approved by the director and city geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development.

    f. Exceptions. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.

10. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed two acres.

11. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

    a. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

    b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. “Green or living walls” shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25% requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

17.40.120 **~~Emergency shelters.~~ Special housing projects.**

A. Emergency shelters. ~~Purpose. The purpose of this section is to provide development standards for emergency shelters in the city of Malibu~~.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. ~~B~~. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. ~~C.~~ Regulations. ~~An emergency shelter is an allowed use, subject to the issuance of an administrative plan review (per Section 17.62.030 of this title) if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case:~~ An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~2.~~ a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed ~~25~~55 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~3.~~ b. Facility Requirements.

i. ~~a.~~ Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

ii. ~~b.~~ Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. ~~c.~~ Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. ~~d.~~The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) ~~i.~~ Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) ~~ii.~~Dining area;

(3) ~~iii.~~ Laundry room;

(4) ~~iv.~~ Recreation room;

(5) ~~v.~~ Support services (e.g. training, counseling, etc.); and

(6) ~~vi.~~ Child care facilities.

c. ~~4.~~ Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. ~~5.~~ Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. ~~6.~~ Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. ~~7.~~ Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. ~~a.~~ Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. ~~b.~~ Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. ~~8.~~ Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

~~D. Reviewing Authority.~~

~~1. Applications for emergency shelters shall be reviewed by the director or designee,~~.~~if no approval is sought other than the request for use of an existing facility. If the proposed use meets the requirements of this Section and is consistent with the applicable sections of Chapter 17.40, the director shall issue a permit.~~

~~2. Applications for the emergency shelter use submitted for concurrent review with another discretionary land use application (e.g., a coastal development permit to construct the facility) shall be reviewed by the authority reviewing the discretionary land use application.~~

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

~~2.~~ Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

   a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
   b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
   c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
   d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
   e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

   Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial) ~~along with~~ Section 17.42.020(L) Affordable Housing Overlay, and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 17.42.020(L)) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. ~~17.40.130~~ Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

~~A.~~ 1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

~~B.~~ 2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

~~C.~~ 3. Laundry facilities must be provided onsite.

~~D.~~ 4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

~~E.~~ 5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

~~F.~~ 6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The

management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

~~G.~~ 7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

~~H.~~ 8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

Chapter 17.41.1 AFFORDABLE HOUSING

17.41.1.010. Residential density bonus.

A. Purpose. This section is intended to implement the provisions of:

1. State Government Code Sections 65915 through 65918, which require a local jurisdiction to provide incentives for the production of affordable housing units; and

2. The city's general plan housing element policies relating to the provision of affordable housing.

~~B.~~

C. Eligibility. A density bonus may be granted to an eligible housing development ~~in any residential district through approval of a use permit by the city council (after recommendation from the planning commission). In order to qualify for a density bonus or other financial incentives of equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~, as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915 et seq.

~~1. At least 10% of the total units of a housing development for persons and families of lower income;~~

~~2. At least five percent of the total units of a housing development for persons and families of lower income;~~

~~3. A senior housing development; or~~

~~4. At least 10% of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of 35% shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

~~C.~~

D. General Provisions. ~~for Density Bonuses and Incentives/Concessions. As required by Government Code Section 65915, the city of Malibu shall consider a density bonus and provide incentives or concessions for a housing development that shall be subject to the following provisions:~~

~~1. Determination of Unit Count. When determining the percentage of housing units which are to be affordable, the density bonus units shall not be included.~~

~~2. Minimum Project Size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~

~~3. Previous Density Bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

4. Dispersal of Affordable Units. “Affordable” or “density bonus” units shall be generally dispersed throughout a development project shall not differ in appearance from other units in the development.

5. Regulatory Incentives. In accordance with Government Code Section 65915, in addition to a density bonus the city shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost”

   a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.
   b. Approval of mixed-use development in conjunction with a multifamily residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.
   c. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:

   a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;

   b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;

   c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1 of this title; and

   d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the “maximum allowable residential density” shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

~~D~~. E. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

~~3. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~

~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1. of this title; and~~

~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

~~3.~~

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

~~1. Low and very-low income households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of 55 years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation; which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915 et seq. The requirements of Government Code section 65915 et seq, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915 et seq. Any changes to Government Code section 65915 et seq. shall be deemed to supersede and govern over any conflicting provisions contained herein.

Chapter 17.42 OVERLAY DISTRICTS

17.42.020. Purpose and intent.

L. Affordable Housing Overlay District.

3. Standards. ~~The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply, unless specifically modified by standards detailed in subsection L. The following special specific regulations shall apply to the AHO sites identified in Table 1 below.~~

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units ~~in excess of the permitted base density of six dwelling units per acre, shall be affordable to lower and moderate income households as set forth in subsection 5 of this section. A minimum of 50%of all units in excess of the six units per acre~~ shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section~~.~~, and a ~~A~~ minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

~~4.~~ b. Development Standards.

.

i. Site of Construction. Structures may be constructed on slopes flatter than 1½:1.

~~a.~~

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

~~b.~~

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units ~~General Guidelines~~. The ~~lower-income~~ restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall ~~be comparable in number of bedrooms, exterior appearance and overall quality of construction to nonrestricted units~~ have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

~~iii.~~ v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

~~iv. The construction materials and practices shall be comparable to those used for the market rate units;~~

~~v. The exterior grounds shall be landscaped and well maintained; and~~

~~vi. The units shall be disbursed throughout the project site and not clustered in a single location;~~

vi. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure

are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

vii. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

~~5.~~4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

ii. Subject to any other form of rent or price control; or

iii. Occupied by low- or very-low-income households.

b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

17.48.030. Specific parking requirements.

Parking Standards	
A. Residential Uses.	
Emergency shelters	~~For each 10 adult beds, one space plus o~~One ~~additional~~ space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee. In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
~~Multifamily units~~	~~For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.~~
Multifamily units	For each efficiency or one-bedroom dwelling unit, ~~(affordable)~~ one space. For each dwelling unit with two~~-bedroom or three-~~ or more bedrooms ~~unit~~, two spaces~~., one of which shall be either enclosed or covered inclusive of guest parking~~. ~~For each four-bedroom or larger unit, two and one-half spaces.~~ Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces.
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 17.40.120(C)(3)(j) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

Chapter 17.63
HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

17.63.020. Applicability.

C. A person with a disability is a person who has a physical or mental impairment that ~~substantially limits or~~ substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation. ~~The director may, in his or her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

~~B. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings:~~

~~1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in subsection A above.~~

~~2. The request for reasonable accommodation is necessary to make housing available to a person with a disability as defined in subsection A above.~~

~~3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.~~

~~4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.~~

~~5. The requested reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat area, public access and/or public views, and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation shall be included to address significant impacts.~~

~~6. The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat area, public access and/or public views.~~

17.63.060. Decision.

A. The director shall consider an application, and issue a written determination within 45 calendar days of the date of receipt of a completed application. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and

occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.

~~C. Upon referral from the director, the planning commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The commission shall issue a written determination within 45 calendar days after such public meeting.~~

~~D.~~ C.

Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

~~E.~~D.

The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.

~~F.~~ E.

The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.

~~G.~~F.

While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

~~H.~~G.

Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

City of Malibu
Housing Element Implementation
Local Coastal Program (LCP) Amendments
8-23-24

LAND USE PLAN (LUP) AMENDMENT

CHAPTER 6 – SCENIC AND VISUAL RESOURCES

C. Land Use Policies

2. New Development

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

LOCAL IMPLEMENTATION PLAN (LIP) AMENDMENTS

CHAPTER 2—DEFINITIONS

2.1. GENERAL DEFINITIONS

BY-RIGHT USE – the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless person. ~~person and is operated by a government agency or private non-profit organization.~~ No individual or household may be denied emergency shelter because of an inability to pay.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

LOWER INCOME HOUSEHOLDS – ~~include persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. Lower income households include Very-Low Income Households, as defined in Section 50105 of the California Health and Safety Code, and Extremely-Low Income Households,~~ include those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

PERMANENT SUPPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

RESIDENTIAL CARE FACILITY, SMALL ~~any family home or group care facility serving 6 or fewer persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities~~ - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a “target population,” and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, “PERMANENT SUPPORTIVE HOUSING”).

3.3. ZONING DISTRICTS

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" 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, 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. Domestic animals, kept as pets.
   iv. Landscaping.
   v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
   vi. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

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.
   ii. 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.
   iii. Onsite wastewater treatment facilities.

3.4.5. Affordable Housing Overlay District

A. Purpose and Applicability. The Affordable Housing Overlay (AHO) District is intended to identify sites within the City where affordable housing developments may be established and maintained in compliance with this section. In addition to (and not as a limitation of) uses allowed within the underlying zoning district and any other applicable overlay, each property within the AHO District may be developed with an Affordable Housing Development, subject to the provisions set forth below. All requirements for the Malibu LIP that are not inconsistent with the criteria listed below shall remain in effect for those parcels in the Affordable Housing Overlay.

B. Description of Area Subject to LIP Section 3.4.5.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	~~4458-022-023 and 4458-022-024~~ 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

C. Permitted Uses.

1. Affordable housing development is permitted in the AHO subject to the development standards set forth in this Section. Specifically, on AHO Site Number 3 (2.3 acre portion of 23465 Civic Center Way also known as the La Paz site) an affordable housing development is only permitted if the affordable housing development is either directly developed/constructed by the City, or if the City partners with an affordable housing developer; and eighty percent (80%) of the units are affordable for lower and moderate households, to serve as a public benefit to the City.

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area ~~including the~~, exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, ~~all units in excess of the permitted base density of 6 dwelling units per acre, shall be affordable to lower and moderate income households as set forth in Subsection F below. A~~ a minimum of twenty ~~fifty~~ percent (~~50~~20%) of all units ~~in excess of the 6 dwellings units per acre~~ shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s) ~~or units~~, shall be affordable to lower and moderate income households as set forth in Subsection ~~F~~ E below,~~.~~ and ~~A~~ a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

~~E~~2. Development Standards.

~~1~~a. ~~Site of Construction.~~ Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

~~2. General Guidelines. The lower-income multi-family dwelling units required under this Section:~~ 3. Restricted Units. The ~~lower-income~~ restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units;~~ Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. ~~The construction materials and practices shall be comparable to those used for the market rate units~~ The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. ~~The exterior grounds shall be landscaped and well maintained; and~~ May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. ~~The units shall be disbursed throughout the project site and not clustered in a single location.~~ Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

~~F~~E. Affordability.

1. Rental ~~u~~Units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.1(D)(4) of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-sale or O~~o~~wner-O~~o~~ccupied U~~u~~nits. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to ~~levels~~ affordable levels according to Section 3.4.5(D)(1)(d) ~~lower-income households~~ and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

    a. The number of restricted units proposed.

    b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

    c. The proposed location of the restricted units.

    d. Amenities and services provided for the unit residents.

    e. Specific level of affordability for each of the restricted units.

    f. Schedule for production of the restricted and market-rate units.

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

    a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

    b. Subject to any other form of rent or price control; or

    c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units

were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

   h. Specific level of affordability for each of the replacement units.

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income,

restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

3.6 RESIDENTIAL DEVELOPMENT STANDARDS

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

A. Every residence shall have a roof constructed with roofing material in compliance with rating as specified by Title 15 of the Malibu Municipal Code;

B. Every residence shall have an exterior siding of brick, wood, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited;

C. Except as specifically provided herein, every single-family residence shall be not less than twenty (20) feet in width. A single-family residence need only be a minimum of eighteen (18) feet wide when it is to be located on a lot or parcel of land less than twenty-six (26) feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than twenty (20) feet wide, but not less than twelve (12) feet, if the floor area, exclusive of appurtenant structures, is at least nine hundred (900) square feet and the side or sides oriented toward a public street, highway or parkway have a dimension to width;

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

   1. For a single-family residence, not less than eight hundred (800) square feet, exclusive of any appurtenant structures.

   2. For each multifamily dwelling unit, not less than three hundred (300) square feet, exclusive of any appurtenant structures.

E. Height.

   1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), e~~E~~very residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

   3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), f~~F~~or new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center

line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

F. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:

1. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.

2. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.

3. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.

4. For the purposes of calculating yards, slopes equal to a greater than 1:1 shall not be included in the lot dimensions.

5. Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.

6. Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

   a. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.

   b. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.

   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.

7. Setbacks shall also be in compliance with Article VIII of the Malibu Municipal Code (Building Code).

G. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:

1. Front. 20 feet maximum or the average of the two immediate neighbors, whichever is less.

2. Side. 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum, except as required for view corridors under Section 6.5(E)(2) of the Malibu LIP.

3. Rear. Setbacks for infill development are determined by the stringline rule. Separate setback standards apply to dwellings and decks, as indicated below. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible.

   a. Dwellings. For a dwelling, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast dwelling. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast dwelling.

   b. Decks and patios. For a deck or patio, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast deck or patio. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast deck or patio.

   c. All infill development shall be set back a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. The location of the mean high tide shall be determined in consultation with the State Lands Commission.

4. Stringline modification. Where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development, the applicant may apply for a minor modification pursuant to LIP Section 13.27.1(B)(3). Alternatively, the applicant may apply for a variance pursuant to LIP Section 13.26.

5. Accessory structures. No accessory structure (including, without limitation, a gazebo, cabana) may project seaward of the dwelling stringline.

6. Swimming pools and spas. Pools and spas may project seaward of the dwelling stringline, but in no case may they project seaward of the deck stringline.

7. Stairways. Stairways from decks to the beach may not project seaward of the deck stringline.

8. Fences. Fences, shall not project seaward of the structure stringline, with the exception of any required safety railing around decks that is a maximum of 42 inches in height, and fencing constructed of transparent material such as plexiglass.

9. Shoreline protective devices. A shoreline protective device shall be permitted only if the Planning Manager and the Building Official determine that the device is necessary to protect an existing structure as defined in paragraphs L. and M. of Section 10.4 of the LIP or an existing or new sewage disposal system. A shoreline protective device shall be located as far landward as possible, consistent with the provisions of Chapter 10 of the Malibu LIP.

10. Bluffs. Setbacks shall be consistent with the requirements of Chapter 10 of the Malibu LIP.

H. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed 2 acres, except where otherwise restricted by provisions of the ESHA Overlay Chapter (Chapter 4), Scenic and Visual Resources Chapter (Chapter 6), or Grading Chapter (Chapter 8) of the Malibu LIP.

I. Single Family.

1. Use of permeable surfaces is encouraged, especially for driveways. However, including the primary structure, impermeable surfaces are permitted for residential lot areas (excluding slopes equal to or greater than 1:1), up to 1/4 acre at 45%; for lot areas greater than 1/4 acre but a ½ acre or less, at 35% and for lots greater than 1/2 acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this Paragraph.

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. “Green or living walls” shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

3.7 AFFORDABLE HOUSING

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement ~~the incentive program provided in the~~ State Dd~~D~~ensity Bb~~B~~onus Law (Government Code Sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code Sections 65915 through 65918 et seq. are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915 et seq. . ~~in any residential district through approval by the city council (after recommendation from the planning commission) of a CDP. In order to qualify for a density bonus or other financial incentives or equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~

~~1. At least ten (10) percent of the total units of a housing development for persons and families of lower income;~~

~~2. At least five (5) percent of the total units of a housing development for very low income households;~~

~~3. A senior citizen housing development; or~~

~~4. At least ten (10) percent of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of thirty-five (35) percent shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

C. General Provisions. ~~for Density Bonuses and Incentives/Concessions. In accordance with Government Code Section 65915, the City shall consider a density bonus and provide incentives or concessions for a housing development subject to the following provisions:~~

~~1. Determination of unit count. When determining percentage of housing units which are to be affordable, the density bonus units shall not be included.~~

~~2. Minimum project size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~

~~3. Previous density bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

~~4. Dispersal of affordable units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.~~

~~5. Regulatory incentives. In accordance with Government Code Section 65915, in addition to a density bonus the City shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost:~~

~~a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.~~

~~b. Approval of mixed-use development in conjunction with a multi-family residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.~~

~~c. Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.~~

~~D. Procedures for Approval.~~

~~1. Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.~~

~~2. Findings. When required by Government Code Section 65915, the City shall grant a density bonus that allows the applicant to build no more than thirty-five (35) percent more units than a property's zoning would ordinarily allow, if the City finds:~~

~~c. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~

~~d. The developer has demonstrated that the density bonus and adjustment of standards is necessary to make the project economically feasible;~~

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code Section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act~~, Government Code Section 65915 and Section 3.7.1 of the Local Coastal Program~~.

ii. ~~If located within the coastal zone, t~~The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions; and

iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

~~3. In accordance with Government Code Section 65915(f), the density bonus shall be calculated based on the otherwise maximum allowable residential density under the LCP. The "otherwise maximum allowable residential density" shall mean the maximum density determined by applying all site-specific environmental development constraints applicable under the LCP.~~

~~4. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified local coastal program coastal resource protection policies and development standards, with the exception of the density provisions.~~

d. If~~, however,~~ the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

~~5~~e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code Section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

~~6. For any housing development where the City approves a density bonus, prior to issuing the coastal development permit, the owner must record an affordable housing agreement~~

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code Section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of Section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

   a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

   b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

   c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

   d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

~~1.~~2. Notification to developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

.

4. ~~3.7.2~~ Affordable Housing Agreement. ~~An applicant that chooses any option for satisfying the affordability requirements of this chapter shall enter into an affordable housing agreement ("agreement") with the City. The agreement shall be executed in a recordable form prior to the issuance of a CDP and building permit for any portion of a project including affordable units, subject to the requirements of this chapter.~~ For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

~~1. Low and Very-Low Income Households. An applicant providing low and very-low income units in accordance with this chapter must continue to restrict those units to low or very-low income households for a minimum of fifty-five (55) years or longer term under another regulatory agreement from the date of initial occupancy.~~

~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household and the sale price must be affordable to moderate income households and household and the sale price must be affordable to moderate income households.~~

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Affordable Housing Agreement Requirement.

~~A.~~

1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required

hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

~~B.~~

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

~~C.~~

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915 et seq. The requirements of Government Code section 65915 et seq., and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915 et seq. Any changes to Government Code section 65915 et seq. shall be deemed to supersede and govern over any conflicting provisions contained herein.

~~3.7.3 Affordable Housing Fund~~

H. Affordable Housing Fund.

~~A. Fund Revenues.~~

~~B. Purpose and Limitations.~~

1. Fund Revenues. The fund shall receive all in-lieu fees paid ~~under Section 3.7.1(E)(2)~~ and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

k. Other costs associated with the construction or financing of affordable housing;

l. Reasonable administrative charges or related expenses; and

m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

3.11. DEVELOPMENT STANDARDS FOR SPECIAL USES

3.11.5 ~~Emergency Shelter Requirements~~ Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

~~B.~~

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in section 3.11.5 (A)(4) shall be a permitted use established by-right.

~~C.~~

4. Regulations. An emergency shelter is ~~allowed~~ subject ~~to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, consistent with the LCP and subject~~ to the following standards ~~in each case~~. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~2.~~

a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty~~ fifty-five (~~25~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~3.~~

b. Facility Requirements.

~~a.~~

i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

~~b.~~

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

~~c.~~

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

~~d.~~

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

~~i.~~

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

~~ii.~~

(2) Dining area;

~~iii.~~

(3) Laundry room;

~~iv.~~

(4) Recreation room;

~~v.~~

(5) Support services (e.g. training, counseling, etc.); and

~~vi.~~

(6) Child care facilities.

~~4.~~

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

~~5.~~

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

~~6.~~

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

~~7.~~

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

~~a.~~

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

~~b.~~

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

~~8.~~

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

~~D.~~

5. Reviewing Authority.

~~1. Coastal Development Permit applications for emergency shelters shall be reviewed by the appropriate decision making authority in accordance with Section 13.7. A coastal development permit application is required for emergency shelters, unless determined to be exempt, consistent with the LCP, pursuant to LIP Section 13.4, and shall be reviewed by the appropriate decision making authority in accordance with LIP Section 13.7.~~ Applications for a emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B)(2) and (4) shall be permitted use established by-right.

4. Regulations.

   a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
   b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
   c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
   d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
   e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. By right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(C)(2) and (4). Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development

Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (LIP section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

~~3..11.6.~~

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

~~A.~~

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

~~B.~~

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

~~C.~~

3. Laundry facilities must be provided onsite.

~~D.~~

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

~~E.~~

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

~~F.~~

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

~~G.~~

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

~~H.~~

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

3.14.3 Specific Parking Requirements

Parking shall be provided in accordance with the list of uses under this section. Where the standards result in a fraction, the next larger whole number shall be the number of spaces required. For additions to existing developments, the increased parking requirement shall be based only on the addition. A minimum of two spaces shall be provided for any use or development regardless of the size or scope of the use or development. The minimum size for a residential parking space shall be 18 feet long by 10 feet wide. If the specific use is not listed in the following table, the parking requirements listed in each zone district shall apply:

PARKING STANDARDS

Residential Units

Emergency shelters	~~One parking space per 10 adult beds, plus 1~~ One parking space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	One space for every two beds and 1 space for every employee. In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
~~Multi-family units (market rate)~~	~~For each efficiency dwelling unit, 2 spaces which shall be either enclosed or covered~~ ~~For each one-bedroom or two-bedrooms unit, 3 spaces, two both of which shall be enclosed~~ ~~For each additional bedroom above two, 1 space which shall be enclosed or covered~~ ~~Guest parking for each 4 units or fraction thereof, 1 space~~
Multi-family units ~~(affordable)~~	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms ~~-bedroom or three-~~bedrooms ~~unit,~~ 2 ½ spaces., ~~inclusive of guest parking~~ ~~For each four-bedroom or larger unit, 2 ½ spaces~~

	Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(C)(3)(j).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

6.7 APPLICATION SUBMITTAL REQUIREMENTS

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading <u>for all proposed single-family residential and non-residential developments</u>.

5. <u>For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.</u>

~~5.~~

6. An analysis of the potential impacts of the proposed development on the identified public views.

~~6.~~

7. Project alternatives designed to avoid and minimize impacts to visual resources.

~~7.~~

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

B. Applications for land divisions shall include a grading plan, drainage/polluted runoff control plan, landscape plan, conceptual fuel modification plan (based on anticipated location of future structures), line of sight analysis showing the view of the project site from public viewing areas, and landscaping plans for any proposed slopes. These plans shall depict the proposed building pad or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel. If deemed necessary the visual analysis shall include the placement of story poles and stakes to indicate the location and extent of building pads and grading necessary to develop the site.

13.30 HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

A. Purpose and Intent. This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making, and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits ~~or substantially limits~~ one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

C. Application Submittal.

1. Any person with a disability may file an application for a request for reasonable accommodation with the Planning Department, on a form approved by the Planning Director and shall contain the following information, accompanied by a fee established by resolution of the City Council:

   a. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

   b. The address of the property for which the request is being made;

   c. Current actual use of the property;

   d. The basis for the claim that the individual is considered disabled under the Acts;

   e. The specific code provision, regulation, procedure or policy of the LCP from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

f. The length of time the reasonable accommodation is necessary;

g. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

h. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

i. A site plan or illustrative drawing showing the proposed accommodation; and

j. Any other information required to make the findings required by subsection (F)(5) of this section consistent with the Acts.

2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a CDP, then the applicant shall file the application submittal information together with the application for the CDP for concurrent review.

3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation. ~~The Director may, in his/her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings <u>in compliance with the Acts</u>:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The ~~approved~~ reasonable accommodation is necessary to make <u>the specific</u> housing available to a person with a disability as defined in subsection (B)(3) above.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources~~.~~, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be considering the application and inviting written comments on the requested accommodation.

~~3. Upon referral from the Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The Commission shall issue a written determination within forty-five (45) calendar days after such public meeting.~~

3.

~~4.~~ Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4.

~~5.~~ The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5.

~~6.~~ The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6.

~~7.~~ While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7.

~~8.~~ Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

~~G~~. H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

~~H.~~ I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

~~I.~~J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance

regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required [time period set forth in this section.

~~J.~~K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

    a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

Appendix 1

PERMITTED USES TABLE

In the event of a conflict between the table and the text of Title 17, the text shall control.

KEY TO TABLE (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	Permitted use
MCUP	Requires the approval of a minor Conditional Use Permit by the Director
CUP	Requires the approval of a Conditional Use Permit
A	Permitted only as an accessory use to an otherwise permitted use
LFDC	Requires the approval of a Large Family Day Care permit
WTF	Requires the approval of a Wireless Telecommunications Facility
•	Not permitted (Prohibited)

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Agricultural employee housing, as an accessory use, animal related	A	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Agricultural employee housing, as an accessory use, crop related	A	A	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
One single-family residence per lot[28]	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Manufactured homes pursuant to Government Code § 65852.3	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development)[28] – new or the expansion over 500 sf of existing multifamily residential use	•	•	~~CUP~~P[30]	~~CUP~~P[2,30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
Second units pursuant to Government Code § 65852.2	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•	•
Mobile home parks in existence as of March 28, 1991	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Mobile home park modifications to number, layout, or density and public or common areas, except for repair and maintenance	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•
Temporary mobile home as residence subject to § 17.40.040(A)(18)	P	P	P	MCUP	•	•	•	•	•	•	•	•	•	•	•	•
Accessory uses (guest units (750 sf max), garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-commercial), sports courts (nonilluminated), corrals (non-commercial), and similar uses)	A	A	A	A[3]	•	•	•	•	•	•	•	•	•	•	•	•
~~Residential care facilities (serving 6 or fewer persons)~~	~~P~~	~~P~~	~~P~~	~~P~~	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲	▲
Large residential care facilities (serving 7 or more persons)		•		•	•	•	•	•	•		•	CUP	•	•	•	•
Small residential care facilities (serving 6 or fewer persons)	P	P	P	P		•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Mixed use (Commercial and Residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Employee housing for 6 or fewer persons	P[32]	P[32]	P[32]	P[32]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	▲P[29]	•	•

Supportive housing, by-right	•	•	P[33]	P[33]	•	•	•	•	P[36]	•	•	P[33]	•	•	•	•
Transitional housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[34]	•	•	P[37]	•	•	•	•
Small family day care (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/MCUP[4]	P/MCUP[4]	P/MCUP[4]	P/MUP[4]	•	•	•	•	•	•	•	•	•	•	•	•
Domestic animals kept as pets or for personal use	A	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•
Equestrian and hiking trails (public and private)	P[5]	P[5]	P[5]	•	•	P[5]	•	•	•	•	•	•	•	P[5]	•	•
Equestrian riding and training facilities and activities including boarding of horses and	•	•	•	•	•	CUP	•		•	•	•	•	•	•	•	•

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
domestic animals, tournaments, shows and contests (including accessory uses such as club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities)																
Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals	P[7]	•	•	•	•	CUP[7]	•	•	•	•	•	•	•	CUP[6]	•	•
Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use	A[8]	A[8]	•	•	•		•	•	•	•	•	•	•	•	•	•
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P[9]	•	•	•	•	CUP[9]	•	•	•	•	•	•	•	CUP[6]	•	•
Boarding of horses as a commercial use	MCUP[10]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Raising of hogs or pigs	P[11]	•	•	•	•	CUP[11]	•	•	•	•	•	•	•	•	•	•
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature provided the parcel is 1 acre in size	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[6]	•	•
Greenhouses (noncommercial) on lots of at least 1 acre	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[6]	•	•
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	•	•	•	•	•	•	•	•	•	•	•	CUP[6]	•	•
Horticultural related activities	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
Wildlife preserves	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•
Book stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Convenience stores	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Food markets	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hardware, garden supply stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Liquor stores	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Plant nurseries	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Pharmacies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Stationery supplies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•

Retail sales of recreational equipment and clothing, souvenirs, and similar uses	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•
Bakeries (no on-site seating)	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Banks, financial institutions	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Health care facilities	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	CUP	•	•
Medical, dental, and physical therapy offices	•	•	•	•	•	•	•	•	P	P	P	P	•	•	•	•
Professional offices	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Veterinary hospital	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Bars	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Professional offices	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Live entertainment	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Movie theaters	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Restaurants	•	•	•	•	•	•	•	CUP[12]	CUP[13]	CUP[13]	CUP[13]	CUP[13]	•	•	•	•
Vehicle washing/detailing	•	•	•	•	•	•	•	CUP[14]	CUP[14]			CUP	•	•	•	•
Service stations (without convenience market)	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	CUP	•	•
Community stage theaters	CUP[15]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cultural and artistic uses (such as museums, galleries, performing arts venues)	•	•	•	•	•	CUP	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Dance studios	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Emergency Shelters	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•
Health clubs	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hotels	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•
Motels and bed and breakfast inns	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•	•
Parks and playgrounds	•	•	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Public parks, beaches, and playgrounds	•	•	•	•	•	•	•	•	•	•	•	•	P	P	•	•
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	P	•	•	•	•	•	•	•	P[16]/ CUP	•	•
Recreational facilities (private) whose members receive membership through deeded rights, property rights, or membership	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•

Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for noncommercial purposes)	•	•	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Recreation facilities (neighborhood - for use by surrounding residents)	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Recreational facilities such as equestrian training and boarding facilities tennis and swim clubs and golf driving ranges	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Recreational vehicle parks	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	P
Sports courts (lighted)	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Sports fields (lighted)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP[17]	•	•
Charitable, philanthropic activities and educational (non-profit) activities	•	•	•	•	•	•	•	P[18]	P[18]	P[18]	P[18]	P[18]	•	CUP	•	•
Churches, temples, and other places of worship	•	•	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Community centers	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Day care facilities, nursery schools	CUP	CUP	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Educational institutions (public or private)	•	•	•	•	•	•	•	•	CUP[19]	•	•	•	•	CUP	•	•
Emergency communication and service facilities	•	CUP	CUP	CUP	CUP	CUP	•	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Communication Facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Farmers' markets operated by a nonprofit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Helipad sites	CUP[20]	•	•	•	•	•	•	•	•	•	•	•	•	CUP[21]	•	•
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P	P	P	•	P	•	•
Libraries, museums	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Maintenance yards	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP	CUP	CUP	CUP[22]	CUP	•	•
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	CUP[23]	•	•
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	CUP[24]	CUP	•	•	•	•
Wireless telecommunications antennae and facilities subject to Ch. 17.46	SPR/CUP[25]	•	•	•	•	SPR	•	SPR	SPR	SPR	SPR	SPR	SPR/CUP[25]	SPR	SPR	SPR/CUP[25]
Construction services (neighborhood-serving)	•	•	•	•	•	•	•	•	CUP	•	•	CUP	•	•	•	•

USE	RR	SF	MF	MFBF	MH	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Manufacturing, processing, or treatment of products	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Masonry supplies	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Sculptural and metal art activities	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Research and development, testing facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Self-storage	•	•	•	•	•	•	•	CUP[26]	CUP[26]	CUP[26]	CUP[26]	CUP[26]	•	•	•	•
Wholesale, storage, and distribution	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Light industrial uses	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m.	•	•	•	•	•	•	•	MCUP	P	P	P	P	•	•	•	•
Medical marijuana and/or retailer-storefront facilities	•	•	•	•	•	•	•	CUP[27]	CUP[27]	CUP[27]	CUP[27]	CUP[27]	•	•	•	•
~~New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments~~	~~•~~	~~•~~	~~•~~	~~CUP~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~	~~•~~
Expansion up to 500 sf of existing buildings provided the expansion conforms to Ch. 17.40	•	•	•	P	•	•	•	P	P	P	P	P	•	•	P	P
Any use permitted in § 17.26.020 in an existing commercial structure	•	•	•	•	•	•	•	MCUP	MCUP	MCUP	MCUP	MCUP	•	•	•	•
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP[38]	CUP[38]	CUP	CUP	CUP	•	•	•	CUP
Routine maintenance of natural open space areas and existing facilities, provided no construction or grading activity occurs	•	•	•	•	•	P	•	•	•	1`•	•	•	•	•	•	•
Any proposed grading or construction related to proposed uses	•	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Temporary real estate and construction signs with new development activity	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Other uses determined by the planning director to be of a similar nature to permitted uses	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

Notes:

1. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08.
2. Includes the expansion of over 500 sq. ft. of existing multiple family structures.
3. Barns and corrals not allowed.
4. Subject to Home Occupation Standards Section 17.40.040(A)(19).
5. Public and private hiking trails in CR and I zones and private hiking trails in RR, SF, and MF zones.
6. Accessory uses when part of an educational or non-profit (non-commercial) use.
7. Subject to Section 17.08.020 (D)(2) for RR zone and Section 17.18.030(B)(2) for CR zone.
8. Subject to Section 17.08.020 (C)(5)for RR zone and Section 17.10.020(C)(5) for SF zone.
9. Subject to Section 17.08.020 (D)(1) for RR zone and Section 17.18.030(B)(1) for CR zone.
10. Subject to Section 17.08.030 (B), except that the minimum area required shall be 5 acres.
11. Subject to Section 17.08.020(D)(4) for RR zone and Section 17.18.030(B)(5) for CR zone.
12. Maximum interior occupancy of 125 persons.
13. If exceeding interior occupancy of 125 persons.
14. By hand only.
15. Subject to Section 17.08.040(F).
16. Subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel.
17. 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).

(Ord. 449 § 8, 2019; Ord. 431 § 4, 2018)

18. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
19. Subject to Section 17.26.030(A)(1).
20. Subject to Section 17.08.040(C).
21. Limited to public agency use only (not for private use).
22. 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.
23. Residential care facilities for the elderly are limited to operation by a non-profit only.

24. 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.
25. CUP required unless located in public right-of-way.
26. Subject to Section 17.22.040(N).
27. Subject to Section 17.66.120.
28. Transitional and supportive housing is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.
29. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses.
30. Multifamily development associated with an affordable housing development project is permitted by right.
31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (~~APNs 4458-022-023 and 4458-022-024~~ APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.
32. Employee housing for 6 or fewer persons is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.
33. Allowed pursuant to Section 17.40.120(C).
34. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and pursuant to Section 17.140.120(B).
35. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
36. By-right permanent supportive housing is permitted pursuant to Section 17.40.120(C). Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
37. Allowed pursuant to Section 17.140.120(B).
38. Unless the use is an emergency shelter, low barrier navigation center, or by-right supportive housing, each of which is allowed by right pursuant to Section 17.140.120.

Appendix 1

TABLE B PERMITTED USES

KEY TO TABLE (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table.)	
P	**Permitted use**
MCUP	**Requires the approval of a minor Conditional Use Permit by the Director**
CUP	**Requires the approval of a Conditional Use Permit**
A	**Permitted only as an accessory use to an otherwise permitted use**
LFDC	**Requires the approval of a Large Family Day Care permit**
WTF	**Requires the approval of a Wireless Telecommunications Facility**
•	**Not permitted (Prohibited)**

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
RESIDENTIAL																
Single-family residential[17]	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Manufactured homes	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments[18]) – new or the expansion of over 500 sf of multifamily residential use	•	•	~~CUP~~[19]	~~CUP~~[19]	•	•	•	•	P[20]	•	•	•	•	•	•	•
Second units	A_1	A_1	A_1	A_1	•	•	•	•	•	•	•	•	•	•	•	•
Mobile home parks	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•	•
Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses)	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•

Mobile home as residence during construction	P	P	P	MCUP	•	•	•	•	•	•	•	•	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Accessory uses (guest units, garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (noncommercial), sports courts (non-illuminated), corrals (noncommercial), and similar uses)	A[1]	A[1]	A[1]	A[1]	•	•	•	•	•	•	•	•	•	•	•	•
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•	•	•	•	•
~~Residential care facilities (serving 6 or fewer persons)~~	~~P~~	~~P~~	~~P~~	•	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care facilities (serving 7 or more persons)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Small residential care facilities (serving 6 or ~~fewer~~ less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Supportive housing, by-right	•	•	P[22]	P[22]	•	•	•	•	P[25]	•	•	P[22]	•	•	•	•
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P [23]	•	•	P [26]	•	•	•	•
Small family day care (serving 6 or fewer persons)	A	A	A	•	•	•	•	•	•	•	•	•	•	•	•	•

Large family day care (serving 7 to 12 persons)	LFDC	LFDC	LFDC	•	•	•	•	•	•	•	•	•	•	•	•	•
Home occupations	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	P/ MCUP[2]	•	•	•	•	•	•	•	•	•	•	•	•
AGRICULTURAL/ANIMAL-RELATED																
Agricultural employee housing, as an accessory use, animal related	A	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•
Agricultural employee housing, as an accessory use crop related	A	A	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•
Domestic animals kept as pets or for personal use	A	A	A	A	A	•	•	•	•	•	•	•	•	•	•	•
Equestrian and hiking trails (public and private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities)	•	•	•	•	•	CUP	•	•	CUP	•	•	CUP	•	•	•	•

Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals, provided 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	P_3	•	•	•	•	CUP[3]	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals	P	A	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Boarding of horses as a commercial use	MCUP[3]	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Raising of hogs or pigs	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature	P	•	•	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•
Greenhouses	P	•	CUP	•	•	CUP	•	•	•	•	•	•	•	CUP[13]	•	•

USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises	A	A	CUP	•	•	•	•	•	•	•	•	•	•	CUP[13]	•	•
Wildlife preserves	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
RETAIL USES																
Book stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Convenience stores	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Food markets	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Hardware, garden supply stores	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•

Liquor stores	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Plant nurseries	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Prescription pharmacies	•	•	•	•	•	•	A	P	P	P	P	P	•	•	•	•
Stationary supplies	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Visitor-oriented goods such as recreational equipment and clothing, souvenirs, local arts/crafts, and similar uses	•	•	•	•	•	•	•	MCUP	•	P	P	•	•	•	•	•
GENERAL SERVICES																
Bakeries (no on-site seating)	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Barber shops, beauty salons	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Laundry, dry cleaners	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
OFFICE/HEALTH USES																
Banks, financial institutions	•	•	•	•	•	•	•	P	P	P[4]	P[4]	P	•	•	•	•
Health care facilities	•	•	•	•	•	•	•	□	CUP	CUP[4]	CUP[4]	CUP	•	CUP	•	•

USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Medical, dental, physical therapy, and veterinary clinics and offices	•	•	•	•	•	•	P	P[5]	P[5]	P[4,5]	P[4,5]	P[5]	•	•	•	•
Professional offices	•	•	•	•	•	•	P	P	P	P	P	P	•	•	•	•
DINING, DRINKING, AND ENTERTAINMENT																
Amphitheatre	•	•	•	•	•	•	•	•	•	P	P	□	•	•	•	•

Bars	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Live entertainment	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	•	•
Movie theaters	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands	•	•	•	•	•	•	•	•	•	CUP	CUP	CUP	•	•	•	•
Restaurants	•	•	•	•	•	•	•	CUP[6]	CUP[7]	CUP[7]	CUP[7]	CUP[7]	•	•	•	•
AUTOMOTIVE RELATED USES																
Vehicle washing/detailing	•	•	•	•	•	•	•	CUP[8]	CUP[8]	•	•	CUP	•	•	•	•
Service stations (without convenience market)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Towing and automobile storage	•	•	•	•	•	•	•	•	•	•	•	CUP	•	CUP	•	•
RECREATION AND LEISURE																
Camping	•	•	•	•	•	P	•	•	•	•	•	•	P	•	•	•
Guest Cabins	•	•	•	•	•	P	•	•	•	•	•	•	•	•	•	•
Community stage theaters	CUP	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Cultural and artistic uses (such as museums, galleries, performing arts venues)	•	•	•	•	•	CUP	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Dance studios	•	•	•	•	•	•	•	P	P	P	P	P	•	•	•	•
Golf driving ranges	•	•	•	•	•	•	•	•	CUP	CUP	CUP	CUP	•	•	P	•
Health clubs	•	•	•	•	•	•	•	P	P	P	P	P	•	•	P	•
Hotels	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•	•
Motels, bed and breakfast inns	•	•	•	•	•	•	•	•	•	CUP	CUP	•	•	•	•	•
Parks, beaches, and playgrounds	CUP	CUP	CUP	CUP	•	P	•	CUP	CUP	CUP	CUP	CUP	P	CUP	P	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Public Beach Accessway	P	P	P	P	P	•	•	P	P	P	P	P	P	•	•	•
Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses)	•	•	•	•	•	A	•	•	CUP	CUP[9]	CUP[9]	CUP	P	P[14]	P	•
Recreation facilities (neighborhood - for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes)	•	•	CUP	CUP	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•
Recreational vehicle parks	•	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	P
Sports courts (lighted)	•	•	•	•	•	•	•	CUP	CUP	CUP[9]	CUP[9]	CUP	•	•	•	•
Sports fields (lighted)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP[11]	•	•
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Charitable, philanthropic activities	•	•	•	•	•	•	•	P[10]	P[10]	P[10]	P[10]	P[10]	•	CUP	•	•
Churches, temples, and other places of worship	•	•	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	CUP	•	•
Community centers	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Day care facilities, nursery schools	CUP	CUP	CUP	•	•	•	•	CUP	CUP	CUP	CUP	CUP	•	•	•	•
Educational (non-profit) activities	•	•	•	•	•	•	•	P	P	P	P	P	P	CUP	•	•
Educational institutions (public or private)	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Emergency communication and service facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP	CUP	CUP	CUP

Emergency Shelters	•	•	•	•	•	•	•	•	•	•	•	P	•	P	•	•
Farmers' markets operated by a nonprofit charitable organization	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Helipad sites	CUP	•	•	•	•	•	•	P	P	P	P	•	•	CUP[12]	•	•
USE	**RR**	**SF**	**MF**	**MFBF**	**MHR**	**CR**	**BPO**	**CN**	**CC**	**CV-1**	**CV-2**	**CG**	**OS**	**I**	**PRF**	**RVP**
Government facilities, including police and fire stations	•	•	CUP	•	•	•	•	P	P	P[4]	P[4]	P	•	P	•	•
Libraries, museums	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Maintenance yards	•	•	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP[4]	CUP[4]	CUP	CUP[15]	CUP	•	•
Research institutions	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Residential care facilities for the elderly	•	•	•	•	•	•	•	•	CUP	CUP	CUP[4]	CUP[4]	•	CUP[13]	•	•
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	CUP[16]	CUP	•	•	•	•
Wireless telecommunications antennae and facilities	WTF	•	•	•	•	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF	WTF
CONSTRUCTION/LIGHT INDUSTRIAL USES																
Construction services (neighborhood-serving)	•	•	•	•	•	•	•	•	CUP	•	•	CUP	•	•	•	•
Manufacturing, processing, or treatment of products	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Masonry and building supplies	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Metal welding	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Research and development, testing facilities	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
Self-storage	•	•	•	•	•	•	•	CUP	CUP	•	•	CUP	•	•	•	•

Wholesale, storage, and distribution	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•
OTHER USES																
Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m.	•	•	•	•	•	•	MCUP	MCUP	•	•	•	•	•	•	•	•
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

Notes:

1. Subject to Residential Development Standards (Section 3.6).
2. Subject to Home Occupations Standards [(Section 3.6(O)].
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.
6. Maximum interior occupancy of 125 persons.
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.

17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.

19. Multi-family development associated with an affordable housing development project is permitted by right.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APN~~s 4458-022-023 and 4458-022-024~~ 4458-022-908 only), in compliance with Section 3.4.5.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.

26. Allowed pursuant to Section 3.11.5.

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu City Council will hold a public hearing on **Monday, September 23, 2024, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference, for the project identified below.

HOUSING ELEMENT

GENERAL PLAN AMENDMENT NO. 20-001, LOCAL COASTAL PROGRAM AMENDMENT NO. 24-001, AND ZONING TEXT AMENDMENT NO. 24-002 - The proposed project involves a General Plan Amendment to adopt the 2021-2029 Housing Element Sixth Cycle update. The Housing Element includes an analysis of the community's housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community. The proposed project includes corresponding amendments to the Local Coastal Program and Malibu Municipal Code including amendments to the following sections: definitions, permitted uses, residential development standards, density bonus, Affordable Housing Overlay, development standards for special uses, parking standards and reasonable accommodation.

APPLICANT:	**City of Malibu**
LOCATION:	Citywide
APPLICATION FILED:	November 15, 2021
CASE PLANNER:	Tyler Eaton, Senior Planner, teaton@malibucity.org (310) 456-2489, ext. 273

California Environmental Quality Act (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 that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document which does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City's General Plan, it can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Council regarding these matters will be afforded an opportunity in accordance with the Council's procedures. Copies of all related documents can be reviewed by any interested person on the City's website at malibucity.org/housingelement and at City Hall during regular business hours. Oral and written comments may be presented to the City Council on, or before, the date of the meeting.

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

MAUREEN TAMURI, Interim Planning Director — Date: August 29, 2024

Attachment 7

City Council

Subject: TIME SENSITIVE- City of Malibu Housing Element - September 23, 2024 City Council Meeting & Need for Subsidies

RECEIVED
Sep 23 2024
CITY CLERKS OFFICE
CITY OF MALIBU

From: Amy Ablakat [redacted]
Sent: Thursday, September 19, 2024 4:33 PM
To: West, Shannan@HCD <Shannan.West@hcd.ca.gov>
Cc: Scott Hoeft [redacted] Cindy Martin [redacted] Don Schmitz [redacted]
Subject: Fw: TIME SENSITIVE- City of Malibu Housing Element - September 23, 2024 City Council Meeting & Need for Subsidies

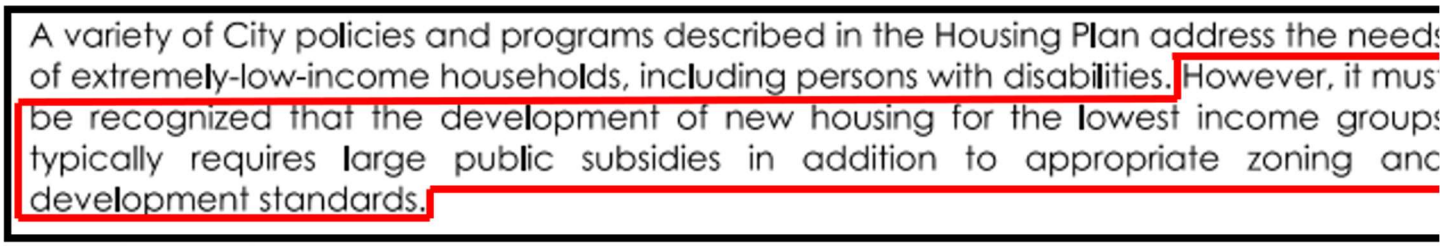
Hi Shannan,

Nice to meet you via email. We received an out of the office message from Melinda Coy therefore we are reaching out to you.

This upcoming Monday, September 23rd, the Malibu City Council is holding a hearing on its 2021-2029 Housing Element, to be submitted to the HCD for review no later than October 4th, with a second reading by the City Council on October 14th.

Those dates are based on deadlines included in the Settlement Agreement and Stipulated Judgment entered into between the City, the HCD, Attorney General and Governor Newsom.

However, we've noted a glaring omission in the attached Housing Element related to adopting a subsidy structure. On page 7.4-11 of the Housing Element, set forth below verbatim, the City recognizes that development of housing for the lowest income levels requires subsidies. On page 7.2-13 of the attached Housing Element, the City also notes that affordable rents for a family of four range from $1,478-$2,400/month for very low to moderate incomes, which is well below market rates for Malibu.


A variety of City policies and programs described in the Housing Plan address the needs of extremely-low-income households, including persons with disabilities. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies in addition to appropriate zoning and development standards.

Proposed Housing Element, Pg 7.4-11

Yet, there are no provisions in the Housing Element for adoption of any subsidy structure.

The omission of subsidies was brought to the Planning Commission's attention during public comment at the 8/19 hearing, but the Commission failed to discuss or recommend any subsidy structure following public comment.

CC: Council; CM; CA ; PL ; Ref. Binder; Original to 09/23/2024 Agenda File

FILED
City of Malibu
Office of the City Clerk
Meeting Date 09/23/2024
Agenda Item # 4A

Since Malibu has recognized that it is not realistic to expect development of affordable housing without subsidies, shouldn't the City Council include a provision for the adoption of a subsidy structure in the Housing Element at this Monday's 9/23 hearing?

Please get back to us prior to Monday's City Council meeting.

Thank you,
Amy

Amy Ablakat
Project Team Manager, Schmitz and Associates
[redacted]
schmitzandassociates.com [schmitzandassociates.com]
[redacted]
[redacted]

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From: Amy Ablakat [redacted]
Sent: Thursday, September 19, 2024 4:07 PM
To: Coy, Melinda@HCD <Melinda.Coy@hcd.ca.gov>
Cc: Scott Hoeft [redacted] Don Schmitz [redacted] Cindy Martin [redacted]
Subject: TIME SENSITIVE- City of Malibu Housing Element - September 23, 2024 City Council Meeting & Need for Subsidies

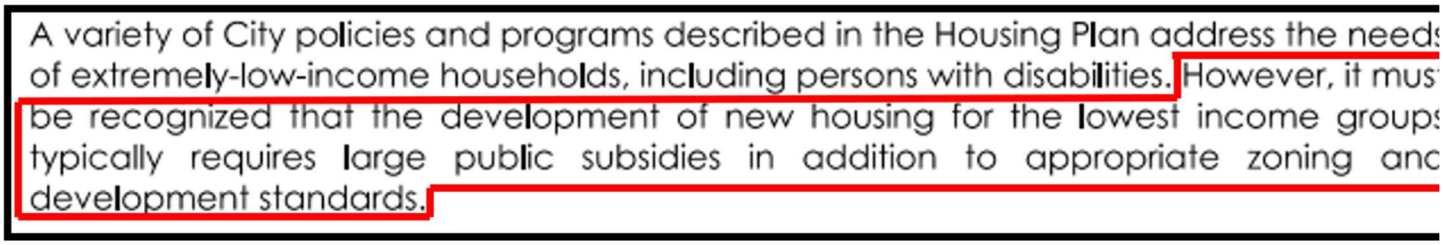
Hi Melinda,

Hope you are well.

On this upcoming Monday, September 23rd, the Malibu City Council is holding a hearing on its 2021-2029 Housing Element, to be submitted to the HCD for review no later than October 4th, with a second reading by the City Council on October 14th.

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Proposed Housing Element, Pg 7.4-11

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Since Malibu has recognized that it is not realistic to expect development of affordable housing without subsidies, shouldn't the City Council include a provision for the adoption of a subsidy structure in the Housing Element at this Monday's 9/23 hearing?

Please get back to us prior to Monday's City Council meeting.

Thank you,
Amy

Amy Ablakat
Project Team Manager, Schmitz and Associates
747.300.6982
schmitzandassociates.com [schmitzandassociates.com]
[redacted]
[redacted]

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City Council

Subject: Comments on Draft Housing Element Update for Sept. 23 Council Meeting
Attachments: Letter to City re Sites Inventory and AHO (final)(9.20).pdf



From: Brian Wright-Bushman <Brian@rpnllp.com>
Sent: Friday, September 20, 2024 2:56 PM
To: Maureen Tamuri <mtamuri@malibucity.org>
Cc: Kelsey Pettijohn <kpettijohn@malibucity.org>
Subject: Comments on Draft Housing Element Update for Sept. 23 Council Meeting

Dear Ms. Tamuri and Ms. Pettijohn,

Please see the attached correspondence related to the proposed adoption of the updated Housing Element, which the City Council will be considering at the meeting on September 23, 2024.

Brian Wright-Bushman
RAND|PASTER|NELSON
Phone: 213.557.7222 Direct: 213.753.0335
[redacted]
633 W. Fifth Street, Suite 5880, Los Angeles, CA 90071
Email: Brian@rpnllp.com
Web: www.rpnllp.com

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FILED
City of Malibu
Office of the City Clerk
Meeting Date 9/23/2024
Agenda Item # 4A

CC: Council; CM; CA ; PL ; Ref. Binder; Original to 09/23/2024 Agenda File

RAND|PASTER|NELSON

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Dave Rand
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September 20, 2024

VIA EMAIL

Maureen Tamuri
Interim Planning Director
City of Malibu
MTamuri@malibucity.org

Re: Comments on Draft Housing Element Update
September 23, 2024 City Council Meeting - Item 4A

Dear Ms. Tamuri:

The purpose of this letter is to (a) to provide comments on the City's Draft Housing Element, which will be considered by the City Council at the September 23, 2024 City Council meeting, and (b) to urge to City to include an additional site in the Housing Element Sites Inventory and Affordable Housing Overlay ("AHO") - namely, the 3.2-acre property located at 6453 Sycamore Meadows Drive (APNs 4460-009-016, 4460-009-017, and 4460-009-001), which is zoned for multifamily residential uses (MF) (the "Sycamore Site"). We are submitting this letter on behalf of PNRW, LLC ("PNRW"), which recently submitted[1] a preliminary application for a 50-unit multi-family development project on the Sycamore Site, which would include 10 low-income units (i.e., 20 percent of the total unit count).

The Current AHO Sites Are Not Adequate to Meet the City's Housing Needs

According to Table 7.3-1 in the Draft Housing Element, the City's remaining RHNA – after applying credits for planned and approved units, and potential new ADUs – is 30 lower-income units and 16 moderate-income units.[2] The Draft Housing Element proposes to accommodate these lower-income and moderate-income units on three parcels zoned MF/AHO, as shown in Table B-4 (Sites Inventory) ("AHO Sites").[3]

The AHO Sites are all recycled properties included in both the 4th- and 5th-Cycle Housing Elements to accommodate the City's lower-income RHNA requirement – but have not been developed

[1] PNRW submitted the preliminary application through the City's portal on June 6, 2024; however, the City did not inform PNRW of the required permit processing fee until June 12 and payment was made on June 17. Consequently, it is inaccurate to state, as the Draft Housing Element states on page 107, that "No multifamily developments have been proposed within the past 10 years."

[2] Draft Housing Element, p. 64.

[3] Draft Housing Element, p. 155.

with any multi-family or lower-income units.[4] Two of the AHO Sites are currently vacant and the third AHO Site is developed with a single-family home.[5] The fact that none of the AHO Sites were developed with multifamily housing in the previous two Housing Element cycles provides a strong indication that they are unlikely to be developed with multifamily housing during the 6th cycle.

Furthermore, the Draft Housing Element does not include any evidence that anyone is interested in developing low- or moderate-income housing on the AHO Sites. In fact, the Draft Housing Element states that in January 2024, "the City was contacted by two property owners interested in developing affordable housing for low- and moderate-income households," but "the sites [that the owners were interested in] are not included in the Sites Inventory and do not have an AHO designation."[6] If the City is serious about facilitating affordable housing development, a better strategy would be to add sites to the Sites Inventory and AHO where there is actual expressed interest in building affordable housing, rather than only including sites where there is *no* expressed interest in building affordable housing and a long history of *not* building affordable housing despite the AHO designation.

Moreover, the City's estimate of the number of affordable units that can be accommodated by the AHO Sites is unrealistic and is not supported by the level of analysis required by law. The Draft Housing Element explains that "For the purpose of the Sites Inventory, capacity on [the AHO Sites] was divided among lower-income (35 percent), moderate income (20 percent), and above-moderate (45 percent) of total capacity."[7] No explanation or analysis is provided to justify these percentages, which appear to be opportunistically selected to accommodate the City's remaining RHNA requirement without having to add additional sites.

This complete lack of analysis concerning the affordable-unit percentages falls short of what is required by law. Government Code Section 65583.2(c)(2) establishes requirements for the Sites Inventory and requires that:

> The city … shall determine the number of housing units that can be accommodated on each site as follows:
>
> (1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. …
>
> (2) The number of units calculated pursuant to paragraph (1) **shall** be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, **typical densities of existing or approved residential developments at a**

[4] Draft Housing Element, p. 145.

[5] *Id.*

[6] Draft Housing Element, p. 146.

[7] Draft Housing Element, p. 145.

> **similar affordability level in that jurisdiction**, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

The Draft Housing Element lacks any explanation of why a developer would propose a housing project with 35-percent lower-income units and/or 20-percent moderate-income units on any of the AHO Sites.

In fact, there is very strong evidence that this will not happen. Developers are only likely to include affordable units in a project if it is economically feasible. To develop under the AHO standards, a developer is only required to include 20 percent of the units for low-income households and is not required to include any moderate income units.[8] However, to obtain the maximum benefits permitted by State Density Bonus Law, a developer is only required to include 15 percent of units for very-low-income households and 15 percent of units for moderate-income households, and may choose to provide much lower percentages.[9] The Draft Housing Element provides no explanation for why a developer could accommodate affordable-unit percentages in a project that would not result in any additional market rate density bonus to offset the affordable housing costs. Additionally, the Housing Element does not point to or analyze any "existing or approved residential developments at a similar affordability level" in the City, as required by Government Code Section 65583.2(c)(2).

Finally, the Draft Housing Element does not provide the analysis required by Housing Element Law for nonvacant sites. One of the three AHO Sites is currently developed with a single-family home and is therefore "nonvacant."[10] Nonvacant properties may be included in the Sites Inventory, pursuant to Government Code Section 65583.2(b)(3), but only if the Housing Element includes specific analysis of why the existing uses on the site will not be an impediment to additional development. Government Code Section 65583.2(g)(1) reads:

> For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and **shall provide an explanation of the methodology used to determine the development potential**. The methodology **shall** consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

The Draft Housing Element does not "provide an explanation of the methodology used to determine the development potential" of the nonvacant AHO site that considers the mandatory factors in Government Code Section 65582.2(g)(1). Instead, the Draft Housing Element provides

[8] Draft Housing Element Program 3.5.

[9] Government Code Section 65915(v).

[10] 28401 Pacific Coast Highway (APN 4467-012-005); Draft Housing Element, p. 145.

a one-sentence explanation: "The capacity of this parcel assumes that the existing structure will be demolished."[11]

Given that this nonvacant site is used to accommodate 47 percent of the lower-income units in the Sites Inventory *and* 45 percent of the moderate-income units in the Sites Inventory, the City's explanation of the development potential of this site is woefully inadequate and falls far short of meeting the requirements of Housing Element Law as stated in Government Code Section 65582.2(g)(1).

For all of these reasons, the Draft Housing Element must be revised to include additional analysis of the AHO sites, as discussed above, and additional sites must be added to the Sites Inventory for the Sites Inventory to *realistically* accommodate the City's low- and moderate-income RHNA.

The Sycamore Site Should Be Added to the Sites Inventory and the AHO

In light on the City's stated commitment to facilitating multifamily and affordable housing, and in order to meet the requirements of Housing Element law, we strongly urge the City to add the Sycamore Site to the Sites Inventory in the Draft Housing Element and to add the Sycamore Site to the AHO.

The Sycamore Site has a base zoning designation of MF (multi-family residential), just like all of the existing AHO Sites, and is surrounded by residential development. Furthermore, the owner of the Sycamore Site has *already submitted* an application for a multifamily development on the property that would restrict 20 percent of its units for low-income households, indicating a clear and current interest in developing affordable units on the site. This recent preliminary application was submitted after years of attempting to work with the City to advance previous multi family proposals at the Sycamore Site. In other words there is a long documented history of active interest an engagement by this Applicant to produce multi family housing on a Site that is properly zoned and located for such use.

If the Sycamore Site were added to the AHO,[12] it would meet all requirements for accommodating lower-income units in the Sites Inventory: The site is zoned for multifamily uses and, at 3.21 acres in size, the Sycamore Site is more than 0.5 acres and less than 10 acres.[13] Although the site is nonvacant, there is clear evidence that the owner is interested in redeveloping the site with a multifamily project that will include affordable units, and therefore there is sufficient evidence to satisfy the requirements in Government Code Section 65583.2(g)(1) for analysis of nonvacant sites. The site is also located immediately adjacent to a bus stop on Pacific Coast Highway (Metro 134), ensuring that the site would be adequately served by public transit. The site is located within only a few miles of commercial centers both the east and the west. Finally, as noted in Appendix F of the Draft Housing Element, "the entire City of Malibu is within census tracts designated by TCAC as highest resource,

[11] Draft Housing Element, p. 145.

[12] Pursuant to Government Code Section 65583.2(h), if the Sycamore Site were added to the AHO, the City would be required to allow by-right development of a housing project on the site that made at least 20 percent of its units affordable for low-income households.

[13] *See* Government Code Section 65583.2(c)(2)(A) & (B).

indicating that each neighborhood of the city is associated with positive economic, educational, and health outcomes for low-income families."[14] This designation applies to the Sycamore Site.

Appendix F purports to explain why the AHO has been limited to only three sites: "The AHO sites are the only sites in the city with sufficient area and zoning for higher-density housing, as well as proximity to transit and community amenities." An assessment of the Sycamore Site indicates that this statement is not accurate. The Sycamore Site is just as suitable for the development of lower-income housing as the current AHO Sites. In fact, it is far more likely to actually be developed with affordable housing than the current AHO Sites based on years of Applicant interest, culminating in the recent filing of a preliminary application which includes 20 percent of the total units for low income households.

For these reasons we strongly urge the City to add the Sycamore Site to the Sites Inventory in the Draft Housing Element and to add the Sycamore Site to the AHO.

Sincerely,

Dave Rand

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

Cc: Kelsey Pettijohn, City Clerk, KPettijohn@malibucity.org

[14] Draft Housing Element, p. 359.

City Council

Subject: Tonight's City Council Meeting - Housing Element Item 4A - Correspondence to City Council 09-23-2024
Attachments: Housing Element Item 4A Correspondence to City Council 09-23-2024.pdf



FILED
City of Malibu
Office of the City Clerk
Meeting Date 9/23/2024
Agenda Item # 4A

From: Cindy Martin [redacted]
Sent: Monday, September 23, 2024 4:40 PM
To: [redacted] Tyler Eaton <teaton@malibucity.org>; mt <kpettijohn@malibu.org>; City Council <citycouncil@malibucity.org>; Maureen Tamuri <mtamuri@malibucity.org>
Cc: Cindy Martin [redacted]; Amy Ablakat [redacted]; Scott Hoeft [redacted]
Subject: Tonight's City Council Meeting - Housing Element Item 4A - Correspondence to City Council 09-23-2024

Hello,

Please find correspondence attached to this email regarding tonight's City Council Meeting - Housing Element Item 4A - City Council Meeting of 09-23-2024. Please confirm receipt and forward the attached correspondence to the Mayor and Councilmembers.

Thank you.

Sincerely,

Cindy Martin, JD
Director of Special Projects, Schmitz and Associates
[redacted]
schmitzandassociates.com
[redacted]
[redacted]

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CC: Council; CM; CA ; PL ; Ref. Binder; Original to 9/23/2024 Agenda File

Via Email: citycouncil@malibucity.org; [redacted]; teaton@malibucity.org; mtamuri@malibucity.org; kpettijohn@malibu.org
September 23, 2024

Malibu City Council
23825 Stuart Ranch Rd.
Malibu, CA 90265
Attn: Chair Hill and the Honorable Members of the City Council

Re: Item 4A - Proposed Housing Element – Adding Language that the City Will Study Potential Sources for Affordable Rent Subsidies, to Comply with State Housing Laws

Dear Mayor Stewart and the Honorable Members of the City Council,

Introduction – HCD and Exploring Sources for Rent Subsidies

On July 21, 2024, The California Department of Housing and Community Development (HCD) Staff made a preliminary finding that the Proposed 2021-2029 Housing Element (Proposed Housing Element) met statutory requirements.

However, the HCD later learned that although the Proposed Housing Element includes a discussion recognizing the need for affordable rent subsidies, there is no proposed language in the Proposed Housing Element specifically stating that the City will explore potential sources for affordable rent subsidies.

When this omission was brought to the HCD's attention, HCD staff agreed that now is the time for the City Council to add proposed language in the Proposed Housing Element stating that the City will explore potential sources for affordable rent subsidies. See attached email from HCD Staff to Cindy Martin, Schmitz & Associates, dated 9/23/2024.

I. The Proposed 2021-2029 Housing Element Recognizes the Need for Rental Subsidies but Omits Any Mention of Studying Potential Sources to Fund Affordable Rent Subsidies.

The City's Proposed Housing Element includes the proposed "Affordable Housing Overlay" which is comprised of three contiguous privately owned parcels off Pacific Coast Highway and Zumirez Drive/Zuma View Place. That overlay proposes several density bonuses related to heights, number of units, etc.

However, clustering affordable housing in one area violates state law.[1] State law mandates locating affordable housing throughout neighborhoods to eliminate "segregation" and "foster inclusivity."[2]

The Proposed Housing Element suggests the remaining RHNA units will be located on private parcels throughout the City, and also proposes allowing up to two ADU's or JADU's on parcels. However, anticipating that private property owners will develop affordable housing projects without rental subsidies is not realistic. The maximum affordable rents for a family of four, based on the 2021 rates, cited in the City's Proposed Housing Element, range from $1478/month to $2400/month.

Those affordable rental rates are well below market rates and will not work in Malibu without rental subsidies, as confirmed in the Proposed Housing Element:

[Continued on next Page]

[1] Assembly Bill 686 - prohibits local governments from segregating or concentrating affordable housing to one neighborhood.. The Fair Housing Act aka "Affirmatively Further Fair Housing" ("AFFH") - requires Cities to eliminate segregation and foster inclusive communities.

[2] *Id.*

> A variety of City policies and programs described in the Housing Plan address the needs of extremely-low-income households, including persons with disabilities. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies in addition to appropriate zoning and development standards.

Proposed Housing Element, Pg 7.4-11

Yet, there is no language in the Proposed Housing Element to study potential sources to fund affordable housing rent subsidies.

It is important to note that is a difference between exploring sources of funding for ***development*** of affordable housing, and funding subsidies related to ***affordable rents***. There is no mention of studying potential funding for rent subsidies in the current proposed Housing Element.

It is also important to remember the State previously provided the City with the option of Block Grants to provide funding opportunities for the *development* of affordable housing. Yet, no affordable projects were developed, or utilized the State funding. The Schmitz Team represented Malibu property owners interested in potential affordable housing projects and State sources for developmentm including the Block Grant; yet, without rental subsidies, the projects were cost prohibited even with funding for the development costs.

II. Although HCD Staff Made a Preliminary Finding that the Proposed Housing Element Met Statutory Requirements, that was PRIOR to the HCD Learning That the Proposed Housing Element Does Not Contain Language Stating that the City Will Explore Rent Subsidies. The HCD Now Anticipates the Inclusion of Proposed Changes Related to Exploring Rent Subsidies.

As discussed in the introduction to this correspondence, when the omission related to "exploring potential sources for affordable rent subsidies" was brought to the HCD's attention, the HCD agreed that now is the time for the City Council to add proposed language in the Proposed Housing Element stating that the City will explore potential sources for affordable rent subsidies. See attached email from HCD Staff to Cindy Martin, Schmitz & Associates, dated 9/23/2024.

Given the tight deadlines in the City's Settlement and Stipulated Judgment with the State, now is the time for the City to add language regarding exploring sources for rent subsidies. This will avoid the possibility of having to later revise the Proposed Housing Element and risk potentially missing important deadlines in the Settlement Agreement and potentially being found in breach of the Agreement.

Conclusion

Based on all of the foregoing, tonight the City Council should vote to add proposed language to the Proposed Housing Element stating that the City will explore potential sources for affordable rent subsidies.

Respectfully submitted,

Cynthia Martin

Cynthia M. Martin, JD,
Schmitz & Associates |Director of Special Projects
[redacted]

Attachment

From: Murad, Sayed@HCD [redacted]
Sent: Monday, September 23, 2024 1:48 PM
To: Cindy Martin [redacted]
Cc: Amy Ablakat [redacted]; McDougall, Paul@HCD [redacted]
Subject: RE: Follow-Up to This Morning's Phone Call Re: Malibu Housing Element & Tonight's City Council Hearing

Hi [C]indy,
Thanks for the email follow up.
On July 31, 2024, HCD found the City's revised draft met statutory requirements. Once adopted and submitted, HCD will review that document, including any changes and evaluate any impacts on the July 31, 2024 review. This evaluation would include reviewing any changes related to exploration of rent subsidies.

Best,
Sayed

Sayed Murad he/him
Housing Policy Division | Housing Policy Analyst
Housing and Community Development
[redacted]

City Council

RECEIVED
Sep 20 2024
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Subject: My notes on the Housing Element
Attachments: KHill_toCouncil_reHousingElement.pdf

From: K Hill [redacted]
Sent: Wednesday, September 18, 2024 1:01:30 AM
To: Bruce Silverstein <bsilverstein@malibucity.org>; Doug Stewart <dstewart@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Marianne Riggins <mriggins@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>
Cc: Kelsey Pettijohn <kpettijohn@malibucity.org>
Subject: My notes on the Housing Element

Council members,

Please find attached my notes on the draft Housing Element.

– K

CC: Council; CM; CA ; PL ; Ref. Binder; Original to 09/23/2024 Agenda File

FILED
City of Malibu
Office of the City Clerk
Meeting Date 09/23/2024
Agenda Item # 4A

Kraig Hill
[redacted]

September 17, 2024

City Council
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265

Notes on Housing Element

Dear City Council members,

Here are my notes on the Housing Element (including thoughts I didn't get to express in the Planning Commission meeting). They're not in any strict order, though do track somewhat with the order of the material as presented to the Planning Commission (I haven't yet seen the latest report directly to Council, but figure that I should get something to you sooner than later). Some of this is based on questions I asked of staff, and their replies.

As of this writing, we're still not sure what's happening with the ADU ordinance at Coastal. I believe that the last we heard from them formally was in March 2024. The outcome could have implications with the Element. Without knowing that, we're working blind.

Similarly, I'm not sure what the implications of the Riddick case may be. You'll have a better handle on that. But it too seems relevant to what may be possible (or not) with the Element.

On a broad note, it would seem reasonable to identify several multi-unit possibilities, as the City has done in the past, and continues to do (e.g., the parcels close to Zumirez). But the situation gets problematic fast when we start to consider multiple JADU's or the like throughout residential neighborhoods. It would seem that the best, most realistic solutions will identify discrete, localized opportunities, without systemically allowing increased density city-wide.

The Housing Element is required to analyze constraints, both governmental and non-governmental, on the maintenance, improvement, or development of housing for all income levels. (This analysis is ostensibly provided in Section 7.4.) It seems that much of the analysis is focused on governmental constraints, while giving less focused attention to non-governmental constraints on development – of which the City has some significant ones.

Nowhere among the hundreds of pages of the Element is there any reference to our single most significant constraint: Malibu is clustered along a single arterial road which is often already beyond traffic capacity. Despite the entire City being a Very High Fire Hazard Severity Zone, the word "evacuation" appears in the Element only once, incidentally. In retrospect, with the Woolsey experience of cars jammed on PCH for hours, we're lucky we haven't had a Lahaina scenario. (The more recent evacuation plan might help a bit, but does nothing to reduce the

number of people and cars, and might provide a false sense of security.) We have canyon neighborhoods with narrow, single egresses. Yet the good folks at HCD have little idea of that constraint – how increasing density, with up to three residences per parcel theoretically, increases the probability of deadly events. Overall, we have little capacity for additional housing, whether expensive, low income or otherwise.

Nor has HCD been sufficiently informed of some of the affordable housing we already do provide, to students, live-in-help, and the like. Just because it's hard to measure doesn't mean it's not here.

In a Public Comment a few weeks ago, I pointed to a bigger pattern in which the City's unique attributes are not well understood by outside agencies. There may be multiple reasons why outsiders such as HCD seem not to understand us well. Michel Shane, in a letter to the Malibu Times, observes that we have "a system that prioritizes box-checking over results." Well, our staff does well with the box-checking part of the job. But there is no box on any form that says, "check yes if increasing density will increase the probability of a Lahaina scenario." No box that says, "check yes if your city has a single arterial route that dominates all aspects of life as you know it."

Part of the fix might be to work consciously with the understanding that outsiders might think they know Malibu – they've seen us on TV – but may have distorted notions about the real place. So, read the Element for its unspoken assumptions. Somehow we have to do a better job of showing HCD (and other agencies) that our various characteristics don't readily fit into tick-able boxes. That we don't think we're special because we're elite or entitled or something, but because, as cities go, we have a unique bundle of characteristics.

At 7.4-36 the Element does talk about terrain and enviro hazards, and fire, but doesn't follow through to address the constraint, the literal bottleneck, that PCH represents. That section punts, by ending with, "The City's environmental constraints are well documented in the General Plan." But they simply are not, when it comes to addressing the City's unique, linear access/egress situation. (In any case, is HCD reading our General Plan closely? I'd reckon not.)

7.4-22 Says that "State law prohibits the imposition of building standards that are not necessitated by local geographic, climatic, or topographic conditions." A reasonable, logical interpretation would be that if we do have those sorts of conditions – as we do – we should be within our right to impose exceptional restrictions.

The majority of remaining empty lots in Malibu are so-called "junk lots" – on slopes, in ESHA, far from public streets. Few if any are in situations that lend themselves to multi-unit development. Isn't that a significant constraint?

This language (at 4) is confusing: "Examples include promoting more housing choices and affordability in lower-density areas (e.g., missing middle housing types)." However, due to our coastal sage scrub ecosystem, areas of lower housing density tend to be ESHA and/or up narrow canyon roads. So where exactly could we promote affordable housing, if not either the few

parcels already identified for multi-unit, or as denser infill in residential neighborhoods – which already have constraints such as limited parking and single egress to PCH?

Staff replies that we could have second JADU's which could be deed restricted. But three residential units per parcel is already too dense in most if not all land-side neighborhoods. Perhaps it could work if there were a way to deed-restrict some or any of a single JADU on a parcel. But then that would run afoul of the State ADU ideals, if not the code language itself (still undetermined for Malibu).

Staff also suggests promoting shared housing for seniors. Housing dedicated (or deed restricted) to seniors is a non-starter, insofar as seniors tend to want to live in communities that have hospitals and related medical services (*e.g.*, imaging centers, blood-test facilities). Malibu has none of that. Knowing that much, few if any seniors actually move to be in Malibu. We do have a lot of seniors, but they tend to have been here a long time; if they haven't moved to somewhere medically "safer," it's likely due to factors like inertia and nostalgia. (Anecdotally, my own mother moved from Ojai to Ventura precisely to be in near medical facilities – as well as to be closer to Costco. That might sound sort of funny, but it represents yet another reason why fixed-income people are constrained from living in Malibu: no Costco, no Trader Joes' etc.)

In any case, if we must increase density by any amount, it should be on or near the PCH arterial, not up in "low-density areas of the city," i.e., canyon chaparral ESHA areas, at or near the wildland interface. To the extent that we might allocate population increases to less dense areas – especially less-mobile elderly folks – we increase the risk of hazards.

The Element states at 7.4-5 that front and side yard setbacks are not a constraint, due to the possibility of obtaining minor modifications. But setbacks are still a constraint, even if in certain limited circumstances they can be relaxed if necessary. To bank on reduced setbacks as the *de facto* state of affairs would be in effect to arbitrarily rewrite the existing planning and zoning code. It's a law, not a recommendation.

State Attorney General Bonta has stated: "Malibu acknowledges that, until it has adopted a substantially compliant housing element, it may not deny certain low-, very low-, and moderate-income housing development projects based on the city's current, outdated general plan and zoning code. This is known as the Builder's Remedy."[1] When staff was asked what is the evidence that the General Plan and Zoning Code are outdated, they replied that the General Plan is outdated because it "has not undergone a comprehensive update since 1995." Well, neither has the Mona Lisa, but that doesn't necessarily mean she's outdated. So that answer was fairly non-responsive.

Staff also said that the Zoning Code is outdated "due to the fact that it hasn't been updated consistent with existing Government Code provisions." But it sounds like the only piece that's necessarily still in need of updating is the Housing Element itself. (Council has already initiated

1 https://oag.ca.gov/news/press-releases/attorney-general-bonta-newsom-administration-reach-agreement-city-malibu (cited in Staff Report at 5, note 1.)

updating of the Safety element.)

So Mr. Bonta's assertion that updates are needed applies only to the Housing Element itself – which, as noted, is clearly subject to greater real-life, non-governmental constraints than the draft Element has recognized. It could well be that constraints make it much less susceptible to material revisions than has been assumed (of course there will be some).

The report states (at 3): "Based on community feedback and data analysis, it was determined that high-priority issues in the City are lack of affordable housing, fair housing enforcement and outreach, and segregation of low-income residents." Staff was asked "What is the community that provided feedback? Was there a survey instrument? Could someone have filled it out if they did not live in the City of Malibu?" Their reply was *in toto*:

> Appendix C – Public Participation Summary provides information on stakeholders that were contacted to provide community feedback. In addition, comment letters on the Housing Element were utilized for community feedback. The data analysis was conducted using available AFFH data. Page F-1 in the AFFH (Appendix F) lists the data sources. "To conduct this analysis, the City utilized data from a variety of sources, including Housing and Community Development's (HCD) AFFH Viewer, Urban Displacement Project (UDP), CalEnviroScreen, California Tax Credit Allocation Committee (TCAC), and the 2018 Analysis of Impediments to Fair Housing Choice (AI) for the Community Development Commission and Housing Authority of the County of Los Angeles.

In other words, the "community" from which feedback was solicited appears not to contain any residents of the community of Malibu. The actual Malibu community's "high priority issues" are very likely not things like "segregation of low-income residents" – likely virtually no one in Malibu is thinking along those lines. That analysis beggars the question, what community is the City of Malibu serving, if not the residents of the City of Malibu? Even if state-level stakeholders have ideas about what's best for the community, surely a substantial proportion of resident stakeholders should have been included in the decision process.

Further on that point, what actually could it mean in the Bonta letter that a high priority issue is "segregation of low income residents," anyway? About two years ago, the City – both the government and some of us residents – turned away a threatened lawsuit over not having electoral districts that represent minority populations. We did so by an evidentiary showing that we don't have any segregation in the City that would trigger those particular provisions of the Voting Rights Act. So on that point, at least, it would appear that Mr. Bonta doesn't entirely know what he's talking about; and if the City were to allow or seek adjudication on the Housing element, the state would have real evidentiary problems in attempting to make its case.

How to square Bonta's rent numbers? He says: "A one-person household that earns less than $70,650 is defined as low-income, and a one-person household that earns less than $44,150 is defined as very-low income." If one were expected to pay no more than a third of one's income on housing (already a high ratio), $44,150yr works out to $1226/mo rental. Or, if one were to spend one quarter of that on housing (as more typically recommended), that would be $920/mo. Such low prices will never exist in Malibu, except in a rare hybrid option where the renter is

contributing housework, handyman skills, or caregiving – in which case they're actually paying much more per month, counting the in-kind component. There should be a more rational nexus between the spec'd income brackets and the market price of housing in the jurisdiction. Malibu is such an anomaly, that to peg the City to the same scale as all of LA County is nonsensical. As the law is unenforceable on its face (in this town), it seems there would have to be some equitable interpretation developed if this matter were to ever be litigated.

Relatedly, how do we count informal rentals – Pepperdine students, housekeepers, gardeners, all sorts of live-in help – how many of them have been counted? And how? Just because they're hard to count doesn't mean the City doesn't have to try to count them. It seems likely that already there must be several hundred residents living under informal arrangements, who would qualify as low- or very-low income – perhaps in sufficient numbers to satisfy HCD requirements without need to posit any further potential building.

"Objective 3.3.b promotes shared housing opportunities such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners so they can remain in their home." (At 4.) That makes sense insofar as the transaction is not solely within the housing market. It's just as much about the caregiving function. In effect, you have one party, the aging person, who has sufficient financial resources to subsidize the housing of the young caregiver. Some of that must be happening already. But we haven't tried to count it.

Senior care facilities are tricky to consider, with minuses and pluses. As noted above, most seniors – virtually all? – who are in need of care want to be near a hospital and other specialized outpatient services. And, practically by definition, senior care is anything but affordable, sometimes costing several thousand dollars per day.

On the other hand, the City could at least consider the potential synergies around public/private partnerships, to make use of a small portion of City land to provide subsidized housing for seniors and/or City employees. For example, the odd LaPaz parcel could support a handful of studio apartments, in walking distance to groceries and low-intensity medical services, as well as Legacy Park and even the beach. With the City providing the land, developer(s) might be induced to build it, even with strict deed restrictions in place.

Staff says "The Housing Element Update [analyzes] community's housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community." What programs do we have to facilitate housing for low income categories? They are noted in Section 3. "Facilitation of Affordable Housing in the Housing Element." But these options are generally either too vague or have limited chance of success, for reasons already noted (e.g., implausibility of "low-income housing" in Malibu's marketplace). It's hard to consider these options as being reasonably crafted to fulfill a legitimate governmental purpose.

Re JADU's: "Objective 4.1.f., which would allow up to two JADUs per single-family lot. At least one JADU must be rent restricted to lower or moderate-income households. Allowing one

additional rent restricted JADU will provide more rental opportunities which would promote more housing choices and affordability in lower-density areas."

How can that be suggested with a straight face? First, all of Malibu is a "very high fire hazard severity zone," and our single evacuation artery is already overloaded, as has been demonstrated by actual emergency experience. (Plus, Caltrans appears to be entertaining the idea of reducing emergency access further, by eliminating stretches of the center lane.)

Second, it's proven that to significantly affect housing prices, one would have to provide vastly more housing than is contemplated here, or would even be possible in Malibu's constrained situation. Any benefit would be marginal and short-lived, like how adding an additional lane on a freeway has been tried to ease traffic, yet community behavior adapts to fill all of the lanes as densely as before. Too many other factors are in play. That dynamic is especially applicable in coastal areas like Malibu, where there will always be perceived scarcity as compared to housing options elsewhere; and where also an investor class treats housing as a commodity, such that market prices don't reflect potential residents' ability to pay, but rather that of investors.

The only way we could get down to a $1500 one bedroom unit in Malibu would be by some artificial rent control. But no developer would likely want to build that. (But could that be a work-around solution: to require rent control of newly-built units, which might never be built?)

Re 28517 PCH, the 6-acre vacant parcel between Paradise Cove and Pt. Dume. For background, I asked staff who the owner is, the development team, and who identified this parcel in the first place? And who determined that exact urban density presumably needed to make the project feasible: the developer, a local realtor, or who? Staff did not answer the question, instead simply noting that the parcels were identified in 2013 and cited in prior Housing Element updates. It seems relevant to ask who's behind it, to query them as to how realistic such a project could be.

On those parcels, the 20 DU/acre is reportedly what the State has determined is necessary to provide affordable housing. So then, why not go with 20 units per acre? I see no call to squeeze it to 27 units per acre, especially when it would be necessary to bend other rules, such as setbacks and the 28 ft height limit, to fit so many units onsite.

I asked, why would the proposed amendments include a free pass to residential rehabs to locate wherever? Rehabs, almost by definition, cannot be counted as affordable housing. They are the most expensive form of housing, costing $10,000/day or more. Rehab status seems contrary to the intent of the affordability provisions. Staff replied, "The proposed provisions to allow residential care facilities in residential zones are required by State law." But the fact that we can't bar rehabs from locating in neighborhoods says nothing about whether they could be considered as "affordable" or not.

Staff says at 9: "Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.c. Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities for emergency shelters to meet the requirements of AB 2339. Remove any

requirements that are not required for other residential uses in the same zone."

But how could we be expected to say that adequate water and sewerage are not essential? And how could we say proximity to a transit stop is not essential, when we're also saying that we would reduce parking requirements? How are persons-needing-shelter otherwise expected to get around? Indeed, it would seem prudent to insist that, were there any possibility of an emergency shelter or the like, it should be conditioned to be within, say, five minutes walking distance of a public transit stop. Staff says that removal of such basic existential attributes is required by State law. I don't believe that. If it were, that would likely constitute grounds for suit against the State (or more plausibly, would be defensible, if the City were sued by the State).

Staff writes at 11: "Amend the LIP and MMC to comply with State Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use." But employees of whom? Malibu has no big industrial or agricultural facilities. We have no such employee housing, that I know of, not least because what few areas we have that are zoned agricultural are not economic as such (maybe a few wineries in the City limits?), and we have no industrial zoning. What would be the purpose in adding provisions for employee housing when it's not a practical possibility?

Regarding height limits, going from 28 ft max to 30 ft would a breach of a sacrosanct limit, like TDSF. I could see allowing three stories in limited circumstances (e.g., with some low-income deed restrictions), as there's more wiggle room in terms of how deep the grading could go – you could get a grading variance, and anyway, this would typically be considered exempt under-structure. So if need be, an architect could countersink the first floor by 2 feet to stay within the 28 ft limit. Of course, the existing SPR allowance provides for 28 ft peaked or 24 flat; so if one wanted three floors and a flat roof, one might have to countersink by 5-6 feet. But that would still provide 4-5 feet of freeboard above grade, likely more than that on the downslope side of a building.

Regarding density, multifamily zoning already allows 23 units/acre. That seems plenty dense, denser than the 20 units spec'd. So what exactly is the rationale for increasing to 27 units/acre? That seems like an unnecessary giveaway to developers. Section 7.4-10 states: "Pursuant to Assembly Bill 2348 the "default density" for small Los Angeles County jurisdictions, including the City, is 20 dwelling units per acre. The default density refers to the density at which low income housing development is presumed to be feasible." So I see no basis to relax the existing density controls.

Similarly, I see no basis to relax the proportion of low-income units to qualify for Density Bonus. Section 7.4-21 would allow the density increase if low-income units to constitute only 35%. Currently, we require for density bonus that at least 50% be allocated as low-income. Relaxing that standard might make it easier for builders, but it would also reduce the number of potential low-income units that we can count. If we're going to identify certain parcels as potential low-income (affordable), as we must, why wouldn't we count the full number of units possible?

Relatedly, State law provides that projects that provide 20% affordable must be allowed by right

without a use permit (CUP) (See 7.4-20.) Yet that requirement is minimum 20% affordable. So the City's requiring 50% is not inconsistent with that.

Regarding Residential Care Homes for Elderly or Disabled, could we specify that they can only be run by non-profit agencies (See 7.4.12.) Keeping the profit-motive out of residential communities could act to dampen usurious rent increases, and make for happier, more secure residents. (In effect, rent control by proxy.)

Staff proposes removing the CUP requirement for multi-family units. (7.4.9) Maybe this could be viable if applicable to individual small apartments, but if the facility is more like an institution, with common facilities, programs and/or admin, then it's more like a commercial rehab, and should be subject to CUP – especially in residential zones.

Re off-street parking, we shouldn't remove the phrase "off street," to be clear (7.4-18). For safety's sake, we can't afford to allow any more on-street parking density, whether on PCH or on narrow roads in the hills. How could we possibly contemplate reducing the number of required parking spaces? This is a critical life-or-death physical constraint, for safety reasons.

At 7.4.-27, Staff says the City should remove subjectivity such as "Neighborhood Character" from SPR's. Absolutely not – why else have an SPR if not to allow some subjectivity to accommodate the idiosyncrasies of a neighborhood?

Similarly, I wouldn't remove story poles as a requirement, when there's an SPR in play. That's one of the key ways that the community learns about what is being proposed. Posted photo simulations would be woefully inadequate, as they would not be viewable from across the street, let alone from 500 feet away (the notification radius).

In the end, it seems that many (most?) of the recommendations are designed to protect the City from potential litigation – unnecessarily – more so than they are designed to uphold the public interests of the community. Many would serve builders more than the community. Many things proposed are not realistic with respect to the real, unavoidable constraints that our community presents. In particular, anything that would accelerate the clogging of PCH traffic would be like adding plaque to our one literal artery – planning to have a disaster, or at least to compound one.

The City should be standing up for the reality of the situation, not bending to hypothetical legal threats from agencies and entities who clearly don't yet have a robust understanding of our situation here. We can afford to stand our ground because prudence and safety are on our side. We can be confident that if it ever were to go to court, the facts will out, as they say.

Greater housing density may be appropriate in some areas of the State, but not in places that are restricted by physical constraints the way that the City of Malibu is.

Best, K

City Council

Subject: Comment regarding Agenda Item 4.A.
Attachments: 2024-9-23 - Californians Letter to City Council.pdf



FILED
City of Malibu
Office of the City Clerk
Meeting Date 9/23/2024
Agenda Item # 4A

From: Matt Gelfand [redacted] **On Behalf Of** [redacted]
Sent: Monday, September 23, 2024 2:46 PM
To: City Council <citycouncil@malibucity.org>; Doug Stewart <dstewart@malibucity.org>; Marianne Riggins <mriggins@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>
Cc: Maureen Tamuri <mtamuri@malibucity.org>; Tyler Eaton <teaton@malibucity.org>; Steve McClary <SMcClary@malibucity.org>; Trevor Rusin [redacted]; [redacted] 'McDougall, Paul@HCD' [redacted]
Subject: Comment regarding Agenda Item 4.A.

To the City Council:

Please see the attached correspondence regarding Regular Meeting Agenda Item 4.A. being discussed at your upcoming meeting.

Sincerely,

Matthew Gelfand

--

Matthew Gelfand
Counsel, Californians for Homeownership
[redacted]

Californians for Homeownership is a 501(c)(3) non-profit organization that works to address California's housing crisis through impact litigation and other legal tools.

CC: Council; CM; CA ; PL ; Ref. Binder; Original to 9/23/2024 Agenda File

CALIFORNIANS FOR HOMEOWNERSHIP

MATTHEW GELFAND, COUNSEL
[redacted]

September 23, 2024

VIA EMAIL

City Council
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Email: citycouncil@malibucity.org; dstewart@malibucity.org; mriggins@malibucity.org; suhring@malibucity.org; bsilverstein@malibucity.org; pgrisanti@malibucity.org

RE: Deficiencies in Draft Revised Housing Element

To the City Council:

Californians for Homeownership is a 501(c)(3) organization devoted to using impact litigation to address California's housing crisis. We have a proven track record of litigation challenging adopted general plan housing elements, including on the merits. For example, last year we successfully sued to invalidate the housing element adopted by the City of Beverly Hills. In that case, the court held that Beverly Hills had failed to demonstrate that its housing element sites were likely to be developed with housing during the planning period, had failed to justify its site inventory unit counts and affordability levels, and had failed to properly adjust its unit counts based on the affordability levels achieved in comparable developments, as the law requires. As a result, the Court issued a wide-ranging suspension of the City's permitting authority. The decision in that litigation is attached to this letter as Exhibit A.

Malibu's draft housing element suffers from these very same deficiencies. The deficiencies are more specifically detailed in a letter sent to the City by attorney Dave Rand, which we have attached as Exhibit B and are incorporating here by reference. We urge you to continue this matter and direct staff to revise the City's draft housing element to address these deficiencies. If you do not, we may initiate litigation against the City following adoption of the legally deficient draft.

Finally, although it is generally outside of the scope of our work to recommend that specific sites or programs be added to a city's housing element, we are disturbed by the account in Mr. Rand's letter regarding the 6453 Sycamore Meadows Drive site. It appears that the City has deliberately omitted a site with a known multifamily proposal and failed to mention the existence of that proposal, opting instead to list sites the City knows are unlikely to be developed. This approach is at odds with the City's obligation to affirmatively further fair housing. And if we are

525 S. Virgil Avenue
Los Angeles, CA 90020

forced to litigate over the City's housing element, we intend to raise these facts as a demonstration of the City's failure to approach the housing element process in good faith, and to argue that the court should select a post-judgment remedy that accounts for the City's pattern of conduct.

Sincerely,

[redacted]

Matthew Gelfand

cc: City of Malibu
Maureen Tamari, Interim Planning Director (by email to mtamuri@malibucity.org)
Tyler Eaton, Senior Planner (by email to teaton@malibucity.org)
Steve McClary, City Manager (by email to smcclary@malibucity.org)
Trevor Rusin, Esq., Interim City Attorney (by email to trevor.rusin@bbklaw.com)

California Department of Housing and Community Development
Sayed Murad (by email to [redacted]
Paul McDougall (by email to [redacted]

[redacted]

EXHIBIT A

Electronically Received 10/27/2023 11:58 PM

FILED
Superior Court of California
County of Los Angeles
12/21/2023
David W. Slayton, Executive Officer / Clerk of Court
By: M. Mort Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CALIFORNIANS FOR HOMEOWNERSHIP, INC., a California nonprofit public benefit corporation,

Petitioner,

v.

CITY OF BEVERLY HILLS,

Respondent.

Case No. 23STCP00143

[~~PROPOSED~~] JUDGMENT

Assigned for all purposes to:
Hon. Curtis A. Kin (Dept. 82)

On September 12, 2023, the Court held a hearing on Petitioner's Verified First Amended Petition for Writ of Mandate. After considering the parties' papers and oral argument, the Court issued the decision attached hereto as Exhibit A.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. Judgment is entered in favor of Petitioner on the Verified First Amended Petition for Writ of Mandate.

2. A writ of mandate shall issue pursuant to Code of Civil Procedure section 1085 and Government Code section 65754 (a) requiring Respondent to bring the housing element of its general plan into substantial compliance with state law within 120 days of the date of this judgment, (b) requiring Respondent to bring its zoning ordinance into consistency with the housing element of its general plan within 120 days of the amendment required by (a), and (c) requiring Respondent to

file a return to the writ within 250 days of the date of this judgment.

3. Pursuant to subdivision (a)(1) of Government Code section 65755, the Court hereby suspends the authority of Respondent to issue building permits pursuant to Division 13 (commencing with section 17910) of the Health and Safety Code, and all other related permits, except for permits that create new residential bedrooms or units, and except for permits subject to subdivision (b) of Government Code section 65755, until the City has substantially complied with the requirements of Article 5 of Chapter 3 of Division 1 of Title 7 of the Government Code (commencing with Government Code Section 65300).

4. The Court hereby declares that Respondent City of Beverly Hills has not adopted a substantially compliant general plan housing element

5. Petitioner is entitled to recover its reasonable and legally-authorized costs pursuant to a memorandum of costs to be subsequently filed with the Court.

Dated: 12/21/2023

Curtis A. Kin/Judge

Hon. Curtis A. Kin
Judge of the Superior Court

Respectfully submitted this 27th day of October, 2023
CALIFORNIANS FOR HOMEOWNERSHIP, INC.

Matthew P. Gelfand

Attorneys for Petitioner CALIFORNIANS FOR HOMEOWNERSHIP, INC.

FILED
Superior Court of California
County of Los Angeles
SEP 12 2023
David W. Slayton, Executive Officer/Clerk of Court
By: M. Mort, Deputy

Superior Court of California
County of Los Angeles

CALIFORNIANS FOR HOMEOWNERSHIP, INC., Petitioner, vs. CITY OF BEVERLY HILLS, Respondent.	Case No. 23STCP00143 **RULING ON VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE** Dept. 82 (Hon. Curtis A. Kin)

Petitioner Californians for Homeownership, Inc. petitions for a writ of mandate directing respondent City of Beverly Hills to adopt a revised housing element pursuant to Government Code § 65754.

I. Factual Background

The State of California requires each city to have a "comprehensive, long-term general plan for the physical development" of the city. (Gov. Code § 65300.)[1] Each general plan must have a housing element. (§ 65302(c).) The housing element consists of 'standards and plans for housing sites in the municipality that 'shall endeavor to make adequate provision for the housing needs of all economic segments of the community.' [Citations.]" (*California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435, 444; *see also* § 65580 [legislative findings concerning housing element law].)

"A municipality must review its housing element for the appropriateness of its housing goals, objectives, and policies and must revise the housing element in accordance with a statutory schedule." (*Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193, 222, citing § 65588(a), (b).) "The interval between the due dates for

[1] All statutory references are to the Government Code, unless otherwise specified.

the revised housing element is referred to as a planning period or cycle, which usually is eight years." (*Martinez,* 90 Cal.App.5th at 222, citing § 65588(e)(3), (f)(1).)

"A revised housing element's assessment of needs must quantify the locality's existing and projected housing needs for all income levels, which includes the locality's proportionate share of regional housing needs for each income level." (*Martinez,* 90 Cal.App.5th at 223, citing § 65583(a)(1).) "The projected regional housing needs for a planning period are determined by the HCD [Department of Housing and Community Development] in consultation with regional 'councils of government.'" (*Martinez,* 90 Cal.App.5th at 223, citing §§ 65584(a) & (b), 65584.01, 65588(e)(3).) "Based on the HCD's regional housing needs determination, each regional council of governments adopts a 'final regional housing need plan that allocates a share of the regional housing need' among the cities and counties within its region." (*Martinez,* 90 Cal.App.5th at 223, citing § 65584(b).)

For the 2021-2029 planning period, the City Council of respondent City of Beverly Hills ("City") adopted a housing element on October 12, 2021 and submitted it for review to HCD. (JR 776.) On January 14, 2022, HCD determined that the housing element did not fully comply with the housing element law and provided necessary revisions. (JR 1309-16.)

On September 28, 2022, the City submitted a revised housing element to HCD. (JR 776.) On November 28, 2022, HCD determined that the revised housing element did not fully comply with the housing element law and provided necessary revisions. (JR 1318-24.)

On February 21, 2023, after having revised the September 2022 housing element, the City adopted the revision. (JR 5.) On February 21, 2023, petitioner Californians for Homeownership, Inc., who monitors local compliance with the housing element law, sent a letter to the City asserting that the revised housing element was inadequate for reasons identified by HCD and petitioner. (JR 1584-85.) On May 12, 2023, HCD determined that the housing element does not substantially comply with housing element law. (RJN Ex. B.)

II. Procedural History

On January 18, 2023, petitioner filed a verified petition for writ of mandate. On May 24, 2023, pursuant to stipulation, petitioner filed a verified first amended petitioner for writ of mandate.

On June 22, 2023, during the trial setting conference, the Court set the hearing on the instant petition for September 12, 2023.

On July 14, 2023, petitioner filed an opening brief. On August 15, 2023, respondent filed an opposition. On August 31, 2023, petitioner filed a reply.

III. Request for Judicial Notice

Petitioner's requests for judicial notice are ruled on as follows:

- Exhibit A (September 15, 2017 Assembly Floor Analysis of AB 1397 (2017-2018 Session)) – GRANTED (Evid. Code § 452(c); *Wood v. Kaiser Foundation Hospitals* (2023) 88 Cal.App.5th 742, 751, fn. 4)

- Exhibit B (May 12, 2023 Letter from HCD to City) – GRANTED (Evid. Code § 452(c))

- Exhibit C (Staff Report for June 22, 2023 Meeting of Beverly Hills Planning Commission) – DENIED

- Exhibit D (Minutes of June 22, 2023 Meeting of Beverly Hills Planning Commission) – DENIED

- Exhibit E (Resolution No. 1907 of Beverly Hills Planning Commission) – DENIED

- Exhibit F (2022 Form 10-K for Creative Media & Community Trust Corporation (Excerpts)) – DENIED

- Exhibit G (June 10, 2020 Memorandum of the California Department of Housing and Community Development, Entitled "Housing Element Site Inventory Guidebook") – GRANTED (Evid. Code § 452(c))

- Exhibit H (City of Gardena's 2021-2029 Housing Element, Table C-1) – GRANTED (Evid. Code § 452(c))

With respect to denying the request for judicial notice of Exhibits C, D, E, and F, the Court notes these exhibits are extra-record evidence petitioner presents to demonstrate that certain sites listed in the sites inventory of the housing element are improperly included. For the reason stated in section V.C below, this is improper. The exhibits are accordingly irrelevant. (*Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063 ["Although a court may judicially notice a variety of matters (Evid. Code, § 450 *et seq.*), only relevant material may be noticed"].)

IV. Standard of Review

CCP § 1085(a) provides: "A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to

which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person."

"Any action brought by any interested party to review the conformity with the provisions of this article of any housing element or portion thereof or revision thereto shall be brought pursuant to Section 1085 of the Code of Civil Procedure; the court's review of compliance with the provisions of this article shall extend to whether the housing element or portion thereof or revision thereto substantially complies with the requirements of this article." (§ 65587(b); *see also* § 65751.) Substantial compliance means "actual compliance in respect to the substance essential to every reasonable objective of the statute, as distinguished from mere technical imperfections of form." (*Martinez,* 90 Cal.App.5th at 237, internal citations omitted.)

"[A] city's adoption of a housing element is a legislative enactment, something which is generally entitled to some deference." (*Fonseca v. City of Gilroy* (2007) 148 Cal.App.4th 1174, 1191.) "If the municipality has substantially complied with statutory requirements, we will not interfere with its legislative action, unless that action was arbitrary, capricious, or entirely lacking in evidentiary support." (*Ibid.*) The challenging party has the burden to demonstrate that the housing element is inadequate. (*Ibid.*)

V. Analysis

A. This Dispute is Not Moot

As a preliminary matter, respondent asserts that the City anticipates adopting a revised housing element in November of this year to address concerns about the current housing element. (Wiener Decl. ¶ 2.) However, there is no guarantee that a revision will be completed by November or that the City will adopt a revision at that time, or at any time thereafter. The Court can only rule based on the current housing element. The instant petition is entitled to preference. (§ 65752.) Further, if the Court were to enter judgment in favor of petitioner, the housing element law provides deadlines for the City to address the deficiencies in the housing element and to submit the revision to HCD. (§ 65754(a).) If respondent were to appeal, the appeal would be given preference also. (§ 65752.) Accordingly, there is no reason to delay ruling on the merits of the operative first amended petition.

B. Whether Sites Inventory Meets Statutory Requirements

1. Realistic Development Capacity

The inventory in a housing element must "specify for each site the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing." (§ 65583.2(c).) For a city that does not require a

minimum residential density,[2] the city "shall demonstrate how the number of units determined for [each] site...will be accommodated." (§ 65583.2(c)(1).) As part of the calculation, " [t]he number of units calculated...shall be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities." (§ 65583.2(c)(2).)

An "assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs" shall include an "analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels...including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development." (§ 65583(a)(5).)

To demonstrate that its inventory is adequate, respondent relies on a Mixed Use Overlay Zone ("Overlay Zone") adopted by ordinance on November 17, 2020, where the maximum residential density within the zone was increased from 0 in commercial areas to 79.2 units/acre. (JR 200, 209.) The Overlay Zone spans the length of the City from east to west and partially north to south, along its largest commercial corridors, including Wilshire Boulevard, Robertson Boulevard, Olympic Boulevard, South Doheny Drive, and South Beverly Drive. (JR 125; *see also* JR 213 [map of Overlay Zone].) In the housing element, the City describes the purported benefits of the Overlay Zone: "This wide-scale rezoning allows for the creation or conversion of non-residential space into residential units, and therefore will create all net new housing, since it does not involve the displacement of any existing occupied housing/residents." (JR 125.)

Respondent argues that the maximum residential density exceeds the minimum 30 units per acre that is statutorily deemed appropriate to accommodate housing for lower income individuals. (§ 65583.2(c)(3)(B)(iv).) Respondent also argues that existing commercial buildings in the Overlay Zone may obtain a permit to convert to a mixed-use building and obtain relief from having to comply with standards concerning parking requirements, loading facilities, outdoor living space, commercial-residential transitional setbacks, or height limits if compliance is physically infeasible. (JR 1636; *see also* Chen Decl. Ex. G [Beverly Hills Municipal Code ("BMMC") § 10-3-1888].) The vacancy rates for commercial buildings also purportedly create an incentive for commercial building owners to convert their buildings to mixed-use projects. (JR 201.)

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[2] It is undisputed Beverly Hills does not mandate a minimum residential density.

For commercial properties listed in the sites inventory of the housing element that were designated for conversion or indicated as having conversion potential (JR 229-34), to calculate the total number of units on the site, the City multiplied the total parcel size by the maximum allowable residential density.[3] However, the total parcel size listed in the sites inventory refers to land area, not the square footage of the existing building that can accommodate residential units. Contrary to respondent's contention, the sites inventory does not account for floor area capacity; the sites inventory lists the height limit of the building, not the number of stories to be converted to residential use. (*See, e.g.*, JR 229 [column name is "Height Limit (stories)," 233 [8500 Wilshire Blvd. described as "8 story building – conversion," but height limit is 3 stories].) As a result, for buildings to be converted to mixed use, the housing element does not demonstrate how the number of units indicated in the sites inventory will be accommodated, as required by section 65583.2(c)(1).

Moreover, as petitioner points out in the reply, most of the sites in the City's sites inventory are not designated as conversions or potential conversions. (JR 229-34.) For sites not indicated as conversions, any construction of residential units is subject to land use and building controls. For example, multi-family developments are subject to height limits from three to five stories. (JR 153-54.) Any building in the Overlay Zone must include commercial uses on the ground floor, and residential uses on the first floor within the first 40 feet from the street are prohibited. (BMMC §§ 10-3-1877(C), 10-3-1879.) Moreover, each multi-family development must have at least 200 square feet for each dwelling unit, excluding front yards, balconies, and pedestrian accessways. (BHMC §§ 10-3-1886, 10-3-2803.)

The sites inventory contains no adjustment based on land use controls for new construction, as required by section 65583.2(c)(2). Rather, like the sites designated as conversions, the number of units for each site is calculated based on the land area multiplied by the maximum residential density. Moreover, the housing element contains no meaningful consideration and analysis of the governmental constraints on the development of housing, as required by § 65583(a)(5). Rather, the City relies on prior approved and proposed developments in arguing in conclusory fashion that "the current standards are not inhibiting development of housing." (JR 158-159, 203-04.) Accordingly, the housing element, including the sites inventory, fails to account for the realistic development capacity for the sites listed in the inventory.

With respect to respondent's contention that the maximum residential density exceeds the density set forth in section 65583.2(c)(3)(B)(iv), this only means that the

---

[3] For example, for 8730 Wilshire Blvd., the parcel size is 11,863 square feet. (JR 233.) There are 1/43,560 acres in one square foot. (*See* https://www.britannica.com/science/acre-unit-of-measurement [43,560 square feet in 1 acre].) 11,863 square feet multiplied by 1/43,560 acre per square foot is 0.27 acres. 0.27 acres multiplied by 79.2 units per acre is approximately 21 units.

City does not have to provide an analysis demonstrating how its adopted density accommodates its share of the regional housing need for lower income households. (§ 65583.2(c)(3)(A-B).) However, the City still must adjust the number of units for each site based on the realistic development capacity of the site under section 65583.2(c)(1) and (c)(2) and provide an "analysis of potential and actual governmental constraints upon the...development of housing for all income levels" under section 65583(a)(5).

Petitioner also argues that the City designated the majority of the sites on the sites inventory as 100% low-income or 100% moderate-income housing without explaining the basis for such designation. (OB at 10:6-7.) Petitioner further argues that the City did not adjust the unit counts based on "typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction," as required by section 65583.2(c)(2). (OB 10:7-8.)

Petitioner, however, does not reference any statute that requires an explanation for the basis for the low-income or moderate-income housing designation. The housing element law only requires that the City specify "the number of units that can realistically be accommodated on that site and whether the site is adequate to accommodate lower income housing, moderate-income housing, or above moderate-income housing" and demonstrate "how the number of units determined for that site...will be accommodated." (§ 65583.2(c), (c)(1).) The sites inventory indicates the total number of units for each site. (JR 229 ["Total Units" column].) By indicating the number of units that are designated as low-income or moderate-income housing, the City also indicates "whether the site is adequate to accommodate lower income housing [or] moderate-income housing." (JR 229 ["Lower" and "Mod" columns].) While the City did not explain how the total number of units will be accommodated for the reasons stated above, the designation of housing as low-income or moderate-income is not deficient.

Nevertheless, it is not apparent from the sites inventory whether the City adjusted the numbers for low-income and moderate-income housing based on "typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction." (§ 65583.2(c)(2).) By multiplying the land area by the maximum residential density of 79.2 units per acre and designating all housing as low- or moderate-income housing, the City assumes that all units built on the site will be low-income or moderate-income housing. The City does not account for the possibility that only a certain percentage of the housing on the site will be designated for residents with low- or moderate-income. A revised housing element would need to contain an adjustment based on typical densities at similar affordability levels.

In sum, with respect to realistic development capacity, the housing element is deficient for the following reasons: (1) for conversions, the sites inventory calculates the total number of units based on a product of land area and the maximum residential density without accounting for the floor area of the building; (2) the sites

inventory does not contain any adjustments based on land use controls for new construction; (3) the housing element contains no analysis of the governmental constraints on the development of housing; and (4) the sites inventory does not contain any adjustments based on typical densities of existing or approved residential developments at similar affordability levels in the City.

2. Nonvacant Sites

For nonvacant sites, the housing element law imposes the following additional requirement:

> [T]he city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

(§ 65583.2(g)(1).)

Petitioner argues that the City does not explain how its methodology relates to the sites it has included or excluded in the sites inventory. For underutilized nonvacant sites, respondent explains that it selected sites that were more likely to be redeveloped or converted based on evidence of a lack of investment in the property, such as a lack of maintenance or lack of recent upgrades and improvements; parcels with underutilized improvements; and parcels with existing commercial buildings that are higher than 3 stories but whose floor plan is conducive to residential conversion. (JR 202-03, 210-11.) Respondent also explains that existing uses do not constitute an impediment to additional residential development because the creation of the Overlay Zone creates opportunities for residential development; conversion from non-residential to residential use costs less than new construction; and high residential property values in the City create financial incentives for residential development. (JR 209-10.) However, respondent discusses its methodology for determining development potential generally, without engaging in any site-specific analysis.

Respondent contends that it need not engage in an analysis of the methodology of the development potential for each site. The Court disagrees. Section

65583.2(g)(1) states that, for nonvacant sites, "the city or county shall specify the additional development potential for each site within the planning period and shall provide an explanation of the methodology used to determine the development potential." Reading the subdivision as a whole, the City is required to provide an explanation of the methodology for each site in the sites inventory. Among the factors that the methodology must consider are "the current market demand for the existing use" and "an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development." (§ 65583.2(g)(1).) These factors necessarily relate to specific sites and cannot be discussed generally. Because the Legislature included these factors, the Legislature surely intended that the City provide "an explanation of the methodology used to determine the development potential" for each site.

Without a site-specific analysis, it is unclear how the methodology was applied. For example, as petitioner points out in the opening brief, the City purports to have excluded commercial buildings that contained medical uses and car dealerships from the sites inventory. (JR 210.) However, the sites inventory includes medical buildings and car dealerships. (*See, e.g.*, JR 229-30 [153 S. Doheny Dr., 239 S. La Cienega Blvd., 8833 W. Olympic Blvd., 8845 W. Olympic Blvd., 9134 W. Olympic Blvd.].) The City does not explain how the existing use does not serve as an impediment to residential development.

For the foregoing reasons, with respect to section 65583.2(g)(1), the housing element is deficient because the City did not provide an explanation of the methodology used to determine the development potential for each site, including a discussion of the factors probative of likelihood of redevelopment set forth in section 65583.2(g)(1).

Further, the sites inventory shows that the City is meeting all of its share of the need for lower-income housing through nonvacant sites. Accordingly, section 65583.2(g)(2), quoted below, is implicated:

> In addition to the analysis required in paragraph (1), when a city or county is relying on nonvacant sites described in paragraph (3) of subdivision (b) to accommodate 50 percent or more of its housing need for lower income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified pursuant to paragraph (3) of subdivision (b) does not constitute an impediment to additional residential development during the period covered by the housing element. An existing use shall be presumed to impede additional residential development, absent findings based on substantial evidence that the use is likely to be discontinued during the planning period.

(§ 65583.2(g)(2).)

For nonvacant sites, the "Field Notes/Existing Conditions & Analysis for Keeping/Removing" column in the sites inventory only indicates the existing use of the site and whether the site is designated for conversion or has conversion potential. (JR 229-34.) The City does not engage in any discussion of occupancy rates, lease terms, viability of the business operating at the sites. Nor does the City present any other discussion demonstrating that the existing use for each site "does not constitute an impediment to additional residential development during the period covered by the housing element." (§ 65583.2(g)(2).) Without any evidence concerning the existing use of each site, the existing use is presumed to impede additional residential development. (*Ibid.*)

Respondent maintains that Culver City and Gardena obtained HCD approval based on a chart similar to its sites inventory. However, unlike Beverly Hills, Gardena's sites inventory sets forth the existing use of each site and why the existing use is likely to be discontinued during the planning period. (Reply RJN Ex. B; cf. Chen Decl. Ex. B at 71 [listing criteria used in selection of sites].) With respect to Culver City, the sites inventory does not set forth the reason why the existing use is likely to be discontinued. (Chen Decl. Ex. A at Appendix B.) However, elsewhere in the housing element, Culver City discusses sites that present opportunities for development based on positive responses from property owners and developers. (Chen Decl. Ex. A at B-9 to B-10.) Unlike Beverly Hills, Culver City discussed how the existing use at certain sites would not impede residential development. Beverly Hills did not engage in any site-specific analysis concerning how the existing use would not impede additional residential development.

Respondent contends that the Court of Appeal in *Martinez v. City of Clovis* (2023) 90 Cal.App.5th 193 determined that no site-specific analysis concerning the methodology used to determine development potential and additional development factors is required. This is not quite accurate. In *Martinez*, the Court of Appeal found that section 65583.2(g)(1) "does not mandate the City 'specify the additional development potential for each [nonvacant] site within the planning period and ... provide an explanation of the methodology used to determine the development potential' *in the housing element itself.*" (*Martinez*, 90 Cal.App.5th at 248-49, emphasis added.) While specification of the additional development potential for each site does not have to be part of the housing element, the City still must demonstrate the additional development potential for each site. In *Martinez*, for example, the City of Clovis provided evidence outside of the housing element to demonstrate the development potential of a nonvacant site. (*Id.* at 249-51.)

Here, there is no analysis of the additional development potential for each site listed in the sites inventory in the housing element or elsewhere. Further, the housing element does not contain findings based on substantial evidence that the existing uses of nonvacant sites are likely to be discontinued, as required by section 65583.2(g)(2).

In sum, with respect to nonvacant sites, the housing element is deficient for the following reasons: (1) the City did not provide an explanation of the methodology used to determine the development potential for each site in the sites inventory, including a discussion of the factors probative of likelihood of redevelopment set forth in section 65583.2(g)(1); and (2) the City fails to demonstrate with substantial evidence that the existing use for each site in the sites inventory does not constitute an impediment to additional residential development during the period covered by the housing element.

C. Specific Sites

Petitioner also contends that certain sites were improperly included in the sites inventory. (OB at 15:6-17:1.) Petitioner maintains that the City did not make the findings based on substantial evidence that are required to rebut the presumption under section 65583.2(g)(2) that the existing use will impede additional residential development. (Reply at 4:13-14.)

However, in contending that additional residential development is not possible on certain sites, petitioner relies on extra-record evidence. For example, for 55 North La Cienega, the sites inventory indicates that the property will have 70 low-income units. (JR 229.) However, petitioner presents a Planning Commission Report and meeting minutes to assert that the City's Planning Commission approved development on the site with only 11 units of very low-income housing. (Gelfand Decl. Exs. C at 1, D at 3-4.)

"[W]here the scope of review of factual findings is substantial evidence, review limited to the administrative record is appropriate because extra-record evidence is irrelevant to whether the agency's decision is supported by substantial evidence." (*Cinema West, LLC v. Baker* (2017) 13 Cal.App.5th 194, 208.) Petitioner cannot challenge the inclusion of sites in the inventory based on extra-record evidence. Ironically, petitioner would have the Court consider the propriety of certain sites based on extra-record evidence, but then bar respondent from presenting extra-record evidence to rebut petitioner's argument. (Reply at 4:18-5:13.)

With respect to sites which petitioner contends are unlikely to disappear based on their existing use (OB at 16:21-17:2; JR 1557-58), the Court already finds that respondent did not make findings based on substantial evidence that the existing use for each nonvacant site in the sites inventory is likely to be discontinued. The City must make such findings in revising the housing element.

VI. Conclusion

The petition is GRANTED. Pursuant to Local Rule 3.231(n), petitioner shall prepare, serve, and ultimately file a proposed judgment and proposed writ of mandate.

Date: September 12, 2023

HON. CURTIS A. KIN

EXHIBIT B

RAND | PASTER | NELSON

[redacted]
www.rpnllp.com

Dave Rand
[redacted]

September 20, 2024

VIA EMAIL

Maureen Tamuri
Interim Planning Director
City of Malibu
MTamuri@malibucity.org

Re: Comments on Draft Housing Element Update
September 23, 2024 City Council Meeting - Item 4A

Dear Ms. Tamuri:

The purpose of this letter is to (a) to provide comments on the City's Draft Housing Element, which will be considered by the City Council at the September 23, 2024 City Council meeting, and (b) to urge to City to include an additional site in the Housing Element Sites Inventory and Affordable Housing Overlay ("AHO") - namely, the 3.2-acre property located at 6453 Sycamore Meadows Drive (APNs 4460-009-016, 4460-009-017, and 4460-009-001), which is zoned for multifamily residential uses (MF) (the "Sycamore Site"). We are submitting this letter on behalf of PNRW, LLC ("PNRW"), which recently submitted[1] a preliminary application for a 50-unit multi-family development project on the Sycamore Site, which would include 10 low-income units (i.e., 20 percent of the total unit count).

The Current AHO Sites Are Not Adequate to Meet the City's Housing Needs

According to Table 7.3-1 in the Draft Housing Element, the City's remaining RHNA – after applying credits for planned and approved units, and potential new ADUs – is 30 lower-income units and 16 moderate-income units.[2] The Draft Housing Element proposes to accommodate these lower-income and moderate-income units on three parcels zoned MF/AHO, as shown in Table B-4 (Sites Inventory) ("AHO Sites").[3]

The AHO Sites are all recycled properties included in both the 4th- and 5th-Cycle Housing Elements to accommodate the City's lower-income RHNA requirement – but have not been developed

[1] PNRW submitted the preliminary application through the City's portal on June 6, 2024; however, the City did not inform PNRW of the required permit processing fee until June 12 and payment was made on June 17. Consequently, it is inaccurate to state, as the Draft Housing Element states on page 107, that "No multifamily developments have been proposed within the past 10 years."

[2] Draft Housing Element, p. 64.

[3] Draft Housing Element, p. 155.

with any multi-family or lower-income units.[4] Two of the AHO Sites are currently vacant and the third AHO Site is developed with a single-family home.[5] The fact that none of the AHO Sites were developed with multifamily housing in the previous two Housing Element cycles provides a strong indication that they are unlikely to be developed with multifamily housing during the 6th cycle.

Furthermore, the Draft Housing Element does not include any evidence that anyone is interested in developing low- or moderate-income housing on the AHO Sites. In fact, the Draft Housing Element states that in January 2024, "the City was contacted by two property owners interested in developing affordable housing for low- and moderate-income households," but "the sites [that the owners were interested in] are not included in the Sites Inventory and do not have an AHO designation."[6] If the City is serious about facilitating affordable housing development, a better strategy would be to add sites to the Sites Inventory and AHO where there is actual expressed interest in building affordable housing, rather than only including sites where there is *no* expressed interest in building affordable housing and a long history of *not* building affordable housing despite the AHO designation.

Moreover, the City's estimate of the number of affordable units that can be accommodated by the AHO Sites is unrealistic and is not supported by the level of analysis required by law. The Draft Housing Element explains that "For the purpose of the Sites Inventory, capacity on [the AHO Sites] was divided among lower-income (35 percent), moderate income (20 percent), and above-moderate (45 percent) of total capacity."[7] No explanation or analysis is provided to justify these percentages, which appear to be opportunistically selected to accommodate the City's remaining RHNA requirement without having to add additional sites.

This complete lack of analysis concerning the affordable-unit percentages falls short of what is required by law. Government Code Section 65583.2(c)(2) establishes requirements for the Sites Inventory and requires that:

> The city … shall determine the number of housing units that can be accommodated on each site as follows:
>
> (1) If local law or regulations require the development of a site at a minimum density, the department shall accept the planning agency's calculation of the total housing unit capacity on that site based on the established minimum density. …
>
> (2) The number of units calculated pursuant to paragraph (1) **shall** be adjusted as necessary, based on the land use controls and site improvements requirement identified in paragraph (5) of subdivision (a) of Section 65583, the realistic development capacity for the site, **typical densities of existing or approved residential developments at a**

[4] Draft Housing Element, p. 145.

[5] *Id.*

[6] Draft Housing Element, p. 146.

[7] Draft Housing Element, p. 145.

> **similar affordability level in that jurisdiction**, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

The Draft Housing Element lacks any explanation of why a developer would propose a housing project with 35-percent lower-income units and/or 20-percent moderate-income units on any of the AHO Sites.

In fact, there is very strong evidence that this will not happen. Developers are only likely to include affordable units in a project if it is economically feasible. To develop under the AHO standards, a developer is only required to include 20 percent of the units for low-income households and is not required to include any moderate income units.[8] However, to obtain the maximum benefits permitted by State Density Bonus Law, a developer is only required to include 15 percent of units for very-low-income households and 15 percent of units for moderate-income households, and may choose to provide much lower percentages.[9] The Draft Housing Element provides no explanation for why a developer could accommodate affordable-unit percentages in a project that would not result in any additional market rate density bonus to offset the affordable housing costs. Additionally, the Housing Element does not point to or analyze any "existing or approved residential developments at a similar affordability level" in the City, as required by Government Code Section 65583.2(c)(2).

Finally, the Draft Housing Element does not provide the analysis required by Housing Element Law for nonvacant sites. One of the three AHO Sites is currently developed with a single-family home and is therefore "nonvacant."[10] Nonvacant properties may be included in the Sites Inventory, pursuant to Government Code Section 65583.2(b)(3), but only if the Housing Element includes specific analysis of why the existing uses on the site will not be an impediment to additional development. Government Code Section 65583.2(g)(1) reads:

> For sites described in paragraph (3) of subdivision (b), the city or county shall specify the additional development potential for each site within the planning period and **shall provide an explanation of the methodology used to determine the development potential**. The methodology **shall** consider factors including the extent to which existing uses may constitute an impediment to additional residential development, the city's or county's past experience with converting existing uses to higher density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.

The Draft Housing Element does not "provide an explanation of the methodology used to determine the development potential" of the nonvacant AHO site that considers the mandatory factors in Government Code Section 65582.2(g)(1). Instead, the Draft Housing Element provides

[8] Draft Housing Element Program 3.5.

[9] Government Code Section 65915(v).

[10] 28401 Pacific Coast Highway (APN 4467-012-005); Draft Housing Element, p. 145.

a one-sentence explanation: "The capacity of this parcel assumes that the existing structure will be demolished."[11]

Given that this nonvacant site is used to accommodate 47 percent of the lower-income units in the Sites Inventory *and* 45 percent of the moderate-income units in the Sites Inventory, the City's explanation of the development potential of this site is woefully inadequate and falls far short of meeting the requirements of Housing Element Law as stated in Government Code Section 65582.2(g)(1).

For all of these reasons, the Draft Housing Element must be revised to include additional analysis of the AHO sites, as discussed above, and additional sites must be added to the Sites Inventory for the Sites Inventory to *realistically* accommodate the City's low- and moderate-income RHNA.

The Sycamore Site Should Be Added to the Sites Inventory and the AHO

In light on the City's stated commitment to facilitating multifamily and affordable housing, and in order to meet the requirements of Housing Element law, we strongly urge the City to add the Sycamore Site to the Sites Inventory in the Draft Housing Element and to add the Sycamore Site to the AHO.

The Sycamore Site has a base zoning designation of MF (multi-family residential), just like all of the existing AHO Sites, and is surrounded by residential development. Furthermore, the owner of the Sycamore Site has *already submitted* an application for a multifamily development on the property that would restrict 20 percent of its units for low-income households, indicating a clear and current interest in developing affordable units on the site. This recent preliminary application was submitted after years of attempting to work with the City to advance previous multi family proposals at the Sycamore Site. In other words there is a long documented history of active interest an engagement by this Applicant to produce multi family housing on a Site that is properly zoned and located for such use.

If the Sycamore Site were added to the AHO,[12] it would meet all requirements for accommodating lower-income units in the Sites Inventory: The site is zoned for multifamily uses and, at 3.21 acres in size, the Sycamore Site is more than 0.5 acres and less than 10 acres.[13] Although the site is nonvacant, there is clear evidence that the owner is interested in redeveloping the site with a multifamily project that will include affordable units, and therefore there is sufficient evidence to satisfy the requirements in Government Code Section 65583.2(g)(1) for analysis of nonvacant sites. The site is also located immediately adjacent to a bus stop on Pacific Coast Highway (Metro 134), ensuring that the site would be adequately served by public transit. The site is located within only a few miles of commercial centers both the east and the west. Finally, as noted in Appendix F of the Draft Housing Element, "the entire City of Malibu is within census tracts designated by TCAC as highest resource,

[11] Draft Housing Element, p. 145.

[12] Pursuant to Government Code Section 65583.2(h), if the Sycamore Site were added to the AHO, the City would be required to allow by-right development of a housing project on the site that made at least 20 percent of its units affordable for low-income households.

[13] *See* Government Code Section 65583.2(c)(2)(A) & (B).

indicating that each neighborhood of the city is associated with positive economic, educational, and health outcomes for low-income families."[14] This designation applies to the Sycamore Site.

Appendix F purports to explain why the AHO has been limited to only three sites: "The AHO sites are the only sites in the city with sufficient area and zoning for higher-density housing, as well as proximity to transit and community amenities." An assessment of the Sycamore Site indicates that this statement is not accurate. The Sycamore Site is just as suitable for the development of lower-income housing as the current AHO Sites. In fact, it is far more likely to actually be developed with affordable housing than the current AHO Sites based on years of Applicant interest, culminating in the recent filing of a preliminary application which includes 20 percent of the total units for low income households.

For these reasons we strongly urge the City to add the Sycamore Site to the Sites Inventory in the Draft Housing Element and to add the Sycamore Site to the AHO.

Sincerely,

Dave Rand

Dave Rand
Partner
of RAND PASTER & NELSON, LLP

Cc: Kelsey Pettijohn, City Clerk, KPettijohn@malibucity.org

[14] Draft Housing Element, p. 359.

City of Malibu
City Council Hearing

Housing Element 2021-2029

September 23rd , 2024

SCHMITZ & ASSOCIATES INC.

The Proposed Housing Element Recognizes the Need for Rent Subsidies

A variety of City policies and programs described in the Housing Plan address the needs of extremely-low-income households, including persons with disabilities. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies in addition to appropriate zoning and development standards.

Proposed Housing Element, Pg 7.4-11

HCD to Review Changes to Proposed Housing Element Related to Rent Subsidies

From: Murad, Sayed@HCD <Sayed.Murad@hcd.ca.gov>
Sent: Monday, September 23, 2024 1:48 PM
To: Cindy Martin <cmartin@schmitzandassociates.net>
Cc: Amy Ablakat <aablakat@schmitzandassociates.net>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>
Subject: RE: Follow-Up to This Morning's Phone Call Re: Malibu Housing Element & Tonight's City Council Hearing

Hi [C]indy,

Thanks for the email follow up.

On July 31, 2024, HCD found the City's revised draft met statutory requirements. Once adopted and submitted, HCD will review that document, including any changes and evaluate any impacts on the July 31, 2024 review. This evaluation would include reviewing any changes related to exploration of rent subsidies.

Best,

Sayed

Sayed.Murad he~~/~~him

Housing Policy Division | Housing Policy Analyst

Housing and Community Development

651 Bannon St| Sacramento, CA 95833
Work Cell: 916.776.7658

Revised 2021-2029 Housing Element
City Council Hearing

September 23, 2024
City Council Meeting
Item No. 4.A.

Preface

- Purpose: compliance with state housing law
- Process: multiple iterations to balance state law compliance and maintaining City land use goals
- Content: analysis and City commitments necessary to obtain certification from HCD

Background Information

- Housing Element updated every 8 years
  - 6th Cycle Housing Element: 2021-2029 planning period
  - Certification by the Housing and Community Development (HCD) required by October 15, 2021

- HCD Review and Revisions
  - August 24, 2021 - First draft submitted to HCD
  - October 22, 2021 - HCD review letter
  - January 10, 2022 - City Council adoption of revised draft and resubmittal to HCD
  - March 22, 2022 - HCD review letter
  - February 7, 2024 – Revised draft submitted to HCD
  - March – July 2024 - Subsequent submittals, HCD review letters
  - July 31, 2024 – Meets statutory requirements of State Housing Element Law
  - August 19, 2024 - Planning Commission recommended adoption to City Council
  - HCD will certify upon readoption and completion of zoning code update modifying by-right approval on Affordable Housing Overlay (AHO) sites

Stipulated Judgement

- City must readopt the Housing Element and introduce LCP and MMC amendments by September 23, 2024.

- By October 4, 2024, the City must submit the adopted Housing Element and copies of the to be adopted ordinances introducing the Zoning Ordinance Amendments and Local Coastal Plan Amendments to HCD.

Housing Element Components

- Description of the community's housing needs
- Analysis of constraints to housing development
- Evaluation of existing housing programs
- Plan to meet the City's Regional Housing Needs Allocation (RHNA)
- Analysis of Affirmatively Furthering Fair Housing (AFFH)
- Policies and programs to facilitate housing construction, rehabilitation, and preservation

Regional Housing Needs Allocation (RHNA)

Housing Units	Household Income Category (Based on Area Median Income)				
	Very-Low	Low	Moderate	Above Moderate	Total
RHNA 2021-2029	28	19	17	15	79

- Appendix B – Housing Element - with planned and approved projects and projected ADUs City can meet RHNA – No rezoning necessary

RHNA Sites Inventory

Table B-3
Sites Inventory Summary

Housing Sites	Income Category		
	Lower	Moderate	Above
RHNA 2021-2029	47	17	15
RHNA Credits - Planned and Approved Units (Table B-2)	0	0	142
RHNA Credits - Potential new ADUs	17	1	12
Remaining RHNA after Credits	30	16	0
Potential new multi-family units (Table B-4)	36	22	53
Buffer provided above remaining RHNA	20%	38%	
Adequate Capacity?	Yes	Yes	Yes

Source: City of Malibu, 2024

Table B-4
Sites Inventory

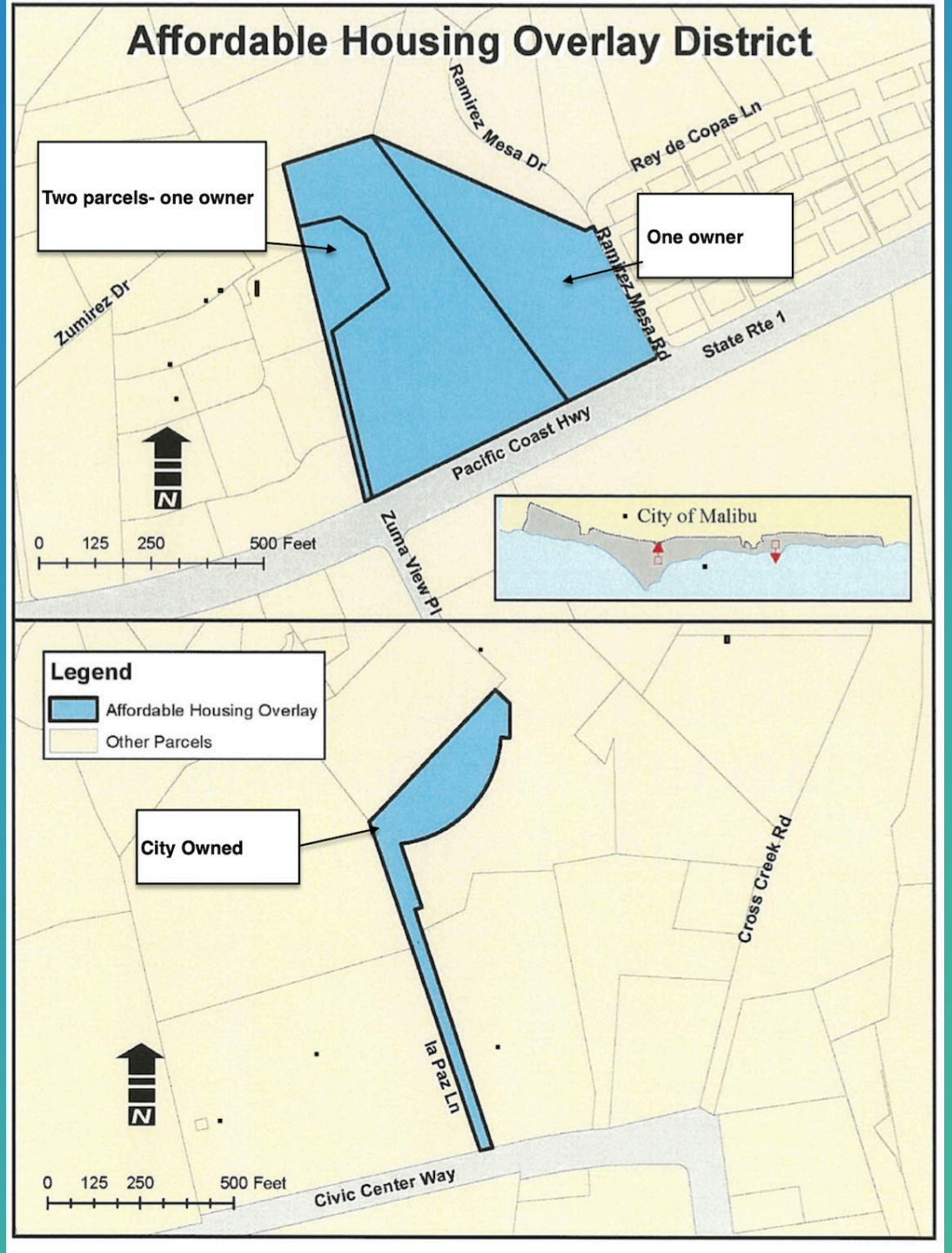
APN	Address	Street	Parcel Size (acres)	General Plan/ Zone	Realistic Density (units/acre)	Potential Units		
						Lower	Moderate	Above-Moderate
4467013022	28517	PACIFIC COAST HWY	5.12	MF/AHO	20	19	12	30
4467013023			0.74					
4467012005	28401	PACIFIC COAST HWY	3.25	MF/AHO	20	17	10	23
TOTALS						**36**	**22**	**53**

Source: City of Malibu, 2024

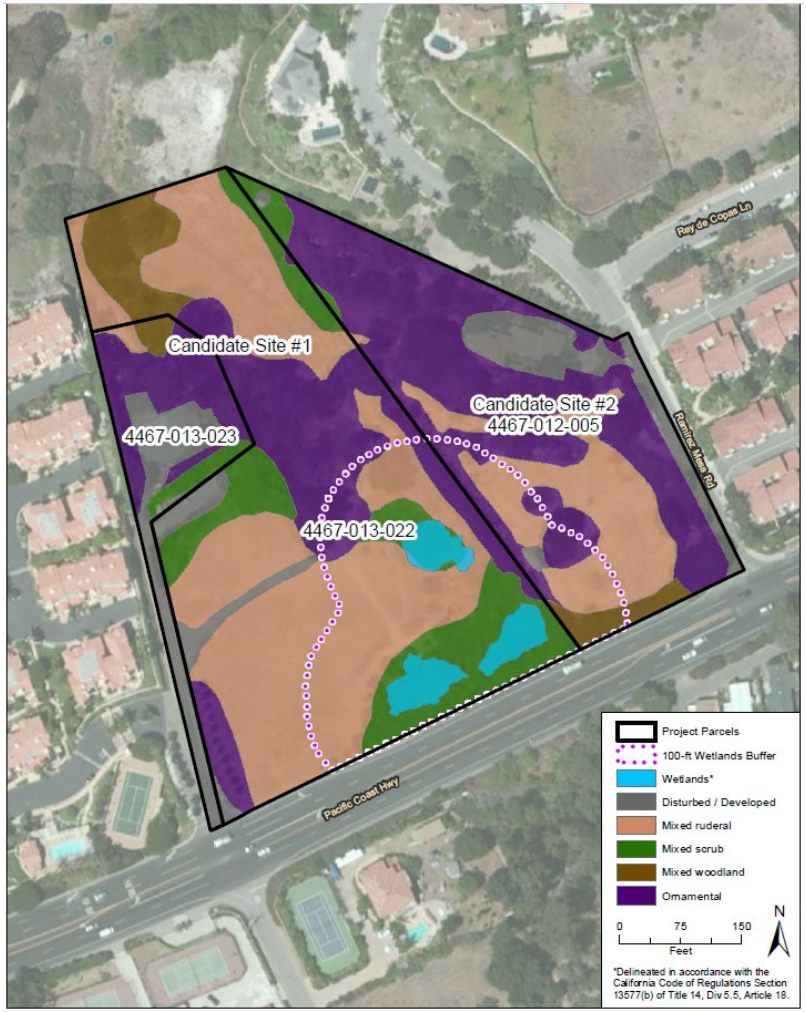
Note: Realistic density is based on excluding the non-buildable ESHA.

Affordable Housing Overlay (AHO)

- Two sites (3 parcels) on PCH in AHO
  - 20 units/acre to 27 units/acre
  - 30 feet in height
- La Paz site in the Civic Center removed from RHNA
  - Parcels in inventory must be available during entire 2021-2029 planning period
  - AHO will remain on La Paz site


Affordable Housing Overlay District
Ramirez Mesa Dr
Rey de Copas Ln
Two parcels- one owner
One owner
Zumirez Dr
Ramirez Mesa Rd
State Rte 1
Pacific Coast Hwy
N
0 125 250 500 Feet
Zuma View Pl
City of Malibu
Legend
Affordable Housing Overlay
Other Parcels
City Owned
Cross Creek Rd
la Paz Ln
N
0 125 250 500 Feet
Civic Center Way

AHO Sites Environmental Constraints



2013 study identified wetlands and environmentally-sensitive habitat.

- Assumed developable area excludes the sensitive habitat and 100-foot buffer (dotted line).
- AHO site development assumptions: 36 lower-income, 22 moderate-income, and 53 above moderate-income units.

Housing Plan (Section 7.5)

- Contains goals, policies, and programs the City is committed to accomplish during the planning period
- New programs added to the Housing Plan:
  - MMC and LIP amendments to address new State laws and remove constraints to development
  - Programs to address Affirmatively Furthering Fair Housing considerations (housing access and opportunities)
- Existing programs' actions, objectives, and timelines were strengthened or clarified as needed

Affirmatively Furthering Fair Housing (AFFH)

New Appendix F – Housing Element

- HCD requires a full assessment of fair housing:
  - Fair housing enforcement and outreach
  - Geographic analysis of trends related to disparities and segregation
  - Assessment of contributing factors to fair housing concerns
- The Housing Element was revised to provide a complete assessment using HCD's guidance
- Code amendments were necessary to comply with AFFH

AFFH Programs

- Fair housing enforcement and outreach:
  - Promote fair housing services, education, and resources
  - Provide info on housing resources with ADU applications
  - Create a Housing Resources page on City website
- Support housing choice and opportunities:
  - Promote affordable housing on AHO sites
  - Promote or support housing assistance programs for homeowners and renters (e.g., housing rehabilitation, housing choice vouchers, shared housing programs)
  - Publish pre-approved ADU plans
  - Subject to funding, offer grants to construct rent-restricted ADUs
- Support special housing needs residents
  - Provide information on housing and transportation services to seniors

MMC/LCP Code Amendments

- Require replacement housing for new development if there are/were restricted affordable units on property

- Allow transitional and supportive housing as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone; allow by right permanent supportive housing by-right where multi-family and mixed uses are permitted

- Allow multi-family residential uses without a CUP

MMC/LCP Code Amendments (cont.)

- Revise the definition of emergency shelters, revised parking required, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities
- Create new land use category – Low Barrier Navigation Centers
- Ensure that employee housing for six or fewer persons is treated as a single-family use (Employee Housing Act)
- Reduce parking requirements for studios/1-bedroom and 2 or more-bedroom multi-family units

MMC/LCP Code Amendments (cont.)

- AHO: include a maximum density independent of state density bonus, modify by-right approval threshold to 20% affordable units
- AHO: allow a maximum height of 30 feet and remove the 2-story limit to accommodate 27 units/acre
- Amend City density bonus regulations consistent with state law
- Remove impermeability standard for MF beachfront lots

MMC/LCP Code Amendments (cont.)

- For multi-family development, allow alternatives to story poles, such as photo simulations, for development subject to story pole requirements in LIP
- Request for reasonable accommodation: remove provision of review on the basis that the request may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director
- Clean Up Items
  - MMC - Allow Mixed Use with CUP (currently allowed with CUP in LIP)
  - MMC/LIP – Add parking requirements for single family dwellings

Future Code Amendments

- Allow residential care facilities for 7+ persons (large) in all residential zones with an administrative permit or without discretionary review
  - Currently allowed only in CG Zone with CUP
  - Findings of an administrative permit must use objective standards (AFFH concern)
  - Timeline: End of 2025
- Revise the Site Plan Review finding, "that the project does not adversely affect neighborhood character" to establish objective findings for multi-family projects
  - Ensure approval certainty for proposed multi-family developments with heights over 18 feet while establishing strategies to protect scenic, visual, and hillside resources
  - Timeline: End of 2025

Future Code Amendments (continued)
ADU Housing Program

- Allow up to two JADUs per single-family lot.
  - At least one JADU must be rent restricted to lower or moderate-income households. (Fair Housing-Housing Mobility)
  - Timeline - within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later

Planning Commission Action

1) Discussion on RHNA and Safety and Evacuation
2) Recommended that the City Council approve the 2021-2029 Housing Element and the related LCP Amendment and Zoning Text amendment
3) Other recommendations:
    1) Requirement of a development agreement for very-low or low-income housing built within the Affordable Housing Overlay zone
    2) Very-low or low-income housing built within the Affordable Housing Overlay zone include a minimum fifty-five-year deed restriction

Recommended Action

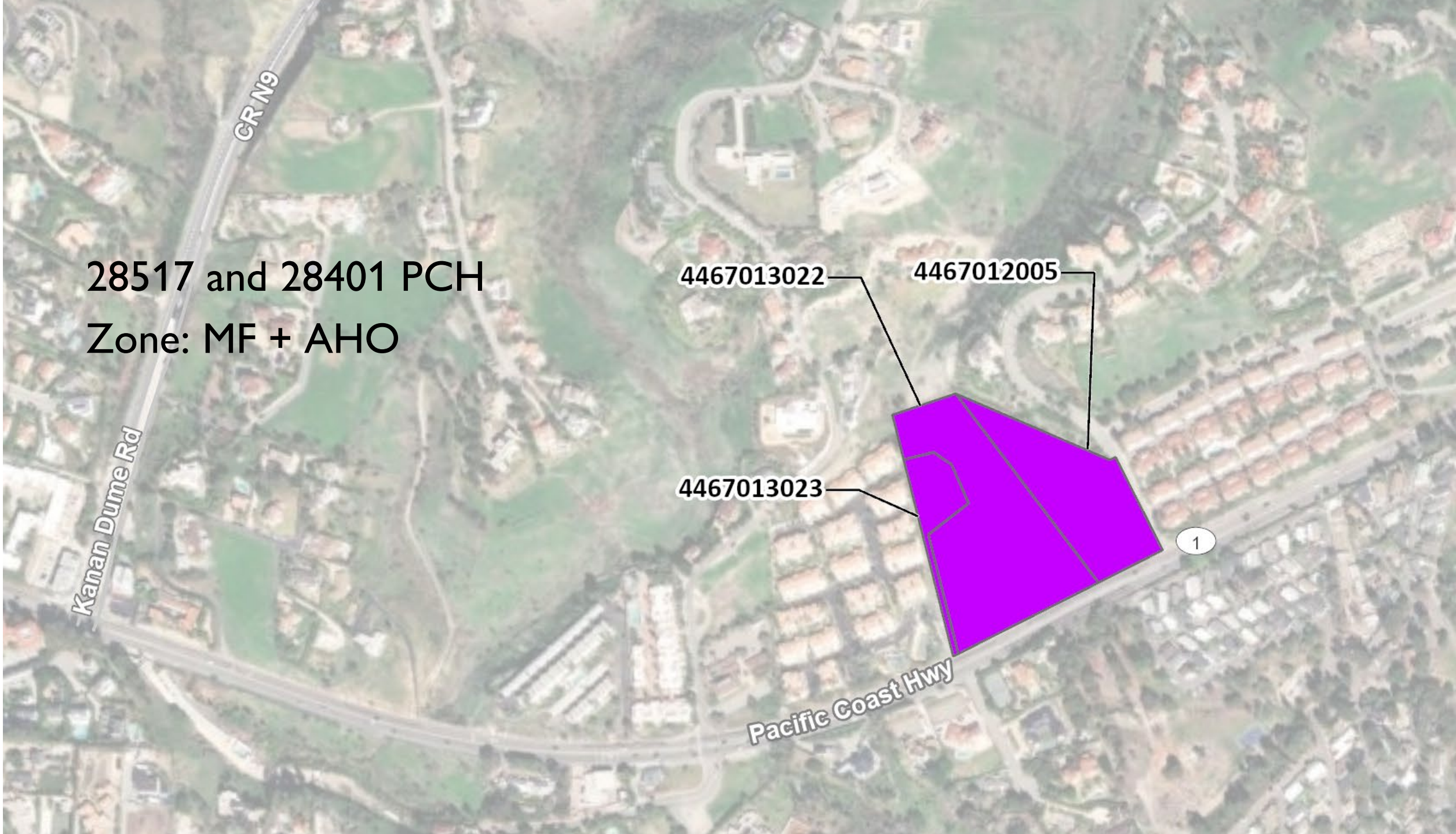
1) Adopt Resolution No. 24-48 approving the Revised Draft 2021-2029 Housing Element Update;
2) Adopt Resolution No. 24-49 amending the Land Use Plan of the Local Coastal Plan (LCP);
3) Waive full reading of Ordinance No. 523 amending the Malibu Municipal Code and Local Implementation Program of LCP and order that it be read by title only;
4) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 523 approving Local Coastal Program Amendment No. 20-001 and Zone Text Amendment No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act and
5) Direct staff to schedule second reading and adoption of Ordinance No. 523 for the October 14, 2024 City Council Regular meeting.

Planning Commission Discussion Items

- AHO:
  - Establish a minimum unit size
  - Change the minimum and maximum density per acre in the AHO
  - Require a nonprofit developer to build the affordable housing units in the AHO

None of these changes were recommended following discussion of Housing Element law and HCD requirements.

- RHNA determination and relationship to safety and evacuation
  - The city is entirely within a Very High Fire Hazard Severity Zone (VHFHSZ) and has limited evacuation routes
  - The City submitted two letters to SCAG as part of the proposed Draft RHNA Methodology process in 2019 to request consideration of the VHFHSZ


28517 and 28401 PCH
Zone: MF + AHO
4467013022
4467012005
4467013023
CR N9
Kanan Dume Rd
Pacific Coast Hwy
1

Sites Inventory

- Revised to be limited to sites that could support a realistic development capacity and achieve RHNA
- City-owned La Paz site in the Civic Center removed. Parcels in inventory must be available during entire 2021-2029 planning period
- Capacity assumptions of two AHO sites on Pacific Coast Highway revised
- Updated assumptions for the projected number of Accessory Dwelling Units (ADUs) and list of planned projects

Housing Element Resources

- Housing Element Building Blocks: https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks
  - Site Inventory: https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/inventory-of-land-suitable
- Affirmatively Furthering Fair Housing Guidance: https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing
- Housing Element legislation and updates: https://www.hcd.ca.gov/planning-and-community-development/hcd-memos

AHO PCH Sites Neighboring Properties

The Pointe Malibu Condos

2/3 (3 parcels) Affordable Housing Overlay Sites

Malibu Villas (Rey De Copas Condos)



Google Earth

The Pointe Malibu Condos	AHO Sites	Malibu Villas (Rey De Copas Condos)
Units Per Acre = ~11 -14	Units Per Acre = 20-27	Units Per Acre = ~15
Building Height = 35 feet plus	Building Height = 30	Building Height = 24 feet plus

*Current City density is 6 units per acre not in AHO.

City of Malibu

MEMORANDUM

To: Mayor Stewart and the Honorable Members of the City Council, City Manager, City Attorney, Department Heads, City Employees, KBUU, Malibu Patch, and The Malibu Times

From: Kelsey Pettijohn, City Clerk

Date: September 24, 2024

Re: Actions from the September 23, 2024 Malibu City Council Regular meeting

---

At the City Council Regular meeting on Monday, September 23, 2024, the Council took the actions listed below with follow-up by various staff members shown in parentheses:

1) Directed staff to bring back an item on the Mobilehome Park Rent Stabilization Commission and the Mobilehome Park Rent Control Regulations (City Manager/City Clerk)

2) Directed staff to bring back an item on a film series with the Malibu Film Society (City Manager/Community Services)

3) Directed staff to bring back a school safety item to discuss school resource officers (City Manager/Public Safety)

4) Directed staff to bring back an item to discuss adding tow-away zones along Pacific Coast Highway (City Manager/Public Safety/Planning)

5) Allowed and approved warrant demand numbers 73527-73657 on the register from the General Fund and directed the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 754 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $3,687,136.00. City of Malibu payroll check number 5484 and ACH deposits were issued in the amount of $444,039.61 (Administration)

6) Approved the minutes for the August 12, 2024 Regular Meeting (City Clerk)

7) Received and filed the Notice of Intention to Amend the Conflict of Interest Code (City Clerk)

8) Adopted Resolution No. 24-47 extending the declaration of the existence of a local emergency related to the increase of reckless and illegal driving on pacific coast highway and directing staff to coordinate efforts with other governmental agencies to increase attention and create programs to reduce the risk and danger associated with pacific coast highway in the City (City Clerk)

9) Approved the request from the Malibu Arts Association to waive facility use fees, staffing costs, and permit fees for an Art Show event at Legacy Park (Community Services)

10) 1) Approved the award of bid and authorize the Mayor to execute an agreement with AC Pros, Inc. in the amount of $136,180 for the construction of the Bluffs Park Roof Replacement Project, Specification No. 2110; and 2) authorized the Public Works Director to approve any potential change orders up to 20% (Public Works)

11) Authorized the Mayor to execute an agreement with Burns Pacific Construction, Inc. for annual routine street maintenance services (Public Works)

12) Authorized the Mayor to execute an agreement with Newbury Park Tree Services, Inc. for Citywide Tree Maintenance Services in the amount not to exceed $75,000 annually (Public Works)

13) 1) Authorized the Mayor to execute an agreement with Sweeping Corporation of America of CA, LLC for Street Sweeping Services under the City's Annual Street Sweeping Services; and 2) appropriated $44,160 in Account No. 100-3001-5121.01 (Street Sweeping) (Public Works)

14) Authorized the Mayor to execute a Professional Services Agreement with Kimley Horn and Associates, Inc. for engineering design services for the PCH Median Improvements – Paradise Cove and Zuma Beach in the amount not to exceed $296,670 (Public Works)

15) 1) Authorized the Mayor to execute the Los Angeles County Measure R Funding Agreement Amendment No. 4 for the Pacific Coast Highway Signal Synchronization Project; and 2) authorized the Public Works Director to approve change orders of an additional $1,330,000 for a total amount of $3,230,000 (Public Works)

16) Authorized the Mayor to execute Amendment No. 5 to the Professional Services Agreement with Kimley Horn and Associates, Inc. in the amount of $835,742.47 for a total not to exceed $4,076,642.47. This proposed amendment includes additional engineering design service to add a Safety Adaption system, additional speed feedback signs, and poles for speed enforcement cameras for the Pacific Coast Highway (PCH) Signal Synchronization Project (Public Works)

17) Received and filed the Planning Director's report on planning clearances issued for formula retail businesses Bluemercury, Zadig & Voltaire, Frame, Loewe, and Jenni Kayne to the City Council, pursuant to the Settlement Agreement between the City of Malibu and Cross Creek Ranch Malibu, LLC (Planning)

18) 1) Authorized the Mayor to execute a professional services agreement with California Coastal Works LLC for contract planning services; 2) authorized the Mayor to execute a professional services agreement with Casswell Consulting, Inc. for contract planning services; 3) authorized the Mayor to execute a professional services agreement with Joyce Parker-Bozylinski for contract planning services; and 4) authorized the Mayor to execute a professional services agreement with Premium Planning Solutions, Inc. for planning contract services (Planning)

19) Authorized the Mayor to execute Amendment No. 1 with Santa Monica-Malibu Unified School District to extend the 2022-2024 Master Facility Use Agreement through January 31, 2025 (Community Services)

20) 1) Adopted Resolution No. 24-48 approving the Revised Draft 2021-2029 Housing Element Update; 2) adopted Resolution No. 24-49 amending the Land Use Plan (LUP) of the Local Coastal Plan (LCP); 3) introduced on first reading Ordinance No. 523 approving Local Coastal Program Amendment (LCPA) No. 20-001 and Zone Text Amendment (ZTA) No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act (CEQA); and 4) directed staff to schedule second reading and adoption of Ordinance No. 523 for the October 14, 2024 City Council Regular meeting (Planning)

21) Approved Resolution 24-50 in Support of Santa Monica-Malibu Unified School District (SMMUSD) General Obligation Bond Measure MM (City Manager)

RESOLUTION NO. 24-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU ADOPTING GENERAL PLAN AMENDMENT NO. 20-001 ADOPTING THE 2021-2029 HOUSING ELEMENT RELATIVE TO THE PROVISION OF HOUSING FOR ALL INCOME LEVELS CONSISTENT WITH ALL APPLICABLE STATE HOUSING ELEMENT LAWS

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies and objectives/programs that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing

Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and related code amendments by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt, the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment, Local Coastal Program amendment, and Zoning Text amendment, and at that hearing the Planning Commission reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, the amendments to the Local Coastal Program LIP and LUP and Title 17 of the MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element, CEQA findings, the staff report, public testimony, and other information in the record.

CC. On August 29, 2024, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing

Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The 2021-2029 Housing Element update (attached hereto as "EXHIBIT A") is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The 2021-2029 Housing Element would not approve any development project and does not propose any new policies or programs that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

B. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

C. The proposed Housing Element update is consistent with the provisions of the Malibu General Plan, Malibu Municipal Code (MMC), Local Coastal Program, and all other applicable programs.

SECTION 3. General Plan Amendment Housing Element.

The revised 2021-2029 Housing Element Update is provided in Exhibit A. GPA No. 20-001 constitutes a complete deletion of the existing text in the General Plan Housing Element and replacement of it with new text.

SECTION 4. General Plan Amendment Findings.

A. The Housing Element is part of the City's General Plan, which sets forth guiding policies for future development. The requirement for each city to adopt a General Plan is contained in California Government Code Section 65300 *et seq.,* which also lays out specific requirements for each element. The Housing Element provides an overarching statement of City policies and programs to maintain and improve existing housing, and also accommodates the City's assigned share of the region's future housing needs. Among the requirements in California Government Code Section 65580 *et seq.* for Housing Elements are the following:

1. Ensure adequate sites for new housing for persons of all income levels;
2. Encourage and facilitate the development of affordable housing;
3. Conserve and improve the existing affordable housing stock;
4. Analyze and remove governmental constraints on new housing development;

5. Promote equal housing opportunities;
6. Preserve assisted housing; and
7. Affirmatively further fair housing.

The 2021-2029 Housing Element meets each of the aforementioned requirements and, therefore, would be consistent with State law.

B. The 2021-2029 Housing Element is consistent with the goals and policies of the General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade the environment, and LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.

SECTION 5. Adoption of General Plan Amendment.

The City Council hereby adopts General Plan Amendment No. 20-001 (2021-2029 Housing Element Update), attached hereto as Exhibit A, amending the General Plan Housing Element in its entirety. The City Council further finds that General Plan Amendment No.20-001 is consistent with State law.

SECTION 6. Submittal to the State of California Department of Housing and Community Development.

The City Manager or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.

SECTION 7. The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 23rd day of September 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

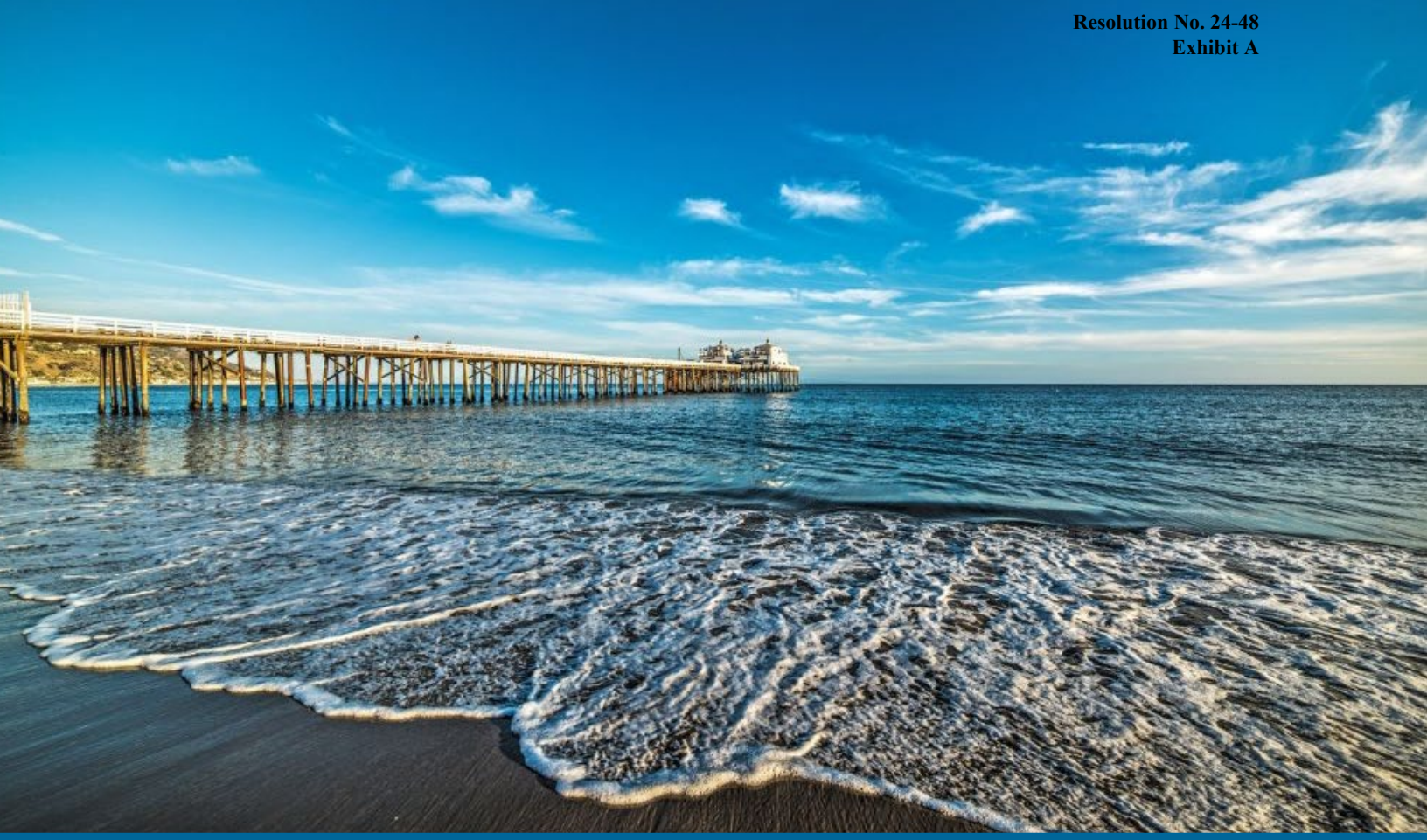
TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-48was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the 23rd day of September 2024 by the following vote:

AYES:	4	Councilmembers:	Grisanti, Uhring, Riggins, Stewart
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	0		

KELSEY PETTIJOHN, City Clerk
(seal)

Resolution No. 24-48
Exhibit A



City of Malibu 2021-2029 Housing Element







August/September 2024 Submittal to the California Department of Housing and Community Development

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7.0 Housing Element

7.1 Introduction

State law requires the preparation of a Housing Element ("Element") as part of a jurisdiction's General Plan (*California Government Code* §65302(c)). The Element is to consist of an identification and analysis of existing and projected housing needs, and a statement of goals, policies, quantified objectives and scheduled programs for the preservation, improvement and development of housing in the City of Malibu ("City"). The Element shall also identify adequate sites for housing and to make adequate provision for the existing and projected needs of all economic segments of the community (§65583).

Guidelines adopted by the California Department of Housing and Community Development ("HCD") are also to be considered in the preparation of the Element (§65585). Periodic review of the Element is required to evaluate: (1) the appropriateness of its goals, objectives and policies in contributing to the attainment of the state housing goal; (2) the effectiveness in attaining the community's housing goals and objectives; and (3) the progress of the City in implementation of the Element (§65588).

7.1.1 Purpose of the Housing Element

State law recognizes the vital role that local governments play in the supply and affordability of housing. Each local government in California is required to adopt a comprehensive, long-term General Plan for the physical development of the city or county. The Housing Element is one of the seven mandated elements of the General Plan. Housing Element law, first enacted in 1969, mandates that local governments plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that, in order for the private market to adequately address housing needs, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in California rests largely upon the effective implementation of local General Plans and, in particular, local Housing Elements. Housing Element law also requires that HCD review local housing elements for compliance with State law and to report its written findings to the local government.

As mandated by State law, the planning period for this Housing Element extends from 2021 to 2029. This Element identifies strategies and programs that focus on: 1) providing diversity in housing opportunities; and 2) maintenance and preservation of the City's housing stock.

The Housing Element consists of the following major components:

- Identification and analysis of existing and projected housing needs, resources, and constraints
- A statement of goals, policies, quantified objectives, and scheduled programs for preservation, improvement, and development of housing
- Identification of adequate sites for housing
- Assessment of the City's fair housing issues

- Adequate provision for existing and projected needs of all economic segments of the community

The Housing Element assists Malibu in determining how to address existing and future housing needs and plan for future growth. Housing policies and actions contained in the Housing Element do not commit the City to construct new housing units, but they do identify ways in which Malibu will encourage development of housing intended to meet the housing needs of current and future residents during the Housing Element update planning period.

7.1.2 Organization of the Housing Element

Per California Government Code Sections 65580-65589, the Housing Element is comprised of the following components:

- **Section 7.1 – Introduction.** This section provides a brief overview of the purpose and background for the Housing Element and a summary of the document.
- **Section 7.2 – Housing Needs Assessment.** This section reviews the existing and projected housing needs of the community. It provides a profile of socio-demographic information, such as population characteristics, household information, housing stock, tenure, and housing affordability. The assessment also considers local special housing needs, such as seniors, farmworkers, persons at risk of or experiencing homelessness, large households, and female-headed households.
- **Section 7.3 – Resources and Opportunities.** This section provides resources and an inventory of adequate sites that are suitably zoned and available within the planning period to meet the jurisdiction's fair share of regional housing needs across all income levels.
- **Section 7.4 – Governmental and Nongovernmental Constraints:** This section identifies and analyzes impediments to housing production across all income levels.
- **Section 7.5 – Housing Plan.** This section provides a statement of the community's goals, quantified objectives, and policies to maintain, preserve, improve, and develop housing. It also provides a schedule of actions the City will take during the planning period to achieve its goals, objectives, and policies. The Housing Plan includes quantified objectives for new construction, rehabilitation, and conserved units.
- **Appendix A – Review of the previous Housing Element.** This section reviews the goals, policies, and programs of the 5th cycle Housing Element and compares projected outcomes with actual achieved results.
- **Appendix B – Residential Land Inventory.** This section is a detailed inventory of sites suitable for the development of housing to meet the RHNA.
- **Appendix C – Public Participation Summary.** This section provides a summary of the City's public outreach conducted during the preparation and adoption of this Housing Element and a description of how the input from that outreach informed the development of the Hosuing Element.

- **Appendix D – List of Acronyms.** This is a list of acronyms used in the Housing Element.
- **Appendix E – Contributing Factors to Fair Housing.** This section provides a summary of the regional Analysis of Impediments to Fair Housing for Los Angeles County.
- **Appendix F – Fair Housing Assessment.** This section provides an analysis of contributing factors that may limit fair housing choice and access to opportunities in Malibu.

7.1.3 Public Participation

Section 65583(c)(5) of the *California Government Code* states that "[t]he local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Public participation played an important role in the formulation and refinement of the City's housing goals and policies, and in the development of a Site Inventory that meets the City's RHNA.

Residents and other stakeholders had many opportunities to review and provide comments on the Housing Element and related implementation actions. Please refer to Appendix C for additional information regarding the City's efforts to encourage public involvement and how comments and concerns have been addressed.

7.1.4 Consistency with Other Elements of the General Plan

The City's General Plan sets forth broad policy guidance in the areas of land use, housing, transportation, conservation, open space and recreation, noise, and public safety. The various General Plan elements provide a consistent set of policies and programs intended to preserve and enhance the quality of life, while accommodating growth and change in a proactive manner. For example, residential development capacities established in the Land Use Element, and constraints to development identified in the Conservation, Public Safety, and Noise Elements, are reflected in the Housing Element. This Housing Element builds upon the other General Plan elements and is consistent with the policies and proposals set forth by the General Plan. As the General Plan is occasionally amended, the City will review the Housing Element for internal consistency and make any necessary revisions.

Senate Bill (SB) 1087 of 2005[1] requires cities to provide a copy of their Housing Element to local water and sewer providers, and also requires that these agencies provide priority to affordable housing developers. SB 1087 further prohibits local water and sewer providers from denying services to affordable housing developers, unless they find that the capacity is unavailable to all applicants. The Housing Element will be provided to these agencies immediately upon adoption.

[1] SB 1087 (Florez) [Stats. 2005, ch. 727].

7.1.5 Data Sources and Methods

Data from a variety of sources is used to complete the Housing Element. The most cited source is the U.S. Census, which provides consistent demographic characteristics. The American Community Survey, a feature of the U.S. Census, provides five-year estimates on population and demographic characteristics. Other data sources include the following:

- California Department of Housing and Community Development (HCD)
- California Housing Finance Agency
- California Tax Credit Allocation Committee
- Comprehensive Housing Affordability Strategy (CHAS)
- California Department of Finance (DOF)
- Home Mortgage Disclosure Act (HMDA) lending data
- Regional Homeless Point-in-Time Count
- State Employment Development Department (EDD) data on wage and labor statistics
- United States Department of Housing and Urban Development (HUD)
- California Healthy Places Index

7.2 Housing Needs Assessment

The City of Malibu ("City") lies within an approximately 21-mile strip of coastline at the western edge of Los Angeles County ("County"). Malibu is primarily a residential community consisting of beachfront residential lots and large estate lots in the hillsides and canyons overlooking the ocean. Some multi-family development and neighborhood/visitor-serving commercial development is located in the flatter portions of the City along Highway 1 (Pacific Coast Highway). The City has a scenic rural character that it seeks to preserve. Development within the City is constrained by numerous land features including steep slopes, environmentally sensitive habitat areas (ESHAs), geologic instability, flood hazards, and extreme wildfire hazards. The entire City lies within the Coastal Zone as defined by the California Coastal Act of 1976[1]. Because of these constraints, a large portion of the City remains undeveloped and rural in character. Growth is also severely limited by the lack of a centralized sewer system.

Since its incorporation in 1991, the City has declined in population from approximately 11,700 to 11,537 residents in 2021, according to recent California Department of Finance estimates. The City is approximately 19.9 square miles in area and is bounded by unincorporated County areas to the west and north, the City of Los Angeles (Pacific Palisades) to the east and the Pacific Ocean to the south. Further to the east is the City of Santa Monica. The Santa Monica Mountains National Recreation Area lies just to the north.

This section examines general population and household characteristics and trends, such as age, employment, household composition and size, household income, and special needs. Characteristics of the existing housing stock (e.g., number of units and type, tenure, age and condition, costs) are also addressed. Finally, the City's projected housing needs based on the 2021-2029 Regional Housing Needs Assessment (RHNA) are discussed.

The Housing Needs Assessment utilizes recent data from the U.S. Census, the California Department of Finance (DOF), the California Employment Development Department (EDD), the Southern California Association of Governments (SCAG), and other relevant sources.

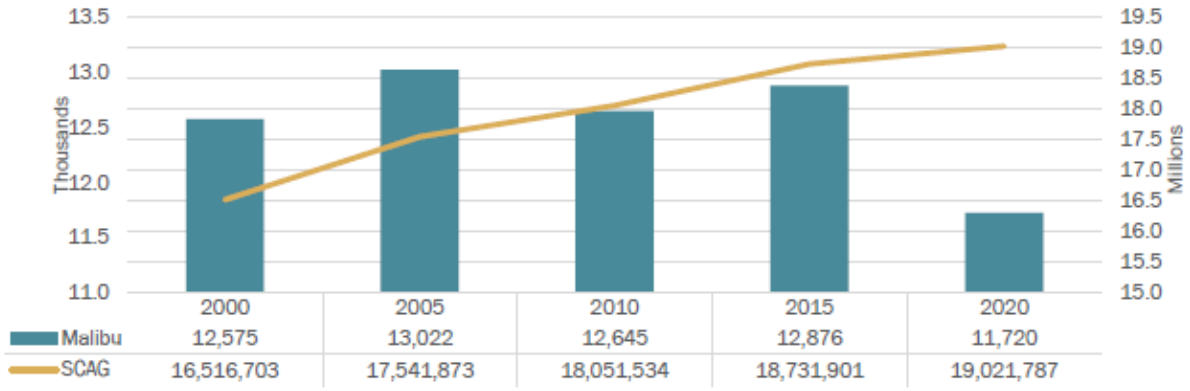
7.2.1 Population Characteristics

7.2.1(a) Population Growth Trends

In 1990, the unincorporated community of Malibu had a population of 11,643. The City of Malibu was incorporated on March 28, 1991. From 1990 to 2000, the population of the newly incorporated City grew by about 8% to 12,575. From 2000 to 2020 the City's population declined by about 855 persons (see Table 7.2-1). Malibu has a 2020 total population of 11,720 including 141 living in group quarters according to the California Department of Finance.

[1] California Public Resources Code, Division 20.

Table 7.2-1
Population Trends 2000-2020
Malibu vs. SCAG Region

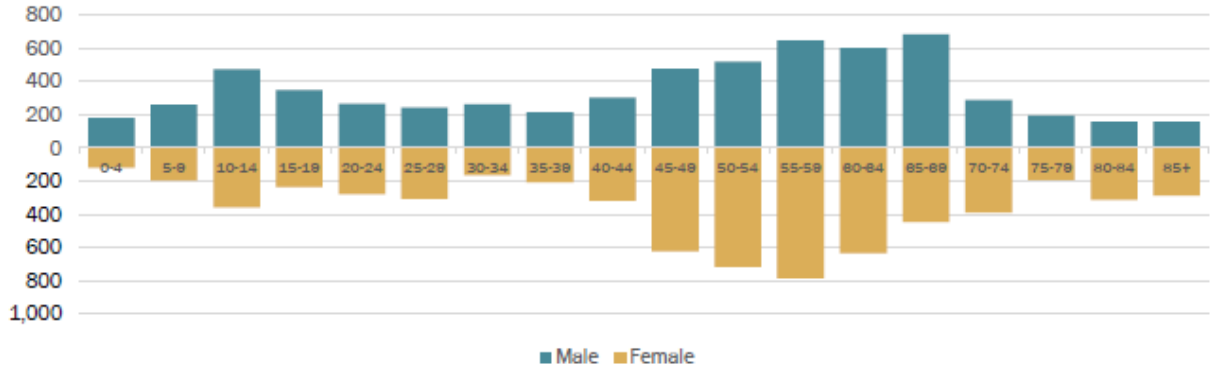


CA DOF E-5 Population and Housing Unit Estimates

7.2.1(b) Age

Housing needs are influenced by the age characteristics of the population. Different age groups require different accommodations based on lifestyle, family type, income level, and housing preference. Table 7.2-2 shows that the population of Malibu is 49% male and 51% female. The share of the population of Malibu under 18 years of age is 15.3%, which is lower than the regional share of 23.4%. Malibu's seniors (65 and above) make up 24.2% of the population, which is higher than the regional share of 13%.

Table 7.2-2
Population by Age and Gender
Malibu



American Community Survey 2014-2018 5-year estimates

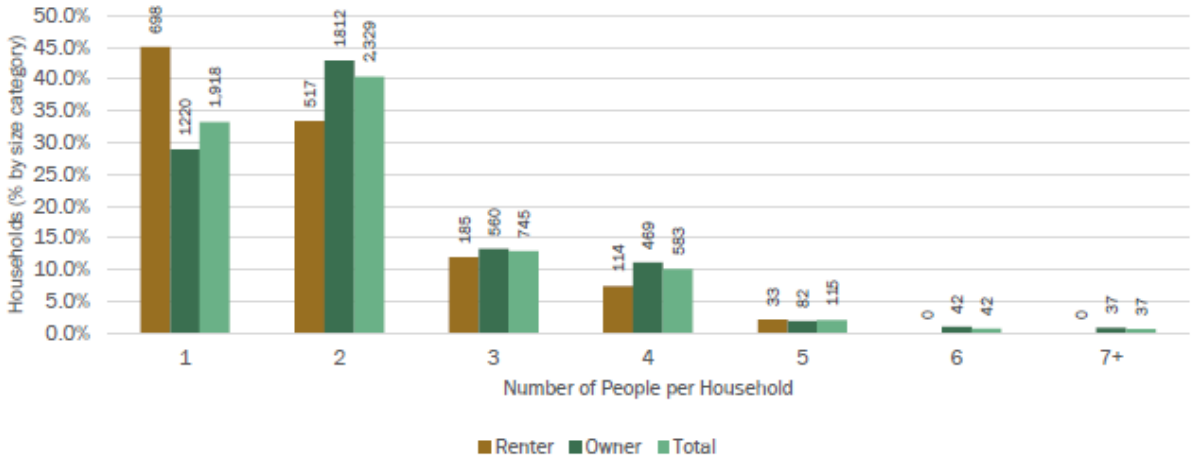
7.2.2 Household Characteristics

7.2.2(a) Household Composition and Size

Household characteristics are important indicators of the type and size of housing needed in a city. The Census defines a "household" as all persons occupying a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons sharing a single unit. Persons in group quarters such as dormitories, retirement or convalescent homes, or other group living situations are included in population totals, but are not considered households by the Census Bureau.

Table 7.2-3 illustrates the range of household sizes in Malibu for owners, renters, and overall. The most commonly occurring household size is of two people (40.4%) and the second-most commonly occurring household is of one person (33.2%). Malibu has a higher share of single-person households than the SCAG region overall (33.2% vs. 23.4%) and a lower share of 7+ person households than the SCAG region overall (0.6% vs. 3.1%).

Table 7.2-3
Household Size - Malibu

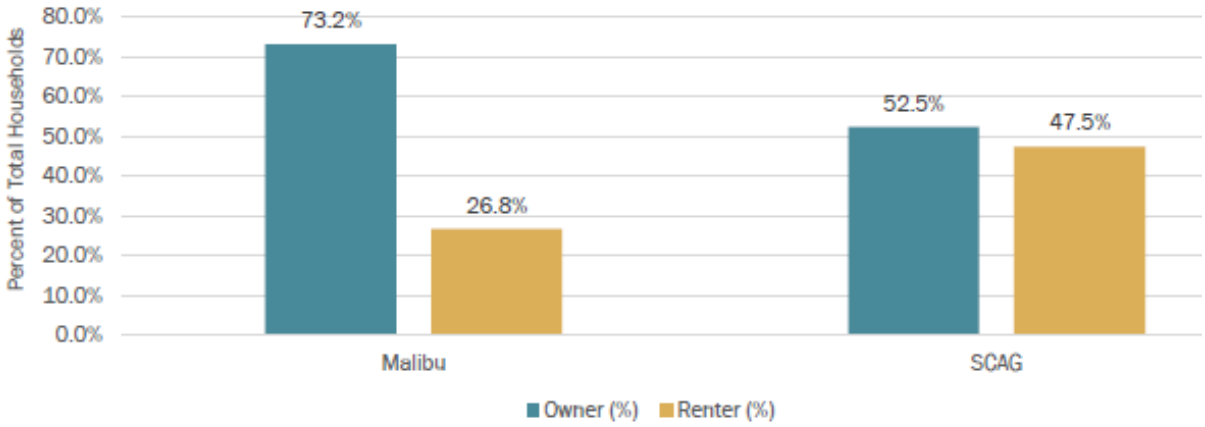


American Community Survey 2014-2018 5-year estimates.

7.2.2(b) Housing Tenure and Vacancy

Housing tenure (owner versus renter) is an important indicator of the housing market. Communities need an adequate supply of units available both for rent and for sale in order to accommodate a range of households with varying income, family size and composition, and lifestyle. As shown in Table 7.2-4, Malibu's housing stock consists of 5,769 total units, 4,222 of which are owner-occupied and 1,547 of which are renter-occupied. The share of renters in Malibu is lower than in the SCAG region overall.

Table 7.2-4
Household Tenure

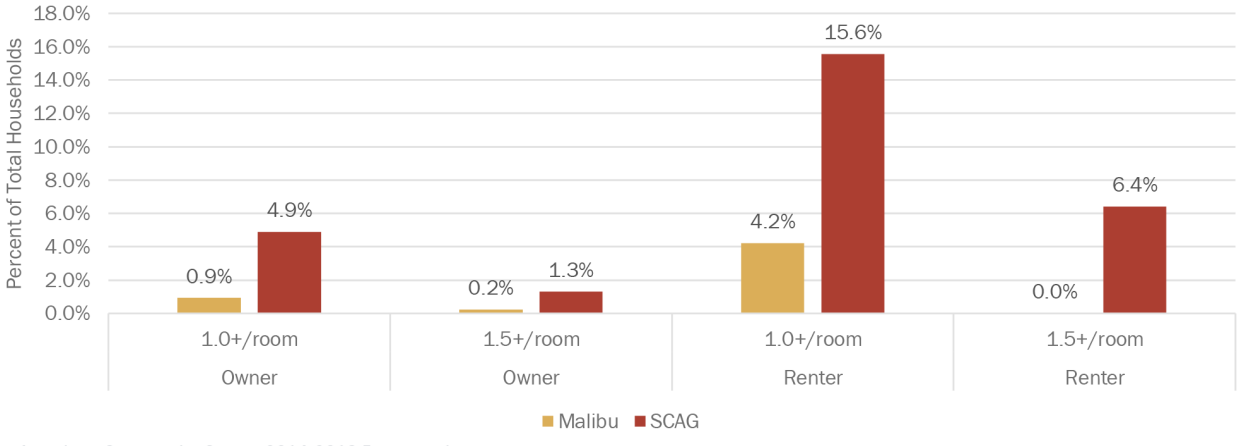


American Community Survey 2014-2018 5-year estimates.

7.2.2(c) Overcrowding

Overcrowding is often closely related to household income and the cost of housing. The U.S. Census Bureau considers a household to be overcrowded when there is more than one person per room, excluding bathrooms and kitchens, with severe overcrowding when there are more than 1.5 occupants per room. Table 7.2-5 summarizes overcrowding for the City of Malibu. In Malibu, 39 owner-occupied and 65 renter-occupied households had more than 1.0 occupants per room, which meets the ACS definition for overcrowding. 10 owner-occupied households and renter-occupied households had more than 1.5 occupants per room, which meets the ACS definition for severe overcrowding.

Table 7.2-5
Overcrowding by Tenure – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

The high cost of housing in Malibu is the primary cause of overcrowding. Several programs in the Housing Plan (Section 7.5) that are designed to address housing affordability will also help to alleviate overcrowding. These programs include: Program 1.1 – Code Enforcement; Program 1.3 – Housing Rehabilitation Assistance; Program 1.4 – Preservation of Existing Mobile Home Parks; Program 1.5 – Monitor Affordable Housing At Risk of Conversion to Market Rate; Program 2.1 – Ensure Adequate Sites to Accommodate Regional Fair Share of Housing Growth; Program 2.4 – Support the Development of Variety of Housing Types; Program 4.1 – Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; and Program 5.2 – Fair Housing Community Outreach.

7.2.2(d) Overpayment

According to State housing policy, overpaying occurs when housing costs exceed 30% of gross household income. Overpayment for lower-income homeowners can lead to deferred maintenance or repairs due to limited funds, which can lead to deterioration. For lower-income renters, severe cost burden can require families to double up resulting in overcrowding. As shown in Table 7.2-6, the majority of lower-income households, both owners and renters, in Malibu are paying over 50% of their gross incomes for housing.

Table 7.2-6
Overpayment by Income Category and Tenure – Malibu

Income by Cost Burden (Renters only)	Cost burden > 30%	Cost burden > 50%	Total
Household Income less-than or= 30% HAMFI	75	75	225
Household Income >30% to less-than or= 50% HAMFI	75	75	75
Household Income >50% to less-than or= 80% HAMFI	110	85	170
Household Income >80% to less-than or= 100% HAMFI	50		115
Household Income >100% HAMFI	135	30	960
Total	445	265	1,545
Income by Cost Burden (Owners only)	**Cost burden > 30%**	**Cost burden > 50%**	**Total**
Household Income less-than or= 30% HAMFI	220	195	320
Household Income >30% to less-than or= 50% HAMFI	215	100	240
Household Income >50% to less-than or= 80% HAMFI	110	90	180
Household Income >80% to less-than or= 100% HAMFI	145	115	185
Household Income >100% HAMFI	680	210	3,295
Total	1,370	710	4,220

The high cost of housing in Malibu is the primary cause of overpayment for lower-income households. Several programs in the Housing Plan designed to address housing affordability will also help to alleviate overpayment. These programs include Program 1.1 – Code Enforcement; Program 1.3 – Housing Rehabilitation Assistance; Program 1.4 – Preservation of Existing Mobile Home Parks; Program 1.5 – Monitor Affordable Housing At Risk of Conversion to Market Rate; Program 2.1 – Adequate Sites to Accommodate Regional Fair Share of Housing Growth; Program 4.1 Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; and Program 5.2 – Fair Housing Community Outreach.

Extremely-Low-Income Households

Extremely-low-income (ELI) is defined as household income less than 30% of area median income. Households with extremely low incomes have a variety of housing problems and needs.

According to ACS data reported by SCAG (Table 7.2-7) the race/ethnicity with the highest share of extremely-low-income households in Malibu is Asian and other, non-Hispanic (47% compared to 13% of the total population). In the SCAG region, the highest share of extremely-low-income households is Black, non-Hispanic (27.1% compared to 17.7% of total households).

As shown previously in Table 7.2-6, ELI households (both owners and renters) experience much higher rates of overpayment than households at higher income levels.

Table 7.2-7
Extremely-Low-Income Households by Race and Tenure – Malibu

	Total Households	Households below 30% HAMFI	Share below 30% HAMFI
White, non-Hispanic	5,070	590	11.6%
Black, non-Hispanic	50	0	0.0%
Asian and other, non-Hispanic	200	94	47.0%
Hispanic	264	40	15.2%
TOTAL	5,584	724	13.0%
Renter-occupied	1,645	325	19.8%
Owner-occupied	3,945	400	10.1%
TOTAL	5,590	725	13.0%

HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

A disproportionately high percentage of elderly households (family households with two or more persons aged 62 years old or older and non-family householders aged 62 years old or older) are ELI households. According to 2012-2016 ACS estimates, approximately

37% of ELI households (270 households) in Malibu are elderly but only 28% of the population are elderly. However, it is likely not all elderly ELI households in Malibu are experiencing housing problems or in need of financial assistance. Some ELI households are homeowners with paid or low mortgages and are retired; therefore, they do not have a high annual income as reflected in the HUD data.

Resources for Extremely-Low-Income Households

Many extremely low-income households seek rental housing and may face cost burden, overcrowding, or substandard housing conditions. Some extremely low-income households could have physical or mental disabilities and/or other special needs. ELI households may require specific housing solutions such as deeper income targeting for subsidies, housing with supportive services, single-room occupancy, or rent subsidies. As shown in Table 7.2-7, there are 725 ELI households in Malibu, of which 325 are renters. There are no subsidized low-income housing units in the city. Affordable housing opportunities for ELI households can be expanded for households through the Los Angeles County Development Authority Section 8 Housing Choice Voucher (HCV) program. As of 2023, one household in Malibu receives an HCV from the Los Angeles County Development Authority and two households are on the waiting list. This meets the housing needs of less than one percent of the city's 325 households that are ELI renters. Housing Plan Program 3.1 describes actions the City will take to promote the use of HCVs.

Additional resources for ELI households include senior housing and transitional and supportive housing, which are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. Supportive housing is permitted in all residential zones, except for the Mobilehome Residential District, which is designated for mobile home parks. The City will also support the development of affordable housing (Housing Plan Program 3.1), provide financial assistance for housing repairs (Housing Plan Program 1.3), and support services for special housing needs populations such as seniors, persons with disabilities, and persons experiencing homelessness (Housing Plan Program 3.3).

Past Actions for Housing for Extremely-Low-Income Households

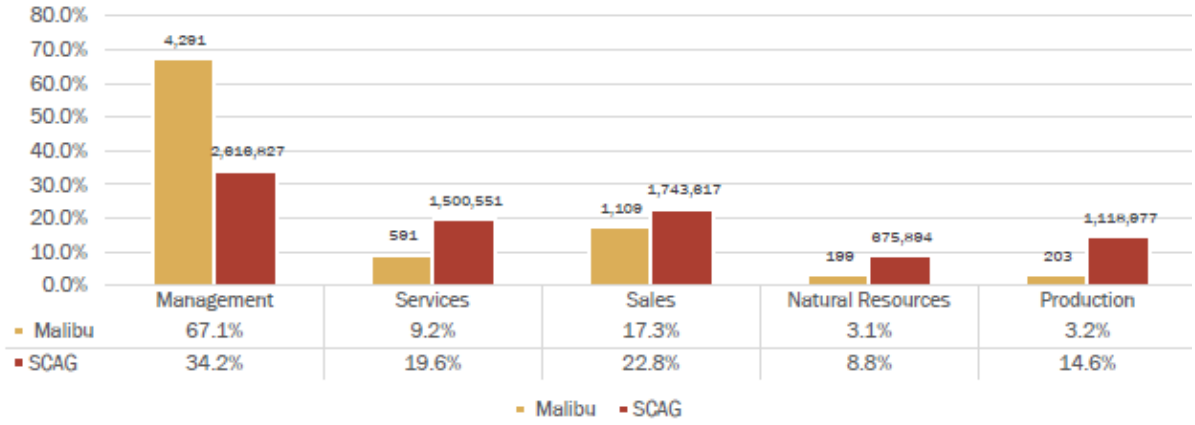
In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH) to bring professional services to Malibu's homeless population, and through this effort successfully moved 72 homeless residents into permanent housing. Although this program has assisted ELI residents who are experiencing homelessness, additional actions are needed to support ELI residents at risk of homelessness or who are experiencing housing problems.

7.2.3 Employment

Employment is an important factor affecting housing needs within a community. The jobs available in each employment sector and the wages for these jobs affect the type and size of housing residents can afford.

According to recent Census data (Table 7.2-8) Malibu has 6,393 workers living within its borders who work across 13 major industrial sectors. The most prevalent industry is Professional Services with 1,419 employees (22.2% of total) and the second most prevalent industry is Education & Social Services with 1,314 employees (20.6% of total).

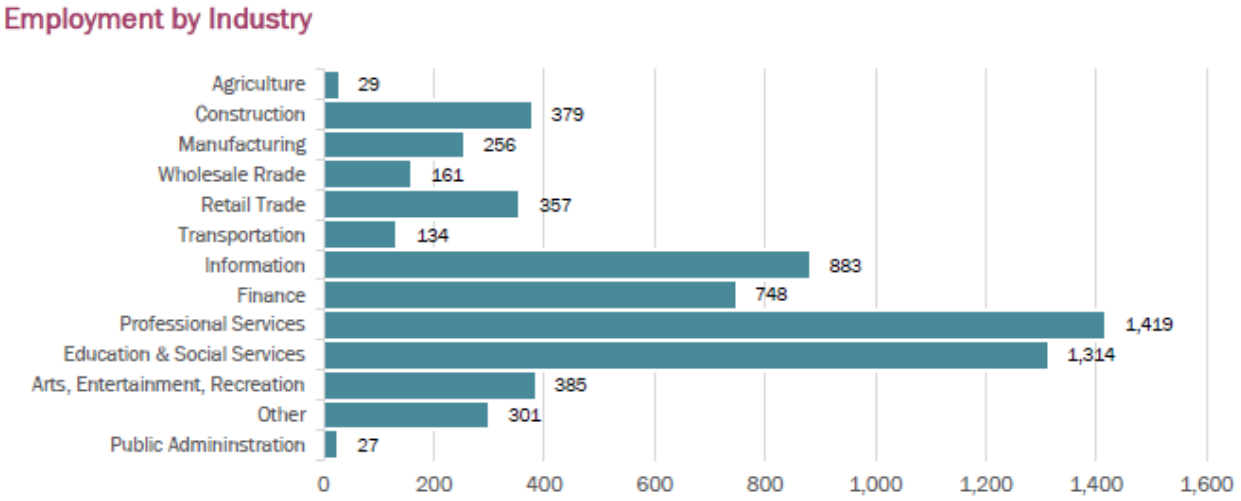
Table 7.2-8
Employment by Occupation – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates using groupings of SOC codes.

Table 7.2-9 shows employment by industry for Malibu's workforce. The most prevalent occupational category in Malibu is Management, in which 4,291 (67.1% of total) employees work. The second-most prevalent type of work is in Sales, which employs 1,109 (17.3% of total) in Malibu. In high-cost areas like Malibu accessory dwelling units provide an important option for low-wage workers, such as caregivers and other household employees. Program 4.1 in the Housing Plan describes the City's strategy for expanding the availability of accessory dwelling units.

Table 7.2-9
Employment by Industry – Malibu



American Community Survey 2014-2018 5-year estimates using groupings of 2-digit NAICS codes.

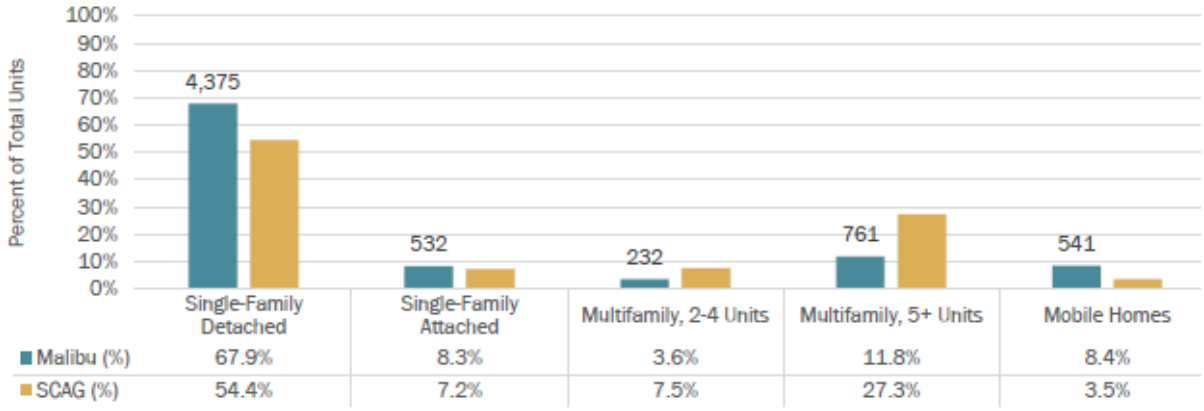
7.2.4 Housing Stock Characteristics

This section presents an evaluation of the community's housing stock and helps in identifying and prioritizing needs. The factors evaluated include the type of housing units, vacancy rates, age and condition, tenure, housing costs and affordability. A housing unit is defined as a house, apartment, mobile home, or group of rooms, occupied as separate living quarters or, if vacant, intended for occupancy as separate living quarters.

7.2.4(a) Housing Type and Vacancy

According to recent Census data, the housing stock in the City was comprised mostly of single-family detached homes, which made up about 68% of all units, while multi-family units comprised about 24% of the total. Mobile home units comprised about 8% of the total (Table 7.2-10).

Table 7.2-10
Housing by Type –
Malibu vs. SCAG Region

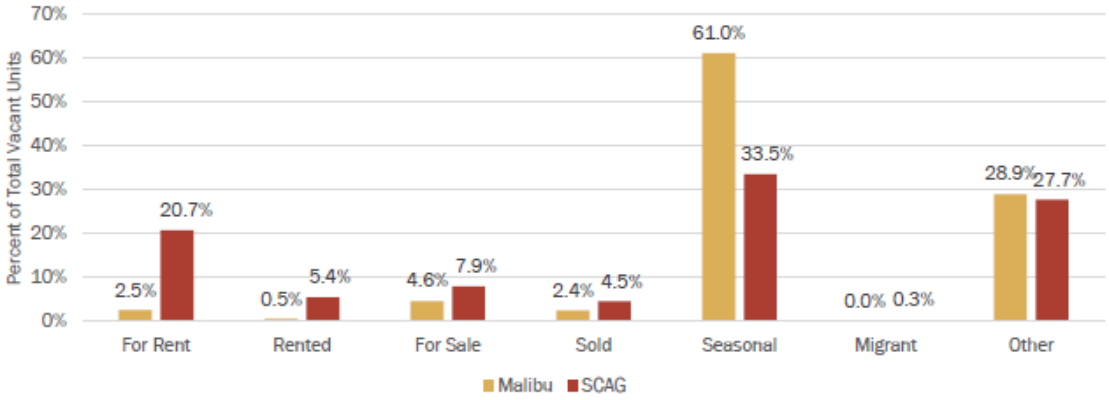


	Single-Family Detached	Single-Family Attached	Multifamily, 2-4 Units	Multifamily, 5+ Units	Mobile Homes
Malibu (%)	67.9%	8.3%	3.6%	11.8%	8.4%
SCAG (%)	54.4%	7.2%	7.5%	27.3%	3.5%

CA DOF E-5 Population and Housing Unit Estimates

Recent Census estimates (Table 7.2-11) reported a 24.1% total vacancy rate in Malibu, with the most prevalent type of vacancy being units held for seasonal use (i.e., second homes).

Table 7.2-11
Vacant Housing by Type – Malibu vs. SCAG Region



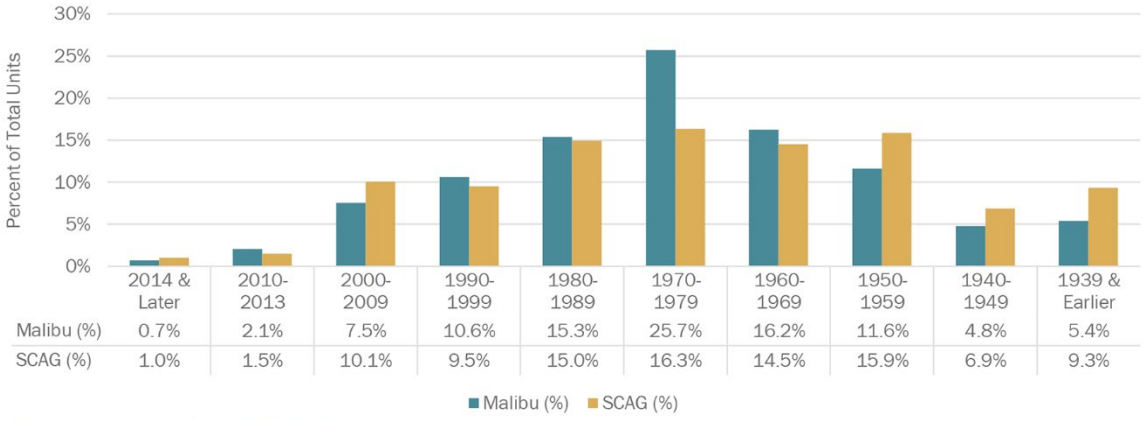
American Community Survey 2014-2018 5-year estimates.

7.2.4(b) Housing Age and Conditions

Housing age is often an important indicator of housing conditions. Housing units built prior to 1978, before stringent limits on the amount of lead in paint were imposed, may have interior or exterior building components coated with lead-based paint. Table 7.2-12 shows the age distribution of the housing stock in the City compared to the SCAG region as a whole.

This table shows that about 79% of the units in the City were constructed prior to 1990. These units are more than 30 years old and may have some need for rehabilitation, which is typical of most jurisdictions in Southern California.

Table 7.2-12
Age of Housing Stock – Malibu vs. SCAG Region



	2014 & Later	2010-2013	2000-2009	1990-1999	1980-1989	1970-1979	1960-1969	1950-1959	1940-1949	1939 & Earlier
Malibu (%)	0.7%	2.1%	7.5%	10.6%	15.3%	25.7%	16.2%	11.6%	4.8%	5.4%
SCAG (%)	1.0%	1.5%	10.1%	9.5%	15.0%	16.3%	14.5%	15.9%	6.9%	9.3%

American Community Survey 2014-2018 5-year estimates.

In general, the quality of housing is exceptional in the City. At a minimum, most dwelling units are well-maintained, especially with respect to the harsh environmental conditions to which they are subject. There are areas where older housing units exist, such as along Pacific Coast Highway in the eastern portion of the City. However, even these units are maintained due to high property values. The Building & Safety Division estimates that approximately 10 housing units are in need of rehabilitation and four housing units are beyond the point of repair citywide. This estimate does not include the estimated 500 housing units that were destroyed in the 2018 Woolsey fire.[2] Since the Woolsey fire, approximately 144 single-family homes and 12 multi-family housing units have been rebuilt. The City has issued permits for reconstruction of an additional 272 single-family homes and 6 multi-family housing units that have not yet been completed.[3] Concentrated areas of substandard housing in Malibu are in in the eastern part of the city, mainly east of Malibu Canyon Road and along the Pacific Coast Highway near Topanga Canyon.

A goal of the City's Building & Safety Division as well as Code Enforcement staff is to proactively address housing concerns before they become serious problems. Staff has helped to reduce structural deterioration by identifying problems and informing residents of programs to assist with improvements. In addition, the City addresses issues related to lead-based paint and asbestos removal through adding standard conditions of approval to include Best Management Practices for all projects that include the demolition or remodeling of older structures.

7.2.4(c) Housing Cost

Housing Affordability Criteria

State law establishes five income categories for purposes of housing programs based on the County's area median income ("AMI"): extremely-low (30% or less of AMI), very-low (31-50% of AMI), low (51-80% of AMI), moderate (81-120% of AMI) and above-moderate (over 120% of AMI). Housing affordability is based on the relationship between household income and housing expenses. According to the U.S. Department of Housing and Urban Development ("HUD") and the California Department of Housing and Community Development ("HCD"), housing is considered "affordable" if the monthly payment is no more than 30% of a household's gross income. In some areas (such as Los Angeles County), these income limits may be increased to adjust for high housing costs.

Table 7.2-13 shows affordable rent levels and estimated affordable purchase prices for housing in Los Angeles County[4] by income category. Based on State standards, the maximum affordable monthly rent for extremely-low-income households is $886, while the maximum affordable rent for very-low-income households is $1,478. The maximum affordable rent for low-income households is $2,365, while the maximum for moderate-income households is $2,400.

[2] City of Malibu. 2020. City of Malibu Marks Annual Day of Preparedness and the Two-Year Anniversary of the Devastating Woolsey Fire with Community Emergency Preparedness Competition. https://www.malibucity.org/DocumentCenter/View/27058/11-09-2020_Woolsey2Year_PreparednessCompetition_PressRelease?bidId=

[3] City of Malibu. 2023. Rebuilt Statistics. https://malibupermits.ci.malibu.ca.us/WoolseyRebuildStats.aspx#

[4] Affordable rent and purchase prices are based on the county median income.

Maximum purchase prices are more difficult to determine due to variations in mortgage interest rates and qualifying procedures, down payments, special tax assessments, homeowner association fees, property insurance rates, etc. With this caveat, the maximum home purchase prices by income category shown in Table 7.2-13 have been estimated based on current conditions.

Table 7.2-13
Income Categories and Affordable Housing Costs – Los Angeles County

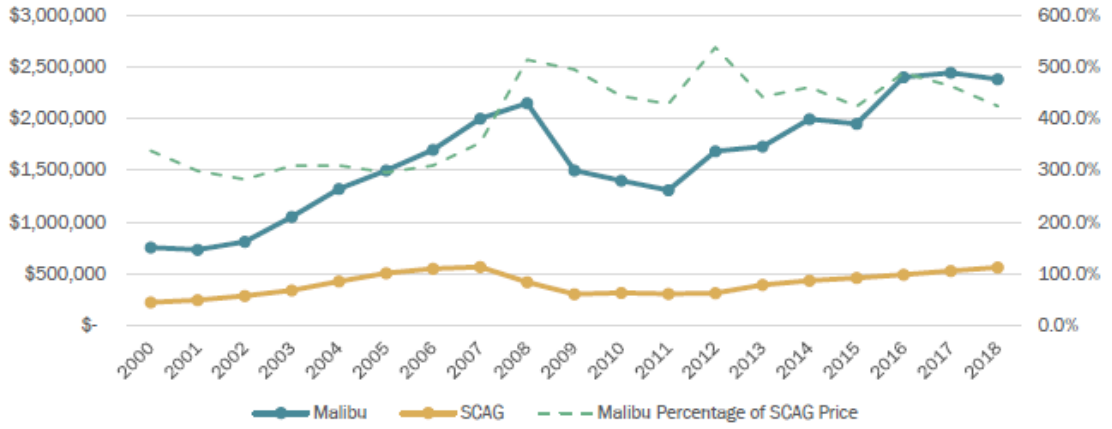
Income Category (% of median income)	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	$35,450	$886	*
Very Low (31-50%)	$59,100	$1,478	*
Low (51-80%)	$94,600	$2,365	*
Moderate (81-120%)	$96,000	$2,400	$375,000
Above moderate (120%+)	>$96,000	>$2,400	>$375,000

Assumptions:
-Based on a family of 4 and 2021 income limits
-30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance
-10% down payment, 3.75% interest, 1.25% taxes & insurance, $350 HOA dues
* For-sale affordable housing is typically at the moderate-income level
Source: Cal. HCD; JHD Planning LLC

For-Sale Housing

Between 2000 and 2018, median home sales prices in Malibu increased 215% while prices in the SCAG region increased 151%. 2018 median home sales prices in Malibu were $2,380,000 and the highest experienced since 2000 was $2,443,000 in 2017. Prices in Malibu have ranged from a low of 282.4% of the SCAG region median in 2002 and a high of 537.7% in 2012 (Table 7.2-14).

Table 7.2-14
Median Sales Price for Existing Homes – Malibu vs. SCAG Region

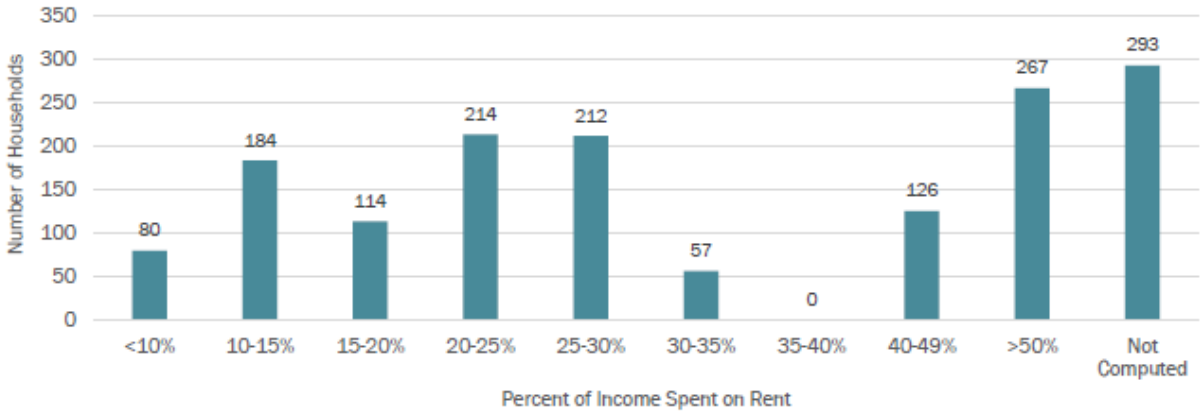


SCAG Local Profiles, Core Logic/Data Quick. SCAG median home sales price calculated as household-weighted average of county medians.

Rental Housing

Across Malibu's 1,547 renter households, 450 (29.1%) spend 30% or more of gross income on housing cost, compared to 55.3% in the SCAG region. Additionally, 267 renter households in Malibu (17.3%) spend 50% or more of gross income on housing cost, compared to 28.9% in the SCAG region (Table 7.2-15). Housing units in Malibu posted for rent[5] ranged from $1,895/month for a studio to $15,000/month for a single-family house.

Table 7.2-15
Percentage of Income Spent on Rent – Malibu



[5] Source: Rent.com, October 2021

7.2.5 Special Needs

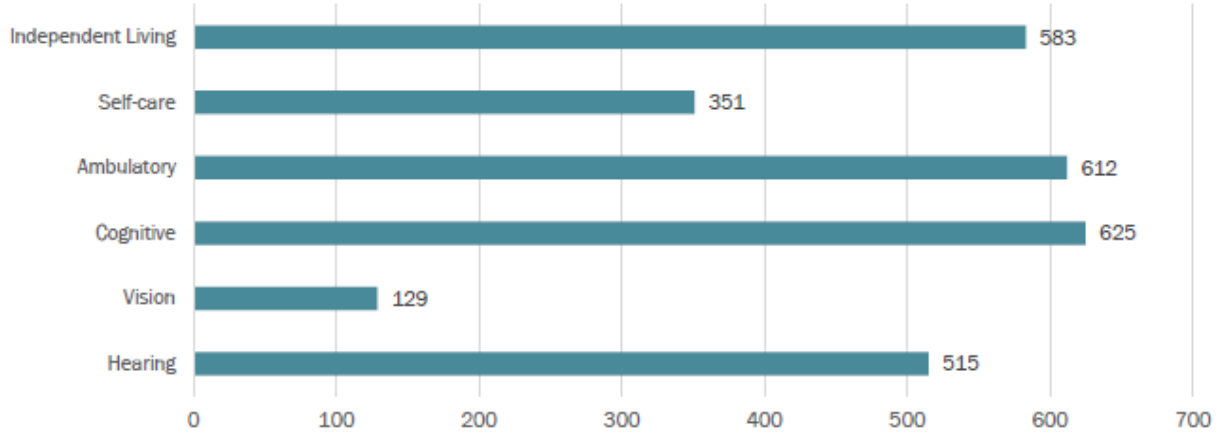
Certain groups have greater difficulty in finding decent, affordable housing due to special circumstances related to one's employment and income, family characteristics, age, disability, or other conditions. As a result, some of the City's residents may experience a higher prevalence of overpayment, overcrowding, or other housing problems.

State Housing Element law defines "special needs" groups to include persons with disabilities, the elderly, large households, female-headed households, homeless people, and farmworkers. This section contains a discussion of the housing needs facing each of these groups.

7.2.5(a) Persons with Disabilities

Recent Census data (Table 7.2-16) estimated that the most prevalent types of disabilities among Malibu residents included cognitive, ambulatory, and independent living disabilities. Housing opportunities for those with disabilities can be maximized through housing assistance programs, supportive housing, and by providing universal design features such as widened doorways, ramps, lowered countertops, single-level units and ground floor units.

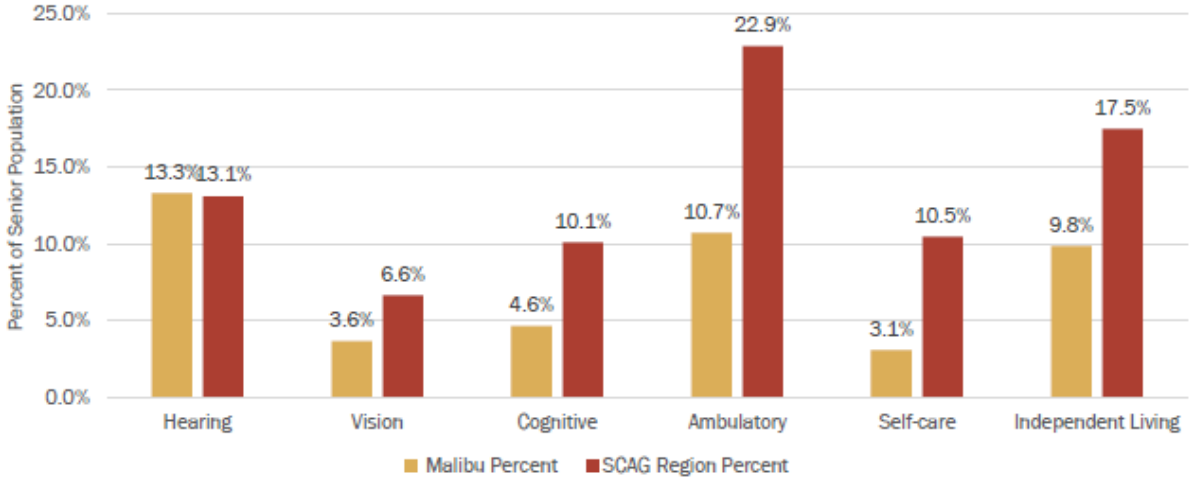
Table 7.2-16
Disabilities by Type – Malibu



American Community Survey 2014-2018 5-year estimates.

In Malibu, the most commonly occurring disability among seniors 65 and older was a hearing disability, experienced by 13.3% of Malibu's seniors and 13.1% of seniors in the SCAG region (Table 7.2-17).

Table 7.2-17
Disabilities by Type for Seniors 65+ – Malibu vs. SCAG Region



American Community Survey 2014-2018 5-year estimates.

As shown in Table 7.2-18, 40% of Malibu residents with a disability were employed. In addition to enforcing Building Code accessibility requirements, the City's Municipal Code establishes procedures to allow reasonable accommodation for persons with disabilities pursuant to State law.

Table 7.2-18
Disabilities by Employment Status – Malibu

	With a Disability	Percent of Total	No Disability	Percent of Total
Employed	259	40%	4,866	68%
Unemployed	0	0%	278	4%
Not in Labor Force	382	60%	1,985	28%
TOTAL	641		7,129	

American Community Survey 2014-2018 5-year estimates.

Residential care facilities for six or fewer persons are permitted in the Rural Residential (RR) District, Single Family Density Residential (SF) District, Multiple Family Residential (MF) District, and Multifamily Beach Front (RBF) District, and residential care facilities for seven or more persons is permitted with a conditional use permit in the Commercial General (CG) District. There are two senior residential care facilities in Malibu. The City of Malibu does not have any City-initiated programs aimed at housing people with disabilities and defers to Los Angeles County programs. As stated in Housing Plan Program 2.4.b, the City

will review and revise the LIP and MMC to allow residential care facilities for seven or more persons in similar to other residential uses of the same type in the same zone with an administrative permit or without discretionary review, for persons of any age, and allow operation by for-profit agencies as well as non-profit agencies, and ensure that the ~~CUP~~ findings of the administrative permit are based on objective standards that do not constrain development of large residential care facilities and provide certainty to applicants through the permitting process. Developmental Disabilities

As defined by federal law, "developmental disability" means a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 18;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency;
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The Census does not record developmental disabilities as a separate category of disability. According to the California State Council on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.58%.[6] Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services (DDS) currently provides community-based services to persons with developmental disabilities and their families through a statewide system of 21 regional centers, four developmental centers, and two community-based facilities. The Westside Regional Center (WRC) located in Culver City (http://www.westsiderc.org/) provides services for people with developmental disabilities in Malibu. The WRC is a private, non-profit community agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families.

There is no charge for diagnosis and assessment for eligibility. Once eligibility is determined, most services are free regardless of age or income. There is a requirement for parents to share the cost of 24-hour out-of-home placements for children under age

[6] California State Council on Developmental Disabilities. 2023. About. https://scdd.ca.gov/about/

18. This share depends on the parents' ability to pay. There may also be a co-payment requirement for other selected services.

Regional centers are required by law to provide services in the most cost-effective way possible. They must use all other resources, including generic resources, before using any regional center funds. A generic resource is a service provided by an agency that has a legal responsibility to provide services to the general public and receives public funds for providing those services. Some generic agencies may include the local school district, county social services department, Medi-Cal, Social Security Administration, Department of Rehabilitation and others. Other resources may include natural supports. This is help that disabled persons may get from family, friends or others at little or no cost. According to the latest available WRC Performance Report[7], the Center served approximately 9,130 individuals during 2020. Based on the California State Council on Developmental Disabilities' estimate that 1.58% of the population can be defined as having a developmental disability, 172 residents in Malibu are likely to have a developmental disability.[8]

Other community resources for persons with development disabilities include the Esperance Center in Malibu and Best Buddies International in the neighborhood of Westwood in the City of Los Angeles. The Esperance Center offers a variety of workshops, job assistance, and outings and activities for persons with developmental disabilities. It also operates a residential facility with six adults with developmental disabilities. Best Buddies International is a nonprofit organization working to create employment and development opportunities for persons with intellectual and developmental disabilities. The Best Buddies Living Program in Westwood is an independent inclusive living program near the University of California Los Angeles that provides housing and services to three residents that attend the university.

In addition to the services provided by the WRC, City housing programs that respond to the needs of this population include Program 2.4.c, which directs the City to remove or increase the individual capacity limit and revise parking regulations for emergency shelters, (and Program 3.1.d, which promotes the use of HCVs throughout the city.

7.2.5(b) Elderly

Federal housing data define a household type as 'elderly family' if it consists of two persons with either or both age 62 or over. Recent HUD data (Table 7.2-19), estimated that of Malibu's 2,198 such households, 12.3% earn less than 30% of the surrounding area income, (compared to 24.2% in the SCAG region), 22.2% earn less than 50% of the surrounding area income (compared to 30.9% in the SCAG region). Many elderly persons are dependent on fixed incomes or have disabilities. Elderly homeowners may be physically unable to maintain their homes or cope with living alone. The housing needs of this group can be addressed through smaller units, accessory dwelling units, shared living arrangements, congregate housing, and housing assistance programs. The city does not have any deed restricted or affordable housing units dedicated to seniors.

The Malibu Senior Center offers programs for citizens who are independent and can care of their own personal needs. The Center is not a day care facility and medical staff is not

[7] https://westsiderc.org/wp-content/uploads/2021/06/WRC-Performance-Contract-Year-End-Report-for-2020.pdf
[8] California State Council on Developmental Disabilities. 2023. About. https://scdd.ca.gov/about/

employed by the City nor are there any medical professionals onsite; however, Senior Center staff members are trained in CPR and first aid. Participants are welcome to bring an attendant or caregiver with them in order to enjoy all of the services and programs.

Programs for seniors and active adults are offered in the City's 1,200-square-foot Senior and Active Adult Center, located in Malibu City Hall. The Center offers a wide variety of recreational, fitness, cultural, and educational programming, social events, and excursions to give seniors and adults opportunities to maintain and improve physical and mental well-being, life skills, and active social lives.

Courses and lectures offered in partnership with outside agencies include AARP driver safety, health screenings, smart money planning, downsizing your house, computer skills, and Alzheimer's awareness. Dial-a-Ride and Meals on Wheels resources are also available to seniors.

Table 7.2-19
Elderly Households by Tenure – Malibu

		Owner	Renter	Total	Percent of Total Elderly Households:
Income category, relative to surrounding area:	< 30% HAMFI	200	70	270	12.3%
	30-50% HAMFI	200	19	219	10.0%
	50-80% HAMFI	145	14	159	7.2%
	80-100% HAMFI	135	0	135	6.1%
	> 100% HAMFI	1,250	165	1,415	64.4%
	TOTAL	1,930	268	2,198	

HUD CHAS, 2012-2016. HAMFI refers to Housing Urban Development Area Median Family Income.

7.2.5(c) Large Households

Large households are defined as those with five or more members. A lack of larger apartments in a community's rental housing stock may result in overcrowded conditions for large households. As seen previously (Table 7.2-3) approximately 161 owner households (4%) and 33 renter households (2%) in Malibu (194 total households, or 3.5% of total households) have five or more members. This distribution indicates that the need for large units with four or more bedrooms is expected to be significantly less than for smaller units. As Malibu has a higher share of senior residents than the region, it is likely that some large households include multigenerational living arrangements and/or live-in caregivers. Malibu has 1,423 housing units with four or more bedrooms, 88% of which are owner-occupied (1,249 housing units) as opposed to 11% renter-occupied (174 housing units). The inventory of large units (1,423) can sufficiently house the City's large households (194). However, the mismatch between adequately sized housing units and affordability is a factor that contributes to housing cost burden and overcrowding. Few resources are available for large low-income households as no deed restricted housing units exist in the city.

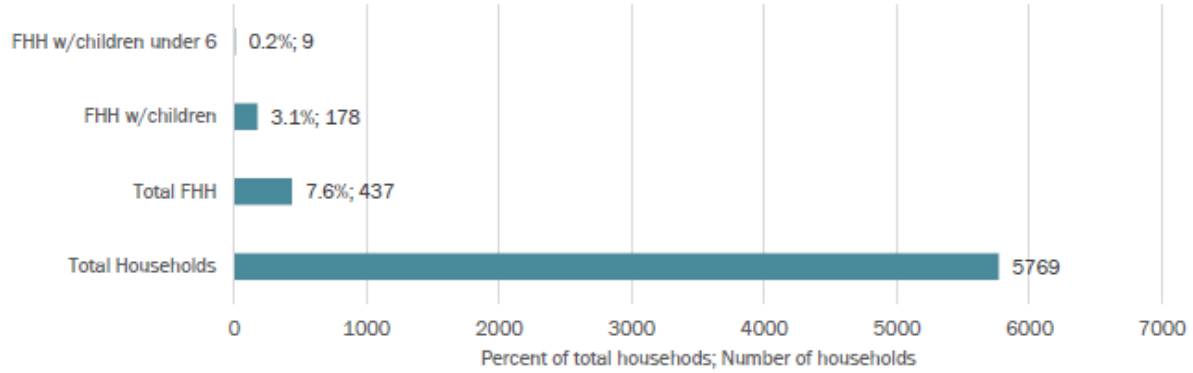
Several programs in the Housing Plan (Section 7.5) are designed to provide housing opportunities for large households and alleviate overcrowding. These programs include Program 2.4 – Support the Development of Variety of Housing Types; Program 4.1 – Support Development of Accessory Dwelling Units; Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities; Program 3.3. Housing for Persons with Special Needs, and Program 5.2 – Fair Housing Community Outreach.

7.2.5(d) Female-Headed Households

Of Malibu's 5,769 total households, 7.6% are female-headed (437 households) compared to 14.3% in the SCAG region, 3.1% are female-headed and with children (178 households) compared to 6.6% in the SCAG region, and 0.2% are female-headed and with children under 6 (22 households)compared to 1.0% in the SCAG region (Table 7.2-20). Female-headed households in Malibu are more likely to own than rent their home; 87% are homeowners (380 households) and 13% are renters (57 households). Female-headed households, especially those with children, often require special consideration and support due to their greater need for affordable housing, accessible childcare, healthcare, and other essential services. These households often find challenges in balancing parental duties and employment obligations while only having one source of income. This may lead to female-headed households to live below the poverty line. In Malibu, approximately 19% of single-parent, female-headed families in Malibu earn an income below the poverty level (36 households), while no female-headed households without children present earn an income below the poverty level. The percentage of single-parent female-headed households earning an income below the poverty line (19%) is higher than the percentage of the overall city population earning an income below the poverty line (13%). Single-parent female-headed households earning an income below the poverty line comprise approximately 5% of all households in poverty. Because no deed-restricted housing units exist in the city, there are few resources for these households. Organizations in Malibu and western Los Angeles County that assist single-parent households and lower-income households include The People Concern, St. Joseph Center, and the Westside Food Bank.

The City responds to the needs of female-headed households through the following Housing Plan programs: housing rehabilitation education and financial assistance to lower-income, elderly, and/or disabled households and homeowners; preservation of existing mobile home parks; annual monitoring of the replacement of affordable housing in the Coastal Zone; ensuring adequate capacity to accommodate housing needs; providing incentives to encourage mixed-use; providing education on available resources for the development of accessory dwelling units; and providing referral information to persons in need of assistance. Lower-income female-headed households can access housing choice vouchers if they qualify. However, there are no subsidized housing units in the city which limits housing options for lower-income female-headed renter households.

Table 7.2-20
Female Headed Households – Malibu



American Community Survey 2014-2018 5-year estimates.

7.2.5(e) Farmworkers

Farmworkers are traditionally defined as persons whose primary income is from seasonal agricultural work. Agricultural activities in the City are limited to small-scale horticultural businesses on approximately 25 acres of land scattered throughout the City, with some of these small farms doubling as event centers and places for family activities. These horticultural activities are not a significant source of employment and do not generate a demand for permanent farm worker housing. Recent Census estimates published by SCAG estimated a total of 29 persons Malibu residents employed in the agricultural industry. According to the United States Department of Agriculture, there were 3,266 farmworkers in Los Angeles County in 2017, 1,044 of which were seasonal farmworkers. Farming in the region is mostly in and near Oxnard, Camarillo, Thousand Oaks, and other cities and Ventura County lands to the north and east of Malibu. It is unlikely that employees of agricultural operations in these areas would commute from Malibu due to the distance from employment and the relatively high cost of housing in Malibu. The needs of agricultural employees are addressed by City regulations allowing agricultural employee housing in residential and agricultural zones consistent with the Employee Housing Act.

7.2.5(f) Homeless Persons

Throughout the country, homelessness has become an increasing problem. Factors contributing to the rise in homelessness include the general lack of housing affordable to lower-income persons, increases in the number of persons whose incomes fall below the poverty level, reductions in public assistance for the poor, and the de-institutionalization of the mentally ill.

The McKinney-Vento Homeless Assistance Act of 1986[9] defines a "homeless" person as an individual who lacks a fixed, regular, and adequate nighttime residence, or an individual whose primary nighttime residence is:

[9] 42 U.S.C. §11301, et seq.

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations;
2. An institution that provides a temporary residence for individuals intended to be institutionalized; or
3. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Federal agencies, such as the U.S. Department of Housing and Urban Development (HUD), interprets the McKinney-Vento definition to include only those persons who are on the streets or in shelters and persons who face imminent eviction (within a week) from a private dwelling or institution and who have no subsequent residence or resources to obtain housing.[10]

People are also at risk of homelessness when they experience a sudden drop in income or a rise in housing costs, and/or they do not have the skills necessary to manage their limited resources. According to the National Coalition for the Homeless (NCH), most individuals at risk of homelessness are on a fixed income or are marginally employed and have few ties to family and friends.

The 2022 Greater Los Angeles Homeless Count (latest available data) found that there were 81 people experiencing homelessness in Malibu, all of whom were unsheltered; 45% were counted as residing on the street or in makeshift shelters, while 65% were counted as residing in vehicles. The count did not include people who may be residing at the homes of friends or relatives. . The needs of the homeless vary by subpopulation. Mentally ill persons require housing supported by mental health care and counseling. Alcohol and drug abusers require treatment facilities and medical and social support services. Victims of domestic violence need shelter and social services to assist in the transition to independent living. Runaway and recently emancipated youths require shelter, combined with counseling and social services, in order to reintegrate them with their families or enable them to live independently. According to The People Concern, a social service agency offering homeless services, Malibu's homeless population has a disproportionately high prevalence of mental health issues and substance use compared to the general population.

State law (Section 65583(1) (6)) requires municipalities to address the special needs of persons experiencing homelessness within their jurisdictional boundaries. "Homelessness" as defined by the U.S. Department of Housing and Urban Development (HUD), describes an individual (not imprisoned or otherwise detained) who:

- Lacks a fixed, regular, and adequate nighttime residence; and
- Has a primary nighttime residence that is:
    - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
    - An institution that provides a temporary residence for individuals intended to be institutionalized; or

[10] "Who is Homeless?" 2009. Published by the National Coalition for the Homeless, July 2009. p. 1.

- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

This definition does not include persons living in substandard housing (unless such housing has been officially condemned), persons living in overcrowded housing, persons discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge), or persons who may be at risk of homelessness (for example, living temporarily with family or friends).

Facilities such as emergency shelters, low barrier navigation centers, transitional housing and supportive housing address the needs of the homeless and those at risk of becoming homeless. The City's Zoning Ordinance permits transitional and supportive housing in the Rural Residential District (RR), Single Family Density Residential District (SF), Multiple Family Residential District (MF), and Multifamily Beach Front District (RBF) and currently permits emergency shelters in the Commercial General District and Institutional District.

As stated in Housing Plan Program 2.4.c, the City will amend the LIP and MMC to remove individual capacity limits for emergency shelters to meet the requirements of AB 2339, and to revise parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code section 65583. The City will also amend the LIP and MMC as needed to allow transitional and supportive housing as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone, as specified in Housing Plan Program 2.4.a.

In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH), an independent organization of community volunteers, to help fund a pilot project to bring professional services to Malibu's homeless population. MTFH entered into an agreement with The People Concern to bring two full-time outreach workers to Malibu daily in order to locate, engage, and build relationships with homeless individuals. The City continues to partner with The People Concern and contracts two outreach workers to assist with the City's homelessness programs and services. Since the program began, 72 individuals in Malibu have been placed in permanent housing.

Persons experiencing homelessness in Malibu can access housing assistance through various shelters and programs, including the following:

- **The People Concern**, based in Santa Monica, provides fully integrated "wraparound" services to chronically homeless individuals, people dealing with severe mental or physical illness or substance addiction, victims of domestic violence, and challenged youth. The People Concern assists individuals in need in obtaining subsidized permanent housing and provides interim housing for persons transitioning out of homelessness.
- **Project Homeward Bound** works directly with homeless individuals who find themselves stranded in Malibu without sufficient funds to support themselves, providing them with funds to return to their family and friends in other states where they can get a fresh start.
- **St. Joseph Center** provides permanent supportive housing services to homeless residents throughout Los Angeles County and provides short-term rental assistance and supportive services to those in need.

- The City's **Outreach Team** and **Housing Navigator** work with landlords and shelter facilities throughout Los Angeles County to help people experiencing homelessness get off the streets and into housing.
- The City provides funding to the SHIELDS **Rapid Re-Housing for Adults and Veterans (RRAV)** program which connects individuals experiencing homelessness to permanent housing rental and provides move-in assistance, case management, and linkage and referral services.[11]

7.2.6 Assisted Housing at Risk of Conversion

State law requires that the Housing Element identify any residential projects in the City that are under an affordability restriction, along with those housing projects that are at risk of losing their low-income affordability restrictions within the ten-year period from 2021-2031. According to the SCAG, the California Housing Partnership Corporation and City records, there are no assisted low-income units in the City, and therefore, no housing units at risk of losing their low-income affordability.

7.2.7 Housing Constructed, Demolished or Converted within the Coastal Zone

California Government Code §65588(d) requires that the Housing Element update take into account any low- or moderate-income housing provided or required in the Coastal Zone pursuant to §6590 (the Mello Act[12]). State law requires that jurisdictions monitor the following:

- The number of new housing units approved for construction within the Coastal Zone (after January 1, 1982);
- The number of low- or moderate-income units required to be provided in new developments either within the Coastal Zone or within three miles of the Coastal Zone;
- The number of existing housing units in properties with three or more units occupied by low- or moderate-income households that have been authorized for demolition or conversion since January 1, 1982; and
- The number of low- or moderate-income replacement units required within the Coastal Zone or within three miles of the Coastal Zone.

Table 7.2-21 provides City statistics for housing units in the Coastal Zone through 2020.

[11] City of Malibu. 2023. Homelessness. https://www.malibucity.org/865/Homelessness
[12] The Mello Act requires, in part, the replacement of affordable units demolished or converted within the coastal zone.

Table 7.2-21
Malibu Coastal Zone Housing Units – 1982-2020

	Units
Number of new units approved for construction in the Coastal Zone after January 1, 1982	503
Number of new units for low- and moderate-income households required to be provided either within the coastal zone or within three miles of it	0
Number of units occupied by low- and moderate-income households and authorized to be demolished or converted	0
Number of units for low- and moderate-income households required either within the coastal zone or within three miles of it in order to replace those demolished or converted	0

Source: City of Malibu, 2021

7.2.8 Future Housing Needs

7.2.8(a) Overview of the Regional Housing Needs Assessment (RHNA)

The RHNA is a key tool for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the period from June 30, 2021, to October 15, 2029. Local governments then determine how they will address this need through the process of updating the Housing Elements of their General Plans.

The current RHNA was adopted by SCAG in 2021. Future housing needs are determined by the forecasted growth of households in a community and also by "existing needs" due to overpayment and overcrowding. The housing need for new households is then adjusted to maintain a desirable level of vacancy to promote housing choice and mobility. An adjustment is also made to account for units expected to be lost due to demolition, natural disaster, or conversion to non-housing uses. The sum of these factors – household growth, existing need, vacancy need, and replacement need – determines the new housing need for a community. Total housing need is then distributed among four income categories on the basis of the County's income distribution, with adjustments to avoid an over-concentration of low-income households.

7.2.8(b) 2021-2029 Housing Needs

The additional housing need assigned to Malibu for the 2021-2029 planning period is shown in Table 7.2-22.

Table 7.2-22
Regional Housing Needs - Malibu

Very Low[1]	Low	Moderate	Above Moderate	Total
28[2]	19	17	15	79

Source: SCAG 2021
Notes:
1. Includes the Extremely-Low-Income (ELI) category.
2. 14 units are assumed to be ELI pursuant to *Government Code* §65583.a.1

A discussion of the City's inventory of suitable sites to accommodate the City's housing need is provided in Section 7.4 – Resources and Opportunities, and Appendix B.

7.2.9 Financial and Administrative Resources

7.2.9(a) State and Federal Resources

Community Development Block Grant Program (CDBG) – The City does not have any housing that qualifies for CDBG funding. The City receives approximately $60,000 a year in CDBG funding. Of this total, 15% is spent on administration and program services (e.g., Malibu Community Labor Exchange).

Low-Income Housing Tax Credit Program – The Low-Income Housing Tax Credit Program was created by the Tax Reform Act of 1986 in order to provide an alternate method of funding low-and moderate-income housing. Each state receives a tax credit, based upon population, toward funding housing that meets program guidelines. The tax credits are then used to leverage private capital into new construction or acquisition and rehabilitation of affordable housing. Limitations on projects funded under the Tax Credit programs include minimum requirements that a certain percentage of units remain rent-restricted, based upon median income.

Mortgage Credit Certificates (MCC) – This program provides a federal tax credit for income-qualified homebuyers that is equivalent to 15% of the annual mortgage interest. Generally, the tax savings are calculated as income in order to help buyers qualify to purchase a home. Using an MCC, first-time homebuyers can save between $700 and $2,500 a year on their annual federal tax bill. The program is initiated by the homebuyer applying through a participating lender, who then submits an application to the Los Angeles County Development Authority (LACDA). The City is not involved in administering this process or approving loans.

7.2.9(b) Local Resources

The City does not have a housing department. The only local revenue source for affordable housing is through the City's approval of the Patriot Homes Overlay condominium project. The City Council resolution approving the project requires an in-lieu payment of $30,000 per unit, required at the time of the close of escrow, to be used for programs consistent with the City's Housing Element. An Affordable Housing Trust Fund, which contains in-lieu funds generated through development agreements, was established in 2013 (Ordinance No. 375). As of October 2023, the Trust Fund has a

balance of $194,140. According to the City's Affordable Housing Ordinance, the Trust Fund can be used for the following[13]:

- Assistance to housing development corporations;
- Equity participation loans;
- Grants;
- Pre-home ownership co-investment;
- Predevelopment loan funds;
- Participation leases;
- Other public-private partnership arrangements;
- The acquisition of property and property rights;
- Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;
- Costs of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk of deterioration;
- Other costs associated with the construction or financing of affordable housing;
- Reasonable administrative charges or related expenses; and
- Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

[13] City of Malibu. 2023. Municipal Code, Affordable Housing. https://library.qcode.us/lib/malibu_ca/pub/local_coastal_program/item/local_implementation_plan-chapter_3-3_7

7.3 Resources and Opportunities

7.3.1 Land Resources

7.3.1(a) Inventory of Sites for Housing Development

Government Code §65583(a)(3) requires Housing Elements to contain an "inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites." A detailed analysis of potential development sites has been prepared (see Appendix B) and the results of this analysis are summarized in Table 7.3-1 below. This analysis also addresses the unaccommodated need from the previous planning period, as required by *Government Code* §65584.09 (AB 1233).

Table 7.3-1
Sites Inventory Summary

Housing Sites	Income Category		
	Lower	Moderate	Above
RHNA 2021-2029	47	17	15
RHNA Credits - Planned and Approved Units (Table B-2)	0	0	142
RHNA Credits - Potential new ADUs	17	1	12
Remaining RHNA after Credits	30	16	0
Potential new multi-family units (Table B-4)	36	22	53
Buffer provided above remaining RHNA	20%	38%	
Adequate Capacity?	Yes	Yes	Yes

Source: City of Malibu, 2024

As summarized in Table 7.3-1, this analysis determined that there are sufficient vacant or underutilized sites with appropriate zoning to accommodate the City's housing need for this planning period.

7.3.1(b) Infrastructure Capacity

Wastewater - There is no municipal sewer service in the City of Malibu. All properties in the City are currently served by individual onsite wastewater treatment systems (OWTS); with the exception of those served by the Malibu Civic Center Water Treatment Facility (CCWTF)[1], and five small package treatment plants within the City: Latigo Bay Shores, Point Dume, Trancas Canyon, Malibu Mesa, and Maison de Ville. Any new development that is not served by the six treatment plans will be required to install its own OWTS in order to serve its wastewater disposal needs.

[1] Phase One of CCWTF construction was completed in October 2018. No residential properties were connected to the facility during that phase; however, the Phase Two expansion will connect approximately 247 single-family homes, 191 condominiums, and 7 other properties.

Water - Domestic water for City residents is supplied by County Waterworks District No. 29 ("District 29") from the Metropolitan Water District of Southern California (MWD). The MWD obtains its water from the State Water Project and the Colorado River. According to the MWD's 2020 Urban Water Management Plan, the MWD has sufficient supply to meet demand for all water customers through 2045 and has sufficient total capacity to accommodate the City's RHNA. District No. 29 receives the water through a contract with the West Basin Municipal Water District, a member agency of the Metropolitan Water District. The District's connection to Metropolitan Water District's system is located in Culver City. The water travels to the District through a 35-mile transmission main in Pacific Coast Highway. Many of the City's water mains and tanks have been identified by the City and by District 29 as severely undersized. All sites identified in the Sites Inventory are in areas served by District 29. For projects located in areas with limited to no service by District 29, property owners may install water tanks to serve the property's needs. With the inclusion of private water tanks, domestic water supply is not expected to limit residential development in the city. The sites in the Sites Inventory are located on Pacific Coast Highway and have direct access to the water transmission main; therefore, the sites are served by adequate water supply and infrastructure.

Dry Utilities – Southern California Edison (SCE) supplies electricity in the city. The housing sites identified in the City's Affordable Housing Overlay (AHO) will be connected to SCE's "Cuthbert" circuit which serves properties from approximately Latigo Cyn Rd to Bonsall Dr, and from Pacific Coast Highway to approximately one mile inland. Domestic natural gas service is provided by the Southern California Gas Company. Telephone, internet services, and cable television are serviced by contracted providers including Spectrum and Frontier. There is sufficient energy supply, utilities, and connection capability for the housing units projected in the Sites Inventory.

7.3.1(c) Environmental Constraints

While virtually all properties in Malibu face development challenges due to environmental constraints such as environmentally sensitive habitat areas (ESHAs), fire hazards, and geological hazards, these hazards do not preclude development on sites identified to accommodate the City's RHNA. Compliance with the California Building Code will generally mitigate the risk of seismic hazards to residential structures. The City requires strict adherence to the California Fire Code, as well as offers assistance with hazardous brush and tree clearance to mitigate the risk of wildfire. The capacities of the AHO sites were significantly reduced to accommodate a 100-foot buffer to wetlands classified as ESHA. A full discussion of environmental constraints is available in Appendix B.

7.3.2 State and Federal Resources

Refer to Section 7.2 Housing Needs Assessment for a description of state, federal, and local resources for affordable housing development.

7.3.3 Energy Conservation Opportunities

State law (*Government Code* §65583(a)(8)) requires all new construction to comply with "energy budget" standards that establish maximum allowable energy use from

depletable sources. These requirements apply to such design components as structural insulation, air infiltration and leakage control, setback features on thermostats, water heating system insulation (tanks and pipes) and swimming pool covers if a pool is equipped with a fossil fuel or electric heater. State law also requires that a tentative tract map provide for future passive or natural heating or cooling opportunities in the subdivision, including designing the lot sizes and configurations to permit orienting structures to take advantage of a southern exposure, shade or prevailing breezes.

SCE and the Southern California Gas Company offer energy conservation programs, including audits of home energy use to reduce electricity consumption, refrigerator rebates, appliance repair and weatherization assistance to qualified low-income households, buyer's guides for appliances and incentives by the Gas Company to switch from electric to gas appliances. Direct assistance to low-income households is provided by the Gas Company through the California Alternate Rates for Energy Program and by SCE through its Energy Management Assistance Program.

Both companies have programs to encourage energy conservation in new construction. SCE's energy rebate program applies to residential developers as well as to individual customers. SCE also offers an Energy STAR new home program and a Sustainable Communities Program, offering design assistance and financial incentives for sustainable housing development projects. The Gas Company's Energy Advanced Home Program is offered to residential developers who install energy-efficient gas appliances that exceed California energy standards by at least 15%.

In addition, simple water conservation techniques can save a family thousands of gallons of water per year, plus many dollars in water and associated energy consumption costs. It is now possible to obtain plumbing products that reduce water waste by restricting the volume of water flow from faucets, showerheads, and toilets. The use of plant materials that are adapted to the climate of Southern California's coastal areas can also measurably contribute to water conservation by reducing the need for irrigation.

A household can save water by fixing dripping faucets and using water more conservatively. In addition, such conservation practices save on the amount of gas and electricity needed to heat water. By encouraging residents to conserve water and install water saving devices, the City can greatly reduce its water consumption needs and expenses.

The City has partnered with Los Angeles County Waterworks and West Basin Municipal Water District to help local residents save water and money through a comprehensive water conservation program called Malibu Smart. The goal of the Malibu Smart program is to save 28 million gallons of water annually in Malibu and Topanga Canyon through the installation of water-efficiency measures.

Actions the City of Malibu has taken to encourage energy conservation include the following:

- City policy regarding processing permits for water tanks, rainwater collection structures, etc. was created for the ease of the applicant
- Solar panels are processed with a ministerial Over-the-Counter (OC) Permit which takes only a few days to approve and costs under $100

- A draft Exemplary Green Building Projects Fast-Tracking Pilot Program has been prepared

The City has recently adopted the Local Energy Efficiency Standards Ordinance and the Landscape Water Conservation Ordinance. The energy ordinance preserves and enhances the environment, by setting forth minimum energy efficiency standards within the City for all new single-family dwellings, multi-family residential construction, nonresidential construction, and substantial remodels. The City's ordinance includes measures which are more restrictive than the California Building Energy Efficiency Standards (Title 24). The water conservation ordinance applies to: 1) projects for a commercial, institutional, or multi-family use or a subdivision, any of which propose a new or altered landscape area, including public agency projects; and 2) projects for a single-family residential use proposing a new or altered landscape area of 2,500 square feet or more; in the case of a project associated with an existing single-family residence, the new or altered landscape area is subject to this Chapter when the landscape area is 5,000 square feet or more. The water conservation standards are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes.

Clean Power Alliance

In 2018, the City joined the Clean Power Alliance (CPA), a locally controlled electricity provider made up of 31 local governments across Los Angeles and Ventura counties working together to bring clean, renewable power choices to our communities. CPA purchases clean power and Southern California Edison (SCE) delivers it.

CPA energy service for residential customers in Malibu began in February 2019 and non-residential customers in May 2019. Customers in Malibu were automatically enrolled to receive 50% of their power supply from renewable sources. In June 2019, City Council approved opting all municipal electricity accounts to 100% renewable energy through CPA to lead by example for the community. In October 2019, City Council approved the selection of 100% Green Power as the default electricity choice for Clean Power Alliance customers in the City. Starting in October 2020, Malibu's Clean Power Alliance customers started to receive 100% renewable power generated by solar, wind and other renewable and carbon-free resources in California and the surrounding region.

Customers can also select two rate options: Clean Power, which provides 50% renewable and Lean Power, which provides 36% renewable content. No matter the rate option, Clean Power Alliance offers the shared benefits of local management and control, stable, competitive rates, and higher renewable energy content.

Energy Partnerships

In 2018, the City enrolled in energy partnerships like the Westside Energy Partnership and Southern California Regional Energy Network (SoCalREN) to receive public agency assistance with implementation of energy efficiency projects and programs as well as technical assistance and incentives.

Through the recommendations in SoCalREN's Comparative Energy Analysis, City Hall's HVAC system was optimized to save an estimated 11% of its energy use and the City took advantage of Southern California Edison's free Direct Install program to install LED lighting at the Michael Landon Community Center.

7.4 Constraints

7.4.1 Governmental Constraints

7.4.1(a) Land Use Plans and Regulations

General Plan

Each city and county in California must prepare a comprehensive, long-term General Plan to guide its future development. The Land Use Element of a City's General Plan establishes the basic land uses and density of development within the various areas of the city. Under state law, the General Plan elements must be internally consistent and the city's zoning ordinance, and Local Coastal Program, as applicable, must be consistent with the General Plan. Thus, the land use plan must provide suitable locations and densities in order to implement the policies of the Housing Element.

The City of Malibu's General Plan Land Use Element provides for five residential land use designations, as shown in Table 7.4-1.

Table 7.4-1
Residential Land Use Categories –
Malibu General Plan

Designation	Maximum Density[1]	Description
Rural Residential (RR) – Includes RR-40, RR-20, RR-10, RR-5, RR-2 & RR-1	1.0	Single-family homes on large parcels ranging from one to 20 acres or more.
Single Family Residential (SF) – Includes SF-L & SF-M	4.0	Single-family homes on lots ranging from approximately 10,000 SF to one acre.
Multi-Family (MF)	6.0	Duplexes, triplexes, two- or three-unit townhomes and low-rise apartments (primarily existing) on minimum 20,000 SF parcels.
Multi-Family Beach Front (MFBF)	23.1[2]	Single-family and multi-family residences on small beach front lots.
Mobile Home Residential (MHR)	-	Existing mobile home park.

Source: City of Malibu General Plan.
1. Density expressed in dwelling units per net acre of lot area (lot area excludes street rights of way but may include 1-to-1 slopes).
2. Not to exceed 4 units per lot
3. As determined by the PD process

While the City has a considerable amount of vacant land, only a small portion is suitable for development because of steep hillsides, unstable soils and subsurface conditions, extreme fire hazards, and environmentally sensitive habitat areas (ESHA). Since its incorporation in 1991, the City has focused its efforts on preserving its rural character, protecting environmental resources, and improving fire safety.

With highly constrained land, limited infrastructure, and high land costs, the City's approach to accommodating affordable housing is to identify unconstrained sites at appropriate densities and to successfully leverage State and federal subsidies for

affordable housing. The encouragement of accessory dwelling units is also important, as most of Malibu's development consists of single-family homes and associated accessory structures.

LCP Local Implementation Plan

The entire city is located in the Coastal Zone and is subject to the City's LCP Local Implementation Plan (LIP). The LIP includes development standards to protect environmentally sensitive habitat areas (ESHAs) (LIP Chapter 4), native trees (LIP Chapter 5), scenic, visual, and hillside resources (LIP Chapter 6), shoreline and bluff areas (LIP Chapter 10), archaeological/cultural resources (LIP Chapter 11), public access (LIP Chapter 12), and water quality (LIP Chapter 17). Projects that contain or are located near identified coastal resources may require modifications or reductions in density to protect the identified resource. While the LIP is a City document, it must be consistent with the California Coastal Act, and any modification is subject to certification by the Coastal Commission. For a discussion of potential constraints raised by the LIP, see Chapter 4: Residential Permit Processing/Coastal Development Permit (CDP) and Non-Governmental Constraints/Environmental Constraints.

Environmental Sensitive Habitat Area (ESHA) Overlay

As discussed in Chapter 4 of the LIP, the ESHA Overlay protects and preserves areas where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and development. The ESHA Overlay zone extends over the ESHA area and areas within 200 feet of designated ESHA necessary to ensure continued protection of the habitat areas. Only uses dependent on the environmentally sensitive habitat areas and which do not result in significant disruption of habitat values are permitted in the ESHA overlay zone. New developments that are adjacent to habitats such as stream, riparian, wetland, woodland, coastal bluff, coastal sage scrub, chaparral, and other ESHA areas must provide a buffer of no less than 100 feet in width from the outer edge of the ESHA area. The following types of developments accompanied with a biological study are not subject to the provisions of the ESHA Overlay and are not be subject to review by the Environmental Review Board:

1. Remodeling an existing structure that does not extend the existing structure footprint.
2. Additions to existing structures that are within the lawfully established graded pad area, or the existing developed/landscaped area if there is no graded pad, and that do not require additional fuel modification.
3. Demolition of an existing structure and construction of a new structure within the existing building pad area where no additional fuel modification is required.
4. New structures and landscaping proposed within the permitted graded pad or permitted development area if there is no graded pad, authorized in a previously approved CDP permit.
5. New structures within existing, developed neighborhoods where the new structures will be located over 200 feet from an ESHA, as shown on the ESHA overlay map.

As discussed in Appendix B, Residential Land Inventory, ESHA exists on the three parcels identified in the Site Inventory. The ESHA overlay on the sites were excluded from the development area of the sites, and the development potential capacity for the RHNA sites was reduced accordingly. Therefore, the presence of ESHA is not a constraint on sites included in the Sites Inventory. Additional discussion of site-specific environmental constraints is provided in Appendix B.

Scenic and Visual Resources

Except for beachfront lots or as provided in Chapter 17.42 of the MMC, all development projects subject to a CDP and which propose a structure greater than 18 feet in height shall obtain a site plan review (SPR). A SPR may be approved or conditionally approved if the project meets all of the following criteria: the project is consistent with the City's general plan and LCP; and the portion of the project that is greater than 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in Section 17.40.040(A)(17).

Chapter 6 of the LIP, Scenic and Visual Resources, is intended to enhance and protect the scenic and visual qualities of coastal and mountain areas in the city in accordance with the policies of the LCP and the California Coastal Act. These provisions apply to all CDP applications for parcels located along, within, provides views to or is visible from any scenic area, scenic road, or public viewing area. The hillside development standards of this chapter apply to properties where the project site includes any area of slope over 20 percent. Applications for new development in scenic areas must provide a visual analysis that includes the following:

1. Grading plan, if grading is proposed.
2. Cross sections of the project site showing the proposed grading and structures.
3. Line of sight analysis showing the view of the project site from public viewing areas.
4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading.
5. An analysis of the potential impacts of the proposed development on the identified public views.
6. Project alternatives designed to avoid and minimize impacts to visual resources.
7. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

The requirements listed under Chapter 6 of the LIP, Scenic and Visual Resources, are requirements that are generally dictated by state coastal zone regulations and are reasonably necessary to protect and preserve visual resources of the coast and hillside.

As part of the CDP application process, applicants are required to install story poles to demonstrate the height and location of the proposed development that may affect views of scenic resources. The City of Malibu Story Pole policy includes provisions for waiving the installation of story poles if it is determined that there is no possibility that the proposed development will create or contribute to adverse impacts to scenic areas.

The requirements for story poles are a constraint in that it adds to the cost and timing for a project over 18 feet. The City will implement Program 4.3.e to allow alternatives to story poles, such as photo simulations, for multi-family development subject to story pole requirements under Chapter 6 of the LIP.

Grading

Chapter 8 of the LIP, Grading, ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a single-family residential parcel and 1,000 cubic yards of non-exempt grading per acre for multi-family residential parcels. Types of grading that is exempt from the 1,000 cubic yard maximum are: understructure grading (excavation for foundations and other understructure excavation and incremental excavation for basements), removal and recompaction, safety grading (grading required for L.A. County Fire Department access approval beyond the 15-foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening), and remedial grading (grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot). Along with the exempt provisions, the 1,000 cubic yard threshold is able to accommodate most residential construction.

The City processes variances for proposed projects involving grading that exceeds 1,000 cubic yards of nonexempt grading in rare occasions when a project is proposed on steep slopes to stabilize slopes for safety purposes or when ancillary uses such as equestrian rings and sport courts (i.e., accessory structures that are ancillary to the primary residential structure) are proposed. Development on beachfront properties involves minimal to no nonexempt grading as beachfront development is constructed on piles, which do not require landform alteration. Overall, grading regulations are not a constraint on residential development.

Zoning Designations and Development Standards

The City regulates the type, location, density, and scale of residential development through Title 17 of the MMC (Zoning Ordinance/Zoning Map). Additionally, because the City of Malibu lies entirely within the Coastal Zone, all zoning designations and development standards have been incorporated into the LIP. The LIP includes additional development standards that are intended to augment the MMC Zoning regulations and serve to implement the General Plan and are designed to protect and promote the health, safety, and general welfare of residents. The MMC and LIP also help to preserve the character and integrity of existing neighborhoods. The MMC and LIP set forth residential development standards for each zoning district.

Zoning districts that allow residential units as a permitted use are as follows:

- **RR** Rural Residential
- **SF** Single-Family Residential
- **MF** Multi-Family Residential
- **MFBF** Multi-Family Beachfront
- **MH** Mobile Home Park

PD Planned Development
AHO Affordable Housing Overlay
CG Commercial General

A summary of the LCP/MMC development standards for the zoning districts permitting residential development is provided in Table 7.4-2.

Lot Standards

Lot standards include requirements for minimum lot areas, which range from 1 acre in the RR zone to 5,000 square feet in the MFBF zone. The minimum lot area for new lots in the MFBF district is 5,000 square feet. Existing sites that are smaller than the minimum lot size, including sites in the Sites Inventory, are considered legal, nonconforming parcels. Pursuant to MMC Section 17.60.030, nonconforming parcels may be developed for any purpose permitted in the zone district provided that uses and new construction complies with the code. Lots that are 5,000 square feet within the MFBF zone may only build a maximum of two dwelling units. While parcel nonconformity is not a constraint, the smaller lot sizes for multi-family beach front developments may be a constraint as developments may have to consolidate multiple lots to develop a multi-family residence with more than two units. However, many MFBF lots are typically developed with single family homes due to environmental constraints, the lack of municipal sewer system, and market demand. Additionally, the LIP standards and environmental concerns constrain the development of higher densities within beach front zones.

Setbacks

Setback standards are based on a percentage of lot depth and width which provides flexibility in standards for various lot sizes. Front setbacks are 20% of the lot depth for all zones or 65 feet, whichever is less. The required front yard setback for beachfront lots is 20 feet or the average of the two adjacent lots, whichever is less. Setbacks are not a constraint to development as setback standards can be further reduced through the Minor Modification that is processed concurrently with a CDP.

Impermeable Coverage

Developments must meet standards for maximum impermeable coverage to reduce off-site run-off, manage storm water, and protect water quality. Single family developments may be developed with a maximum of 35-45% impermeable coverage depending on the size of the lot, with a maximum of 25,500 square feet of total impermeable coverage. This requirement does not apply to beachfront lots as beachfront development is constructed on pilings that do not require impermeable foundations. The LIP and Chapter 17.40.040 of the MMC are unclear as to whether multi-family beachfront lots are subject to impermeable coverage requirements. Program 4.3.c. directs the City to revise the LIP and MMC to clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

Multi-family developments may be developed with a maximum of 70% impermeable coverage. Multi-family developments are required to devote 25% of the lot area to landscaping and an additional 5% to permeable surfaces. Maximum impermeable surface areas reduce the need, and associated costs, of installing off-site drainage

infrastructure. This standard is not considered a constraint to multi-family developments, as evidenced by recent rehabilitation project at 6453 Sycamore Meadows Drive, as it is based on the percentage of the lot size and may coincide with other required standards such as setbacks. Impermeable coverage standards also reduce costs associated with off-site drainage improvements.

Requests to use certain materials to meet the permeable coverage requirement are considered through the CDP application review process. The Public Works Department reviews proposed paving materials within 30 days of application submittal for confirmation that the proposed materials are acceptable. Applicants can also seek confirmation on specific materials prior to application submission. The City provides a handout on the City's website on permeable materials.[1] Applicants are encouraged to consult with City Planning staff during planning consultation hours at the public counter to review proposed permeable materials. In a review of recent development applications, there have not been requests for concessions on lot coverage requirements. Therefore, the City's lot coverage requirements are not a constraint to housing development.

Height

The maximum base height is 18 feet with the ability to increase height to 24 feet for a flat roof and 28 feet for a pitched roof with a SPR in all residential non-beachfront zones. For residential beachfront zones, the maximum base height is 28 feet (without the need for a SPR) and a maximum number of two stories is allowed. Generally, a height limit of 18 feet may constrain development in the MF zone as a maximum of one story may be accommodated at that height. Height limits are generally intended to maintain visual consistency within an area and compatibility between adjacent buildings. Proposed development may exceed the height limit of 18 feet through the SPR application if findings are met that the development will not affect private views. Typically, the 24 or 28-foot height allowance through the SPR is granted unless the development would block a public or private view. The SPR requirement is not a constraint because SPRs are processed concurrently with a CDP and do not create an additional process that would extend the project timeline. While the intent of the SPR is to protect private views, MF zones are in lower elevation areas and would not affect private views. The 24 or 28-foot height allowance is sufficient for the allowable two-story development and accommodates the maximum density of 6 du/acre allowed in the MF zone. The SPR application findings are discussed further in Section 7.4.1 (b).

Currently, the AHO allows a maximum of two stories and a maximum height of 28 feet, which is insufficient to accommodate the maximum allowable density of 27 du/acre. The City will revise the maximum height allowed in the AHO to 30 feet and remove the two-story limit to accommodate development with a density of 27 du/acre, as directed by Program 4.3.d.

The allowable height for projects located in scenic areas is generally dictated by the state coastal zone regulations and is reasonably necessary to protect the scenic and visual resources of the hillside and the coast. The density achieved is largely driven by the environmental conditions and the market demand for single family residences over multi-

[1] City of Malibu. https://www.malibucity.org/DocumentCenter/View/17545/Using-Permeable-Surfaces

family residences in Malibu. Non-governmental constraints are further discussed in section 7.3.2 below.

Density

In most residential areas of the city, densities range from about one unit per 20 acres (RR-20 zone) to six units per acre (MF zone). Higher densities (up to 23.1 units per acre, not to exceed four units per lot) occur along four small stretches of beachfront property, as well as on Affordable Housing Overlay (AHO) parcels, which require that affordable housing development projects have a minimum of 20 units per acre, a maximum of one dwelling unit per 1,613 square feet of lot area, and a minimum of 16 dwelling units.

Table 7.4-2
Residential Development Standards

Development Standard	RR[1]	SF[7]	MF	MFBF	MH	AHO
Maximum density	1 du/acre	4 du/acre	6 du/acre[8]	23.1 du/acre[9]	NA	27du/acre
Minimum lot area	1 acre	SFL = 0.5 ac SFM = 0.25 ac	20,000 sf	5,000 sf	NA	NA
Minimum front yard	20% of lot depth[2]	20% of lot depth[2]	20% of lot depth[2]	20% of lot depth[2]	NA	NA
Minimum side yard	10% of lot width[3]	10% of lot width [3]	10% of lot width[3]	3 feet[3]	NA	NA
Minimum rear yard	15% of lot depth[4]	15% of lot depth [4]	15% of lot depth [4]	Stringline[4]	NA	NA
Maximum impermeable coverage	30%-45%[5]	30%-45%[5]	70%[5]	N/A[5]	NA	70%[5]
Maximum building height	18 feet[6]	18 feet [6]	18 feet[6]	28 feet[6]	18 feet	28 feet[6]

Source: City of Malibu Zoning Ordinance

1. Includes RR-20, RR-10, RR-5, RR-2, and RR-1 zones. Minimum lot area varies from 1 to 20 acres depending on designator.
2. Front yard setback is 20% of lot depth or 65 feet, whichever is less. Front yard setback for beachfront lots is 20 feet or the average of the two adjacent lots, whichever is less.
3. Aggregate side yard setbacks must be at least 25% of lot width, with no single side yard less than 10% of lot width or 5 feet, whichever is greater. Side yard setback for beachfront lots is 10 percent of lot width on each side with a 3 feet minimum and a 5 feet maximum.
4. Rear yard setback must be at least 15% of lot depth or 15 feet, whichever is greater. Rear yard setbacks for beachfront lots are determined by the stringline rule.
5. Not to exceed 25,500 sf. Impermeable coverage requirements do not apply to beachfront lots.
6. Maximum height for new construction on beachfront lots is 24 feet for flat roof structures and 28 feet for pitched roof structures. For non-beachfront lots, heights of 24 feet for flat roof structures and 28 feet for pitched roof structures may be permitted by site plan review.
7. Includes SFL and SFM. Maximum of 2 units per acre for SFL and 4 units per acre for SF-M.
8. Maximum density is 6 units per acre.
9. Maximum density is 1 unit per 1,885 sf of lot area, not to exceed 4 units per lot. One additional unit may be permitted if affordable to a very-low-, low-, or moderate-income household.

A summary of the residential development permitted by the LCP/ MMC is provided in Table 7.4-3. (Note: The PD district is not included in the table because allowable uses and development standards are established through the PD permit process.)

Table 7.4-3
Permitted Residential Development by Zoning District

Housing Type Permitted	Zoning District								
	RR	SF	MF	MFBF	MH	CC	CV	CG	I
Residential uses									
Single-family detached	P	P	P	P					
Multi-family			CUP[1]	CUP[1]		P[2]			
Manufactured housing	P	P	P	P					
Mobile home	P[4]	P[4]	P[4]	MCUP[4]	P				
Accessory dwelling units	A	A	A	A					
Special needs housing									
Emergency shelters								P	P
Transitional/supportive housing[3]	P	P	P	P	P				
Agricultural employee housing[5]	A	A	CUP						
Residential care facility (6 or fewer persons)	P	P	P	P					
Residential care facility (7 or more persons)								CUP	
Residential care facilities for the elderly						CUP	CUP	CUP	CUP
Single room occupancy								P	

Source: Malibu LCP

P = Permitted CUP = Conditional Use Permit A = Permitted only as an accessory use to an otherwise permitted use.

Notes.

1. Multi-family development associated with an affordable housing development project is permitted by right.
2. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay.
3. Permitted subject to the same standards and procedures as applied to other residential uses of the same type in the same zone.
4. Permitted only during construction of permanent housing.
5. Permitted with a CUP in the Commercial-Recreational Zone as well if animal related only.

The CUP requirement for multi-family development in the MF and MFBF zoning districts is a constraint to the development of that type of housing. To remove the constraint, the City will remove the CUP requirement for multi-family development in the MMC and allow multi-family development as a permitted use in those zoning districts as directed by Program 4.3.a.

Zoning for Lower-Income Housing

As shown in Table 7.4-3, the LCP and MMC provide for a variety of housing types including single-family homes, multi-family (both rental and condominiums), manufactured housing and second units. Low-income housing can be accommodated in all residential districts. Accessory dwelling units, which are a tool in facilitating affordable housing, are permitted by-right in all residential districts in accordance with State law.

Density, Units per Parcel, Floor Area and Lot Coverage Limitations. Pursuant to Assembly Bill 2348,[2] the "default density" for small Los Angeles County jurisdictions, including the City, is 20 dwelling units per acre[3]. The default density refers to the density at which low-income housing development is presumed to be feasible, although State law allows jurisdictions to propose alternative densities that are sufficient to facilitate affordable housing based on local experience and circumstances. The MFBF zone allows development of more than 20 units per acre. While the MFBF zone limits development to four units per parcel, this is not a constraint to development since there are no vacant parcels large enough to accommodate more than four units at the maximum allowable density.

Affordable Housing Overlay (AHO) Zone

In 2013 the City amended the General Plan, LCP and MMC to establish the AHO zone (Municipal Code Sec. 17.42.020(L)) allowing multi-family development at a minimum density of 20 units/acre and a maximum of 27 units/acre (which includes any density bonus) by-right when affordable housing is provided. This amendment also included revisions to development standards to facilitate such development, such as maximum building square footage and lot coverage. Maximum building height in the AHO is 28 feet. The City will revise the maximum height allowed in the AHO from 28 to 30 feet and remove the two-story limit, as directed by Program 4.3.d. Development on AHO sites must contain at least 16 units to qualify for the by-right requirement.

To obtain the by-right requirement on AHO sites, projects must include a minimum of percent of affordable units. Table 7.4-4 demonstrates the AHO sites and their affordability requirements.

Table 7.4-4 AHO District Sites

APN	Address	Affordability Requirement
4467-013-022	28517 Pacific Coast Highway and adjacent vacant lot	Units in excess of six dwelling units per acre shall be affordable to lower and moderate income households. A minimum of fifty (50) percent of all units in excess of the six units per acre shall be deed restricted ("restricted units") as very-low or low-income multifamily dwelling units.
4467-013-023		
4467-012-005	28401 Pacific Coast Highway	

The current minimum affordability requirement for sites located in the AHO is inconsistent with state law (California Government Code Section 65583.2 (c)), which requires a 20 percent minimum affordability requirement to achieve by right approval for sites identified in the prior housing elements. The development standards for the AHO zone should be revised to be independent of the density bonus. Program 3.1.e directs the City to amend the MMC and LIP to include a maximum density independent of the state density bonus. Additionally, Program 3.5.a will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while

[2] AB 2348 (Mullin) [Stats. 2004, ch. 724]
[3] Memo of June 9, 2005 from California Department of Housing and Community Development on AB 2348 of 2004. *Also available at* http://www.hcd.ca.gov/hpd/hrc/plan/he/ab2348stat04ch724.pdf

complying with the MMC and LIP, to be consistent with state law (Government Code Section 65583.2).

Special Needs Housing

Persons with special needs may include those in residential care facilities, persons with disabilities, the elderly, farm workers, or persons needing emergency shelter, transitional living arrangements, or single room occupancy units. Many of these groups also fall under the category of extremely-low-income households. The City's provisions for these housing types are discussed below.

Extremely Low-Income Households

Many of the persons and households discussed in this section under the topic of special needs fall within the *extremely-low-income* category, which is defined as 30% or less of area median income, or up to $37,850 per year for a four-person household in Los Angeles County (2023). [4]

A variety of City policies and programs described in the Housing Plan address the needs of extremely-low-income households, including persons with disabilities. However, it must be recognized that the development of new housing for the lowest income groups typically requires large public subsidies in addition to appropriate zoning and development standards.

Residential Care Facilities and Housing for Persons with Disabilities

Residential facilities refer to any family home, group care facility, or similar facility that provides non-medical care to persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.[5] *Health and Safety Code* §§1267.8 and 1566.3 require local governments to treat licensed group homes and residential facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the licensee, the licensee's family, or persons employed as facility staff. The City shall not require a conditional use permit, zoning variance, or other zoning clearance of a residential facility which serves six or fewer persons which is not required of a family dwelling of the same type in the same zone.[6]

Residential care facilities serving six or fewer persons are permitted by-right in all residential districts in conformance with State law. The MMC and the LIP allow residential care facilities serving seven or more persons in the CG zone with a CUP. Additionally, residential care facilities for the elderly (limited to operation by a non-profit only) are permitted in the CC, CV, CG, and I zones with a CUP. The requirements for large residential care facilities constrain development of housing for persons with disabilities. Through Housing Plan Program 2.4.b, the City will revise the MMC and LIP to allow licensed residential care facilities for seven or more persons similar to other residential uses of the same type in the same zone, with an administrative permit or without discretionary review, for persons of any age and allow operation by for-profit agencies as well as non-profit agencies The City will ensure that the findings of an administrative permit are based

[4] HCD 2023 State Income Limits
[5] California Health & Safety Code §1502.
[6] California Health & Safety Code §1566.3(c).

on objective standards that do not constrain development of large residential care facilities and provide certainty to applicants through the permitting process.[7]

The City's building codes require that new residential construction comply with the federal American with Disabilities Act (ADA). ADA provisions include requirements for a minimum percentage of units in new developments to be fully accessible to the physically disabled.

Compliance with building codes and the ADA may increase the cost of housing production and can also impact the viability of rehabilitation of older properties required to be brought up to current code standards. However, these regulations provide minimum standards that must be complied with in order to ensure the development of safe and accessible housing.

Definition of "Family". The Municipal Code defines *Family* as "one or more individuals occupying a dwelling unit and living as a single household." *Household* means a family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. These definitions are consistent with fair housing law.

Reasonable accommodation for persons with disabilities. In order to facilitate the processing of requests to reduce architectural obstacles for persons with disabilities, a Reasonable Accommodation Ordinance and associated amendments to the LCP and MMC have been adopted in compliance with State law (Municipal Code Chapter 17.63). The LCP under section LIP Chapter 13.30 includes provisions for reasonable accommodation requests to promote access to housing for persons with disabilities.

Reasonable accommodation requests are reviewed by the Planning Director or designee, if no approval is sought other than the request for reasonable accommodation. The Director may, in his or her discretion, refer applications that may have a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the planning commission for a decision. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application. The review and approval of reasonable accommodation requests are contingent upon the findings of other discretionary decisions.

Required findings for approval of a reasonable accommodation request listed in the MMC are as follows:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020I of this chapter.
2. The approved reasonable accommodation is necessary to make housing available to a person with a disability as defined in Section 17.63.020I of this chapter.
3. The approved reasonable accommodation would not impose an undue financial or administrative burden on the city.

[7] HCD 2022. Group Home Technical Advisory. https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf

4. The approved reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.
5. The approved reasonable accommodation would not adversely impact coastal resources.
6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

The criteria for approving reasonable accommodation requests as outlined in the LIP are consistent with those specified in the MCC, except for the fourth finding. The fourth finding in the LIP states "The approved reasonable accommodation would not require a fundamental alteration in the nature of the LCP". The required findings for reasonable accommodation listed in both the MCC and LIP, inclusive of the fourth finding in the LIP, are objective and not considered a constraint. However, the ability for the director, in their discretion, to refer applications that may have a material effect on surrounding properties is subjective and is a constraint. The City will implement Housing Plan Program 3.3.d to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, the City will clarify in the MMC and LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

Farmworker and Employee Housing

As discussed in Chapter 7.2 Housing Needs Assessment, the City of Malibu does not have major agricultural operations nor has it identified a need for permanent on-site farm worker housing. Under California Health and Safety Code 17021.5, any employee housing providing accommodation for six or fewer employees must be considered a single-family structure within a residential land use designation. California Health and Safety Code Sections 17021.5 and 17021.6 generally require agricultural employee housing to be permitted without a CUP in single-family zones for six or fewer persons and in agricultural zones with no more than 12 units or 36 beds. The MMC Section 17.40.140 Agriculture employee housing and the LIP allow farmworker housing in conformance with California Health and Safety Code Sections 17021.5 and 17021.6. Agricultural Employee housing is permitted in the CR and RR zones in accessory to commercial agricultural uses and shall provide no more than 36 beds in a group quarter or 12 units on an individual parcel. Permits for agriculture employee housing are obtained from the State Department of Housing and Community Development pursuant to the Employee Housing Act. Program 2.4.e directs the City to amend the LIP and MMC to comply with the state Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

Emergency Shelters, Transitional/Supportive Housing and Low Barrier Navigation Centers

Emergency shelters. Emergency shelters are facilities that provide a safe alternative to the streets, either through a shelter facility or through the use of motel vouchers. Emergency shelter is short-term, usually for 180 days or less. Transitional/supportive housing is longer-term housing, typically up to two years or more. Transitional housing typically requires that residents participate in a structured program to work toward established goals so that they can move on to permanent housing. Residents are often provided with supportive services to assist them in meeting goals.

Senate Bill (SB) 2 of 2007[8] strengthened the planning requirements for emergency shelters and transitional/supportive housing. Unless adequate capacity is available to serve the existing emergency shelter need, SB 2 requires that shelters be allowed "by-right" (i.e., without a conditional use permit or other discretionary approval) in at least one zoning district. In accordance with SB 2, in the LCP and MMC (Sec. 17.40.120) allow permanent emergency shelters by-right in the Commercial General (CG) and Institutional (I) zoning districts subject to appropriate development standards. The CG zoning district encompasses approximately 26 acres and the Institutional district encompasses approximately 208 acres (see Figure IV-1). Parcels in these districts range in size from 0.1 acre to 14 acres. The majority of CG parcels are located within the Civic Center area, in the middle of the city. Several of the parcels along Malibu Creek are vacant and tucked away from surrounding commercial and residential development. The Institutionally-zoned parcels are scattered throughout the city and although the majority of them contain existing development (fire stations, schools and churches), the parcel in the Civic Center that contains the court house is currently underdeveloped and could accommodate a shelter. There are no conditions adverse to human habitation in these areas.

Development standards for emergency shelters are as follows:

1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than two thousand (2,000) feet from a public transit stop.
2. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed twenty-five (25) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.
3. Facility Requirements.
    a. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.
    b. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

[8] Senate Bill 2 (Cedillo) [Stats. 2007, ch. 633 Section 1-3]

c. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

d. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

   i. Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

   ii. Dining area;

   iii. Laundry room;

   iv. Recreation room;

   v. Support services (e.g. training, counseling, etc.); and

   vi. Child care facilities.

4. Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.
5. Proximity to Other Shelters. No emergency shelter shall be located within three hundred (300) feet of another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.
6. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12) month period (Section 50801 of the Health and Safety Code).
7. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.
   a. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.
   b. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.
8. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

AB 139 (2019) revised State law regarding parking standards for emergency shelters. Program 2.4.c in the Housing Plan is included to address this requirement.

AB 2339 (2022) expanded the definition of "emergency shelters" to include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care. AB 2339 requires that jurisdictions identify zoning designations where emergency shelters are allowed to include sites that meet at least one of the following:

- Vacant and zoned for residential use.
- Vacant and zoned for nonresidential use and located near amenities and services for homeless individuals.
- Nonvacant and is suitable for use as a shelter in the current planning period.

Additionally, identified sites must permit residential and have a minimum area of 200 square feet per person to show that it may accommodate the number of people experiencing homelessness.

The 2024 Greater Los Angeles Homeless Count found that there were 51 people experiencing homelessness in Malibu.[9] Considering the requirements of AB 2339, Malibu must identify 10,200 square feet of land that is zoned to permit emergency shelters by-right, permits residential uses, and is located near amenities. The MMC requires a limit of 25 individuals per emergency shelter. Given the capacity limit, there must be at least three parcels that are appropriately zoned to meet the square footage requirements under AB 2339. As discussed above, Malibu permits emergency shelters by right in the CG zone which allows for various types of commercial uses as well as residential uses such as SROs and residential care facilities. Within the CG zone, there are 5 parcels within 0.5 miles of a bus stop and/or near amenities. Of the five parcels, two are vacant and government owned (APNs: 4458-020-904 and 4458-020-900). The parcels are 1.11 acres and 0.53 acres, respectively. The smaller parcel is currently being developed as a road and is not feasible for the development of an emergency shelter. Considering the square footage requirements of AB 2339, the larger parcel could accommodate at least 81 people but the City's capacity requirement limits capacity at this site to 25 individuals. Therefore, the City of Malibu does not meet its obligation under AB 2339.

The City will implement Program 2.4.c to revise the definition of emergency shelters and remove requirements such as location requirement for adequate water supply and sewage disposal capabilities, remove the requirement of proximity to a transit stop in order to remove constraints for emergency shelters, and revise emergency shelter standards to comply with AB 2339. The City will also remove or increase the individual capacity limit for emergency shelters to meet the space requirements of AB 2339.

Additionally, the City has released an RFP for outreach and community engagement related to City-owned sites, including APN 4458-020-904. The engagement will include proactive outreach to community organizations, residents, and other interested parties. The City plans to facilitate development on the sites via a land lease agreement and the sites would be considered exempt surplus land. If an organization is recruited to develop an emergency shelter, building permits could be issued prior to the end of this Housing Element cycle.

Transitional and supportive housing. SB 2 and SB 745 require that transitional and supportive housing be treated as a residential use subject to only those requirements that apply to other residential uses of the same type in the same zone.

In 2018, AB 2162 amended State law to require that supportive housing be a use by-right in zones where multi-family and mixed uses are permitted, including non-residential zones permitting multi-family uses, if the proposed housing development meets specified criteria. Program 2.4.a in the Housing Plan includes a commitment to allow transitional

[9] City of Malibu. 2024. https://www.malibucity.org/homelessness

and supportive housing as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone. In addition, no minimum parking can be required for supportive housing meeting the specific requirements outlined in AB 2162 and located within ½ mile from transit.

Low barrier navigation centers. In 2019 the State Legislature adopted AB 101 establishing requirements related to local regulation of *low barrier navigation centers*, which are defined as "Housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing." *Low barrier* means best practices to reduce barriers to entry, and may include, but is not limited to:

(1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth

(2) Accommodation of residents' pets

(3) The storage of possessions

(4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms

Low barrier navigation centers meeting specified standards must be allowed by-right in areas zoned for mixed use and in nonresidential zones permitting multi-family uses. Program 2.4.d in the Housing Policy Plan includes a commitment to process an amendment to the MMC and LIP in compliance with this requirement.

Single Room Occupancy

Single room occupancy (SRO) facilities are small studio-type units designed for extremely-low- and very-low-income persons. SRO facilities are permitted by-right in the CG zone subject to the following requirements:

- Minimum 150 sq. ft./maximum 400 sq. ft.
- Occupancy limited to 2 persons
- Laundry facilities must be provided on-site
- If bathroom facilities are not provided in each unit, common bathrooms must be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.
- If kitchen facilities are not provided in each unit, at least one common kitchen must be provided per floor.
- 24-hour on-site management

Parking Requirements

The City's parking requirements for residential uses vary by residence type. Single-family dwellings require two enclosed and two unenclosed spaces per unit. Multi-family dwellings require two enclosed or covered parking spaces per efficiency (studio) unit and three spaces per one- and two-bedroom units, two of which must be enclosed. One additional enclosed parking space is required for each additional bedroom above two.

One guest parking space is required for every four units. One off-street enclosed or unenclosed parking space is required for each ADU per the MMC and LCP. Unenclosed parking spaces may be provided in setback areas or as tandem parking.

Through the provisions of State density bonus law[10], senior housing and other affordable housing projects are eligible to request reduced parking standards. It is widely accepted that senior and lower-income households have fewer cars on average than higher-income households. In order to reduce potential constraints to affordable housing development, reduced parking standards are allowed for multi-family projects that provide affordable housing consistent with density bonus law. The parking requirements are summarized in Table 7.4-5.

According to the Terner Center for Housing Innovation at UC Berkeley, parking can cost $25,000 to $75,000 per space to construct.[11] Requiring fewer parking spaces not only reduces development project costs but can preserve land to build additional housing units. The current parking standards add to the cost of development of multi-family housing. However, the entire City is in a Very High Fire Hazard Severity Zone and many neighborhoods have streets that are only 20 feet wide and cannot accommodate on-street parking to provide access for emergency vehicles. Additionally, public transit is only available along the Pacific Coast Highway and is difficult to access for residents that live more than half a mile from Pacific Coast Highway. The minimum number of parking spaces required for residential developments and the requirement for enclosed or covered parking spaces add excessive cost of development of multi-family residences and limit available building space and therefore are a constraint. The City will implement Program 2.4.f to reduce the parking requirements for multi-family development for studio and one-bedroom units and 2 or more bedroom units and remove enclosure requirements.

[10] California *Government Code* Sections 65915-65918
[11] Terner Center for Housing Innovation at UC Berkeley, 2016. Available at: http://ternercenter2.berkeley.edu/proforma/

Table 7.4-5
Residential Parking Requirements

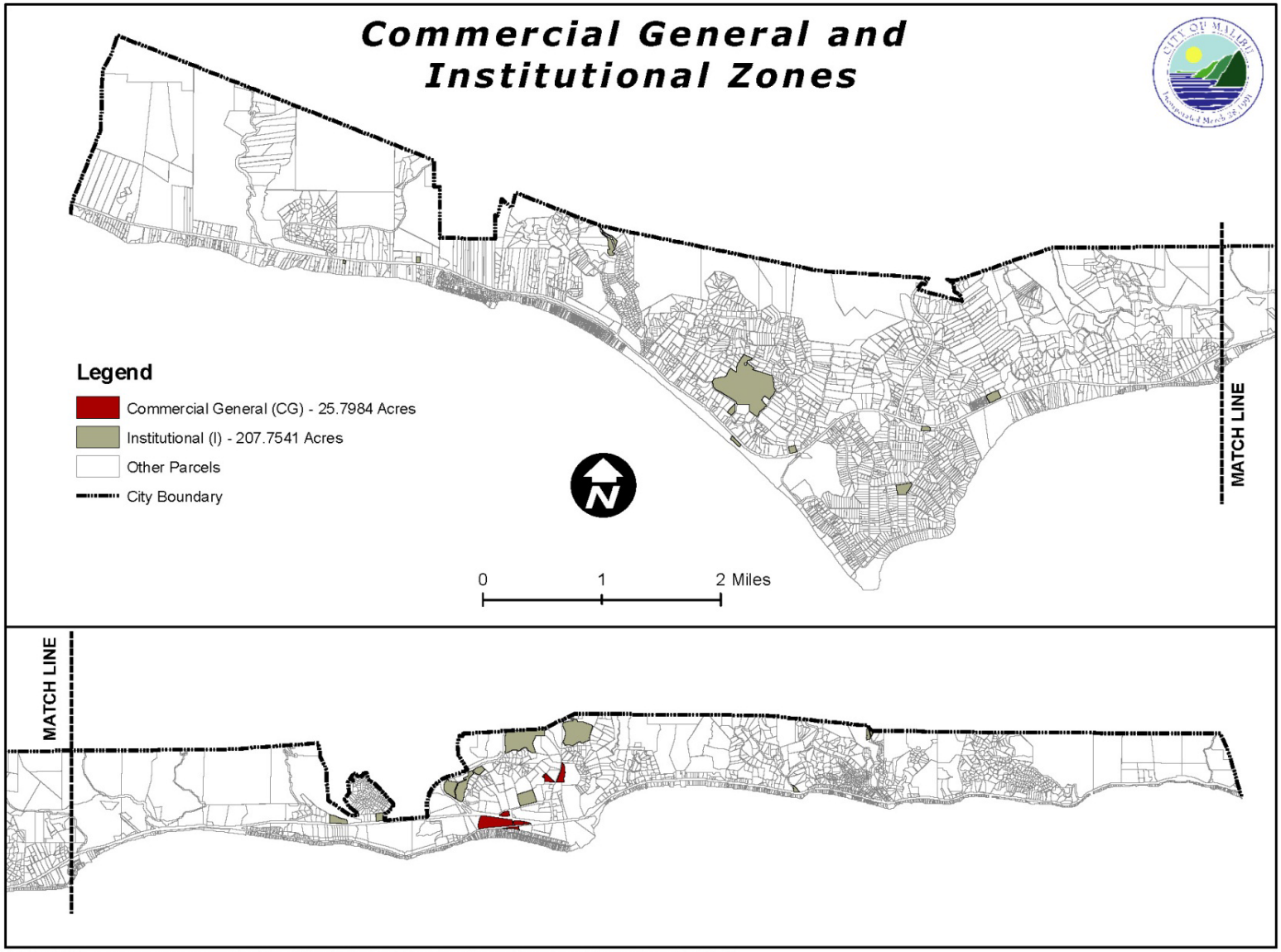
Unit Type	Minimum Parking Space Required
Single-family units	2 enclosed and 2 unenclosed spaces
Multi-family units (market rate)	
Efficiency dwelling unit	2 spaces either enclosed or covered
1-bedroom or 2-bedroom units	3 spaces, 2 of which shall be enclosed
3 or more bedroom units	4 spaces, 2 of which shall be enclosed plus one additional space for each additional bedroom above three (enclosed or covered)
Guest parking	1 space for each 4 units
Multi-family units (affordable)	
Efficiency dwelling unit or 1-bedroom unit	1 space per dwelling unit
2-bedroom or 3-bedroom units	2 spaces per dwelling unit, inclusive of guest parking
4-bedroom or more bedroom units	2 ½ spaces per dwelling unit
Guest parking	1 space for each 4 dwelling units
Other	
Single Room Occupancy	1 space for two units (inclusive of guest parking) and 2 spaces for the resident manager
Small residential care facility	2 enclosed and 2 unenclosed
Mobile Home parks	2 spaces per dwelling unit
Senior and or Disabled housing Mobile Home Parks	1 ½ spaces per dwelling (at least one space shall be provided adjacent to each mobile home space)

Source: Malibu LCP / MMC

Cumulative Impacts of Land Use Controls

While maximum heights for multi-family development allowed with approval of a SPR are sufficient to accommodate the maximum density of 6 units per acre, the maximum height allowance of 28 feet and two stories in the AHO is insufficient to accommodate the maximum density of 27 units per acre. Additionally, the required parking spaces per unit for market-rate housing is a constraint to multi-family development. The City will increase the maximum height and eliminate the story requirements for the AHO sites and reduce the parking requirements for market-rate multi-family development.

Figure 7.4-1
Commercial General and Institutional Zones



Note: This map was prepared by the City of Malibu Planning Department on November 14, 2011.

Accessory Dwelling Units

In response to State-mandated requirements and local needs, the City allows the development of second units, otherwise known as accessory dwelling units (ADUs), as a permitted accessory use (i.e., no discretionary approval required) in all residential zones. The City is preparing an ordinance to be consistent with the State laws, adopted in December 2023. In order for the ADU ordinance to take effect, the California Coastal Commission must certify the City's proposed LCP amendments.

ADUs serve to augment resources for senior housing or other low- and moderate-income segments of the population.

In recent years the State legislature has adopted several amendments to ADU law. Housing Plan Program 4.1 describes actions the City will take to encourage and facilitate the increased development of this type of housing.

Density Bonus

As part of the LCP, the City has adopted a residential Density Bonus Ordinance (LIP Section 3.7). Under the City's ordinance, a density increase of up to 35% over the otherwise maximum allowable residential density is available to developers who agree to construct housing developments with units affordable to low- or moderate-income households. The density bonus is applicable only to projects where the land use designations in the LCP allow development of at least five residential units on the property where the project is located. Additionally, the Density Bonus Ordinance requires that the project be consistent, to the maximum extent feasible and in a manner most protective of coastal resources. In recent years the State legislature has adopted amendments to density bonus law. Program 3.4 is included in the Housing Plan to process an amendment to City density bonus regulations in conformance with current State law.

Mobile Homes/Manufactured Housing

There is often an economy of scale in manufacturing homes in a plant, rather than on site, thereby reducing cost. State law precludes local governments from prohibiting the installation of mobile homes on permanent foundations on single-family lots. It also declares a mobile home park to be a permitted land use on any land planned and zoned for residential use, and prohibits requiring the average density in a new mobile home park to be less than that permitted by the LCP and MMC.

In the City, manufactured housing is allowed in all residential zones as a permitted use, provided the installation complies with the site development standards for the applicable zoning district. Mobile home parks, in existence as of City incorporation on March 28, 1991, are allowed as permitted use within the MH District. Modification to the number, layout, or density of mobile home spaces, or internal roads or parking areas requires a conditional use permit. The City currently has two mobile home parks, both located south of Pacific Coast Highway. The first is Paradise Cove Mobile Home Park (257 units), located just east of Point Dume and the second is the Point Dume Club Mobile Home Park (297 units), located just west of Point Dume.

The City's mobile home parks are its most significant source of affordable housing. Many mobile home park residents have limited or fixed incomes. The City has adopted mobile home park rent control regulations (MMC Chapter 5.16) to ensure that mobile homes continue to provide affordable housing opportunities. The development of mobile homes in the MH zone promotes the development of a variety of housing types in the City, and the development standards of this zone do not impose setback requirements or a maximum density.

Building Codes

State law prohibits the imposition of building standards that are not necessitated by local geographic, climatic, or topographic conditions and requires that local governments making changes or modifications in building standards must report such changes to the California Department of Housing and Community Development (HCD) and file an expressed finding that the change is needed.

The City has adopted the current (2022) Los Angeles County Building Codes, with all amendments which are based on the California Code.

As noted in Chapter III, the City has adopted the Local Energy Efficiency Standards Ordinance and the Landscape Water Conservation Ordinance. The energy ordinance preserves and enhances the environment, by setting forth minimum energy efficiency standards within the City for all new single-family dwellings, multi-family residential construction, nonresidential construction and substantial remodels. The City's ordinance includes measures which are more restrictive than the California Building Energy Efficiency Standards (Title 24). The water conservation ordinance applies to: 1) projects for a commercial, institutional, or multi-family use or a subdivision, any of which propose a new or altered landscape area, including public agency projects; and 2) projects for a single-family residential use proposing a new or altered landscape area of 2,500 square feet or more; in the case of a project associated with an existing single-family residence, the new or altered landscape area is subject to this Chapter when the landscape area is 5,000 square feet or more. The water conservation standards are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water efficient landscapes. Implementation of the two ordinances has begun. These standards may result in an incremental increase in development cost but are offset by water and energy savings throughout the life of the home.

Required compliance with building codes increases the cost of housing, but these requirements are mandated by State and Federal laws. Building codes are enforced by the City through plan check and inspection.

Transfer of Development Credit Program

For each new single-family residential parcel which is proposed to be created, an applicant must acquire one transfer of development credit (TDC). That is, the applicant must demonstrate that the development potential on the equivalent of one developable parcel has been extinguished. This is normally done by recording an offer to dedicate an open space easement over the subject property. The open space easement prohibits construction of a residence and most other types of development.

As implemented by the California Coastal Commission (CCC), the TDC Program in Malibu (LIP Chapter 7) is mandatory for applicants who propose to intensify land use through subdivisions or construction of condominiums or rental housing projects (except for qualifying affordable housing developments, which are exempt from TDC requirements). Any property owner may choose not to participate in the program by simply applying for a CDP for no more than one residential unit on each existing residential parcel.

The CCC has recognized several ways to "generate" a TDC (that is, to assemble the equivalent of one developable parcel which can then be restricted to open space). For instance, in a small-lot subdivision, a credit will be considered generated according to a formula which measures the buildability of the site. To qualify property as a TDC generator, site-specific soil studies, percolation tests, and the like are not typically performed, due to the often considerable expense which such tests involve. Instead, the formula is based on the criteria of slope, road access, and water service, which can be measured without undue expense to the property owner.

The number of small lots required to equal one TDC depends on the application of the formula to the lots in question: the more gentle the slope, the greater the credit value of the lots, since a more generous dwelling could be constructed. For example, one or more lots capable of supporting a small-to-medium sized dwelling (one with 1,500 square feet of floor space) are determined to generate one TDC.

Where small lots are less suited to development, TDCs may be generated based on their size rather than slope. Thus, the second way of generating a TDC would be based on 500 square feet of credit for each lot of at least 4,000 square feet of area; three such lots, generating 1,500 square feet of credit, are considered to generate one TDC.

A third way to generate TDCs, for lots smaller than 4,000 square feet, is to assign a value of one TDC for any combination of lots adding up to a total of one acre. The assumption here is that an acre of land, even if steep, can probably accommodate at least a small dwelling. Of course, if the property were determined to be completely unbuildable, no TDCs would be generated, since the whole point of the program is to avoid development that could otherwise occur.

However TDCs are generated, the mechanism by which development potential is extinguished is recordation of an offer to dedicate an open space easement. In general, the open space easement allows no development as defined by the Coastal Act, except for removal of vegetation that constitutes a fire hazard, installation of underground utility lines or septic systems, passive public recreational use, directional or no-trespassing signs, and fences which are necessary to protect natural resources and/or private property. Residential use, as a primary use, is not allowed, although some easements allow uses associated with a residence, such as corrals or decks. Such ancillary uses are appropriate where the underlying fee interest in the land is under the ownership of an adjacent homeowner who can assume the necessary responsibility for property taxes and weed abatement. In other instances, where other public land holdings are adjacent or nearby, fee ownership of the land is turned over to a public agency, such as the California Department of Parks and Recreation.

Existing regulations generally limit development in the MF and MFBF zones to one unit per existing parcel unless development credits are obtained. The developer of the recipient site must purchase development credits on a unit-for-unit basis to attain the maximum

density allowed in the MF and MFBF zones. LCP regulations specifically exempt low-income units from the requirement to purchase TDCs; therefore, this policy does not represent a constraint to the development of affordable housing.

Short-Term Rentals

Municipal Code Chapter 17.55 (Short-term Rental of Property) allows short-term rental of residential property subject to obtaining a short-term rental permit from the City. The City is currently working on a short-term rental ordinance that balances the need for overnight accommodations and the availability of long-term rental housing.

Inclusionary Housing Requirements

The City has no inclusionary housing requirements.

7.4.1(b) Development Processing Procedures

Residential Permit Processing/Coastal Development Permits

State planning and zoning laws provide permit processing requirements for residential development. Within the framework of State requirements, including the Coastal Act, the City has structured its development review process in order to minimize the time required to obtain permits, and ensure that projects receive careful review.

All residential development is reviewed by City staff for LCP/ MMC and Building Code compliance prior to the issuance of building permits. These reviews are conducted concurrently with the planning review process, which shortens the overall processing time:

City Biologist/Environmental Review Board: Biological review is required by the LCP if a project is near an environmentally sensitive habitat area (ESHA) or includes landscaping. The City Biologist reviews all new residential projects to determine whether they should be reviewed by the Environmental Review Board (ERB). The City Biologist's review typically takes three weeks. If the City Biologist determines that ERB review is required, then the process typically extends another several months. Additionally, the review process may be extended if the application includes the installation of 2,500 square feet of landscaping, as the project must be reviewed for conformance with the MMC Landscape Water Conservation Ordinance per State requirements.

City Coastal Engineer: The City Coastal Engineer reviews projects that are located along the coast and can be potentially affected by tidal forces. Although the requirement that the application include a wave uprush report pursuant to LCP requirements can extend the permit process, and thereby raise the cost of residential development, these reports are necessary to ensure public safety. On average, the Coastal Engineer will respond within one month of receiving submitted materials. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's consultant.

City Environmental Health Administrator: The City Environmental Health Administrator reviews the adequacy of on-site wastewater treatment systems (OWTS) for all those properties in the City that are not served by a wastewater treatment plant pursuant to LCP requirements. Review by the City Environmental Health Administrator is necessary because the City has no public sewer system except for a small portion of the City in the Civic Center area and approximately 84% of the dwelling units in the City have no access to a local/ neighborhood sewer system at this time. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's consultant.

City Geologist and City Geotechnical Engineer: Due to complex geologic and geotechnical conditions in the City, development is subject to review by the City Geologist and/or City Geotechnical Engineer. Although the requirement that the applicant submit geological and geotechnical reports can extend the permit process, and thereby raise the cost of residential development, these reports are necessary to ensure public safety and are required by State building codes. On average, the City Geologist and / or City Geotechnical Engineer will respond within one month of receiving submitted materials. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's geotechnical consultant.

City Public Works Department: The City's Public Works Department is responsible for reviewing projects that include grading, drainage, demolition and right-of-way improvements. On average, comments will be provided by the Public Works Department within one month of submittal. The entire review process varies greatly depending upon the complexity of the project and the promptness of the applicant's geotechnical consultant.

Additional reviews: Although additional reviews may not be required for all applications, reviews by the City Engineer, Los Angeles County Fire Department, Los Angeles County Waterworks District No. 29 (District 29), California Department of Fish and Wildlife, California State Lands Commission, and California Department of Transportation may be required so that appropriate conditions can be placed on projects. The amount of time required for review varies depending on the complexity of the project.

Administrative CDP applications are reviewed and decided upon by the Planning Director. All other CDPs are decided upon by the Planning Commission pursuant to Government Resource Code Section 30624. CDPs are subject to conditions to ensure conformance with the LCP. The following findings are required for CDPs:

A. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program; and
B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976.
C. The project is the least environmentally damaging alternative.

D. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

All residential projects require an Over-the-Counter (OC) permit, an Administrative Plan Review (APR), or a Coastal Development Permit (CDP). OC permits are issued for such projects as free-standing garden walls, on-grade patio slabs, interior remodels and other smaller residential improvements. APR permit-eligible projects include those that are exempt from requiring a CDP. A list of exemptions from a CDP are provided in LIP Section 13.4 and include improvements to single-family residences, such as the addition of garages, swimming pools, fences, storage sheds, certain types of landscaping, and a minimal amount of grading. Typically, projects located on beachfront properties do not qualify for an APR permit. A CDP is required for projects that are not exempt and ensures that development within the Coastal Zone (the entire City of Malibu) is consistent with the LCP, the California Coastal Act, and California Code of Regulations Title 14 Division 5.5. Other discretionary requests, such as a site plan review, minor modification, conditional use permit, string-line modification, or variance, are processed concurrently with an APR or a CDP. The CDP findings listed above are not subjective and are not a constraint to development. Moreover, the required discretionary review by the Planning Commission is necessary for compliance with the California Coastal Act.

Site Plan Review and Minor Modifications

1. A Site Plan Review (SPR) or Minor Modification (MM) may be processed concurrently with a CDP application to permit a deviation from standards required in the LCP. The following applications may be considered for SPR:
2. That the project is consistent with policies and provisions of the Malibu LCP.
3. That the project does not adversely affect neighborhood character.
4. That the project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.
5. The proposed project complies with all applicable requirements of state and local law.

An MM may be granted to authorize the following:

1. Reduce setback and open space requirement by no more than 20%, except that front yard setbacks may be reduced by no more than 50% and side setbacks shall not be reduced where part of a required view corridor.
2. Approve alternative to water saving fixture requirements upon the recommendation of the Building Official.
3. Approve a stringline modification request authorizing the use of an alternative stringline where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development. The modification can result in selecting a different stringline end point than the nearest adjacent corner on the closest upcoast or downcoast property, or selecting the stringline end point

on the next upcoast or downcoast property, which the Planning Manager has determined appropriate.

The following findings are required for the approval of an MM application:

1. That the project is consistent with the policies of the Malibu LCP.
2. That the project does not adversely affect neighborhood character.
3. The proposed project complies with all applicable requirements of state and local law.
4. If the request involves a stringline modification, that the proposal conforms to the following:
    a. The development will not be closer to the ocean than a structure of the same type on either adjacent property or a structure used in the stringline determination;
    b. The development will not result in conferring a privilege not enjoyed by an adjacent structure;
    c. Strict compliance with the requirements of Section 3.6.G (3) of the LIP would deprive the property owner of reasonable use of the structure or a use which is enjoyed by one or more adjacent structures; and
    d. The project provides maximum feasible protection to public access, as required by Chapter 12 of the LIP.

SPR and MM applications are reviewed concurrently with the CDP and do not prolong the application review process. However, the SPR and MM finding "That the project does not adversely affect neighborhood character" is subjective and considered a constraint to the application review process. The City will revise the SPR findings to remove the neighborhood character finding and establish strategies to protect scenic, visual, and hillside resources and promote approval certainty for proposed multi-family development with heights over 18 feet, as directed by Program 4.3.b.

The purpose of this notice requirement is to provide the agency with a final opportunity to hold a public hearing and make a decision. If the Permit Streamlining Act is invoked because the City does not act within the required timelines, the City could schedule a hearing within the timeline and act on the CDP application and the CDP can be appealed to the CCC. The City currently meets the timelines below and complies with the Permit Streamlining Act including streamlining determinate with 30-day CEQA determination:

A. 30 days to deem application complete/incomplete
B. 30-day period restarts with each resubmittal on an incomplete application.
C. 30 days to make environmental determination after an application is deemed complete
D. 60 days after the environmental determination, including a finding that the project is exempt from CEQA, the City must take action to approve or disapprove the project. Applicants can agree to an additional 90 days to take action.

SB 35

In the 5th Cycle Housing Element reporting period (2015-2023), the City of Malibu made insufficient progress toward their Lower Income RHNA (Very Low and Low Income) and is subject to SB 35 streamlining provisions for projects that include at least 50% affordability. SB 35 requires that eligible projects be reviewed for compliance and consistency with the City's objective standards and are not subject to discretionary processes, such as CEQA environmental review and public hearings. Eligible projects with 150 units or fewer must be approved within 90 days and projects with more than 150 units must be approved within 180 days.

Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions. A local government that has been designated as subject to the Streamlined Ministerial Approval Process by the Department shall provide information, in a manner readily accessible to the public, about the locality's process for applying and receiving ministerial approval, materials required for an application and relevant objective standards to be used to evaluate the application. A local government cannot impose application requirements that are more stringent than required for a final multifamily entitlement or standard design review in its jurisdiction.

Since 2018, no projects have been applied for or approved through SB 35 ministerial approval. In addition, AB 1397 requires that 5th cycle opportunity sites re-used in the 6th cycle and identified to accommodate lower income units (Very Low-Income and Low-Income) be subject to by-right approval if projects include 20% affordable units for lower income households on-site. Currently the City of Malibu does not have written procedures for SB 35 Streamlined Ministerial Approval Process. Malibu will develop written procedures for SB 35 as noted in Housing Plan Program 4.2.c.

Permit Processing Times

Processing times vary and depend on the size, complexity, and location of the project. APR projects are reviewed and approved by the Planning Director. CDPs are separated into two types – Administrative CDP (ACDP) and full CDP. Administrative CDPs are reviewed and approved by the Planning Director and reported to Planning Commission. A regular CDP requires a public hearing per LCP requirements and is approved by the Planning Commission. Some discretionary requests, such as conditional use permits and variances, require a public hearing before the Planning Commission. Projects that involve potential impacts to ESHAs may also be reviewed by the City's ERB prior to a decision by the Planning Director or Planning Commission. This process typically adds from one to two months to the permit process. The City does not require architectural review; however, the LCP requires a visual impact analysis through the installation of story poles for all projects that are visible from a scenic area or include a discretionary request unless waived by the Planning Manager.

Tentative parcel maps and tentative tract maps require approximately six to eight months to process and both are processed concurrently with a CDP. However, review time depends greatly on the promptness of the applicant. Projects reviewed by the Planning Commission and the City Council, such as amendments to the General Plan, LCP and MMC, typically add, at a minimum, six months to the process.

Certain steps of the development process are required by State rather than local laws. The State has defined processing deadlines to limit the amount of time needed for review of required reports and projects. In an effort to provide an efficient permit processing system, the City has implemented the following time- and cost-saving developmental processes:

- Prepared permit processing guidelines to assist residential builders in applying for development permits.
- Located all City divisions involved in the permitting process in one central location.
- Updated the referral process for projects requiring review by outside agencies, such as the County of Los Angeles Fire Department and Water District No. 29, to reduce confusion and burden on the applicant.
- Developed an "early consultation" pre-application process to identify issues as soon as possible and reduce processing time, if requested.
- Encouraged processing of one comprehensive project to avoid multiple applications on one property.
- Provided a GIS (Geographic Information System) application on the City's website with land use information and hyperlinks to important information, such as General Plan and Zoning Code documents.
- Allowed for planning-related inquiries to be addressed Mondays through Fridays at the public counter and through a Planning Department telephone and email hotline.
- Adopted a concurrent submittal program through which projects can be reviewed by the Planning Department and the Building Safety Division at the same time.

While the City has adopted procedures to minimize the review time for development applications, such as concurrent processing of all related applications, the additional complexity of Coastal Commission involvement and sensitive environmental conditions on nearly every site results in more lengthy processing times than is often the case in non-coastal areas. While lengthy review procedures can present a constraint to housing development and affordability, the City has few options for expediting permits that have not already been implemented or do not require significant financial investment.

The length of time between receiving approval for housing development and submittal of application for building permits varies based on several factors and typically ranges from two weeks to several months.

Table 7.4-6 summarizes the review process for single-family and multi-family projects.

Table 7.4-6
Permit Processing Steps

Single-Family Projects	Multi-Family Projects
Example: 5-lot subdivision with development	Example: 5-unit apartment building
1. Pre-application consultation-optional (staff) – 2 weeks	1. Pre-application consultation-optional (staff) – 2 weeks
2. Review application for completeness by all City and appropriate County agencies – 12 weeks	2. Determine if any affordable unit are to be incorporated and review Affordable Housing Density Bonus options as requested
3. Board hearing for the application (Subdivision Review Committee) – 4 weeks	3 Review application for completeness by all City agencies – 12 weeks
4. Tentative tract map/CDP approval (Planning Commission) – 4 weeks	4. CDP review (Planning Commission or Planning Director) – 4 weeks
5. Final map approval (City Council) – 6 weeks	5. Building plan check (ministerial) – 8 weeks
6. Building plan check (ministerial) – 8 weeks	6. Building permits (ministerial) – 1 week
7. Building permits (ministerial) – 1 week	
Total Time Estimated = 37 weeks (9.25 months) of active staff time	Total Time Estimated = 27 weeks (6.75 months) of active staff time

Source: City of Malibu Planning Department, 2021
Notes: Process assumes that the project is consistent with the General Plan and LCP and does not include time spent on redesign or waiting for response to comments.

Environmental Review

Environmental review is required for all development projects under the California Environmental Quality Act[12] (CEQA). The City reviews all applications for compliance with CEQA and ensures that environmental review is consistent with Public Resource Code sections 21080.1 and 21080.2. Once the application is deemed complete, staff recommends the appropriate level of environmental review within 30 days. An Environmental Impact Report (EIR) is required for all developments that have the potential of creating significant impacts that cannot be mitigated. Typically, residential projects in the City are either Categorically Exempt or require an Initial Study and Negative Declaration or Mitigated Negative Declaration under CEQA. Most applications for residential projects are single family dwellings that are categorically exempt pursuant to Section 15303(e) of CEQA. The Negative Declaration process typically takes six to eight weeks to prepare, plus the mandated public review period. Categorically Exempt developments, such as ADUs, require a minimal amount of time. As a result, while State-mandated environmental review can pose a constraint to housing development, the City does not have the authority to modify these requirements. Affordable housing development on the AHO sites would not be subject to CEQA if the project meets the requirements to develop by right and without discretionary approval.

[12] California Public Resources Code §21000, et seq.

7.4.1(c) Development Fees and Improvement Requirements

State law limits the amount of fees charged for development permit processing to the reasonable cost of providing the service for which the fee is charged. Various fees and assessments are charged by the City and other public agencies in order to cover the costs of processing permit applications and providing services and facilities such as schools, parks and infrastructure. Almost all of these fees are assessed through a pro rata share system, based on the magnitude of the project's impact or on the extent of the benefit that will be derived.

Table 7.4-7 provides a list of fees the City charges for new, standard residential development. Table 7.4-8 and Table 7.4-9 provide a summary of fees charged for a typical single-family and multi-family project. The rates charged by the City are inclusive and based on standardized unit sizes. Because of environmental and infrastructure constraints, residential development consists primarily of infill projects that do not involve LCP, MMC or General Plan amendments. Development fees will vary from project to project but are currently estimated to be approximately $41,215.25 per unit for single-family units and $29,991.40 per unit for multi-family units. In comparison, development fees for other coastal cities such as the City of Santa Monica are estimated to be approximately $35,870 per unit for single-family units and $124,588.59 per unit for multi-family units. The City of Manhattan Beach development fees are estimated to be about $26,980 per unit for single-family units and $97,793 per unit for multi-family units. The City of Malibu has higher fees for single family units but much lower multi-family unit fees than other similar coastal cities.

The City annually evaluates the actual cost of processing the development permits when revising its fee schedule.

After the passage of Proposition 13 and its limitation on local governments' property tax revenues, cities and counties have faced increasing difficulty in providing public services and facilities to serve their residents. One of the main consequences of Proposition 13 has been the shift in funding of new infrastructure from general tax revenues to development impact fees and improvement requirements on land developers. The City requires developers to provide on-site and off-site improvements necessary to serve their projects. Such improvements may include water and other utility extensions, street construction and traffic control device installation that are reasonably related to the project. Dedication of land or in-lieu fees may also be required of a project for improvements to the right-of-way, transit facilities, recreational facilities and school sites, consistent with the Subdivision Map Act[13].

[13] California Government Code §§66410-66499

Table 7.4-7 Planning and Development Fees

Fee Category	Fee
Planning and Application Fees	
Coastal Development Permit– New Single-Family Residence	$11,579
Coastal Development Permit– Subdivision and Parcel/Tract Map	$17,981
Coastal Development Permit - Multi-Family Attached Residential Development (2-4 Units)	$200 per hour
Minor Modification	$1,192
Site Plan Review for height/ others	$3,499/$2,981
Variance	$3,578
Conditional Use Permit (Major)	$4,652
Conditional Use Permit (Minor)	$1,988
General Plan Amendment	$200 per hour
Zoning Text Amendment	$200 per hour
Local Coastal Program Amendment	$200 per hour
Referral Fees	
Geology (Major)	$5,389
Coastal Engineering (standard project)	$1,876
City Biologist	$1,720
Environmental Health (Specialist Review)	$2,493
Public Works (CDP)	$254 per hour
Environmental Review	
Categorical Exemption	$75
Negative Declaration	$200 per hour
Negative Declaration - Mitigated	$200 per hour
Environmental Impact Report	Cost = 30%
Environmental Review Board Analysis	$3,181

Source: City of Malibu Planning Dept., 2023

Table 7.4-8
Planning and Development Fee Example
Single-Family Development

Fee Category	Fee (per unit)*
Planning and Development Fees	
Coastal Development Permit with ESHA	$11,579
Site Plan Review for height	$3,499
Geology	$5,389
City Biologist	$1,720
Environmental Health	$2,493
Public Works	$2,700
Environmental Review Board Analysis	$3,181
Categorical Exemption	$75
Impact Fees	
Fire protection fee - $0.1345 per square foot	$336.25
Park fee - $4,401 per single-family residence***	$4,968
School impact fee ($2.11/sq.ft.)	$5,275
Total per unit fees	$41,215.25
Estimated portion of total development cost**	3%

Source: City of Malibu Planning Dept., 2021

*Based on a 2,500-sq.ft. single-family house on a 1-acre lot

** Based on development cost of $1,200/sq.ft (excluding land cost)

*** Park fee is charged the first time the property is developed from vacant land, demolition of an existing structure does not trigger the requirement for payment

Table 7.4-9
Planning and Development Fee Example
Multi-Family Development

Fee Category	Fee (per unit)*
Per-unit Planning and Development Fees	
Multi-Family Residential Development	$200 per hour and $20,000 Deposit
Conditional Use Permit (Major)	$4,652
Site Plan Review for height	$3,499
Geology	$5,389
City Biologist	$1,720
Environmental Health	$2,493
Public Works	$2,700
Categorical Exemption	$75
Impact Fees	
Fire protection fee - $0.1345 per square foot	$161.40
Park fee	$3,938
School impact fee ($4.47/sq.ft.)	$5,364
Total per unit fees	29,991.40
Estimated portion of total development cost**	4%

Source: City of Malibu Planning Dept., 2021
*Based on a 3-unit project of 1,200-sq.ft. units on a 20,000-sq.ft. lot
**Based on development cost of $1,200/sq.ft (excluding land cost)

The City requires the payment of three impact fees prior to the issuance of building permits: the Los Angeles County Fire Department Developer Fee, the Santa Monica – Malibu Unified School District (SMMUSD) Developer Fee, and the Quimby Act/Parkland Development Fee. The Fire Department Developer Fee was initiated by the Los Angeles County Fire Department and is the same fee charged by most of the cities and in the unincorporated areas of the county surrounding the City of Malibu. The fee is necessary to assure adequate fire equipment and services are available as Malibu is designated as a Very High Fire Hazard Severity Zone. The fee is $0.1345 per square foot of new construction. The School District Developer Fee was initiated by the SMMUSD and is used to fund school improvements in the district. The fee is $4.47per habitable square foot of new residential (both single-family and multi-family) construction. The Quimby Act/ Parkland Development Fees are designed to ensure that new development meets local park space obligations. The Quimby Act fee is applied to new subdivisions while the Parkland Development Fee applies to new construction other than subdivisions. The Parkland Development Fees are $4,968 per single-family unit, $3,938 per unit in a multi-family project containing less than five dwelling units per building, and $3,159 per unit in a multi-family project containing five or more units per building. These fees are typical of other cities in environmentally constrained areas and are not considered to be a constraint to development.

On and Off-Site Improvements

Development and growth in the city are limited by geologic and environmental constraints, steep slopes, and dependence on private OWTS for wastewater management. Public Works facilities that exist in the city include roads and highways, public water and telephone utilities, and all publicly financed recreational facilities. Major capital improvement projects completed by the Department of Public Works in Malibu consist of road repairs, maintenance, and improvements.

The majority of new housing development that has occurred in the city during the previous housing cycle has been single-family homes on infill sites, including large rural estate parcels. These projects typically do not require off-site improvements and are summarized as follows:

- Streets, sidewalks, curbs and gutters, street signs, landscaping: Malibu's roadway infrastructure is built out with existing 20- to 26-foot-wide streets (in accordance with Los Angeles County Fire Department standards), street signs, and landscaping, and sidewalks, curbs and gutters in urban areas of the city, with few opportunities for subdivisions that would necessitate new streets. The City typically does not require off-site improvements to streets, sidewalks, curbs and gutters, street signs, and landscaping for new residential development. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites. Off-site improvements are limited to projects involving encroachment permits or the removal of private improvements within the public right of way.
- Water: Approximately 20 residential properties along Deerhead Road lack sufficient fire flow. Property owners are required to be added to a joint participation agreement to fund installation of a new fire hydrant. Aside from this area, no off-site water improvements are required. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.
- Sewer: No additional off-site sewer improvements are required for residential development, as almost all properties are served by on-site wastewater treatment systems. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.
- Drainage: The City's policies and development standards require minimizing impermeable surface area and providing on-site detention on properties to reduce off-site run-off, manage storm water, and protect water quality. Rarely, off-site storm drain improvements are required when the downstream storm drain conveyance devices are inadequate for a 25-year storm event. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.
- Park dedications: Parks are funded in part by park fees. No additional improvements to parks are required. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.

- Utility easements: Utility easements are previously established. No additional off-site utility easements are required. As such, no developer costs are incurred, including for multi-family residential development and future development on the AHO sites.

The City's roads are vulnerable to damage by winter storms, and considerable expense is required to keep the roads open. Local streets are defined in the General Plan Circulation Element as two-lane, undivided roadways with frequent driveway access and 48- to 58-foot rights-of-way, although many of the City's canyon access roads have narrower rights-of-way. To maintain the rural character of its residential areas, the General Plan does not require the use of curbs and sidewalks. Malibu's standards for local streets are modest when compared to more urbanized cities in Los Angeles County and do not act as a constraint to development.

The City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets, storm water and wastewater treatment facilities, parks, and other public works projects to facilitate the continued build-out forecast in the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development.

Improvements to street widths, curbs, gutters, sidewalks, water and sewer connections, landscaping, circulation improvement, and any other onsite/offsite improvement are generally not required by the City of Malibu and as such, do not pose constraint to development of housing. Although development fees and improvement requirements increase the cost of housing, cities have little choice in establishing such requirements due to the limitations on property taxes and other revenue sources needed to fund public services and improvements.

7.4.2 Non-Governmental Constraints

7.4.2(a) Environmental Constraints

Malibu is located on a narrow coastal strand on the southern slope of the Santa Monica Mountains, which are characterized by steep and rugged hillsides and canyons draining into the Pacific Ocean. More than 80% of Malibu is hillside area; the remaining relatively flat land is subject to ocean and/or canyon (creek) flooding, or other significant environmental constraints. Geologic and seismic hazards include landslides, soil erosion, mudflows, and liquefaction potential.

Additionally, the City is located in the Very High Fire Hazard Severity Zone, and the majority of the City has experienced major brush fires in recent decades. On November 8, 2018, the Woolsey Fire broke out in the Chatsworth area north of the 101 Freeway and reached Malibu on November 9, 2018. The Woolsey Fire was largest fire Los Angeles County history and the most disastrous event ever in Malibu. In one week, the fire burned approximately 90,000 acres throughout the Santa Monica Mountains area and destroyed 488 single-family homes in Malibu.

The City's environmental constraints are well documented in the General Plan. Since its incorporation in 1991, the City of Malibu has had six federally declared disasters and one federally declared emergency.

Although the City is characterized by a large amount of vacant land, only a small portion of that land is suitable for development due to these natural constraints. Development in steeply sloping properties would require substantial modification to the natural terrain, which would significantly add to the cost of development. Development on the steep hillsides would also add to erosion and landslide potential. Additionally, all new single-family residences and multi-family residential development in the City require a CDP pursuant to the development requirements of the LCP, which limit grading on steep slopes and encroachment into environmentally sensitive habitat areas (ESHAs). Development is also constrained by federal and state laws (e.g., Federal Emergency Management Agency floodplain regulations, Clean Water Act, Endangered Species Act; and California Fish and Game Code and Alquist-Priolo Earthquake Fault Zoning Act).

While environmental conditions constrain development throughout the city, these factors have been considered in the analysis of potential development sites described in Appendix B.

7.4.2(b) Infrastructure Constraints

Infrastructure in the City is designed to serve resident needs in a manner that respects environmental constraints and retains the City's rural residential character. As discussed previously under *Development Fees and Improvement Requirements*, the City requires developers to provide on-site and off-site improvements necessary to serve their projects. Dedication of land or in-lieu fees may also be required of a project for rights of way, transit facilities, recreational facilities, and school sites, consistent with the Subdivision Map Act.

Additionally, the City's Capital Improvement Program (CIP) contains a schedule of public improvements including streets, public structures, storm water conveyance and wastewater treatment facilities, parks and other public works projects to facilitate the continued build-out of the City's General Plan. The CIP helps to ensure that construction of public improvements is coordinated with private development. As a result of these policies, any infrastructure constraints that currently exist must be fully mitigated and financed as growth occurs. While on- and off-site improvements such as infrastructure requirements can add to the cost of housing, these improvements are necessary to ensure public health and safety and would not preclude the level of development that is necessary to accommodate the city's housing needs.

Wastewater

There is no municipal sewer service in the City. All properties in the City are currently served by individual on-site wastewater treatment systems (OWTS); with the exception of those properties served by six small, community-serving package wastewater treatment plants: Point Dume (serving the Point Dume Mobile Home Park), Trancas Canyon (serving Malibu West and a number of homes on Broad Beach Road and Victoria Point), Malibu Mesa (at Pepperdine University, serving the Malibu Country Estates), Tivoli Cove Condominiums, Maison de Ville (serving three condominium complexes) and the Civic Center Water Treatment Facility (CCWTF).

The California State Water Resources Regional Board prohibited on-site wastewater disposal systems (septic systems) in the Malibu Civic Center area in 2009. The City built a treatment plant to serve the Civic Area that went online in 2018. Existing commercial and residential properties connect to the treatment plant in phases. The properties within

Phase 1 of the Civic Center Water Treatment Facility are included in a special assessment district. Each property has its allocated wastewater amounts based on its usage. The amount of wastewater that can be generated from the property cannot be modified unless the City Council elects to approve the additional wastewater allocations. From that, the proposed development would be required to pay any additional fees and costs. The Public Works Department only requires wastewater off-site improvements for the Civic Center. Multi-family developments are required to build an on-site wastewater facility to serve the complex.

The lack of a municipal sewer system constrains the amount of development that the City can accommodate; however, the underlying constraint is the steep terrain that is better suited to onsite systems than a community sewer system. Additional high-density residential development to accommodate the City's assigned regional housing need would require either the construction of a municipal wastewater treatment system or small treatment plants to serve individual developments. Water Domestic water for City residents is supplied by District 29 from the Metropolitan Water District of Southern California (MWD), which supplies water through a 30-inch water main that runs along the Pacific Coast Highway with several distribution pipelines. If properties do not have adequate water pressure for fire flow to serve the property, then they are required to enter into a Participation Agreement with the Waterworks district. The necessary work required may include a variety of improvements such as adding a pressure pump to enlarging an existing pipe.

The MWD obtains its water from the State Water Project and the Colorado River. Wholesalers of water in the Malibu/Santa Monica Mountains areas are the Las Virgenes Municipal Water District and the West Basin Municipal Water District. These wholesalers distribute to three retailers, which include District 29, Silvas Park Mutual Water Company, and Las Virgenes Metro Water District. The MWD in its 2020 Urban Water Management Plan determined that it has supply capabilities sufficient to meet expected demands from 2025 through 2045 in normal and five-year drought conditions.[14] Therefore, there is sufficient existing and planned water capacity to accommodate the RHNA.

Many of the City's water mains and tanks have been identified by the City and by District 29 as severely undersized. However, for projects located in areas with limited to no service by District 29, property owners may install water tanks to serve the property's needs. Low water pressure has been reported in the low-density RR zone. However, the current water capacity can sufficiently accommodate the proposed RHNA sites. There is no evidence of low water pressure in the MF zone.

The Los Angeles County Fire Department (LACFD) has recently adopted new water supply requirements for the issuance of final approval. New construction projects will not receive final approval unless they can show adequate fire flow capacity. Furthermore, the Fire Department will no longer accept onsite water tanks to be used as a primary source of water for fire-fighting purposes. The problem with these new requirements is that the majority of remaining vacant properties in the City are located within the mountain canyons. These properties do not have ready access to water lines; therefore, they cannot prove adequate fire flow.

[14] MWD. 2020. https://www.mwdh2o.com/media/21641/2020-urban-water-management-plan-june-2021.pdf

The problem has been compounded by the aging water infrastructure in District 29. In many of the more remote areas of the City, there is no infrastructure. In the past, properties in these areas have relied upon wells and/or large water storage tanks to provide water in times of fire.

Currently, the LACFD will not issue final approval without District 29 sign-off and LACFD approval. The City is in negotiations with both departments but has not rectified the problems to date.

To offset infrastructure costs, the City will implement Program 3.1.f. to acquire funds to support the development of affordable housing.

Storm Water Drainage

The City has numerous streams and creeks that drain the hillsides and canyons. The majority of storm water runoff follows natural drainage courses to the ocean. The City has two storm water treatment projects to remove pollutants: Paradise Cove Storm Water Treatment Facility and the Civic Center Storm Water Treatment Facility, which is tied into Legacy Park. The LIP includes provisions to ensure development projects will not result an increase of storm water runoff. The City Public Works Department reviews hydrology reports for all new development to ensure compliance with storm water runoff provisions; therefore, with these existing facilities and review procedures in place, the City's flood control system is not expected to limit development during the planning period.

Roads

The Los Angeles County Fire Department reviews development projects for conformity to fire safety standards. LACFD requires developments to ensure that the onsite and offsite roadways meet maximum grade and minimum street width requirements. Streets that serve two or more homes must have a minimum street width of 26 feet to allow vehicles to park on the street and allow access for the Fire Department truck. Exceptions for width are allowed with Fire Official approval. Additionally, fire apparatus access roads shall not exceed 15% in grade with the exception for fire apparatus access roads that serve no more than two single-family dwellings which shall not exceed a maximum grade of 20% when approved by the fire code official.

Land and Construction Costs

Land represents one of the most significant components of the cost of new housing. Land values fluctuate with market conditions, and changes in land prices reflect the cyclical nature of the residential real estate market.

The natural resources, commitment to a rural character, and location of the City has made Malibu a very desirable place to live. Additionally, most of the buildable land in the City has already been developed. The high demand for housing in the City combined with a limited supply has made land prices considerably higher than in most other areas of Los Angeles County, and this trend is expected to continue in the foreseeable future. A recent survey of vacant land offered for sale found asking prices of approximately $100,000 to $15 million.

The cost of construction is affected by the price of materials and labor, development standards, and general market conditions. The City has no influence over the cost of

materials and labor, and the building codes and development standards are not substantially different than most other cities in the County. Construction costs for materials and labor in the City have increased at a higher pace than the general rate of inflation, according to the Construction Industry Research Board. The estimated residential construction cost in Malibu is $1,200 per square foot.

7.4.2(c) Cost and Availability of Financing

The crisis in the mortgage industry that accompanied the Great Recession affected the availability of real estate loans, although for those with excellent credit, mortgage interest rates are at historic lows. However, the changes in mortgage underwriting standards have had greater impacts on low-income families than other segments of the community.

Under State law, it is illegal for real estate lending institutions to discriminate against entire neighborhoods in lending practices because of the physical or economic conditions in the area ("redlining"). The City is not aware of any evidence that redlining is currently practiced in the City.

7.4.2(d) Developer Timing

As described above in section 7.3.1 (b), residential projects take an average of 27-37 weeks to process. After the entitlement is approved the plans must be approved by various departments through plan check then once approved the building permit may be issued. The average number of days from entitlement to building permit is about 1.5 years, based on a review of projects from the past 12 months. This includes an average of six months for the applicant to submit their plans to Building and Safety for plan check after the entitlement approval and an average of one year from plan check submittal to permit issuance.

As mentioned in the infrastructure and environmental sections, Malibu faces various non-governmental constraints such as lack of sewer infrastructure which requires the developer's engineer to design a septic system for each residential unit rather than just connecting to the sewer lines. Additionally, geotechnical issues such as steep slopes also add to the time it takes the developer and their team to design the plans to ensure that the steep slopes are graded safely to not cause environmental issues.

7.4.2(e) Ability to Develop at Density Potential

The City of Malibu is located entirely within the California coastal zone, and all development is subject to the LCP to preserve and protect sensitive coastal resources. The land use controls implemented through the LCP are typically more stringent than non-coastal cities and add to the cost and constrain the supply of housing within Malibu. However, LCPs are required for all jurisdictions within the California coastal zone and many of the policies included and the additional processes required may constrain development, but are necessary to comply with state requirements and protect coastal environmental conditions.

Most projects planned for development in Malibu, as noted in Table B-2 in Appendix B, Residential Land Inventory, are being developed at full density potential. The table demonstrates that almost all planned developments are single-family homes or ADUs in

single-family residential zones except for one duplex, mostly in the Rural Residential (RR) zone. No multifamily developments have been proposed within the past 10 years, which is largely driven by the market demand and developers choosing to develop single family homes rather than multi-family. The City will monitor, promote, and support higher density achievement through Program 3.1 – Facilitate Affordable Housing Development and Housing Assistance Opportunities and Program 3.4 – Density Bonus.

7.5 Housing Plan

7.5.1 Goals, Objectives, Policies, and Implementation Programs

This chapter outlines the City of Malibu's goals, policies and programs to encourage the provision of adequate housing to meet the needs of residents from all economic segments throughout the 2021-2029 planning period. The overriding housing goal of the City is:

GOAL: Adequate Housing for the Existing and Projected Needs of All Economic Segments of the Community

The City's policies and implementation programs designed to support this goal are organized into four general areas as described below.

1. Preserve, Conserve, and Improve the Existing Housing Stock

Policy 1.1 Ensure compliance with existing codes to protect health, safety and community sustainability

Policy 1.2 Assist property owners in repairing or rebuilding damaged or deteriorated housing units, especially affordable housing

Policy 1.3 Preserve existing mobile home parks as an important source of affordable housing

Policy 1.4 Conserve affordable housing in the Coastal Zone

Program 1.1 – Code Enforcement

For code violations in units that are occupied by lower-income persons or persons with special needs, the City will direct property owners and renters to programs that are available to provide assistance. Offer amnesty from code enforcement fines and legalization for existing housing units that violate City code where:

1) The unit is "livable" and meets basic health and safety requirements
2) The unit existed at the time of the City's incorporation; and
3) The unit is restricted for owner-occupancy or rental by low- or moderate-income persons at an affordable rate.

Responsible department:	Planning Department
Funding source:	General Fund; permit fees
Objective:	**1.1.a** Disseminate information to residents about code enforcement and amnesty information for the after-the-fact approvals of existing housing

units that may be able to meet building, health and safety standards.

- Maintain current information on the City's website about code enforcement and amnesty. Include information in a social media campaign on housing resources annually and provide handouts at public events, prioritizing outreach to eastern Malibu.

Timeframe: Update the City's website as needed throughout the planning period and conduct social media campaign on housing resources annually.

Geographic targeting: Citywide implementation but targeted to neighborhoods with a concentration of older or fire destroyed housing

Program 1.2 – Rebuilding Assistance

The City currently waives fees for fire rebuilds for all fire victims who were the primary property owners when the fire occurred. In September 2023, the City adopted a resolution to extend the fee waiver program for an additional three years. Eligible waived fees also include fees required for replacement or upgrade of onsite wastewater treatment systems (OWTS), damaged or destroyed accessory structures, hardscaping, and landscaping. The City will expedite permit processing and provide special assistance to homeowners seeking to repair or rebuild homes that have been lost or damaged in a fire, flood or other disaster, especially units that accommodate low- and moderate-Income households, elderly, disabled, large families, single heads of households, farm workers, individuals in need of emergency shelter, and other individuals or household types with special needs, unless those units are located in areas that are physically unsuitable for development. Fire rebuild projects have priority assignment and are assigned to a Fire Rebuild Team (two City staff members and a contract planner).

Responsible department:	Planning Department; Building & Safety Division
Funding source:	General Fund; Federal Emergency Management Agency (FEMA); Office of Emergency Services (OES)
Objective:	**1.2.a** Provide technical housing rebuild assistance to lost or damaged homes as needed. When an application is from a low- or moderate-income household and/or special housing needs households, the City shall prioritize that application for assistance and shall be assigned to a City staff member to coordinate all assistance needs.

Timeframe: Expedite permit processing for low and/or moderate-income households while the program is in effect.

1.2.b: As rebuilding assistance is made available, send email communications to non-profit groups that provide disaster relief such as Habitat for Humanity and Rebuilding Together to market funding availability to low-income and special needs households.

Timeframe: Email non-profit organizations on an as-needed basis throughout the planning period.

Geographic targeting: Citywide implementation but targeted to neighborhoods with a concentration of fire destroyed housing

Program 1.3 – Housing Rehabilitation Assistance

Provide rehabilitation assistance to existing housing units, prioritizing units that are occupied by, low--income households, elderly households, and/or disabled persons. As funding allows, the City will provide financial assistance for minor home repairs to address health and safety problems, correct code deficiencies, and improve the exterior appearance of homes to prevent housing stock loss and displacement. Priority will be given to housing units identified by Code Enforcement for health and safety violations. The City will also connect qualifying residents with state and regional programs designed to reduce household energy costs, particularly home weatherization programs geared toward lower-income households.

Responsible department:	Planning Department
Funding source:	Affordable Housing Trust Fund
Time frame:	Throughout the planning period
Objectives:	**1.3.a** Provide housing rehabilitation assistance, such as fee waivers, to lower-income, elderly, and/or disabled households. Assist at least four households with repairs made by 2026. Assess availability of AHTF and other resources to continue assistance post 2026.

Timeframe: Assist households by 2026.

1.3.b. Promote the City's housing rehabilitation assistance programs and disseminate information regarding preventative maintenance and energy conservation measures to eligible homeowners. Maintain current information on the City's website. Post information in a social media

campaign on housing resources annually and provide handouts at public events.

Timeframe: Update the website and social media posts annually.

Geographic targeting: Citywide

Program 1.4 – Preservation of Existing Mobile Home Parks

The City will maintain the Mobile Home Park Rent Control Regulations Ordinance that regulates maximum allowable rents and limits rent increases. Pursuant to the provisions of *Government Code* §65863.7, the City requires the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the park owners.

Responsible department: City Manager's Department; State of California

Funding source: General Fund; registration fees

Objectives:

1.4.a. Pursuant to the provisions of Government Code §65863.7, require the applicant to submit a report to the City detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the mobile home park owners. Ensure compliance with state regulations in the event of a park conversion.

- Preserve 541 mobile home units during the planning period.

1.4.b. City will assess implementation of MMC Chapter 5.16 regarding the Mobilehome Rent Park Control Ordinance and conduct outreach to mobile home park tenants.

- City to mail information to all mobile home park tenants to increase awareness of the Mobilehome Rent Park Control Ordinance by January 2025.

Timeframe: Mail information to mobile home park tenants by January 2025.

Geographic targeting: Mobile home parks

Program 1.5 Monitor Affordable Housing At Risk of Conversion to Market Rate

There are currently no affordable housing units located in the city and therefore there are no affordable units at risk of conversion to market rate housing. This program is intended to support the preservation or acquisition of any future restricted affordable units and unrestricted affordable units that could potentially convert to market-rate units during the planning period. The City will monitor any future affordable housing units and assist property owners in maintaining the affordability of these units and assist tenants if preservation is unsuccessful to prevent displacement.

Responsible department:	Planning Department
Funding source:	General Fund
Objectives:	**1.5.a.** In the event that an affordable housing unit is developed within the planning period, the City will monitor such units to ensure compliance with the most recent State affordable housing legislation, including rent-restricted ADUs and JADUs.
	1.5.b. In accordance with Government Code §65590, continue to require and annually monitor the replacement of low- or moderate-income units that have been removed from the coastal zone (either by demolition or conversion), whenever feasible.
	Timeframe: Monitor annually.
	Geographic targeting: Citywide

2. Provide Adequate Sites

Policy 2.1 Support a range of new housing development commensurate with the City's needs and consistent with environmental and public service limitations through all appropriate regulatory and administrative mechanisms

Program 2.1 – Adequate Sites to Accommodate Regional Fair Share of Housing Growth

The City was assigned a RHNA of 79 units for the 2021-2029 Housing Element planning period. After accounting for planned and approved projects and projected ADUs, the remaining RHNA units (31 lower-income and 16 moderate-income units) must be accommodated through adequate sites planning. The site inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Appendix B, *Residential land Inventory,* for more information). Future residential growth is

expected to occur on vacant and nonvacant parcels. No publicly owned properties are used to meet the RHNA.

Responsible Department:	Planning Department
Funding source:	General Fund
Objective:	**2.1.a.** Maintain an updated inventory of housing sites and actively promote sites available for lower- and moderate-income housing development to potential developers for the purpose of affordable housing development. Post information on the City's website and update at least once every six months. **Timeframe:** Publish the Sites Inventory on the City's website by January 2025 and update list of available sites annually. **2.1.b.** Maintain an updated list of residential housing developments that have been submitted, approved, and denied throughout the housing cycle. **Timeframe:** Through the Annual Progress Report (APR), publish list of developments by January 2025 and update annually. **2.1.c.** Maintain a list of publicly owned properties that have been designated surplus land with potential for residential development in accordance with AB1255 and AB 1486. • Publish a list of publicly owned sites that have been designated surplus land on the City's website by January 2025 in accordance with the Surplus Land Act. Conduct community outreach for development of these sites by January 2024. Facilitate development on the sites via a land lease agreement. **Timeframe:** Publish on the City's website by January 2025. **Geographic targeting**: Citywide

Program 2.2. Monitoring of No Net Loss

Government Code Section 65863, otherwise known as "No Net Loss", prevents the loss of existing housing and land available for future residential development by ensuring that cities and counties "identify and make available" additional adequate sites if a housing project is approved with fewer units by income category than what is identified in the Housing Element. In compliance with State law, the City will expand and improve upon the ongoing no net loss efforts to develop a procedure to track:

- Unit count and income/affordability assumed on parcels included in the sites inventory
- Actual number of units achieved and income/ affordability when parcels are developed
- Net change in capacity and summary of remaining capacity in meeting remaining RHNA

Unit count and income/affordability are identified in the Sites Inventory (see Appendix B).

Responsible Department:	Planning Department
Funding source:	General Fund
Objectives:	**2.2.a.** Monitor the development of vacant and nonvacant properties identified in the sites inventory and ensure that adequate sites are available to meet the remaining RHNA by income category; amend the sites inventory list and rezone additional properties as needed. If the City approves a project on the AHO sites that would result in a loss of existing housing and land available to accommodate the RHNA, the City will identify adequate sites to accommodate any shortfall and/or rezone additional sites to an appropriate density to accommodate lower and moderate-income households. **Timeframe:** Within 180 days of approval of a project that would result in a loss of existing housing and land available to accommodate the RHNA, the City will identify, or rezone, "sufficient additional, adequate, and available sites" to accommodate the remaining RHNA for each income category. **2.2b.** Maintain an updated inventory of residential housing developments that have been submitted, approved, and denied. **Timeframe:** Update the site inventory annually every July.

2.2c. Actively promote, through outreach and discussions, sites available for lower- and moderate-income housing development to potential developers, private and non-profit organizations, and other interested persons and organizations. (See 3.1.a)

Timeframe: Annually

Geographic targeting: Citywide

Program 2.3 Replacement Housing

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will amend the LIP and MMC to require the replacement of existing residential units on nonvacant RHNA sites as a condition of project approval for development. Specifically, sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households are subject to this requirement. Those units shall be replaced with units affordable to the same or lower-income level as a condition of any development on the site. Replacement requirements shall also be consistent with those set forth in the State Density Bonus Law.

Responsible Department: Planning Department

Funding source: General Fund

Objectives: **2.3.a.** Amend the LIP and MMC to establish the replacement requirements pursuant to AB 1397.

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

Geographic targeting: Citywide

Program 2.4 Support the Development of Variety of Housing Types

Government Code Sections 65583 and 65583.2 require the housing element to provide for a variety of housing types including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. Providing development opportunities for a variety of housing types promotes diversity in housing price, style, and size, and contributes to neighborhood stability by offering more affordable and move-up homes and accommodating a diverse income mix.

Responsible Department: Planning Department

Funding source: General Fund

Objectives:

2.4.a Amend the LIP and MMC to allow transitional and supportive housing in all zones allowing residential uses, including the CC zone, as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone. Amend the LIP and MMC to allow supportive housing by right (AB 2162).

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.b. Amend the LIP and MMC to allow residential care facilities for seven or more persons similar to other residential uses of the same type in the same zone, with an administrative permit or without discretionary review, for persons of any age and allow operation by for-profit agencies as well as non-profit agencies. The City will ensure that the findings of an administrative permit are based on objective standards that do not constrain development of large residential care facilities and provide certainty to applicants through the permitting process.

Timeframe: Complete the necessary code amendments by the end of 2025 and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

2.4.c. Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities for emergency shelters to meet the requirements of AB 2339. Remove any requirements that are not required for other residential uses in the same zone. Amend LIP and MMC parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code section 65583, subdivision (a)(4)(A).

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.d. Amend the LIP and MMC to comply Government Code section 65661 which requires a Low Barrier Navigation center to be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided specific requirements of the law are met.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.e. Amend LIP and MMC to comply with State Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

2.4.f. Amend the parking requirements for studios/1-bedroom and 2 or more-bedroom multi-family units to reduce the number required and remove the enclosure requirement.

Timeframe: Adopt zoning changes by October 14, 2024, and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

Geographic targeting: Citywide

3. Facilitation of Affordable Housing Development

Policy 3.1 The City shall facilitate the development of new housing for extremely low-, very low-, low-, and moderate-income households.

Policy 3.2 The City shall encourage homeownership and housing mobility options.

Policy 3.3. The City shall identify funding sources and strategies to support affordable housing.

Program 3.1. Facilitate Affordable Housing Development and Housing Assistance Opportunities

To accommodate lower-income housing, the MMC and LIP regulations established an Affordable Housing Overlay (AHO) allowing multi-family or mixed-use development by-right at a minimum density of 20 units per acre for projects that include affordable housing. To qualify for the increased density incentive, all "bonus" units (i.e., additional units allowed above the base density of 6 units per acre) must be deed-restricted for low- and moderate-income households for a minimum of 30 years at a ratio of 50% low- and 50% moderate-income. As an alternative, very low-income units may offset the requirement for low-income and moderate-income units[1]. Any developer utilizing these incentives shall be required to screen tenants or buyers for compliance with income limits and establish a monitoring system to ensure the unit's continued affordability. This program creates a strong incentive for affordable housing development because of the additional units allowed at 20 units per acre to the base density of 6 units per acre. The allowable density of 20 units per acre does not include the State-mandated density bonus, and it is anticipated that all projects utilizing this option will also qualify for a density bonus.

This program does not represent an "inclusionary" requirement because property owners who do not wish to take advantage of the density incentive would be allowed to develop market-rate housing at the allowable base density of 6 units per acre. Incentives and concessions for ELI units will include a variety of housing types such as SROs and supportive housing. Incentives may include priority processing, density bonus, modified development standards, administrative support with funding applications, and/or fee waivers or deferrals.

Responsible department:	Planning Department, Community Services Department
Funding source:	Affordable Housing Trust Fund; General Fund

[1] For example, a 20-unit qualifying project may provide 7 low-income units, 7 moderate-income units and 6 market-rate units; or as an alternative, 7 very-low-income units and 13 market-rate units.

Objectives:

3.1.a. Proactively promote affordable housing development on AHO sites. Prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. Proactively conduct outreach to qualified non-profit organizations to develop permanent supportive housing on AHO sites.

- Coordinate with potential developers at least once annually to provide information on density bonus, potential funding sources, and available incentives. Support the development of 47 lower-income units and 17 moderate-income units.

Timeframe: Annually.

3.1.b. Provide resources on the City's website for affordable housing developers. Information could include availability of state and federal funding, state and other local development incentives, and funding programs that provide financial assistance to develop affordable housing for special needs populations.

Timeframe: Annually.

3.1.c. Identify funding available through LACDA, HCD, and HUD and have a list of options available for interested developers and homeowners and post the list on the City's website by July 2025. Potential funding programs may include single- and multi-family affordable housing rehabilitation programs and homeownership programs administered by the California Housing Financing Agency (CHFA).

- Identify at least three different types of funding available through both State and Federal resources.

Timeframe: Identify at least three different types of funding and post on the City's website by July 2025 and monitor funding on an ongoing basis.

3.1.d. Promote the Housing Choice Voucher program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.

Timeframe: Establish a list of property owners and managers of multi-family units and ADUs and mail information about the Housing Choice Voucher program and state fair housing law regarding discrimination based on source of income by December 2025 and again by December 2027.

3.1.e. Amend the development standards of the Affordable Housing Overlay Zone as described in the MMC and LIP to include a maximum density independent of the state density bonus.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

3.1.f. Apply for state and federal grants, including the HCD Infill Infrastructure Grant Program, to support the development of affordable housing, including infrastructure improvements, housing for special needs, and support service projects.

Timeframe: Annually, through the budgetary process, allocate available funding to offset the cost of onsite infrastructure improvements to support affordable housing development, and apply for funding every other year.

Geographic targeting: Citywide

Program 3.2. Affordable Housing Development Incentives

Responsible department: Planning Department

Funding source: Affordable Housing Trust Fund

Objectives: **3.2.a.** Subject to funding availability, provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services.

Timeframe: Annually, through the budgetary process, allocate available funding to support affordable housing development.

Geographic targeting: AHO sites

Program 3.3. Housing for Persons with Special Needs

The MMC is periodically updated to address a wide range of issues and California and federal law. The City will monitor its policies, standards, and regulations to ensure that they comply with applicable law. The City will also facilitate development that serves the needs of special needs populations, including seniors, homeless, female-headed households, large families, and persons with disabilities, including developmental disabilities.

Responsible department: Planning Department

Funding source: Affordable Housing Trust Fund

Objectives:

3.3.a. Prioritize AHTF assistance to nonprofit developers for affordable housing projects that provide units that serve the needs of at least one special needs group by creating scoring criteria that encourage the inclusion of units and services needed to support individuals with special needs.

- Subject to the availability of funds, support at least one affordable housing project during the planning period.

Timeframe: Ongoing.

3.3.b. Support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices.

- Allocate $127,500 in FY 2023-24 to the Ventura Transit Systems for Dial-A-Ride services to seniors (60 years and older) and disabled residents. Annually consider allocations and continue the service throughout the planning period as funding allows.
- Organize a senior resource fair at least once annually that promotes housing and transportation services available to seniors, including the Dial-A-Ride service.
- Provide informational lectures on housing resources at the Senior Center including the application process and funding options for assisted living.

- Promote shared housing programs such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners. Post information on shared housing programs on the City's website by June 2025 and invite the ALA and/or similar organizations to attend the City's senior resource fair as a vendor.

Timeframe: Provide services throughout the planning period. Post information on shared housing programs on the City's website by June 2025. Invite ALA and/or similar organization to senior resources fair annually.

3.3.c. Facilitate the City's Homelessness Task Force and provide funding to the City's Outreach Team and Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County. Annually report the outcomes and effectiveness of the City's Outreach team and review annually at City Council.

Timeframe: Subject to available funding, review the City's Outreach Team program annually and implement recommended changes within six months of review.

3.3.d. Amend the MMC and the Local Implementation Plan (LIP) to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, clarify in the MMC and LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

Timeframe: Amend the MMC and LIP by June 2025.

- Program 3.4 Density Bonus

State law requires cities to allow an increase in residential density and other incentives when developments provide affordable or senior housing. Recent state legislation has amended density bonus requirements. MMC Section 17.41.1 (Affordable Housing) and LIP Section 3.7.1. establish City standards and procedures to implement State density bonus law. The City will amend density bonus regulations in conformance with current state law and will continue to monitor up and coming density bonus legislation. In addition, the City will promote the use of density bonuses to facilitate production of affordable and senior housing.

Responsible department: Planning Department

Funding source: General Fund

Objectives:

3.4.a. Amend City density bonus regulations consistent with state law (Government Code §65915 et seq.).

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

3.4.b. Inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential.

- Communicate with at least two different affordable housing developers annually informing them about the City's density bonus program.

Timeframe: Inform housing developers on an annual basis throughout the planning period

3.4.c. Provide technical assistance to developers on how to use the Density Bonus incentives.

Timeframe: Maintain current information on the City's website. Refresh annually. Publish an informational bulletin for developers on the City's density bonus program by June 2025. Review annually and edit to include new information as necessary.

Geographic targeting: Citywide

Program 3.5 By-Right Approval

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower income RHNA are subject to by-right approval without discretionary actions and exempt from CEQA and subject only to design review based on objective standards when a project includes 20 percent of the units affordable to lower-income households.

Reuse Sites (No Rezoning Required):

- Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and
- Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower income RHNA.

The AHO parcels included in the Sites Inventory are subject to the by-right approval requirements of Government Code section 65583.2. The AHO designation on these parcels already allows by-right approval by the City with a certain threshold of units affordable to lower-income households. The City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while complying with the MMC and LIP.

Responsible department:	Planning Department
Funding source:	General Fund
Objectives:	3.5.a. Adopt a procedure Modify existing threshold requirements to implement the by-right approval requirement without discretionary review for 20 percent affordability to lower-income households for the AHO parcels in the Sites Inventory concurrent with readoption of the Housing Element and pursue LIP amendment, if necessary, to be consistent with state law (Government Code Section 65583.2). Timeframe: By-right approval requirement will be effective immediately upon adoption of the Housing Element. **Geographic targeting**: AHO parcels

4. Remove Constraints to Housing Development

Policy 4.1 Remove regulatory barriers to housing for all residents, including those with special needs.

Program 4.1. Support Development of Accessory Dwelling Units

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) can provide affordable housing options for lower- and moderate-income households. The State has passed multiple bills in recent years to remove constraints to the development of ADUs and JADUs (including AB 587, AB 671, AB 68, and SB 13, among others). The City adopted an ADU ordinance on January 8, 2024 and submitted the ordinance to HCD on February 1, 2024 and the California Coastal Commission on March 6, 2024. Upon HCD's review, if necessary, amend the ordinance to address HCD comments within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later, and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption. The City will monitor ADU development trends and new legislation to update the MMC to comply with changes in ADU and JADU law.

Responsible department:	Planning Department, Building Safety
Funding source:	General Fund
Objectives:	**4.1.a.** Pursue mechanisms to facilitate the construction of at least 28 ADUs by the end of the planning period, including but not limited to: • Create pre-approved standards for ADU foundation plans or prefabricated plans. • Refer property owners to programs that assist lower and moderate-income homeowners in constructing ADUs. • Expand or extend fee waivers for ADUs beyond state law. **Timeframe:** Apply for funding to create pre-approved plans by June 2025. Publish pre-approved plans for ADUs by December 2026. **4.1.b.** Review ADU trends and commit to adjustments if the City is not on track to meet target development. If the City is not meeting ADU goals, implement additional action(s) depending on the severity of the gap, including increased public outreach efforts to increase ADU development.

Timeframe: Review ADU trends every two years starting in 2025 and as needed, implement additional incentives and public outreach strategies within one year of review, and if necessary, pursue other strategies to meet the RHNA, including rezone of sites.

4.1.c. Publish resources on City's website on building ADUs and JADUs.

Timeframe: Publish material on the City's website by January 2026.

4.1.d. Create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines.

Timeframe: Adopt an ADU Amnesty Program Ordinance by 2028.

4.1.e. As needed, update the ADU ordinance to be in compliance with state law.

Timeframe: Update the ADU ordinance in MMC within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later, and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

4.1.f. Allow up to two JADUs per single-family lot. At least one JADU must be rent restricted to lower or moderate-income households.

Timeframe: Update the ADU ordinance in MMC within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later, and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

Geographic targeting: Citywide

Program 4.2. Expedite the Project Review Process

The City will continue to expedite the project review process to support residential development.

4.2.a. Continue Pre-Design Review for project applicants to serve as a cost-effective alternative to a first submittal, and to evaluate major costs or issues with the proposed development.

Timeframe: Continue Pre-Design Review process.

4.2.b. Identify new or improved data and technology solutions to support faster development project review and greater access to housing and land use information such as online dashboards and other publicly accessible online resources.

Timeframe: Monitor additional, more effective methods for project review on an annual basis.

4.2.c. Develop written procedures for SB 35 Streamlined Ministerial Approval Process.

Timeframe: Develop written procedures for SB 35 Streamlined Ministerial Approval Process by January 2025.

Geographic targeting: Citywide

Program 4.3. Remove Regulatory Constraints to Housing Development

The City will remove regulatory constraints to support residential development.

4.3.a. Remove the CUP requirement for multi-family development in the MF and MFBF zoning districts and allow multi-family development as a permitted use in those zoning districts.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

4.3.b. Ensure approval certainty for proposed multi-family developments with heights over 18 feet while establishing strategies to protect scenic, visual, and hillside resources. Develop pre-application materials, handouts, and other resources and revise the Site Plan Review finding, "that the project does not adversely affect neighborhood character" to establish objective findings .

Timeframe: Complete the necessary code amendments by the end of 2025 and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption.

4.3.c. Clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

4.3.d. For Affordable Housing Development in the AHO, as defined in LIP, allow a maximum height of 30 feet and remove the two-story limit to accommodate a density of 27 dwelling units/acre .

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

4.3.e. For multi-family development, allow alternatives to story poles, such as photo simulations , for development subject to story pole requirements under Chapter 6 of the LIP.

Timeframe: Adopt zoning changes by October 14, 2024 and transmit adopted LCP amendments to the California Coastal Commission by October 21, 2024.

Geographic targeting: Citywide

5. Housing Opportunities For All (Fair Housing)

Policy 5.1 Promote fair housing services.

Policy 5.2 Provide referral information to persons in need of housing assistance.

Policy 5.3 Provide opportunities for housing choice and housing mobility.

Program 5.1 – Affirmatively Furthering Fair Housing and Fair Housing Services

AB 686 (2017, Santiago) requires each local government to administer its programs and activities related to housing in a manner that affirmatively furthers fair housing. The City will take actions to overcome patterns of segregation, address disparities in housing needs and access to opportunity, and foster inclusive communities.

The City will advertise fair housing services through placement of fair housing service brochures at the public counter, through the City's newsletter, and on the City website. The City will conduct outreach to property owners and managers to provide current information about fair housing issues, rights, and responsibilities. Additionally, the City will require proactive outreach to a diverse population for affordable housing developments, especially to workers in the city who do not live in the city, to provide housing choice and housing mobility opportunities.

Responsible department: Planning Department

Funding source: General Fund

Objectives:

5.1.a. Promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling, mediation, and testing. Advertise available fair housing services.

Timeframe: At least once annually starting in 2025, provide information on fair housing services available to Malibu residents and property owners via the City's social media, flyers at the planning counter and at community locations, and/or posting in the local newspaper. When possible, provide information in English and Spanish.

5.1.b. Provide informative materials on fair housing resources with ADU applications.

Timeframe: Provide materials with ADU applications by December 2025.

5.1.c. Enter into a contract with HRC or other fair housing service providers to host an annual fair housing workshop to educate residents and landlords on fair housing laws, HCVs and housing rights and resources.

Timeframe: Once annually starting in 2025, partner with HRC, or other fair housing service providers, to host a fair housing workshop.

5.1.d In collaboration with the Housing Authority, provide education to property owners and managers to expand awareness of the HCV program to increase acceptance of tenant-based HCVs and to facilitate mobility and provide choices for lower-income households throughout the city. Identify and address challenges that property owners/managers have with existing or prospective HCV holders.

Timeframe: Starting in 2025, annually conduct one workshop for landlords on the HCV program, for a total of seven workshops during the planning period, targeting property owners/managers in eastern Malibu.

Geographic targeting: Citywide

Program 5.2 Fair Housing Community Outreach

The goal of this program is to increase access to housing in Malibu for lower-income and special housing needs residents and provide opportunities for housing choice and mobility.

Responsible department: Planning Department

Funding source: General Fund, Affordable Housing Trust Fund

5.2.a. Require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population, extending outreach to nearby communities in Los Angeles County and Ventura County, especially to workers in the city who do not live in the city. These affirmative marketing materials will include contact information for housing service providers (such as the home share programs) and non-profit housing organizations that serve lower-income tenants in the surrounding region.

- By January 2025, require implementation of an Affirmative Fair Marketing Plan.

Timeframe: As affordable units are being created.

5.2.b Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.

Create a Housing Resources page on the City's website to disseminate informational materials to residents on affordable housing and financial resources including links to the HCV program resources through Los Angeles County Development Authority, Mortgage Credit Certificate through the Golden State Finance

Authority, and the California Homeownership Downpayment Assistance Program through the California Housing Finance Agency.

Timeframe: Create webpage by January 2025.

5.2.c. Subject to available funding, offer grants of up to $10,000 per applicant from the Affordable Housing Trust Fund to construct ADUs that are rent-restricted to lower-income households (using County AMI thresholds).

- By January 2025, implement grant program for rent-restricted ADUs.
- By June 2025, promote the grant opportunity on the City's website.

Timeframe: Provide one grant by the end of the planning period.

Geographic targeting: Citywide

7.5.2 Quantified Objectives

The City's quantified objectives for new construction, housing mobility and rehabilitation, and conservation are presented in Table 7.5-1. It must be recognized, however, that many factors and constraints outside the City's control may Influence its ability to achieve these objectives. These estimates represent the City's best effort to quantify potential results.

Table 7.5-1
Quantified Objectives 2021-2029

Category	Income Level					
	Ex. Low	V. Low	Low	Mod	Above Mod.	Totals
New Construction*	14	14	19	17	15	79
Housing Mobility and Rehabilitation Programs: • 1.3 Support housing rehabilitation for lower- and moderate-income households • 3.1 Facilitate affordable housing assistance • Program 3.3. Housing for Persons with Special Needs • 4.1 Support ADUs and allow two JADUs per single-family lot • 5.2 Promote Affirmative housing marketing plan, promote housing resources, and support rent-restricted ADUs	5	5	20	13	12	55
Conservation**	541					541

*Quantified objective for new construction is for the period 6/30/2021 to 10/15/2029 per the RHNA

**Existing mobile homes

Appendix A – Evaluation of the Previous Housing Element

Section 65588(a) of the *Government Code* requires that jurisdictions evaluate the effectiveness of the existing Housing Element, the appropriateness of goals, objectives and policies, and the progress in implementing programs for the previous planning period. This appendix contains a review of the housing goals, policies, and programs of the previous housing element, and evaluates the degree to which these programs have been implemented during the previous planning period, 2013 through 2021. The findings from this evaluation have been informative in determining the City's 2013-2021 Housing Plan.

Table A-1 summarizes the programs contained in the previous Housing Element, along with the City's accomplishments, and implications for future policies and actions.

Table A-2 summarizes progress compared to the quantified objectives of the previous Housing Element period.

Overview of Accomplishments

During the 5th cycle Housing Element Planning Period (2013-2021), the City implemented numerous programs to support market-rate and affordable housing production, preservation of existing housing stock, and rental housing assistance. A full list of programs in the 5th cycle Housing Element is included in Table A-1. Most notably, the City accomplished the following housing-related activities:

- Rebuilding Assistance: Program 1.2 provides rebuilding assistance to expedite repairs or rebuilding for homes that have been lost or damaged in a fire. The City amended the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP) in 2019 to expedite permit processing for those seeking to repair or rebuild homes that have been affected by the Woolsey Fire and/or related flooding and debris flow. During the 5th cycle planning period, 80 units were rebuilt after being destroyed or damaged by the Woolsey Fire, including 62 single-family homes and ~~12~~ 18 multifamily units. Additionally, in 2021, the City was awarded $15,803,348 in federal HUD Disaster Recovery funds (CDBG-DR) available through the Housing and Community Development (HCD) Disaster Recovery-Multifamily Housing Program in response to the 2018 Woolsey Fire. To date, no developers have applied to utilize the funds.
- Affordable Housing Development: The City created an Affordable Housing Overlay (AHO) District on three sites to facilitate the development of affordable housing. LCP and MMC amendments for the AHO District were certified in 2019. The overlay establishes development standards within the Coastal Zone that comply with state standards for affordable housing. The amendments also allow preservation of housing for all income-levels. The City will support affordable housing development on these sites as outlined in Chapter 7.4, Housing Plan.
- Short-Term Rental Regulations: A Short-Term Rental Ordinance was adopted in 2020 to encourage homes to be used for permanent residential use and reduce conversion of units into short-term rentals. The Short-Term Rental Ordinance created a new short-term rental permit system to regulate the short-term rental of residential property and went into effect January 15, 2021.

- Housing Development: While the City did not construct any very low- and low-income units and did not meet the 5th cycle RHNA objective of two units, the City did permit 115 units of above-moderate income housing units, including 87 single-family homes, eight multi-family units, and 20 accessory dwelling units (ADUs).[1]
- Accessory Dwelling Units: The City successfully applied for a Local Early Action Planning (LEAP) grant to support the preparation of an ADU ordinance and ADU processing. The City is currently preparing an ADU ordinance that will streamline the process for creating new ADUs and promote their development. During the 5th cycle planning period, building permits for 20 ADUs were issued.[2]
- Homeless Services – The City helped fund a permanent office for the Malibu Community Labor Exchange (MCLE) to assist people with finding employment, including for people experiencing homelessness. The City also hired a Housing Navigator to assist homeless individuals, and two additional outreach workers to locate, engage, and assist people experiencing homelessness with housing and support services. The outreach team successfully moved 33 homeless residents into permanent housing and 15 individuals into interim housing.

Effectiveness of Addressing Special Needs

Special needs communities are demographic or occupational groups that call for specific program responses to address unique housing needs. State law specifically requires analysis of the special housing needs of people who are elderly or disabled (including developmental disabilities), female-headed households, large households, farmworkers, and people experiencing homelessness. These special-needs groups often spend a disproportionate amount of their income to secure safe and decent housing and are sometimes subject to discrimination based on their specific needs or circumstances.

The 5th cycle Housing Element addressed special needs populations through Program 1.2: *Rebuilding Assistance* and Program 3.2: *Provide Financial Support and Referral Information to Persons in Need of Assistance*. Program 1.2 prioritizes rehabilitation assistance for special needs persons, and Program 3.2 aims to provide grant funding and programs for special needs populations. During the 5th cycle planning period, the City took the following actions to address resources for special needs:

- The City utilized $15,000 in CDBG funds as part of the Urban County Entitlement Program for the MCLE and authorized the use of $98,000 in CDBG funds for a permanent trailer for the MCLE. The MCLE provides day labor job connections, including for homeless people.
- In January 2019, the City was awarded $76,660 from the Los Angeles County Homeless Initiative to fund a pilot project expanding housing services for the homeless population in Malibu. Specifically, a grant fund of $355,000 between 2020 and 2021 were used to fund a Housing Navigator position for 18 months through The People Concern. The Housing Navigator helped with placement in permanent housing. The City will continue this program in the 6th housing cycle.

[1] HCD. Housing Element Implementation and APR Dashboard. https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard, accessed August, 2023
[2] HCD. Housing Element Implementation and APR Dashboard. https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard, accessed August, 2023

- In 2016, the City issued a grant of $38,000 to the Malibu Task Force on Homelessness (MTFH), an independent organization of community volunteers, to help fund a pilot project to bring professional services to Malibu's homeless population. MTFH entered into an agreement with The People Concern to bring two full-time outreach workers to Malibu daily in order to locate, engage, and build relationships with homeless individuals. They then connected the individuals with a fully-integrated system of care – including mental and medical health care, substance abuse services, and permanent supportive housing – provided by The People Concern and tailored to the unique needs of each individual. During the 5th cycle Housing Element, the outreach team successfully moved 72 homeless residents into permanent housing. An additional 15 individuals are currently in interim housing. Since the program began, more than 30 of the outreach team's clients received or were approved for housing vouchers, putting them on the path to permanent housing.
- The City secured a $50,000 grant in October 2017 from Los Angeles County to help fund the development of a Homelessness Strategic Plan. The goals of the Homelessness Strategic Plan are to assist homeless individuals in a more effective way, mitigate public health and public safety impacts, and align Malibu's local efforts with those of the Los Angeles County Homeless Initiative. The program was fully funded by the City as of July 2018. The Homelessness Strategic Plan was adopted by the City Council on June 25, 2018. The Malibu Homelessness Working Group, comprised of City staff, outreach workers, the faith community, and residents, meets on a monthly basis to review community and City efforts to execute the plan.
- Beginning in July 2018, the City established a budget line item to directly fund its homelessness programming, including full funding of the outreach program provided by The People Concern. In each subsequent fiscal year the city has funded two outreach workers and a Housing Navigator. In fiscal year 2022, the City budgeted $243,858; in fiscal year 2023, the City budgeted $355,000; and in fiscal year 2024, the City budgeted $385,000.
- The City continued to offer the Senior Citizen Utility Tax Exemption, which exempts senior citizens living in Malibu who receive supplemental security income from the Utility User Tax.
- The Transportation services program provides Dial-A-Ride services to Malibu seniors and disabled citizens through Ventura Transit Systems. The service is funded by Proposition A transportation funds, which are allocated by the Los Angeles County Metropolitan Transit Authority. In the fiscal year 2023, the City budgeted $125,000 for the Dial-A-Ride program and $35,000 to transport seniors to special events run by the Community Service Department. Passengers pay $1.00 each way for trips to the Malibu Senior Center, $2.00 each way for trips within City boundaries, and $4.00 each way for trips outside City limits. Currently, 215 people are registered for the service. Passengers may travel to various locations locally and to neighboring cities. In FY 2022-23, 141 passenger trips were provided to residents, and promotions included newspaper advertisements, banners, press releases, and giveaways.

Cumulatively, 5th cycle housing programs are generally effective at providing resources for people experiencing homelessness, although additional programs and actions are needed to mee the housing needs of elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness. The City has included additional program actions in the 6th Cycle Housing Plan to provide affordable housing and support housing access for special needs groups and support people with disabilities, seniors, and extremely-low, low-, and moderate-income households (Programs 2.4, 3.1, and 3.3).

Table A-1
2013-2021 Housing Element Program Evaluation

Program	Objective	Timeframe	Status of Program Implementation
Program 1.1 – Code Enforcement Ensure compliance with the City's codes and regulations. Particularly, in the case of code violations in units that are occupied by lower-income persons or persons with special needs, direct property owners and renters to programs that are available to provide assistance. Offer amnesty and legalization for existing housing units where: 1) The unit is "livable" and meets basic health and safety requirements 2) The unit existed at the time of the City's incorporation; and 3) The unit is restricted for owner-occupancy or rental by low- or moderate-income persons at an affordable rate.	Reduce code violations and health & safety issues in existing housing	Throughout the planning period	This program is in progress. During the 5th housing cycle, the City maintained a staff of three to four code enforcement officers. The City provided resources to property owners for help in addressing code violations on a case-by-case basis The City approved 160 code violations during the planning period. The program did not achieve its anticipated goal and did not offer amnesty and legalization for any units. This program remains appropriate and will be carried into the 6th housing cycle as Program 1.1.
Program 1.2 – Rebuilding Assistance Expedite permit processing and provide special assistance to homeowners seeking to repair or rebuild homes that have been lost or damaged in a fire, flood or other disaster, especially units that accommodate low- and moderate-Income households, elderly, disabled, large families, single heads of households, farm workers, individuals in need of emergency shelter, and other individuals or household types with special needs, unless those units are located in areas that are physically unsuitable for development.	Facilitate rebuilding of lost or damaged homes	Throughout the planning period	The City approved 80 units to be rebuilt after being destroyed by the Woolsey Fire, as well as three ADUs. The MMC and LCP amendments have been adopted or are in progress to expedite permit processing for those seeking to repair or rebuild homes that have been affected by the Woolsey Fire and/or related flooding and debris flow. The City was awarded $15,803,348 of federal CDBG-DR funds available through the HCD Disaster Recovery-Multifamily Housing Program in response to the 2018 Woolsey Fire. The funding is intended to serve as gap funding for eligible affordable multi-family housing projects in accordance with the HUD limits per affordable housing unit. The City promoted the availability of these funds on the City website, social media, and e-newsletters and published a Notice Inviting Interest. To date, no developers have applied to utilize the funds. Additionally, the City is waiving all City rebuilding fees for properties that are being rebuilt as a like-for-like or like-for-like plus 10% rebuild and were used as a primary residence by the property owner as of November 8, 2018. Eligible waived fees also include fees required for replacement or upgrade of onsite wastewater treatment systems (OWTS), damaged or destroyed accessory structures, hardscaping, and landscaping. Eligible rebuilding fees that have been already paid may qualify for a refund. The goals of this program were met and this program will be continued into the 6th housing cycle as Program 1.2.

Program	Objective	Timeframe	Status of Program Implementation
Program 1.3 – Housing Rehabilitation Assistance Provide incentives to rehabilitate existing housing units, such as permit fee waivers for units that are deed-restricted for low- and moderate-income families.	4 units	Throughout the planning period	Opportunities for permit fee waivers for rehabilitation are reviewed on a case-by-case basis. The goals of this program were not achieved as no requests for permit fee waivers for rehabilitation were made during the reporting period. Although this program remains appropriate and should be continued. Program 1.3 will be carried over into the 6th housing cycle as Program 1.3 to provide rehabilitation assistance for low- and moderate-income families.
Program 1.4 – Preserve Existing Mobile Home Parks Maintain the Mobile Home Park Rent Control Regulations Ordinance that regulates maximum allowable rents and limits rent increases. Pursuant to the provisions of Government Code §65863.7, require the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the park owners.	No net loss of mobile home units	Throughout the planning period	The goals of this program were not achieved as no mobile home parks were proposed for conversion. However, this program remains appropriate and should be continued. Program 1.4 will be carried over into the 6th housing cycle as Program 1.4 to support the preservation of mobile homes.
Program 1.5 – Conserve Affordable Housing in the Coastal Zone In accordance with Government Code §65590, continue to require the replacement of low- or moderate-income units that have been removed from the coastal zone (either by demolition or conversion), whenever feasible.	LCP and MMC amendment	Throughout the planning period	No low- or moderate-income units were demolished or converted during the 5th housing cycle. However, this program remains appropriate. Program 1.5 will be carried over into the 6th housing cycle as Program 2.2 to ensure no net loss of low- or moderate-income units.
Program 2.1 – Regional Housing Needs Identification Work with the Southern California Association of Governments (SCAG) and the Las Virgenes-Malibu Subregional Council of Governments (COG) to encourage an appropriate fair share allocation of future regional housing needs based on population need, existing supply/demand, ability to accommodate growth given the physical/environmental constraints and the jobs-to-housing ratio.	Encourage fair and realistic RHNA allocations	Throughout the planning period	The goals of this program were met. The City worked cooperatively with SCAG during the 5th cycle RHNA process to ensure that the growth forecast reflected development constraints in Malibu. City staff continues to monitor SCAG programs related to housing needs. The City will not carry this program into the 6th housing cycle as it is restating the functions of an existing city requirement.

Program	Objective	Timeframe	Status of Program Implementation
Program 2.2 – Ensure Adequate Capacity to Accommodate Regional Housing Needs The City's residential land inventory provides adequate capacity to accommodate the City's housing needs as identified in the 2013-2021 RHNA (see Appendix B). The City will pursue a two-part strategy to provide sites for lower-income housing: 1) Opportunities and incentives for second units; and 2) Zoning regulations to facilitate affordable multi-family or mixed-use development in suitable locations. A. Expand the Supply of Second Units. In order to maximize the availability of additional second units, the City will implement the following actions: 1. Promote the Development of Second Units 2. Amnesty Program for Second Units 3. Financial Assistance for Second Units 4. Pre-Approved Second Unit Prototypes	21 second units during 2013-2021	Throughout the planning period	The goals of this program were met. The City issued permits for 134 above moderate-income units for the 5th cycle planning period. This includes 115 single-family homes, 12 multifamily units, and 7 ADUs, which is significantly higher than the 5th cycle RHNA allocation. . No requests were made to legalize previously developed second residential units. The City is preparing an ADU ordinance that will streamline the process for creating new ADUs and promote their development. The City undertook several mass mailings to encourage residents to participate in the ADU ordinance process. The City successfully applied for a LEAP grant to support the preparation of an ADU ordinance and ADU processing. This program remains appropriate and should be continued. Program 2.2 will be carried over into the 6th housing cycle as Program 2.1 and Program 4.1 to expand the housing development capacity in the City and encourage the development of ADUs.
B. Facilitate New Affordable Housing Development In order to accommodate lower-income housing, the MMC and LCP regulations were amended in the previous planning period to establish an Affordable Housing Overlay allowing multi-family or mixed-use development by-right at a density of 20 units/acre for projects that include affordable housing. In order to qualify for the increased density incentive, all "bonus" units (i.e., additional units allowed above the base density of 6 units per acre) must be deed-restricted for low- and moderate-income households for a minimum of 30 years at a ratio of 50% low- and 50% moderate-income. As an alternative, very-low-income units may offset the requirement for moderate-income units on a one-for-one basis. Any developer utilizing these incentives shall be required to screen tenants or buyers for compliance with income limits and establish a monitoring system to ensure the unit's continued affordability. This program creates a strong incentive for affordable housing development because of the additional units allowed at a density of 20 units per acre compared to the base density of 6 units per acre. The allowable density of 20 units per acre does not include the state-mandated density bonus, and it is anticipated that all projects utilizing this option will also qualify for a density bonus of up to 35%.	Provide suitable sites with appropriate zoning that could accommodate lower-income housing	The Local Coastal Program Amendment to allow for multi-family development in compliance with the adopted 2013-2021 Housing Element was certified by the California Coastal Commission on December 11, 2019.	The goals of this program were met. The applicable LCP amendments to the Affordable Housing Overlay District have been certified by the Coastal Commission. Program 2.2 B will be carried over into the 6th housing cycle as Program 3.1 and revised to include new actions and objectives related to affordable housing development.

Program	Objective	Timeframe	Status of Program Implementation
Program 2.3 – Streamline Development Review and Assist Affordable Housing Developments Streamline the development review and permit process for all residential development by providing a series of informational handouts describing how to apply for housing development and summarizing the basic development criteria for different zoning districts. When developers propose to include affordable units in a project, provide assistance through expedited processing, density bonus and other modified development standards, and administrative assistance with grant applications.	Minimize residential permit processing time and assist affordable housing developments	Throughout the planning period	Ongoing – Staff has created various pamphlets as well as forms to help guide applicants through the permitting process. Application materials were made available on the City's website. The goals of this program were met, although no applications have been submitted for affordable housing projects. However, staff has worked with two parties interested in affordable housing to determine the appropriate project standards and submittal processes. One pre-submittal application was received for a 20-unit project that included 8 affordable units. This program remains appropriate and should be continued. Program 2.3 will be carried over into Program 4.2 to ensure a streamlined permitting process for affordable housing.
Program 3.1 – Fair Housing Support fair housing efforts by contracting with the Los Angeles County Housing Authority, Westside Fair Housing Council, or other appropriate organizations, to create a program that provides fair housing services, including investigation of discrimination complaints, research on housing discrimination-related issues, public information about the rights and responsibilities of landowners and tenants, and landlord/tenant dispute resolution. Promote the program each year through the use of pamphlets, public bulletin boards on community television; educational flyers distributed to property owners, apartment managers and tenants; public service announcements on local radio stations and in local print media; and presentations at community groups.	Provide and publicize fair housing services through contracting with a public or non-profit service provider	Annual appropriation and semi-annual publications and announcements	Ongoing. The goals of this program were met, The City is a participating city of the Los Angeles Urban County. The Urban County comprises the unincorporated areas of the Los Angeles County and 48 cities that generally have populations of 50,000 or less and receive their CDBG allocations through the Urban County's application process. The Los Angeles County Development Authority (LACDA) administers the Los Angeles County's CDBG and HOME programs for the Urban County. The Los Angeles Homeless Services Authority (LAHSA), a joint powers authority created by the Los Angeles County Board of Supervisors and the Los Angeles Mayor and City Council, administers the ESG program for the LACDA. CDBG funds are distributed among the 48 participating cities and the unincorporated areas within five Supervisorial Districts, and Malibu is part of District 3. The City advertises fair housing services through the placement of fair housing service brochures at the public counter and at the Malibu Senior Center. The Apartment Association of Greater Los Angeles conducts seminars on state, federal and local fair housing laws and compliance issues. t This program remains appropriate and should be continued. Program 3.1 will be carried over and expanded as new Programs 5.1 and Program 5.2 to support fair housing services and to comply with new fair housing requirements.

Program	Objective	Timeframe	Status of Program Implementation
Program 3.2 – Provide Financial Support and Referral Information to Persons in Need of Assistance Malibu is a small jurisdiction without a redevelopment agency or housing department; furthermore, the City is not an entitlement jurisdiction for federal grants. Therefore, the City does not have any resources for direct financial housing assistance, other than a small Affordable Housing Trust Fund and Community Development Block Grant (CDBG) funds. The City will provide referral information to extremely-low-, very-low-, low-, and moderate-income persons and families, the elderly, and persons with disabilities regarding affordable and special needs housing, such as Section 8 Rental Assistance and the Mortgage Credit Certificate program. In addition, it will continue to seek CDBG and HOME funds.	Disseminate housing assistance information; provide direct funding in support of affordable housing when feasible	The City's Housing Coordinator has the responsibility for monitoring all activities related to the implementation of the Housing Element, including preparation of annual progress reports, annual monitoring of sources of financial assistance such as Section 8 funds, state/federal grants, and mortgage credit certificates. The Housing Coordinator shall also be responsible for disseminating information to the community regarding these activities and resources. Depending on program availability and City eligibility, apply for state/federal funds on a bi-annual basis to assist with affordable housing development.	The goals of this program were met. The City received $67,062 of CDBG funding as part of the Urban County Entitlement program in fiscal year 2019-2020. These funds are utilized within the community to facilitate public service projects benefitting low and moderate income families. The City utilized $15,000 in CDBG funds as part of the Urban County Entitlement Program for the Malibu Community Labor Exchange (MCLE) and authorized the use of $98,000 in CDBG funds for a permanent trailer for MCLE. The Labor Exchange provides day labor job connections, including for homeless people. In addition, in the 2020-2021 fiscal year, the City included approximately $340,000 directly to address homelessness. In January 2019, the City was awarded $76,660 from the Los Angeles County Homeless Initiative to fund a Housing Navigator position for 18 months. In 2016, the City issued a grant to the Malibu Task Force on Homelessness (MTFH) to help fund a pilot project to bring professional services to Malibu's homeless population. MTFH partnered with The People Concern to bring two full-time outreach workers to Malibu daily to locate, engage, and build relationships with homeless individuals. They connected the individuals with a fully integrated system of care, and permanent supportive housing. As of September 30, 2018, the outreach team has successfully moved 33 homeless residents into permanent housing. An additional 15 individuals are currently in interim housing. More than 30 of the outreach team's clients received or were approved for housing vouchers. In July 2018, the City established a budget line item to directly fund its homelessness programming, including full funding of the outreach program provided by The People Concern. This program remains appropriate and should be continued. Program 3.2 will be carried over into Program 3.2 and Program 3.3 to provide resources and housing to persons with special needs and promote resources available through the Los Angeles County Development Authority.

Program	Objective	Timeframe	Status of Program Implementation
Program 4.1 – Monitor and Report Annually on Housing Program Accomplishments The City will monitor accomplishments toward Housing Element objectives and report the results annually to the City Council and California Department of Housing and Community Development. If implementation measures are ineffective in achieving the desired results, adjustments will be made to improve the efficacy of programs.	Monitor progress and make mid-course corrections if necessary to achieve desired results	Annual progress reports	The goals of this program were met. The City completed an Annual Progress Report for all years within the planning period. The City continues to monitor Housing Element programs and report progress annually. Review of progress towards achieving RHNA requirements is included as Program2.1.

Table A-2
Progress in Achieving Quantified Objectives
2014-2021

Program Category	Quantified Objective	Progress
New Construction[1]		
Very Low	1	0
Low	1	0
Moderate	0	0
Above Moderate	0	134
Total	2	134

Quantified objective and progress for new construction reflect units built 2014-2021

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Appendix B
Residential Land Inventory

The Regional Housing Needs Allocation (RHNA) is a key requirement for local governments to plan for anticipated growth. The RHNA quantifies the anticipated need for housing within each jurisdiction for the 6th Housing Element cycle extending from July 2021 to October 2029 (the RHNA projection period is longer than the Housing Element planning period). Communities then determine how they will address this need through the process of updating the Housing Elements of their General Plans. This update of the City's Housing Element covers the planning period of October 2021 through October 2029 (called the 6th Cycle Housing Element update). Malibu's share of the regional housing need is allocated by the Southern California Association of Governments (SCAG) and based on access to jobs and transportation, recent growth trends, income distribution, and capacity for future growth. The City must identify adequate land with appropriate zoning and development standards to accommodate its assigned share of the region's housing needs.

Malibu is obligated to demonstrate a total available capacity of 79 units. The units are distributed among four income categories, as shown in Table B-1.

Table B-1
Sites Inventory Summary

Housing Sites	Income Category				
	Very Low	Low	Moderate	Above	Total
RHNA 2021-2029	28	19	17	15	79

Source: SCAG, 2021

The RHNA does not project the need for extremely low-income units, but pursuant to State law (AB 2634), the City must project its extremely low-income housing needs based on Census income distribution or assume 50 percent of the very low-income units required by the RHNA as extremely low-income units. the City's RHNA allocation of 28 very low-income units was distributed evenly as 14 extremely low and 14 very-low income units. However, for purposes of identifying adequate sites for the RHNA allocation, State law does not mandate the separate accounting for the extremely low-income category.

The assumptions and methodology for the Residential Land Inventory are provided below.

Methodology for Income Categories and Realistic Capacity of the Sites Inventory

AHO Sites. The Affordable Housing Overlay (AHO) District is applied to three individual parcels shown in Table B-4 two of which are under the same ownership. The AHO allows multi-family development by-right at a minimum density of 20 units/acre. The AHO designation is currently applicable when development on those sites contain deed-restricted affordable housing for all units in excess of the six units per acre (base density) with 50 percent of those units affordable to very low- or low-income multi-family dwelling units.

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower-income RHNA are subject to by-right approval exempt from CEQA and subject only to design review based on objective standards when a project

includes 20 percent of the units affordable to lower-income households and no subdivision is proposed:

- Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and
- Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower-income RHNA.

The AHO parcels were included in the 4th and 5th housing cycles to accommodate the lower-income RHNA requirement and therefore are subject to the by-right requirement of Government Code Section 65583.2. As discussed in Program 3.5 of the Housing Plan, the City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households.

All parcels in the Sites Inventory are between 0.5 and 10 acres in size. Pursuant to Government Code Section 65583.2 these sites may be used to satisfy the RHNA to the lower-income and moderate-income category. The three AHO parcels have a base zoning designation of MF (multi-family residential) and non-residential uses are not allowed on these parcels. The types of housing permitted on AHO sites are determined by the underlying zoning, which is MF for the sites identified in the Sites Inventory. The MF zoning district allows detached single-family houses, multi-family units as part of an affordable housing project, mobile homes, manufactured housing, ADUs, transitional/supportive housing, and small residential care facilities by right. Multi-family units that are not part of an affordable housing development are allowed with a Conditional Use Permit. No non-residential uses are permitted on the AHO sites that are included in the Sites Inventory.

Two AHO parcels are vacant. One of these parcels used to contain a single-family dwelling that was destroyed in the Woolsey Fire in 2018. This single-family dwelling had been occupied by the owners. One parcel (28401 Pacific Coast Highway) has one single-family dwelling unit with a significant portion of vacant land. The capacity of this parcel assumes that the existing structure will be demolished. None of the three AHO parcels contain rental dwellings currently or within the last five years that were:

- Currently or previously subject to a recorded covenant or ordinance that restricts rents to levels affordable to households of low or very low-income
- Subject to any other form of rent or price control through a public entity's valid exercise of its police power
- Occupied by a low- or very low-income household

Therefore, none of the AHO sites are subject to a housing replacement program consistent with requirements listed in Government Codes 65915(c)(3) and 65583.2(g)(3).

The AHO parcels, shown on Figure B-2 are assumed to accommodate a capacity of 111 units, including 36 lower-income units, 22 moderate-income unit, and 53 above-moderate income units. The total capacity of AHO sites is based on the minimum residential density allowed of 20 du/ac. For the purpose of the Sites Inventory, capacity on these sites was divided among lower-income (35 percent), moderate income (20 percent), and above-moderate (45 percent) of total capacity.

Shortly before and during the January 16-24, 2024 public review period, the City was contacted by two property owners interested in developing affordable housing for low- and moderate-income households. While the sites are not included in the Sites Inventory and do not have an AHO designation, these inquiries demonstrate that there is interest in developing affordable multi-family housing in the city.

Environmental Constraints. Virtually all properties in Malibu face development challenges due to environmental constraints such as environmentally sensitive habitat areas (ESHAs), fire hazards, flood hazards, and geological hazards. ESHA constraints are discussed in detail in Chapter 7.4.

As with all of the city, all sites identified in the Sites Inventory are within a California Department of Forestry and Fire Protection (CAL FIRE) Very-High Fire Hazard Severity Zone. All sites are directly adjacent to Pacific Coast Highway, which serves as the primary evacuation route in the event of wildfire. The City has adopted the California Fire Code, 2022 Edition (Part 9 of Title 24 of the California Code of Regulations). Additionally, all residences are required by the Malibu Municipal Code to utilize roofing materials and construction in compliance with Section 1603 (Fire Zone 4) of Title 26 (Los Angeles Building Code). The City also administers a Fire Hazard Tree Removal program which utilizes grant funding from the Santa Monica Mountains Conservancy to offer professional hazardous tree removal services to residents free of charge. Lastly, In June 2019, the City was awarded a $100,000 Cal Fire grant for the development of a Community Wildfire Protection Plan (CWPP), which identifies and prioritizes areas for hazardous fuel reduction treatments. The CWPP outlines an action plan that will protect at-risk communities and essential infrastructure from wildfire, as well as make recommendations to reduce structural ignitability throughout the community. These measures along with extensive messaging around wildfire preparedness throughout the community are intended to reduce wildfire risk. As such, compliance with these requirements for residential development on these sites would significantly mitigate the risk of catastrophic wildfire, and development of these sites does not pose a greater risk to residents than other sites in the city due to wildfire. The potential risk of wildfire and CAL FIRE Very-High Fire Hazard Severity Zone designation would not preclude development of housing on any of the sites listed in the Site Inventory.

Development on the identified AHO sites could expose future residents and property to geologic hazards such as seismically induced ground rupture, liquefaction, settlement, and landslide hazards that exist in the area due to their proximity to the Malibu Coast Fault, the Santa Monica Fault, and the Anacapa Dume Fault. However, these geologic hazards are present throughout California and are not unique to Malibu. In general, compliance with California Building Code would mitigate these risks. As such, residential development on these sites does not pose a greater risk to residents than other sites in the city due to geologic hazards. The potential risk of seismic activity and geologic hazards would not preclude development of housing on any of the sites listed in the Site Inventory.

The three AHO parcels identified in the Sites Inventory are shown in Figure B-1. A 2013 study of these sites identified ESHA/wetlands resulting from an ephemeral stream located between 28401 and 28517 Pacific Coast Highway. To account for these constraints, the assumed developable area of both parcels has been reduced from 9.1 acres to 5.57 acres and does not include identified ESHA/wetland areas nor the required 100-foot ESHA

setback. Given these constraints, the capacity of the site has been reduced from 182 units (9.1 acres X 20 dwelling units per acre = 182 units) to 111 units (5.57 acres X 20 dwelling units per acre). The limitations on the size of development on the AHO sites do not preclude housing development on these sites.

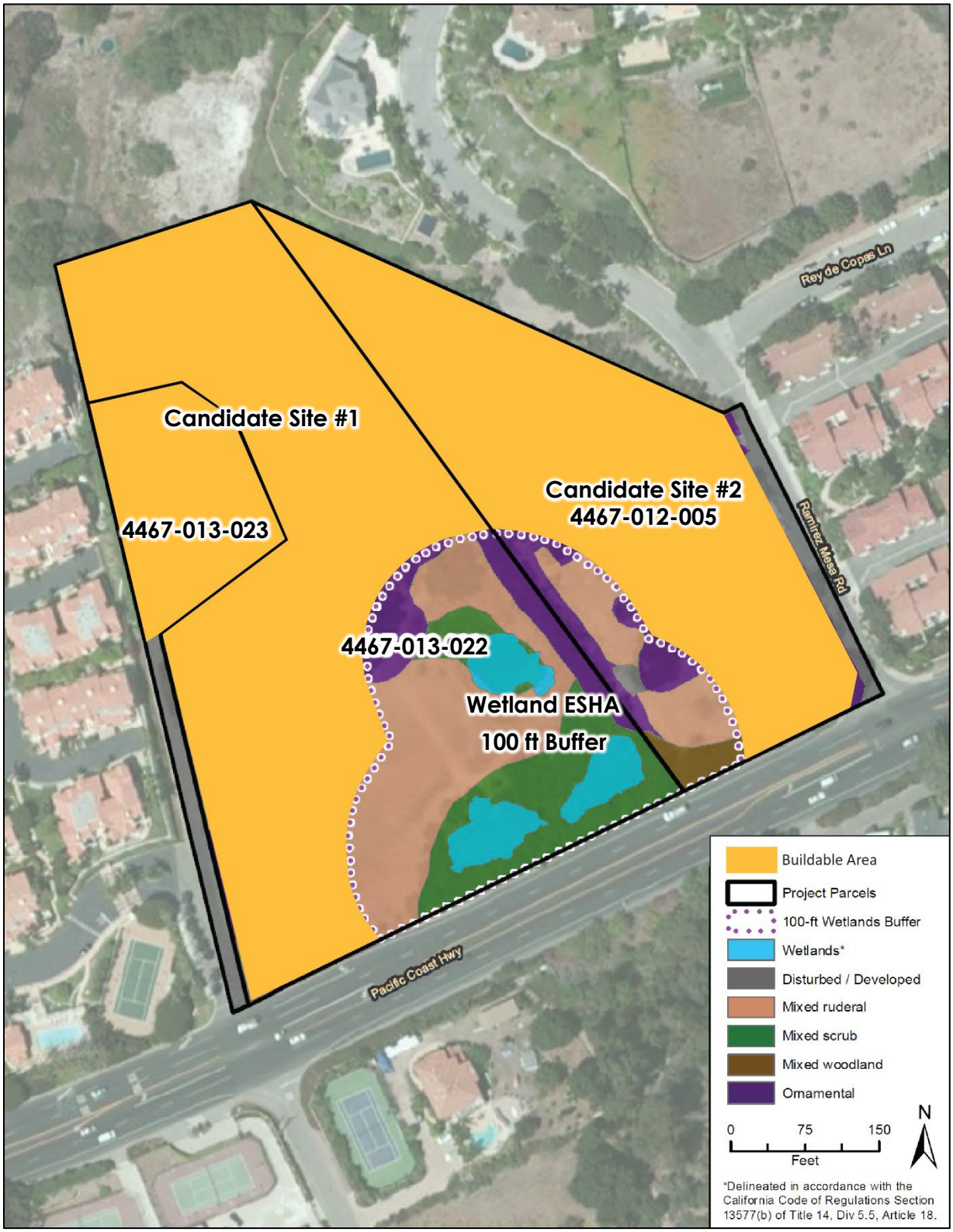
No known toxic release, easements, title conditions, airport compatibility overlays, or limitations regarding the shape of or access to the parcels would preclude development on the AHO sites. The only constraint on the AHO sites is environmental to comply with the ESHA requirements.

The reduction of buildable area due to the identified wetlands does not impact the financial feasibility of development on these sites. The value is based on the buildable area, and the capacity of the sites is based on the usable acreage. The usable acreage represents a unique opportunity for multifamily development in the city.

Infrastructure Constraints. The most significant infrastructure constraint to housing development in Malibu is the city's lack of a public sewer system. All development outside of the Civic Center area must be served by individual on-site wastewater disposal facilities. While this condition makes all residential development (and particularly multi-family development) difficult, the City has no ability to change this condition because of prohibitive cost and lack of available land for a central wastewater treatment facility. Any multi-family development on AHO sites would require an onsite wastewater treatment system large enough to accommodate the proposed development. The onsite wastewater treatment system would be similar to the systems present on the multi-family developments adjacent to the AHO sites. The estimated cost for an onsite wastewater treatment system for a 61-unit residential project (the number of units assumed on 28517 Pacific Coast Highway) ranges from $300,000 to $550,000. Costs may vary due to the dispersal area type selected for the wastewater system (i.e., seepage pits, leach field, drip dispersal). As with other residential development on sites requiring an onsite wastewater treatment system in the city, the cost of the system would be factored into the overall cost to purchase and develop the site. Accessory Dwelling Units

Trends in ADU Construction. In a high-cost housing market such as Malibu, ADUs represent an excellent opportunity to provide housing that is affordable to lower-income persons such as college students, the elderly, household employees and service workers. City records indicate that during the period 2018-2023, 30 ADUs were permitted. By definition, ADUs contain both kitchen and bathroom facilities that are separate from the main house. Additional "guest houses" that did not contain both kitchen and bathroom facilities were not counted in ADU totals.

Figure B-1
Environmental Constraints on AHO Sites



Income Levels for ADUs. In December 2020, SCAG published a study of ADU affordability in Southern California[1] and concluded that a significant portion of ADUs built recently have been affordable to low- and moderate-income households. For the higher-cost areas of Los Angeles County ("LA County I") which include the City of Los Angeles and the Las Virgenes-Malibu, South Bay Cities and Westside Cities subregions, SCAG determined that the following affordability assumptions are appropriate:

Very Low	Low	Moderate	Above Moderate
17%	43%	6%	34%

Source: SCAG 2020

Malibu is located within the Las Virgenes-Malibu subregion. ADU permits during the 2020-2023 period in Malibu are as follows:

- 2020: 2
- 2021: 6
- 2022: 6
- 2023: 6

Based on this trend and SCAG's analysis, it is assumed that 30 ADUs (5 per year) will be produced through the remainder of the planning period from the beginning of 2024 through October 2029. To avoid overcounting ADU production, ADUs permitted between October 2021 and 2023 are assumed to be included in the planned and approved projects listed in Table B-2 below.

Planned and Approved Units

Residential developments approved and permitted, but not yet built ("pipeline projects") can be credited towards the City's RHNA for the 6th cycle Housing Element provided it can be demonstrated that the units can be built by the end of the 6th cycle's planning period. Similarly, units within completed projects which have received a certificate of occupancy on or after June 30, 2021 can also be credited towards the RHNA. A total of 142 units can be counted towards the City's 6th cycle RHNA: 128 single-family houses, one duplex, and 12 new ADUs. All residential projects in the development pipeline consist of market-rate units affordable to above moderate-income households. All of these units have received building permits or certificates of occupancy. There are no known barriers, other than financing, which would preclude development of the units listed below during the planning period. The City anticipates all projects listed will be completed during the planning period. Table B-2 lists these projects and their current status.

1 https://scag.ca.gov/sites/main/files/file-attachments/adu_affordability_analysis_120120v2.pdf?1606868527

Table B-2
Planned and Approved Units

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
5927 BUSCH DR	Single-family	RR-2	1	CO Issued	7/1/2021
6362 SEA STAR DR	Single-family	RR-2	1	BP Issued	7/2/2021
6755 DUME DR	Single-family	RR-1	1	CO Issued	7/13/2021
29407 BLUEWATER RD	Single-family	RR-1	1	BP Issued	7/16/2021
5936 FILAREE HT	Single-family	RR-2	1	BP Issued	7/16/2021
6766 WANDERMERE RD	Single-family	RR-1	1	BP Issued	7/22/2021
5841 BUSCH DR	Single-family	RR-2	1	BP Issued	7/27/2021
28944 GRAYFOX ST	Single-family	RR-1	1	BP Issued	7/27/2021
6782 DUME DR	Single-family	RR-1	1	BP Issued	7/28/2021
28885 CLIFFSIDE DR	Single-family	RR-1	1	BP Issued	7/29/2021
31510 ANACAPA VIEW DR	Single-family	RR-5	1	BP Issued	8/2/2021
6534 WANDERMERE RD	Single-family	RR-1	1	BP Issued	8/12/2021
29905 CUTHBERT RD	Single-family	RR-2	1	BP Issued	8/13/2021
5837 MURPHY WAY	Single-family	RR-10	1	BP Issued	8/20/2021
23923 MALIBU RD	Single-family	SFM	1	CO Issued	8/20/2021
29841 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/13/2021
6701 PORTSHEAD RD	Single-family	RR-1	1	BP Issued	9/14/2021
29441 BLUEWATER RD	Single-family	RR-1	1	BP Issued	9/21/2021
6285 SEA STAR DR	Single-family	RR-2	1	BP Issued	10/7/2021
5011 ENCINAL CANYON RD	Single-family	RR-2	1	BP Issued	10/14/2021
6889 DUME DR	Single-family	RR-1	1	CO Issued	10/18/2021
5580 BUSCH DR	Single-family	RR-2	1	CO Issued	10/19/2021
5938 FILAREE HT	Single-family	RR-2	1	BP Issued	11/19/2021
5656 LATIGO CANYON RD	Single-family	RR-20	1	BP Issued	11/29/2021
29921 HARVESTER RD	Single-family	RR-2	1	BP Issued	12/2/2021
22000 PACIFIC COAST HWY	Single-family	SFM	1	CO Issued	12/8/2021
6703 DUME DR	Single-family	RR-1	1	BP Issued	12/9/2021
6556 ZUMIREZ DR	Single-family	RR-1	1	BP Issued	12/16/2021
5909 PHILIP AVE	Single-family	RR-5	1	BP Issued	12/17/2021
28903 WIGHT RD	Single-family	SFL	1	BP Issued	12/20/2021
3605 NORANDA LN	Single-family	RR-5	1	BP Issued	12/27/2021
5705 BUSCH DR	Single-family	RR-2	1	BP Issued	12/29/2021
29623 CUTHBERT RD	Single-family	RR-2	1	CO Issued	1/6/2022

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
23917 MALIBU RD	Single-family	SFM	1	CO Issued	1/19/2022
6255 GAYTON PL	Single-family	RR-5	1	BP Issued	1/21/2022
4732 AVENIDA DEL MAR	Single-family	RR-2	1	BP Issued	1/21/2022
5942 FILAREE HT	Single-family	SFM	1	BP Issued	1/27/2022
5814 PHILIP AVE	Single-family	RR-2	1	BP Issued	2/3/2022
5680 BUSCH DR	Single-family	RR-2	1	BP Issued	2/9/2022
23921 MALIBU RD	Single-family	SFM	1	CO Issued	2/17/2022
28871 SELFRIDGE DR	Single-family	RR-1	1	BP Issued	2/22/2022
30069 HARVESTER RD	Single-family	RR-2	1	CO Issued	2/23/2022
5540 HORIZON DR	Single-family	RR-2	1	BP Issued	3/15/2022
29245 BLUEWATER RD	Single-family	RR-1	1	BP Issued	3/16/2022
30125 HARVESTER RD	Single-family	RR-2	1	BP Issued	3/24/2022
3507 DECKER RD	Single-family	RR-20	1	BP Issued	4/6/2022
6556 WANDERMERE RD	Single-family	RR-1	1	CO Issued	4/7/2022
30340 MORNING VIEW DR	Single-family	RR-2	1	BP Issued	4/13/2022
29257 BLUEWATER RD	Single-family	RR-1	1	BP Issued	4/18/2022
29685 CUTHBERT RD	Single-family	RR-2	1	BP Issued	4/19/2022
32232 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	4/25/2022
24689 PACIFIC COAST HWY	Single-family	SFM	1	BP Issued	5/10/2022
29725 HARVESTER RD	Single-family	RR-2	1	BP Issued	6/9/2022
5366 HORIZON DR	Single-family	RR-2	1	CO Issued	6/13/2022
6536 DUME DR	Single-family	RR-1	1	BP Issued	6/16/2022
4415 VISTA DEL PRESEAS	Single-family	RR-2	1	BP Issued	6/20/2022
4707 AVENIDA DEL MAR	Single-family	RR-2	1	BP Issued	6/27/2022
5707 BUSCH DR	Single-family	RR-2	1	BP Issued	7/1/2022
6756 DUME DR	Single-family	RR-1	1	BP Issued	7/15/2022
6136 TAPIA DR	Single-family	SFL	1	BP Issued	7/18/2022
25260 MALIBU RD	Single-family	MFBF	1	BP Issued	7/19/2022
23741 HARBOR VISTA DR	Single-family	RR-1	1	BP Issued	8/11/2022
2930 SWEETWATER MESA RD	Single-family	RR-40	1	BP Issued	8/12/2022
33834 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	8/16/2022
28904 VERDE MESA LN	Single-family	RR-5	1	BP Issued	8/17/2022
29960 HARVESTER RD	Single-family	RR-2	1	BP Issued	8/26/2022
6650 WANDERMERE RD	Single-family	RR-1	1	CO Issued	9/8/2022

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
29706 BADEN PL	Single-family	RR-2	1	BP Issued	9/12/2022
6170 RAMIREZ CANYON RD	Single-family	RR-5	1	CO Issued	9/14/2022
6025 PASEO CANYON DR	Single-family	SFL	1	CO Issued	9/15/2022
29934 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/16/2022
29846 HARVESTER RD	Single-family	RR-2	1	BP Issued	9/27/2022
28116 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	9/29/2022
30107 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/30/2022
5849 DEERHEAD RD	Single-family	RR-2	1	BP Issued	10/10/2022
29863 CUTHBERT RD	Single-family	RR-2	1	CO Issued	10/11/2022
30072 ANDROMEDA LN	Single-family	RR-2	1	CO Issued	10/27/2022
5939 BUSCH DR	Single-family	RR-2	1	BP Issued	11/3/2022
5819 FILAREE HT	Single-family	RR-2	1	BP Issued	11/22/2022
5936 FILAREE HT	Single-family	RR-2	1	BP Issued	11/23/2022
29623 HARVESTER RD	Single-family	RR-2	1	BP Issued	12/6/2022
6711 WANDERMERE RD	Single-family	RR-1	1	CO Issued	12/14/2022
5960 FLORIS HEIGHTS RD	Single-family	RR-2	1	CO Issued	12/19/2022
4817 LATIGO CANYON RD	Single-family	RR-2	1	BP Issued	12/21/2022
5684 CALPINE DR	Single-family	RR-2	1	BP Issued	12/28/2022
3843 RAMBLA PACIFICO ST	Single-family	MF	1	CO Issued	1/26/2023
3469 CROSS CREEK RD	Single-family	RR-5	1	BP Issued	1/30/2023
5811 MURPHY WAY	Single-family	RR-10	1	CO Issued	2/3/2023
29866 CUTHBERT RD	Single-family	RR-2	1	BP Issued	2/6/2023
5806 DEERHEAD RD	Single-family	RR-2	1	BP Issued	2/15/2023
5269 HORIZON DR	Single-family	RR-2	1	BP Issued	2/17/2023
30612 LA SONORA DR	Single-family	SFL	1	BP Issued	2/22/2023
33905 PACIFIC COAST HWY	Single-family	CR	1	BP Issued	3/6/2023
6659 WANDERMERE RD	Single-family	RR-1	1	CO Issued	3/15/2023
27933 WINDING WAY	Single-family	RR-2	1	BP Issued	3/30/2023
30181 CUTHBERT RD	Single-family	RR-2	1	CO Issued	4/19/2023
5916 BONSALL DR	Single-family	RR-5	1	CO Issued	4/20/2023
33728 PACIFIC COAST HWY	Single-family	RR-2	1	CO Issued	4/21/2023
7037 BIRDVIEW AVE	Single-family	RR-1	1	BP Issued	5/2/2023
29805 CUTHBERT RD	Single-family	RR-2	1	BP Issued	5/4/2023
28863 SELFRIDGE DR	Single-family	RR-1	1	BP Issued	5/15/2023

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
6101 RAMIREZ CANYON RD	Single-family	RR-5	1	BP Issued	5/16/2023
27420 CALICUT RD	Single-family	RR-2	1	BP Issued	5/24/2023
6050 MURPHY WAY	Single-family	RR-10	1	BP Issued	5/25/2023
30099 HARVESTER RD	Single-family	RR-2	1	BP Issued	5/30/2023
6757 WANDERMERE RD	Single-family	RR-1	1	CO Issued	6/6/2023
6022 MERRITT DR	Single-family	RR-2	1	BP Issued	6/8/2023
5825 MURPHY WAY	Single-family	RR-10	1	BP Issued	6/13/2023
5685 CALPINE DR	Single-family	RR-2	1	BP Issued	6/29/2023
33161 PACIFIC COAST HWY	Single-family	RR-2	1	CO Issued	7/10/2023
5716 KANAN DUME RD	Single-family	RR-5	1	BP Issued	8/1/2023
5260 HORIZON DR	Single-family	RR-2	1	BP Issued	8/1/2023
34035 PACIFIC COAST HWY	Single-family	RR-20	1	CO Issued	8/2/2023
28904 WIGHT RD	Single-family	SFL	1	BP Issued	8/17/2023
6070 MERRITT DR	Single-family	RR-2	1	BP Issued	8/31/2023
5789 CALPINE DR	Single-family	RR-2	1	BP Issued	9/6/2023
28900 WIGHT RD	Single-family	SFL	1	BP Issued	9/6/2023
30087 CUTHBERT RD	Single-family	RR-2	1	BP Issued	9/20/2023
4346 AVENIDA DE LA ENCINAL	Single-family	RR-2	1	BP Issued	9/21/2023
30601 MORNING VIEW DR	Single-family	RR-5	1	BP Issued	9/28/2023
31479 PACIFIC COAST HWY	Single-family	RR-5	1	BP Issued	10/12/2023
32826 PACIFIC COAST HWY	Single-family	RR-2	1	BP Issued	10/26/2023
31508 ANACAPA VIEW DR	Single-family	RR-5	1	BP Issued	10/27/2023
6611 PORTSHEAD RD	Single-family	RR-1	1	BP Issued	11/6/2023
6636 WANDERMERE RD	Single-family	RR-1	1	BP Issued	11/7/2023
29140 CLIFFSIDE DR	Single-family	RR-1	1	BP Issued	11/17/2023
28843 SELFRIDGE DR	Single-family	RR-1	1	BP Issued	12/12/2023
6666 DUME DR	Single-family	RR-1	1	BP Issued	12/13/2023
7003 BIRDVIEW AVE	SFR Duplex	RR-1	2	BP Issued	7/21/2023
5936 FILAREE HT	ADU	RR-2	1	BP Issued	7/16/2021
6534 WANDERMERE RD	ADU	RR-1	1	BP Issued	8/12/2021
6889 DUME DR	ADU	RR-1	1	CO Issued	10/18/2021
29623 CUTHBERT RD	ADU	RR-2	1	CO Issued	1/6/2022
29725 HARVESTER RD	ADU	RR-2	1	BP Issued	6/9/2022
2930 SWEETWATER MESA RD	ADU	RR-40	1	BP Issued	8/12/2022

Project	Project Type	Zone	Number of Units	Status	Date Building Permit Issued
33834 PACIFIC COAST HWY	ADU	RR-2	1	BP Issued	8/16/2022
5814 PHILIP AVE	ADU	RR-2	1	BP Issued	9/30/2022
5466 HORIZON DR	ADU	RR-2	1	CO Issued	12/13/2022
5916 BONSALL DR	ADU	RR-5	1	CO Issued	4/20/2023
29215 CLIFFSIDE DR	ADU	RR-1	1	BP Issued	11/9/2023
5941 TRANCAS CANYON RD	ADU	RR-5	1	BP Issued	12/14/2023
Total Planned and Approved Units			142		

Source: City of Malibu, 2023
BP = Building Permit; CO = Certificate of Occupancy

Potential to Accommodate the RHNA

Table B-3 summarizes the City's residential site capacity compared to the RHNA allocation for this planning period. The table shows that there is adequate capacity to accommodate housing needs in all income categories.

Table B-3
Sites Inventory Summary

Housing Sites	Income Category		
	Lower	Moderate	Above
RHNA 2021-2029	47	17	15
RHNA Credits - Planned and Approved Units (Table B-2)	0	0	142
RHNA Credits - Potential new ADUs	17	1	12
Remaining RHNA after Credits	30	16	0
Potential new multi-family units (Table B-4)	36	22	53
Buffer provided above remaining RHNA	20%	38%	
Adequate Capacity?	Yes	Yes	Yes

Source: City of Malibu, 2024

Affirmatively Furthering Fair Housing

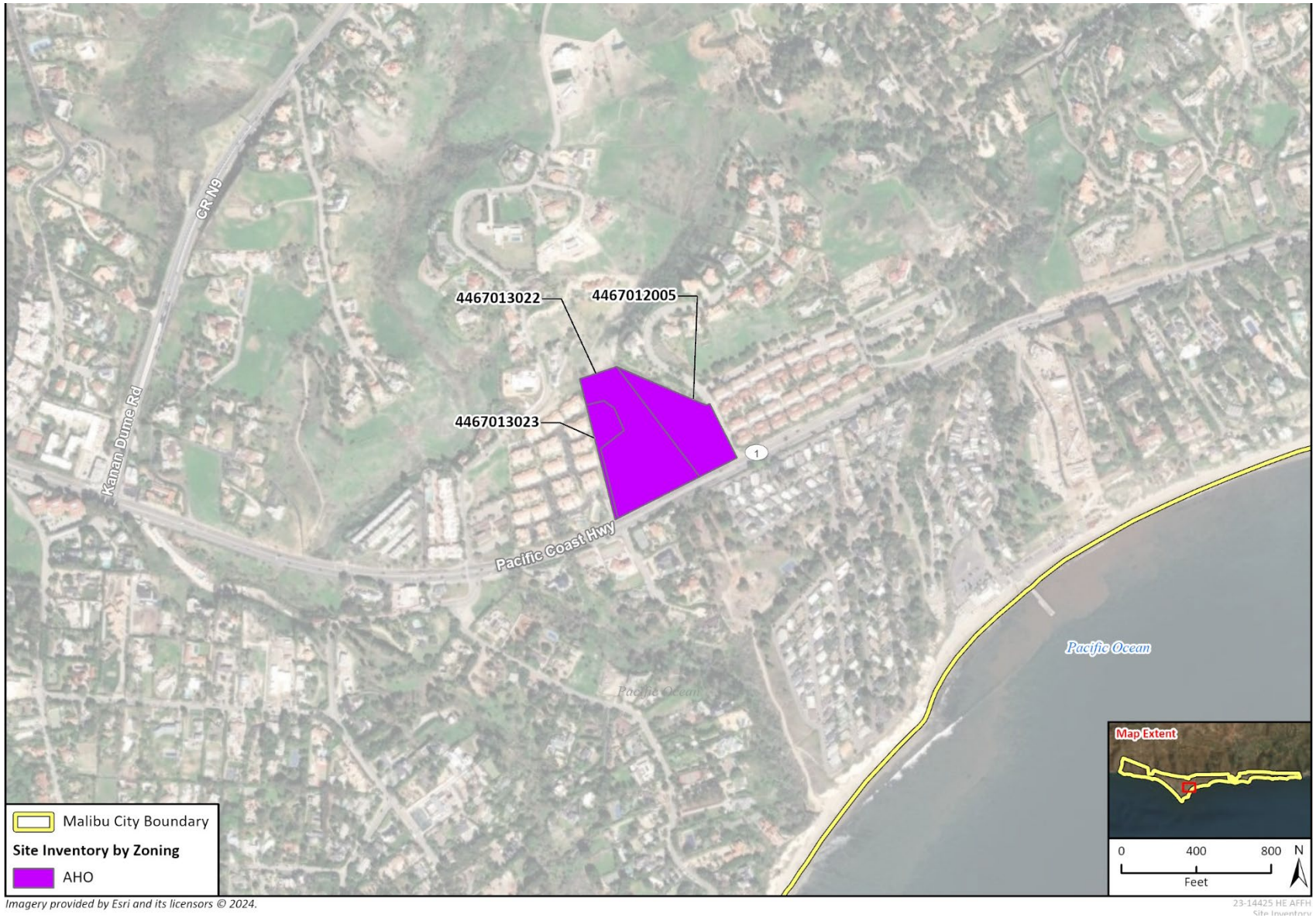
As noted in Appendix F, Affirmatively Furthering Fair Housing, the entire city is designated a High Resource area according to HCD/TCAC opportunity maps. The AHO sites are located in an area with access to transportation while ADUs create opportunities for lower-cost housing in all residential areas throughout the city. Therefore, the Sites Inventory, together with pipeline projects and projected ADUs, will not contribute to segregated living patterns and will facilitate integrated and balanced living patterns and areas of opportunity. An in-depth analysis of the Sites Inventory in relation to fair housing concerns is provided in Appendix F.

Table B-4
Sites Inventory

APN	Address	Street	Parcel Size (acres)	General Plan/ Zone	Realistic Density (units/acre)	Potential Units		
						Lower	Moderate	Above-Moderate
4467013022	28517	PACIFIC COAST HWY	5.12	MF/AHO	20	19	12	30
4467013023			0.74					
4467012005	28401	PACIFIC COAST HWY	3.25	MF/AHO	20	17	10	23
		TOTALS				**36**	**22**	**53**

Source: City of Malibu, 2024
Note: Realistic density is based on excluding the non-buildable ESHA.

Figure B-2
Residential Land Inventory Map



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Appendix C – Public Participation Summary

Summary of Public Participation

The Housing Element must reflect the values and preferences of the community. Accordingly, community participation is an important component of the development of this Housing Element. Government Code Section 65583(c)(8) states that the local government must make "a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element." This process not only includes community members, but also participation from local agencies and housing groups, community organizations, and housing sponsors. This update to the Housing Element has provided residents and other interested parties with numerous opportunities for review and comment on this document and on City housing policies and programs. The City of Malibu solicited input from stakeholders and community members through public meetings. To inform the community about the Housing Element update, the City contacted more than 260 residents, stakeholders, and organizations that serve special needs households and renters, provide affordable housing, and offer fair housing services.

The most common issues raised during the Housing Element update process included the following:

- Insufficient affordable housing for lower-income persons who work in Malibu
- Effect of short-term rentals on the supply of housing
- High cost of development in Malibu
- Concern about housing development given environmental constraints, including the high risk of fire hazard, environmentally sensitive habitat areas, geological hazards, flood hazards, water supply constraints, lack of a communitywide wastewater system, limited roadway access, and sea level rise

These issues are addressed, to the extent feasible, in the policies and programs described in the Housing Plan.

Public Noticing

- To reach the largest and broadest spectrum of community members and stakeholders, the City utilized the following notification methods throughout the duration of the Housing Element update process: Early in the process the City created a website dedicated to the 2021 Housing Element update, and a Housing Element FAQ was prepared and posted on the website along with meeting notices and other housing reference information. Public notices of all Housing Element meetings and public hearings were published in The Malibu Times in advance of each meeting, as well as posted on the City's website. Meeting notices were also posted on bulletin boards at City Hall and the Library.
- The City utilized social media such as Facebook, Instagram, Twitter/X, and Next Door to advertise the Housing Element and public workshops.

- Malibu City TV, a government access channel was used to broadcast City Council and Planning Commission hearings, as well as provide notices of events such as workshops.
- The City maintains an interested party email and mailing list for those who have requested regular updates about the Housing Element update and notices for public workshops and public hearings.
- The City mailed postcards to all residents that included a URL to the Housing Element update website and invitations to attend the June 23, 2021 public workshop, July 21, 2021 Planning Commission study session, August 23, 2021 City Council study session, January 17, 2024 City Council Session, as well as Planning Commission and City Council adoption hearings.
- Throughout the Housing Element update process, the City encouraged organizations that serve low-income groups and persons with special needs to participate in all Housing Element update meetings through direct mail or e-mail notices. The notification list included the following local and regional non-profit housing providers, housing advocates, and fair housing organizations.

In 2023 and 2024, the City updated the notification list for the Housing Element to include additional relevant organizations. Identified contacts at the following organizations received notification of the revised Housing Element:

- Abode Communities
- Abundant Housing LA
- AMCAL Multi-Housing, Inc.
- Affordable Living for the Aging
- Building Industry Association
- California Housing Partnership
- Habitat for Humanity
- Housing Rights Center
- Jamboree Housing Corp
- Legal Aid Foundation of LA
- LINC Housing
- Los Angeles County Development Authority
- Meta Housing
- National CORE℠ and Hope Through Housing Foundation
- SoCal Association of Non-Profit Housing
- SoCal Housing Dev. Corp
- The People Concern
- Thomas Saffron and Associates
- Upward Bound House
- Malibu Community Assistance Resource Team (CART)

Project Website

To facilitate the distribution and gathering of information, a project website dedicated to the Housing Element update was created. The project website provided detailed background information on the Housing Element, answers to frequently asked questions, links to upcoming and past event materials, links to articles and videos on the general plan topics, including the Housing Element. Educational materials included an introduction, informational flyers, and frequently asked questions specifically on the housing element (https://www.malibucity.org/370/Housing-Element-Update). Project materials associated with the Housing Element update were regularly posted on the

project website, including documents available for public review, information for upcoming events, and virtual workshop PowerPoint presentations and video recordings.

Community Outreach

The City conducted the following outreach events to solicit public comments on the Housing Element.

Virtual Workshop

A virtual public workshop was conducted on June 23, 2021 to provide an overview of the Housing Element and solicit public comments regarding housing needs in the community. An in-person workshop was not an option at the time due to COVID-19 protocols. The Housing Element update team introduced the Housing Element goals and requirements to the community, educated the community on housing element requirements, and increased public understanding of the decision-making process and importance of public participation.

The following themes emerged from comments received:

- Residents asked about using accessory dwelling units (ADUs) to meet the City's Regional Housing Needs Allocation (RHNA) including the potential to place income limits, or deed restrictions on ADUs, monitoring the affordability of ADUs, the potential to for ADUs to accommodate different family sizes, and whether ADUs that are used for family members or employees can accommodate the RHNA.
- Attendees expressed concern that the population of permanent residents is shrinking, while the City continues to permit second units and short-term rentals. Residents requested limits on the number of short-term rentals and to focus the City's housing development for permanent residents.
- Residents were concerned about potential penalties that the City would incur for not complying with State Housing Element law, including the possibility of enacting a streamlined permit process.
- Attendees expressed that regulatory and environmental constraints, such as California Coastal Commission regulations, wildfire risks, lack of evacuation routes, lack of sewer service, and effluent controls, limit the City's ability to meet the RHNA.
- Attendees expressed a desire to build more affordable housing and to be more inclusive to a variety of income levels, persons with disabilities and marginalized communities such as seniors, veterans and people experiencing homelessness.
- Landlord harassment and tenant discrimination is occurring with the city. Students are particularly targeted, as they are not always educated on tenants' rights.

The City categorized this feedback and the Housing Element was tailored to accommodate those themes as follows:

Need for ADUs to provide affordable housing options.

How addressed:

- The latest revision of the Housing Element added additional analysis of current zoning regulations for ADUs and identified potential constraints to ADU development.
- To support the production of ADUs, the City strengthened its ADU program during the latest revision to the Housing Element and added new program objectives. Housing Program 4.1.a was added to the Housing Plan, which directs the City to pursue mechanisms to facilitate the construction of ADUs, such as pre-approved standards for ADU foundation plans and expanding or extending fee waivers for ADU development beyond state law. The City will also create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines. These actions will promote ADU development by streamlining ADU permitting and reducing financial barriers.

Need for regulation on short-term rentals to support housing options for permanent residents.

How addressed:

- The Housing Element analyzed the City's regulations regarding short-term rentals. The City is currently working on a short-term rental ordinance that balances the need for overnight accommodations and the availability of long-term rental housing.

Need for a streamlined permitting process for affordable housing.

How addressed:

- The latest revision of the Housing Element added additional analysis of the permitting process for single-family and multi-family development in Malibu as well as the permit and environmental review time for development applications.
- To support the production of affordable housing, the City strengthened and added programs for streamlining the City's permitting process and for promoting affordable housing development under Housing Program 3.4, which directs the City to amend density bonus regulations in conformance with current state law and continue to monitor up and coming density bonus legislation. In addition, the City will inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential. The City will also provide technical assistance to developers on how to use the Density Bonus incentives and maintain information on density bonus incentives on the City's website.
- During the latest revision to the Housing Element, the City added programs and objectives to expedite project review, including Housing Program 4.2.a, which directs the City to continue Pre-Design Review for project applicants to serve as a cost-effective alternative to a first submittal, and to evaluate major costs or issues with the proposed development; Housing Program 4.2.b, which directs the City to

identify new or improved data and technology solutions to support faster development project review and greater access to housing and land use information; and 4.2.c, which directs the City to develop written procedures for SB 35 Streamlined Ministerial Approval Process.

Need to balance regulatory and environmental constraints with the need for more affordable housing.

How addressed:

- During the latest revision to the Housing Element, revised development assumptions for the sites identified for affordable housing took into consideration a previous environmental study of these sites. The study documented wetlands on the sites of 28401 and 28517 Pacific Coast Highway. The development assumptions for these sites exclude protected wetland areas plus a buffer. Additionally, these sites were selected based on zoning for allowable densities and proximity to transit and services.
- The Housing Element analyzed the City's General Plan, Local Implementation Plan, and Zoning Ordinance and identified regulatory and environmental constraints to affordable housing development in the city.

Support for transit-oriented development and increasing density in areas with existing services.

How addressed:

- The latest revision to the Housing Element includes the development of a full AFFH analysis, which analyzed access to public transit throughout the city, which determined that the eastern area of the city has greater transit access than the western area. Overall, transit access was identified as low which few jobs accessible by transit. Revisions to the Site Inventory identified sites for multi-family housing development were selected based on zoning for allowable densities and proximity to transit and services.
- To support transit-oriented development, the City added Housing Program 3.2, which directs the City provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services, subject to funding availability.

Need increased resources and housing options for people experiencing homelessness and other marginalized communities.

How addressed:

- The revised Housing Element includes an analysis of the City's compliance with AB 2339 to ensure compliance with state law for emergency shelters and that the City's zoning regulations for emergency shelters is adequate to accommodate the number of identified homeless residents in the city. The assessment identified that the City's Zoning Ordinance does not comply with AB 2339, which the City addressed by adding Housing Program 2.4.c.

- To address housing needs for lower-income and special housing needs groups, the City added and strengthened several programs and objectives designed to expand resources and opportunities during the latest revisions to the Housing Element. Housing Program 3.1 directs the City to prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. Additionally, Housing Program 3.1 promotes the Housing Choice Voucher (HCV) program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.

Need for increased access and services for education on housing rights and resources to reduce displacement.

How addressed:

- Housing Program 1.1 directs the City to disseminate information to residents about code enforcement and amnesty information.
- Housing Program 1.5 was amended and strengthened during the latest revision. The program directs the City to monitor future affordable housing units that could potentially convert to market-rate units, including rent-restricted ADUs and JADUs.
- Housing Program 5.1 was amended and strengthened during the latest revision. The program directs the City to promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling and mediation. The City will advertise available fair housing services.
- Housing Program 5.2 was amended and strengthened during the latest revision. The program directs the City to provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.
- Housing Program 1.4 was amended and strengthened during the latest revision. The program directs the City to conserve existing mobile home parks by ensuring compliance with state regulations in the event of a park conversion and mailing information to all mobile home park tenants to increase awareness of the Mobilehome Rent Park Control Ordinance.

Input from Public Review and Public Meetings

The initial Draft 6th Cycle Housing Element was available for public review in June 2021. The City received comment letters via email from two individuals and organizations.

Public meetings to review the draft Housing Element were conducted by the Planning Commission on July 22, 2021 and City Council on August 23, 2021. The presentations consisted of an introduction to the housing element, explanation of the RHNA, and an overview of the draft Housing Element.

After receiving comments on the draft Housing Element from the California Housing and Community Development Department (HCD), a revised draft Housing Element was reviewed at a Planning Commission public hearing on November 15, 2021 and adopted by the City Council at a public hearing on January 10, 2022.

The Housing Element was revised to incorporate public comment prior to resubmittal to HCD on January 21, 2022. Specifically, the Housing Element was amended as follows:

- Additional analysis was incorporated regarding special housing needs populations and regulatory controls.
- Additional analysis regarding the environmental and infrastructure constraints was incorporated into the Sites Inventory.
- Revised housing programs to update the City's compliance with state laws, affirmatively furthering fair housing, and ADU promotion.

During the initial Housing Element public review draft, the City received two written comments. One from an individual resident on June 21, 2021, and one from Abundant Housing LA (AHLA) on November 30, 2020. The individual resident expressed concerns about the affordability and supply of housing in Malibu. They recommended several actions the City can take, including streamlining the permitting process for ADUs, prioritizing rebuilding after the Woosley fire, incentivizing construction, creating a property owners registry for low-income units, establishing rent controls, and conversion of single-family homes into multi-family buildings. AHLA expressed concerns related to the predominance of single-family housing in Malibu and requested the City to increase residential densities by rezoning areas designated by the California Tax Credit Allocation Committee (TCAC) as high opportunity areas. AHLA also requested the City to develop a quantitative methodology to plan for additional housing growth in areas with access to transit, jobs, schools, and low environmental pollution burden.

The City acknowledges the desire for higher density housing but must contend with the significant environmental constraints that exist throughout the city, including high fire hazards, environmentally sensitive habitat areas, geological problems, the lack of a community wastewater system, limited access for emergency vehicles, and state laws and Coastal Commission policies that limit residential development in areas with such constraints. These constraints are further described in Chapter 7.3, *Constraints*. To increase density in residential zones, the City adopted an ADU ordinance in January 2024.

As described in Appendix B, *Residential Land Inventory*, the City has identified adequate sites to fully accommodate the RHNA allocation for the planning period. The site capacity methodology considered environmental constraints. The sites are located along the Pacific Coast Highway and have access to public transit.

The Housing Element was subsequently revised to address HCD comments included in its March 22, 2022 letter. The revised Housing Element was posted on the City's website on January 8, 2024 and was made available for public comment between January 16, 2024 and January 24, 2024.

City staff offered office hours during the public review period to answer questions by appointment during the following times: January 16, 2024 from 3:00 PM to 5:00 PM, and January 18, 2024 from 10:00 AM to 12:00 PM.

A public meeting in the form of a City Council study session was held on January 17, 2024. The presentation consisted of an overview of major updates to the Housing Element and next steps. During the public review period and at the City Council study session, the City received comments from nine individuals through emails, verbal comments, and phone calls.

The City received two emails during the revised Housing Element public review period in January 2024. The commentors expressed a desire for resources and quality housing for special needs populations, expressed that using housing vouchers within the city is challenging, and requested the City be more proactive in bringing affordable housing to the area. As described above, the City has included programs in the Housing Plan to provide for special needs populations, encourage affordable housing development, and promote the HCV Program.

The City also received four phone calls during the January 16-24, 2024 public review period. The callers expressed a desire to live in Malibu and are seeking affordable housing. However, there are difficulties finding units that allow for housing vouchers, as well as units that accommodate low-income individuals with disabilities. The callers emphasized the need for housing for disabled and other vulnerable populations.

Shortly before and during the January 16-24, 2024 public review period, the City was contacted by two property owners interested in developing affordable housing for low- and moderate-income households. While these sites are not included in the Sites Inventory and do not have an AHO designation, these inquiries demonstrate that there is interest in developing affordable multi-family housing in the city.

Following the preliminary review by HCD, the Housing Element was revised and the City published the Revised 2021-2029 Housing Element on March 13, 2024 for public review. The City received eight comment letters during the March 13 to March 20, 2024 public review period. One of the comments received notified the City of the failure of a website link on a device, and another comment advertised business services to the City. The other comments regarded expanding the ADU and mobile home programs, adding incentives for owners to rent to low-income residents and special needs populations, expanding the mobile home program, services for the homeless population, requests for additional density, and reducing short-term rentals.

In addition to those eight comment letters, four comment letters were sent directly to HCD, including one in November 2022, two in January 2024, and one in March 2024. One of the comments received provided a complaint regarding a home manufacturer in Malibu. Two other comment letters supported the City's compliance with state law regarding the City's ADU ordinance, Site Inventory, and Housing Element update; and supported housing for lower- and moderate-income households and affirmatively furthering fair housing opportunities. One comment letter desired an analysis of the City's compliance with the Permit Streamlining Act.

Following receipt of comments by HCD dated March 22, 2024, the Housing Element was revised, and the City published the Revised 2021-2029 Housing Element for a seven-day public review period from April 29, 2024 to May 6, 2024. One public comment was received on May 3, 2024, requesting information on renting affordable housing that is developed in Malibu.

The following themes emerged from comments received during public review and at the public meetings:

- Residents would like to see the City to be held accountable for implementing programs identified in the Housing Element, particularly relating to programs for building affordable housing for seniors, teachers, and firefighters.
- There is a discrepancy between the amount of housing that is available for high-income residents and the limited housing that is available for low-income residents. There is a large housing gap for those in need of housing.
- When new residential development replaces former buildings, existing residents are displaced and do not return.
- It is very difficult for a voucher holder to locate housing in Malibu. There are very few voucher program units. Residents requested more information provided to landlords to prevent discrimination based on income source and disability.
- ADUs are not adding to the housing stock, but are used to increase home values for wealthy residents.
- Residents would like the City to expand their ADU program and provide incentives to property owners that rent to low-income renters.
- Concern for housing for special needs populations, such as foster children and families, residents with disabilities, and other vulnerable groups.
- Incentivize hiring special needs populations, and more services for people with special needs to help find permanent housing.
- Concern with losing open space with increased residential density.
- Suggestions to include HOME funds in the City's funding availability.
- Expand opportunities for mobile homes as a form of affordable housing.
- Rezone to allow for more housing.
- Create safe parking sites for people who live in their cars.
- Allow for housing on the former Malibu Golf Course.
- Suggestions for enforcing mandatory inspections and nuisance laws, providing tax breaks for long-term rentals as an incentive, and limiting short-term super hosts.
- Support for the City to support higher density projects and to coordinate meetings with developers.
- Request to include an analysis of the City's compliance with state streamlining laws, including California Environmental Quality Act (CEQA) streamlining.
- Concerns that the Affordable Housing Overlay (AHO) zone has a maximum density of 20 units per acre, rather than the minimum density required by state law. Additionally, there were concerns that the height limits of 18 feet constrains development, and the Multifamily Beach Front District density assumptions are inaccurate and cannot accommodate the planned density.

In response to the comments received during public review and at public meetings, the Housing Plan was amended according to the following themes:

Need for affordable housing options.

How addressed:

- During the latest revision to the Housing Element, the City strengthened objectives to support affordable housing opportunities. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group. Housing Program 3.3 also directs the City to support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices, and to provide funding to the City's Outreach Team and Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County.

Need for income source discrimination prevention.

How addressed:

- Housing Program 3.1 was amended and strengthened during the latest revision. The program directs the City to promote the HCV program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.
- Housing Program 5.1 was amended and strengthened during the latest revision. The program directs the City to promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling and mediation, and to provide informative materials on fair housing resources with ADU applications. The City will advertise available fair housing services.

Need increased resources and housing options for special needs populations.

How addressed:

- Housing Program 1.2 directs the City to provide technical housing rebuild assistance to lost or damaged homes as needed, prioritizing low- or moderate-income households and/or special housing needs households.
- Under Housing Program 1.3, the City will provide housing rehabilitation assistance to lower-income, elderly, and/or disabled households. Providing financial assistance for home repairs to at risk households will reduce displacement risk caused by substandard housing conditions.
- During the latest revision to the Housing Element, the City also strengthened objectives to support affordable housing opportunities. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group. Housing Program 3.3 also directs the City to support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices, and to provide funding to the City's Outreach Team and

Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County.

- During the latest revision to the Housing Element, the City added Housing Program 3.3 to promote awareness of the City's exemption on the Utility Use Tax for senior households (MMC Chapter 3.28), which will reduce housing cost burden for that population. The City will also support services that meet the needs of City residents, including an annual senior resources fair, Dial-A-Ride services, and information on how to access assisted living housing.
- During the latest revision to the Housing Element, the City strengthened Housing Program 3.4, which directs the City to promote the use of density bonuses to facilitate production of affordable and senior housing.
- During the latest revision to the Housing Element, the City strengthened Housing Program 5.2, which directs the City to require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population. The Housing Program also directs the City to Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.

Stakeholder Interviews

On April 19, 2024, the City contacted organizations with local knowledge of the housing needs of special needs populations to arrange one-on-one interviews. The following organizations were contacted:

- Malibu C.A.R.T.
- The People Concern
- Esperance Center
- Catholic Charities of Los Angeles, Inc.
- Salvation Army - California South
- Lutheran Social Services of Southern California (LSSSC)
- St. Joseph Center

The People Concern and Malibu C.A.R.T. responded to interview requests. The People Concern operates throughout Los Angeles County and provides services to people experiencing homelessness, including outreach, interim housing, mental and medical health care, substance abuse services, domestic violence services, life skills and wellness programs, and permanent supportive housing. Malibu C.A.R.T. (Community Assistance Resource Team) operates in Malibu and connects people experiencing homelessness to services. The organizations were encouraged to provide input on the housing needs, conditions, and services for special needs populations, and input on the challenges and opportunities with their work. Both organizations primarily serve residents in the city experiencing homelessness. The following discussion summarizes the input received during the interviews:

- Existing services and resources in Malibu:
  - The Labor Exchange, a program supported by the City, assists housed day laborers with connections to prospective hires and provides English as a Second Language classes.
  - The Veteran Peer Access Network, operated through the Department of Mental Health outreach program, is an effective partnership for The People Concern, offering an alternative for veterans who may be reluctant to seek assistance from Veterans Affairs (VA) services.
  - The City's Public Safety Department and the Sheriff's Department maintain a respectful separation between law enforcement responsibilities and assistance for social services. The Sheriff's Department prioritizes fire prevention and ensuring that unhoused residents are removed from fire-prone areas such as the canyons.
  - Malibu benefits from a close-knit community with a high degree of collaboration between public safety and law enforcement officers, lifeguards, library staff, and community volunteers. This high degree of collaboration benefits response times, service accessibility, and information sharing for assisting unhoused residents.
  - The City has an agreement with Turning Point for three interim housing beds in Santa Monica.
- Housing and services challenges in Malibu:
  - Malibu's expansive area and topographic isolation from the rest of the region creates logistical challenges for providing accessible social services for unhoused and lower-income residents, requiring long vehicle or bus trips for basic needs.
  - Recruiting employees for jobs in the city, particularly for lower- and moderate-income jobs, is challenging due to high cost of living and long commutes, especially via public transit. Lower-income workers, particularly those who work temporary jobs such as construction, sometimes sleep in their vehicles on the street to avoid commuting. Middle-income public employees, such as police and teachers, experience high turnover due to the lack of affordable housing options.
  - Wraparound services, including mental health, substance abuse, medical care, and transportation services, are needed for lower-income residents.
  - The high cost of land in Malibu makes establishing interim housing difficult.
- Suggestions for collaboration, resources, and opportunities:
  - There is potential for collaboration with the County to build emergency shelters on County property in Malibu near services and transit.
  - Potential solutions for interim or emergency housing could include repurposing existing City facilities or enacting zoning changes to allow this type of housing.
  - The City's website can provide information on available housing resources for residents, particularly seniors, public employees, and local employees.

- Trends and characteristics among the unhoused population:
  - Veterans comprise a small portion of the unhoused residents.
  - There are several long-term homeless individuals who have resided in the city for decades and their circumstances and needs vary by person.
  - The unhoused population includes families, couples, and the elderly. There has been an observed increase in unhoused older individuals and female residents in recent years.
  - Substance use has shifted in recent years from alcohol to methamphetamine and fentanyl, leading to behavioral challenges such as psychosis and disruptive behavior. These behavioral challenges can make it difficult for service providers to establish and maintain care.
  - Some individuals were previously housed in Malibu but became homeless, particularly following events like the Woolsey Fire. Residents who were living on someone else's property in a guest home or trailer were more likely to be impacted by housing needs. Despite emergency housing vouchers being available after the fire, they were not utilized by all affected individuals.
  - Most unhoused residents in Malibu did not previously have housing in the city; most arrived in the city for various reasons after becoming homeless.
  - Homeless individuals are frequently found in locations like the library and Legacy Park.

The Housing Plan was updated to incorporate this feedback into the program actions. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance for affordable housing projects that provide units that serve the needs of special needs groups, such as seniors and lower-income employees. Housing Program 3.3 also directs the City to Implement the City's Homelessness Task Force and provide funding to conduct outreach and coordinate with landlords and shelter facilities throughout Los Angeles County and ensure there are sufficient beds available to Malibu residents experiencing homelessness.

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Resolution No. 24-48
Exhibit A

PRSRT.STD.
U.S. POSTAGE
PAID
MALIBU, CA 90265
PERMIT NO. 174

CITY OF MALIBU

23825 Stuart Ranch Road
Malibu, CA 90265

Housing Element Virtual Public Meeting

Wednesday, June 23 at **6:30 PM**

YOU'RE INVITED!

Please join the 2021-2029 Draft Housing Element workshop to learn about the City's obligations and provide input on how major issues will be addressed in the updated Housing Element, including how City policies, plans and regulations help to further the development, improvement, and preservation of housing in order to meet the existing and projected needs of our community.

This meeting is to gather input from members of the public and no action will be made at this meeting. A public hearing to consider adoption of the 6th Cycle 2021-2029 Housing Element will be held at a later date, and a public notice will be provided in advance of that hearing.

All project background information and viewing and commenting instructions for the meeting are posted at:

MalibuCity.org/HousingElement

City of Malibu

2021 Housing Element Update

Planning Commission
June 23, 2021

Overview

Malibu General Plan

1.0 Land Use

2.0 Open Space and Recreation

3.0 Conservation

4.0 Circulation and Infrastructure

5.0 Safety and Health

6.0 Noise

7.0 Housing

Overview

- Housing Element required in General Plan since 1969
- Extensive legal requirements
- Housing Element updates required every 8 years
  - ✓ 2021-2029 update required by State law ("6th cycle")
- State oversight & Housing Element "certification"

Housing Element Certification

- Limitations on local land use control
- Housing is a "matter of statewide importance"
- State Legislature has delegated HCD authority to review Housing Elements for compliance ("certification")
- Potential legal consequences for non-compliance
- Certification supports the legal validity of the Housing Element and General Plan

Housing Element Guiding Principles

- Maintain & improve existing housing
- Plan for new housing to accommodate growth and a variety of housing for all economic segments
- Minimize constraints to housing
- Fair housing

What is Affordable Housing?

LA County Median Income = $80,000	Income Limits	Affordable Rent	Affordable Price (est.)
Extremely Low (<30%)	$35,450	$886	---
Very Low (31-50%)	$59,100	$1,478	---
Low (51-80%)	$94,600	$2,365	---
Moderate (81-120%)	$96,000	$2,400	$425,000
Above Mod (>120%)	>$96,000	>$2,400	>$425,000

Assumptions:
Based on a family of 4
30% of gross income for rent or PITI
10% down payment, 3.75% interest, 1.25% taxes & insurance, $300 HOA dues

Key Requirements

Housing regulations consistent with State law

- ✓ *Persons with special needs*

Regional Housing Needs Assessment (RHNA)

- ✓ *Adequate sites to accommodate assigned need*

Special Needs

Housing for persons with special needs

- ✓Affordable workforce housing
- ✓Transitional housing
- ✓Supportive housing
- ✓Emergency shelters
- ✓Residential care facilities
- ✓Accessory dwelling units (ADUs)

RHNA

- Mandated by State law since 1980
- Total housing need assigned to each region by HCD
- RHNA Plan prepared by SCAG
- Each city & county assigned a share of total need based on projected growth, existing need & access to jobs & transit
- RHNA allocation distributed among 4 income categories

RHNA

RHNA requirements in State law

- Planning
  - ✓ City must ensure that plans and development regulations can accommodate the RHNA allocation in all income categories
  - ✓ Housing Element certification requires "adequate sites"
- Production
  - ✓ Housing Element certification not contingent on achieving the RHNA allocation
  - ✓ If housing production falls short of the RHNA allocation, streamlined permit processing required for some projects

RHNA

6th Planning Cycle (2021-2029)

SCAG region:	1,341,827 units
Los Angeles County:	812,060 units
Malibu:	79 units

RHNA

Malibu (2021-2029)

Income Category	Units
Very low	28
Low	19
Moderate	17
Above mod	15
Total	**79**

RHNA Summary

- Planning target, not a construction quota
- Sites inventory must accommodate the RHNA
- Lower-income need can be accommodated through:
  - ✓ Multi-family residential zoning (20+ units/acre)
  - ✓ Mixed-use or "overlay" zoning (20+ units/acre)
  - ✓ Accessory dwelling units (ADUs)
- If sites inventory does not accommodate the RHNA, rezoning is required

Next Steps

Date	Milestone
Spring/Summer 2021	Research & analysis Public outreach Planning Commission study session
Summer 2021	Prepare Draft Housing Element Public review Planning Commission review City Council review HCD review & consultation
Fall 2021	Prepare Revised Draft Housing Element Public review Planning Commission review City Council hearing & adoption HCD review & certification

For more information:

https://www.malibucity.org/HousingElement

Questions & comments?

jkendall@malibucity.org

Frequently Asked Questions

Malibu 2021-2029 Housing Element Update

1. What is a Housing Element?

State law[1] requires each city to adopt a comprehensive, long-term General Plan for its physical development. General Plans include several "elements" that address various topics. The Malibu General Plan[2] is organized into the following elements: Land Use, Circulation and Infrastructure, Conservation, Open Space and Recreation, Safety and Health, Noise, and Housing.

Most portions of city General Plans have a "time horizon" of 20-25 years; however, State law requires that Housing Elements be updated every 8 years. Housing Element planning periods are sometimes referred to as *cycles*. The City's current Housing Element covers the planning period extending from 2013 to 2021, which is referred to as the "5th Housing Element cycle" in reference to the five required updates that have occurred since the comprehensive revision to State Housing Element law in 1980. Every city in the Southern California Association of Governments ("SCAG") region[3] is required to prepare a Housing Element update for the 6th planning cycle, which spans the 2021-2029 period, regardless of when the other elements of the General Plan were adopted.

State law[4] establishes detailed requirements for Housing Elements, which are summarized in California Government Code Section 65583:

> *The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.*

[1] California Government Code Sec. 65300 *et seq.*
[2] http://qcode.us/codes/malibu-general-plan/
[3] The SCAG region includes Los Angeles, Orange, Riverside, San Bernardino, Ventura and Imperial counties.
[4] California Government Code Sec. 65580 *et seq.*

2. What are the most important issues that must be addressed in the Housing Element?

The major issues that must be addressed in the Housing Element are: 1) how City policies, plans and regulations help to meet the region's housing needs for people at all income levels; and 2) how City land use regulations accommodate the special housing needs of persons with disabilities or other difficulties.

- **Accommodating Regional Housing Needs**. Every community is dependent on a variety of low- and moderate-income workers in jobs such as child and elder care, medical support, business and personal services, retail trade, and maintenance. While governmental programs provide funding assistance for affordable housing, city plans and regulations determine the type of housing that can be built. Therefore, a sufficient supply of affordable housing is dependent on both financial assistance and city development regulations.

  Under State law[5] all cities are required to plan for additional housing to accommodate population growth and existing housing problems such as overcrowding and high housing cost. State law recognizes that most housing is built by private developers, not cities. However, cities are required to adopt policies, plans, and development regulations to encourage a variety of housing types that are affordable for persons at all income levels, including multi-family rental housing and accessory dwelling units ("ADUs"). The Regional Housing Needs Assessment ("RHNA") is the process by which each jurisdiction's share of new housing needs is determined (see #4 below).

- **Housing for Persons with Special Needs**. Under State law[6] cities must also ensure that their plans and regulations encourage the provision of housing for persons with special needs including:

  ✓ Reasonable accommodation for persons with disabilities
  ✓ Transitional and supportive housing
  ✓ Residential care facilities
  ✓ Emergency shelters and "navigation centers"

3. What is "affordable" housing?

By definition, housing is considered "affordable" when total housing cost, including utilities, is no more than 30% of a household's gross income. State law describes five income categories, which are based on county median income as shown in Table 1.

Table 1. Household Income Categories

Income Category	% of county median income
Extremely low	Up to 30%
Very low	31-50%
Low	51-80%
Moderate	81-120%
Above moderate	Over 120%

Source: California Government Code Sec. 65584(f)

[5] California Government Code Sec. 65583
[6] California Government Code Sec. 65583(a)(5)

Affordable housing costs for all jurisdictions in Los Angeles County that correspond to these income categories are shown in Table 2. Affordability figures are adjusted each year and are based on family size.

Table 2. Income Categories and Affordable Housing Costs – Los Angeles County

Income Category	Maximum Income	Affordable Rent	Affordable Price (est.)
Extremely low	$35,450	$886	*
Very low	$59,100	$1,478	*
Low	$94,600	$2,365	*
Moderate	$96,000	$2,400	$375,000
Above moderate	>$96,000	>$2,400	>$375,000

Assumptions:
-Based on a family of 4 and 2021 State income limits
-30% of gross income for rent or principal, interest, taxes & insurance plus utility allowance
-10% down payment, 3.75% interest, 1.25% taxes & insurance, $350 HOA dues
* For-sale affordable housing is typically at the moderate-income level
Source: Cal. HCD; JHD Planning LLC

4. What is the "RHNA" why is it important?

Each California city is required to plan for new housing to accommodate a share of regional needs. The Regional Housing Needs Assessment ("RHNA") is the process established in State law[7] by which each city's housing needs are determined.

Prior to each Housing Element planning cycle the region's total housing need is determined by the California Department of Housing and Community Development ("HCD") based upon economic and demographic trends, existing housing problems such as overcrowding and overpayment, and additional housing needed to ensure reasonable vacancy rates and replace units lost due to demolition or natural disasters. The total housing need for the region is then distributed to cities and counties by SCAG based upon criteria established in State law.[8]

In 2019 HCD determined that the total new housing need for the entire SCAG region in the 6th Housing Element cycle is 1,341,827 units. SCAG then prepared a RHNA plan that allocates a share of the RHNA to each jurisdiction in the region.[9] Table 3 shows the RHNA allocations for Malibu, Los Angeles County, and the entire SCAG region.

Table 3. 6th Cycle RHNA – Malibu, Los Angeles County and SCAG Region

	Malibu	Los Angeles County	SCAG Region
RHNA allocation 2021-2029 (housing units)	79	812,060	1,341,827

Source: SCAG, 3/4/2021

The RHNA distributes each jurisdiction's total housing need among the income categories shown in Tables 1 and 2 above (the extremely-low and very-low categories are combined for RHNA purposes). The 6th cycle RHNA allocation for Malibu by income category is shown in Table 4.

[7] California Government Code Sec. 65584 et seq.
[8] California Government Code Sec. 65584(d)
[9] https://scag.ca.gov/housing

Table 4. 6th RHNA by Income Category – Malibu

Very Low	Low	Moderate	Above Moderate	Total
28	19	17	15	79

Source: SCAG, 3/4/2021

5. Is the RHNA a construction quota or mandate?

The RHNA allocation identifies the amount of additional housing a jurisdiction would require in order to have enough housing at all price levels to fully meet the needs of its existing population plus its expected population growth over the next 8 years while avoiding problems like overcrowding and overpayment. The RHNA is a planning requirement that identifies housing need, *not a construction quota or mandate*. Jurisdictions are not required to build housing or issue permits to achieve their RHNA allocations, but State law establishes specific requirements when housing production falls short of RHNA allocations. One such requirement is streamlined review of housing development applications that meet specific standards.[10] Other than requirements for streamlined permit processing, there are currently no legal or financial penalties imposed on cities that do not achieve their RHNA allocations.

6. What must cities do to comply with the RHNA?

The Housing Element must analyze the city's potential capacity for additional housing based on an evaluation of land use patterns, development regulations, development constraints (such as infrastructure availability and environmental conditions) and real estate market factors. The analysis must be prepared at a parcel-specific level of detail and identify properties where additional housing could be built consistent with current regulations. This evaluation is referred to as the "sites analysis" and State law requires the analysis to demonstrate that the city has adequate capacity to fully accommodate its RHNA allocation in each income category. If the sites analysis does not demonstrate that adequate capacity exists to fully accommodate the RHNA, the Housing Element must describe what steps will be taken to increase capacity commensurate with the RHNA – typically through amendments to land use and zoning regulations that could facilitate additional housing development.

Under State law, areas that are zoned to allow residential or mixed-use development at a density of at least 20 units/acre in small cities like Malibu are considered appropriate for affordable housing in the very-low and low income categories. Potential accessory dwelling units ("ADUs") can also accommodate future housing need in all income categories.

The City's preliminary analysis indicates that sufficient capacity exists for additional housing to accommodate Malibu's 2021-2029 RHNA allocation at all income levels. In 2013 an Affordable Housing Overlay Zone was adopted to allow multi-family residential development on approximately 9 acres of land with potential for approximately 150 units, which exceeds the RHNA allocation of 79 units.

[10] California Government Code Sec. 65913.4 (SB 35 of 2017)

7. Housing development is very expensive in Southern California. What happens if cities don't achieve their assigned housing needs?

Housing development is very expensive, particularly in coastal areas, and housing that is affordable to low- and moderate-income families typically requires large subsidies. While State housing law is based on the premise that every city has an obligation to use its governmental powers to encourage housing development at all income levels, it is recognized that available financial resources are not sufficient to produce all of the affordable housing needed. Therefore, if a city has adopted appropriate plans and regulations to encourage housing development commensurate with its RHNA allocation, it will not be penalized if actual production does not achieve assigned needs. However, under some circumstances State law requires that cities provide streamlined permit processing of housing developments if housing production falls short of RHNA goals.

8. What is "certification" of the Housing Element and why is it important?

The State Legislature has delegated authority to the California Department of Housing and Community Development ("HCD") to review Housing Elements and issue findings regarding the elements' compliance with the law.[11] If HCD issues a finding that the Housing Element is in substantial compliance with State law it is referred to as "certification" of the Housing Element. In 2013 HCD determined that Malibu's current Housing Element was in full compliance with State law. The City is now preparing a Housing Element update for the 2021-2029 period.

Housing Element certification is important for two main reasons:

- **Local control.** The General Plan establishes the foundation for the City's land use plans and regulations, and the Housing Element is part of the General Plan. If the City were challenged in court on a planning or zoning matter and the Housing Element were found by the court to be out of compliance, the court could order changes to City land use plans or regulations and assume control over some City land use decisions. HCD certification establishes a "rebuttable presumption of validity"[12] that the Housing Element complies with State law, which would support the City's legal defense. Recent laws also allow for courts to impose fines if a jurisdiction fails to adopt a compliant Housing Element.[13]
- **Eligibility for grant funds.** Some State grant funds are contingent upon Housing Element certification.

[11] California Government Code Sec. 65585
[12] California Government Code Sec. 65589.3.
[13] AB 101 of 2019

9. How can I find out more about the 2021 Housing Element update?

A webpage has been established on the City's website for the Housing Element update at:

https://www.malibucity.org/370/Housing-Element-Update

This webpage will be updated periodically with meeting notices, documents and other materials regarding the Housing Element update. In addition, interested persons are encouraged to submit questions or comments regarding the Housing Element update to Justine Kendall, Housing Element Project Manager at: jkendall@malibucity.org

. . .

From: [redacted]
To: Justine Kendall
Cc: Bruce Silverstein
Subject: Housing Element update comments
Date: Monday, June 21, 2021 5:52:33 PM

Dear Justine,

I have a conflict on 6/23, so I am unable to attend the public workshop. So I'd like to provide my comments via email. Note that I can find nowhere on the City web site with connection or location information for that meeting.

I read through the FAQ available regarding the Housing Element plan. In essence, it seems that this plan, while required, is nothing but window dressing. I'm certain that this update will confirm sufficient capacity exists in the City for the required RHNA allocations. However, capacity is not housing. I challenge anyone to find a single housing unit today in Malibu within the targeted affordable rent, available or currently occupied. Prior to Woolsey there might have been some, but unlikely as many as the RHNA allocations. Between Woolsey and short-term rentals, there is little hope of anything close to "affordable" in Malibu.

There are many long-time Malibu residents, in previously affordable situations, who were dislocated due to Woolsey and now can't return due to the skyrocketing rents. I can think of at least 4 off the top of my head, whom I know personally. A one bedroom guest house generally rents for about $3000+/mo now. Single rooms with shared kitchen and/or shared bath rent for over $2000/mo. These figures are 2-4 times higher than pre-Woolsey rents. The lowest purchase price is over $700k.

While this is outside the scope of the current Housing Elements update, I would like suggest that the City adopt as a goal the actual conversion of capacity to units within the targeted maximum affordable rents in the plan, at the RHNA allocations as a bare minimum. The City would need to determine how to be accountable and measure success of such a goal. The actions to achieve this goal might include:

- streamlined permitting for ADU
- streamlined planning and permitting for ADU as part of Woolsey rebuilds
- incentivizing ADU development
- aggressive and proactive enforcement of the STRO
- establishing a means by which property owners can register their property as qualifying, which will help the City track units, and offer some incentive for doing so as well as means to verify long-term, and potentially support lessors in qualifying tenants as low income and a public list of available qualifying units
- establish rent controls (I said "might" - this needs serious consideration)
- proactively solicit multi-unit developers and incentivize units permanently registered as affordable
- where zoning allows, allow, incentivize, and streamline permitting of the conversion of a single-family unit to multi-family, with designation of some units as affordable

I don't have a ton of knowledge of the City ordinances, policies, procedures, and objectives. But I do know that the "maximum affordable rent" is laughable in Malibu and it's a big problem. Employers here have difficulty hiring help because they have to drive so far from where they can afford to live, and their pay gets eaten up by gas expenses. Children who've

grown up here have little hope of living here on their own salary, especially those children of families who moved here generations ago. Young families have no way to get a foothold here. Malibu used to be a very diverse community. The loss of housing due to Woolsey and STR has been devastating.

Thank you for your efforts, time, and consideration.

Barb Dijker

November 30, 2020

Mayor Mikke Pierson
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Dear Mayor Pierson,

We are writing on behalf of **Abundant Housing LA** regarding Malibu's upcoming 6th Cycle housing element update. Abundant Housing LA is a pro-housing education and advocacy organization working to help solve Southern California's housing crisis. We support efforts to reform zoning codes and expand housing production, which are needed to reduce rents, improve access to jobs and transit, strengthen the local economy and job market, and combat segregation. We have a large and growing membership base throughout Los Angeles County.

California has a statewide housing shortage of nearly 3.5 million homes, and has the highest poverty rate in the nation after accounting for housing costs. Households at all levels of income face a historically high rent burden. Exclusionary zoning and longstanding constraints on denser housing have led to an undersupply of medium and high density housing near jobs and transit. This contributes to high rents and displacement of households.

Over the past few years, new state laws (e.g. AB 686 (2018), SB 166 (2017), AB 1397 (2017), SB 828 (2018), SB 35 (2017), etc.) have strengthened the Regional Housing Needs Assessment (RHNA), which sets a housing growth target for individual jurisdictions and requires jurisdictions to update their housing elements in order to achieve these targets.

These changes to state law have led to historically high jurisdiction-level housing growth targets in the upcoming 6th Cycle Housing Element Planning Cycle, and have empowered the state Department of Housing and Community Development (HCD) to enforce appropriately high standards for housing element updates. We are encouraged that Malibu was given a target of **79 new homes, of which 45 must be affordable to lower-income households.**

As jurisdictions start the housing element update process, AHLA seeks to provide guidance on how jurisdictions should fulfill both the letter and the spirit of housing element law. Unfortunately, some jurisdictions are already seeking to skirt their obligation to sufficiently plan to meet their housing needs. AHLA will scrutinize jurisdictions' housing elements, submit comments to HCD as needed, and collaborate closely with nonprofits that bring legal action against jurisdictions that fail to comply with state housing laws.

Of course, AHLA recognizes that the COVID-19 pandemic and resulting economic devastation have made it more difficult for jurisdictions to meet ambitious RHNA targets. But the pandemic has made it even more critical than ever for jurisdictions to solve the region's housing crisis and

encourage economic recovery. We seek to collaborate with you and your team on policy efforts to achieve the RHNA goals.

To that end, we have published a memo, **Requirements and Best Practices for Housing Element Updates: The Site Inventory**, explaining the key legal requirements, as well as HCD and AHLA's recommended best practices, for housing element updates. Additionally, **this checklist provides a summary of our core policy recommendations**. We respectfully encourage you to incorporate the concepts detailed in these documents into Malibu's housing element update.

As your team begins to develop Malibu's housing element update, we would like to draw particular attention to four critical components of the site inventory analysis:

1. Incorporating an estimate of the **likelihood of development** and the **net new units if developed** of inventory sites
2. Using an HCD-recommended "safe harbor" methodology for **forecasting future ADU production**
3. Prioritizing high-opportunity census tracts and well-resourced areas (e.g. near transit, jobs, schools, parks, etc.) when selecting sites for lower-income housing opportunities, in order to **affirmatively further fair housing**
4. Including the HCD-recommended buffer of at least 15-30% extra capacity in the site inventory, in order to **avoid violating the No Net Loss requirement**

Component #1: Housing elements should estimate and report both the **likelihood of development** and the **net new units if developed** of inventory sites.

Just because jurisdictions zone for more housing doesn't mean that the housing will actually be built. The economic cycle, uncertainty of market conditions, the current usage of nonvacant sites, and land use regulations all influence the extent to which rezoned parcels are built to their maximum theoretical capacity.

A parcel's maximum theoretical capacity is not the same as its realistic capacity. To draw a parallel to college admissions, when UCLA wants 2,000 students in its incoming class, they admit 4,000 students. Similarly, to achieve housing production targets, jurisdictions must increase zoned capacity well above the target number of new homes.

An accurate assessment of site capacity is necessary in order for the housing element to achieve sufficient housing production. The site capacity estimate should account for the following **two factors**:

- What is the likelihood that the site will be developed during the planning period?
- If the site were to be developed during the planning period, how many net new units of housing are likely to be built on it?

These are the **likelihood of development**[1] and **net new units if developed**[2] factors, as required by HCD guidelines. The portion of the jurisdiction's RHNA target that a site will realistically accommodate during the planning period is:

***(likelihood of development) x (net new units if developed) = realistic capacity*.**

In past planning cycles, the likelihood of development factor was not expressly considered; housing elements frequently assumed that most or all site inventory locations would be redeveloped to their maximum theoretical capacity. Since this generally did not happen, jurisdictions consistently fell short of their RHNA targets as a result. This is the case for Malibu, which is not on a path to achieving its 5th cycle RHNA targets for very low, low, and moderate income housing. Through 2019, it has permitted 0 homes that are affordable at these income levels, despite an extremely low RHNA target of 2 homes. Worse, the 2019 Woolsey fire caused the destruction of 480 homes in Malibu[3], leading to a net decrease in housing since the start of the 5th cycle.

5th Cycle RHNA Targets vs. Actual Housing Production (2014-19)

Income Bucket	RHNA Target	Homes Permitted
VLI	1	0
LI	1	0
MI	0	0
AMI	0	84
Total	**2**	**84**

According to Malibu's 5th cycle housing element, the city had theoretical capacity for roughly 1,099 more housing units.[4] Through 2019, Malibu permitted 84 housing units[5], which equates to 112 housing units permitted by the end of the 5th cycle (assuming that the same annual permitting pace continues in 2020 and 2021). This implies that in Malibu, excess zoned capacity has a **10% likelihood of being developed** (112 actual units divided by 1,099 theoretical units).

Malibu's 6th cycle housing element should incorporate this likelihood of development estimate into its site inventory analysis. This would be consistent with HCD guidelines,[6] while also ensuring that enough zoned capacity is available to encourage 79 housing units to be built by

[1] HCD Site Inventory Guidebook, pg. 20
[2] HCD Site Inventory Guidebook, pg. 21
[3] Los Angeles Times, August 5, 2019
[4] Malibu 5th Cycle Housing Element, pg. 71
[5] HCD Annual Progress Report dataset, 2020
[6] HCD Site Inventory Guidebook, pg. 20

the end of the 6th cycle. Assuming that zoned capacity has a 10% likelihood of being developed in the next 8 years, **the housing element must allow for 790 units of zoned capacity in order to achieve 79 actual housing units.** If Planning believes that a higher likelihood of development (and thus a smaller zoned capacity increase) is justified for certain parcels in the site inventory, persuasive data to support this assumption must be provided.[7]

Component #2: Housing element updates should use an HCD-recommended "safe harbor" methodology for forecasting future ADU production.

Local jurisdictions frequently use overly optimistic estimates of future ADU production to avoid necessary housing reform and rezoning. ADU development estimates must reflect actual on-the-ground conditions to ensure that they are realistic. Overly aggressive ADU production estimates set jurisdictions up for failure in providing the required housing for residents.

To that end, HCD has established two safe harbors for forecasting ADU production during the 6th Cycle[8]. One option ("Option #1") is to project forward the local trend in ADU construction since January 2018. The other, for use when no other data is available ("Option #2"), assumes ADU production at five times the local rate of production prior to 2018. Jurisdictions are also permitted to include programs that aggressively promote and incentivize ADU construction.

Where no other data is available, jurisdictions may assume an average increase of five times the previous planning period construction trends prior to 2018. Jurisdictions may also use regional ADU production trends, and include programs that aggressively promote and incentivize ADU construction. Jurisdictions should clearly and explicitly state their methodology and data sources for future ADU development forecasts.

According to HCD, Malibu issued permits for 1 ADU in 2017, 3 ADUs in 2018, and 7 ADUs in 2019. Under HCD's "Option #1", Malibu could take the average of the 2018 and 2019 ADU production trends, and forecast that 5 ADUs will be permitted per year during the 6th cycle. This would allow for a **total 6th cycle forecast of 40 ADUs.**

Under HCD's "Option #2", Malibu could multiply the 2017 ADU production trend by five, and forecast that 5 ADUs will be permitted per year during the 6th cycle. This also would allow for a **total 6th cycle forecast of 40 ADUs.**

Another, more aggressive, option would take the average of the 2018 and 2019 ADU production trends, and multiply that average by five. This methodology would forecast that 25 ADUs will be permitted per year during the 6th cycle. This would allow for a **total 6th cycle forecast of 200 ADUs.** Abundant Housing LA does not recommend this methodology, since it is not an HCD-defined safe harbor forecasting option.

[7] HCD Site Inventory Guidebook, pg. 20-21
[8] HCD Site Inventory Guidebook, pg. 31

Malibu should use HCD's Option 1 or 2 safe harbor when projecting annual ADU production. If it believes that higher ADU production forecasts are warranted, it must provide well-grounded estimates, based on the pace of ADU production in neighboring jurisdictions, and must explain programs or policy efforts that could lead to higher ADU production.

Finally, per HCD, the housing element "should also include a monitoring program that a) tracks ADU and JADU creation and affordability levels, and b) commits to a review at the planning cycle midpoint to evaluate if production estimates are being achieved."[9] Malibu's housing element should commit to mid-cycle rezoning if ADU production is lower than forecasted, and its midpoint review should be linked with immediate and automatic programs to increase housing production in the second half of the RHNA cycle. AHLA's recommended approach is to incorporate by-right density bonuses on inventory sites, which would automatically take effect mid-cycle if the ADU target is not met. The density bonus should be large enough, and apply to enough parcels, to fully make up for any ADU production shortfall.

Component #3: Housing elements must prioritize high-opportunity census tracts and well-resourced areas (e.g. near transit, jobs, schools, parks, etc.) when selecting sites for lower-income housing opportunities, in order to affirmatively further fair housing.

AB 686 (2018) requires housing element updates to "affirmatively further fair housing", which is defined as "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and fosters inclusive communities free from barriers that restrict access to opportunity based on protected characteristics."

In our region, housing policy and land use regulations were once used to exclude members of minority groups. Redlining and restrictive covenants, which restricted where Black Americans could live, were once commonplace throughout Los Angeles County. Malibu remains segregated today, with white Americans making up nearly 80% of the city's population.[10] Exclusion also continues on the basis of income: the estimated median home value in Malibu is $3.3 million[11], and 24% of the city's renters are "rent-burdened" (i.e. they spend more than 30% of their income on rent)[12]. High housing costs place a disproportionate burden on lower-income communities of color, and have the effect of excluding them from the city altogether.

Jurisdictions must address this issue by accommodating the lower-income RHNA targets in a way that conforms with AFFH requirements. HCD's Site Inventory Guidebook offers recommendations for **how** jurisdictions should accomplish this. HCD is **likely to require jurisdictions to distribute lower-income housing opportunities throughout the**

[9] HCD Site Inventory Guidebook, pg. 31
[10] American Community Survey, 2014-18
[11] Zillow Home Value Index, Malibu
[12] American Community Survey, 2014-18

jurisdiction, and recommends that jurisdictions first identify development potential for lower-income housing in high-opportunity neighborhoods[13].

Given that single-family, exclusionary zoning predominates in Malibu, and that its single census tract is classified as "highest-opportunity" in the TCAC/HCD Opportunity Map, rezoning is required in order to accommodate the RHNA targets for lower-income households. Additionally, focusing rezoning in single-family zoned areas will expand housing opportunities while minimizing the impact on existing renters in multifamily-zoned areas.

In order to fairly distribute housing opportunities citywide, Malibu should develop a quantitative methodology for scoring neighborhoods, based on factors like housing costs, median income, access to transit, access to jobs, access to schools, and environmental quality. Neighborhoods that score higher on these dimensions should be allocated higher housing growth targets, and rezoning should be based on these neighborhood-level housing growth targets.

Finally, Malibu should identify funding sources, public resources, and density bonus programs to maximize the likelihood that housing projects with below market-rate units are actually built. Local measures like a real estate transfer tax and congestion pricing could help generate new funding to support affordable housing production and preservation.

Component #4: Housing elements should include the HCD-recommended buffer of at least 15-30% extra capacity in the site inventory, in order to avoid violating the No Net Loss requirement.

SB 166 (2017) requires adequate sites to be maintained **at all times** throughout the planning period to accommodate the remaining RHNA target by each income category.[14] This means that if a jurisdiction approves a development on a parcel listed in the site inventory that will have fewer units (either in total or at a given income level) than the number of units (either in total or at a given income level) anticipated in the site inventory, then the jurisdiction must identify and make available enough sites to accommodate the remaining unmet RHNA target for each income category.[15]

If additional sites with adequate zoned capacity don't exist, then the jurisdiction must rezone enough sites to accommodate the remaining unmet RHNA target within 180 days. If the jurisdiction fails to accomplish this rezoning in the required period, then the consequences will include decertification of the housing element and potential state legal action.

To ensure that adequate housing capacity at all income levels exists in the housing element through the 6th Cycle, HCD recommends that "the jurisdiction create a buffer in the housing

[13] HCD Site Inventory Guidebook, pg. 3
[14] HCD No Net Loss Law Memo, pg. 1
[15] HCD Site Inventory Guidebook, pg. 22

element inventory of at least 15-30% more capacity than required, especially for capacity to accommodate the lower income RHNA."[16] **Malibu should "overshoot" on total site capacity for each income level, in order to ensure that the City's RHNA target is achieved at all income levels.**

The City of Malibu has an obligation to sufficiently plan to meet current and future residents' housing needs. The housing element update affords Malibu, and the broader Southern California region, the chance to take bold action on lowering housing costs, reducing car dependency, strengthening the local economy, and guaranteeing access to opportunity for Californians of all racial and ethnic backgrounds. We urge you and your colleagues to fully embrace this opportunity to transform Malibu for the better.

Finally, it is worth noting that state law imposes penalties on jurisdictions that fail to adopt a compliant 6th cycle housing element update by October 15, 2021. On that date, noncompliant jurisdictions will forfeit the right to deny residential projects on the basis of local zoning, so long as projects include at least a 20% set-aside for below market-rate units[17]. Jurisdictions that want to maintain local control over new development should therefore plan to adopt a compliant housing element update on time.

We would be glad to engage with your office and with the Planning Department throughout the housing element update process. We look forward to a productive and collaborative working relationship with the City of Malibu on this critical effort. Thank you for your consideration.

Sincerely,

Leonora Camner
Executive Director
Abundant Housing LA

Anthony Dedousis
Director of Policy and Research
Abundant Housing LA

[16] HCD Site Inventory Guidebook, pg. 22
[17] California Government Code 65589.5(d)(5)

If I am mistaken in my understanding, I am hopeful that someone else on this email chain will speak up and correct my misunderstanding.

Thanks again for your comments, and for your ongoing participation in our local government process.

Stay Well,

Bruce

On Tue, Jan 23, 2024 at 12:33 PM Terry Davis <[redacted]> wrote:

> Dear Richard, Council & Staff,
>
> As I wrote in an email to you several days ago after watching the Special Council Meeting to discuss the current draft of the Housing Element, I truly appreciate the deep dive that was taken by all to attempt to uncover the hidden, clarify the confusing and seek to find workable solutions. I wish to acknowledge those who took the time to respond to my email. Thank you.
>
> I know and understand a "little" about this. And that, is a lot more than some, and a LOT less than others. I want to *comment* as I believe it is important to participate in something so necessary, so important. I cannot process why we are NOT in compliance. It is the law. And we, in Malibu, have so little that is being expected of us! The numbers demanded of us are minuscule considering the massive housing needs in Los Angeles County alone.
>
> **7.2.8(b) 2014-20212021-2029 Housing Needs**
> The additional housing need assigned to Malibu for the 2021-2029 planning period is shown in Table 7.2-22.
> **Table 7.2-22**
> **Regional Housing Needs - Malibu**
>
> **Very low. Low. Moderate. Above Moderate. TOTAL = 79 units**
> **28. 19. 17 15Very Low1 Low Moderate Above Moderate Total**
> **Moderate Above Moderate Tot**
> Source: SCAG 2021
> Notes:
> 1. Includes the Extremely-Low-Income (ELI) category.
> 2. 14 units are assumed to be ELI pursuant to *Government Code* §65583.a.1
>
> What are we waiting for? Are we waiting for a developer to come in, take control, impose ALL the penalties, demands, and concessions that they are allowed and impose an oversized, cheaply built, bare bones monstrosity upon us? Possibly doubling? Tripling? The units necessary?

Why not be pro-active? Why not take control of the challenge? Use our resources, our capital (people, land and financial) to create a project that is in **compliance** with the law, satisfies our needs and serves the greater community. There are companies that can and will partner with us to make this happen. The longer we put this off the greater the chances of our being subjected to penalties and developments out of our control.

I know that this is NOT a new idea. But I believe it is the answer. If you recall, several years ago we were close to this becoming a reality. Let's not lose that opportunity again.

Thank you for your consideration.

Sincerely,

Terry Davis
[redacted]
[redacted]

fyi

Richard Mollica, AICP

Planning Director

City of Malibu

310.456.2489 ext 346

From: Confidential <[redacted]>
Sent: Wednesday, January 17, 2024 5:18 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: Housing Element

Question submitted for meeting 1/17 at 6pm

Please address...

City Housing Voucher Program where do we stand on this issue?

Are there designated below market rate units to use vouchers?

Are there designated housing voucher program units?

Where are the units located and are there any currently available?

Who is in charge of this program?

Housing questions...

Units for Live in Aides

Under Housing Vouchers Program. Department of Children and Family Services Government office: seeking housing units for foster moms who act as emergency placement for foster refugee children.

Group homes for special needs adults who age out of the foster system. Housing is needed.

There are several homes who have turned into rehab facilities but what about other populations?

CITY OF MALIBU JANUARY 17, 2024 HOUSING ELEMENT STUDY SESSION COMMUNICATIONS

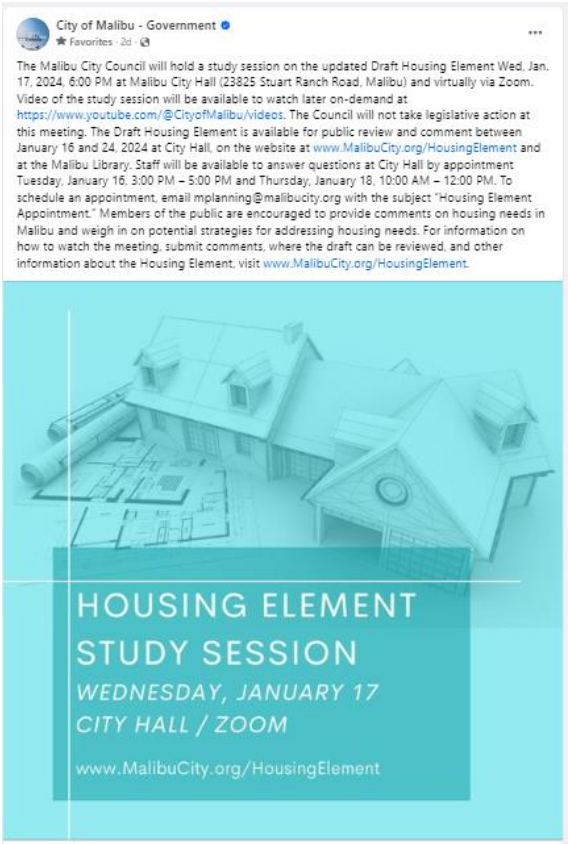
Instagram (Main account), posted twice in advance



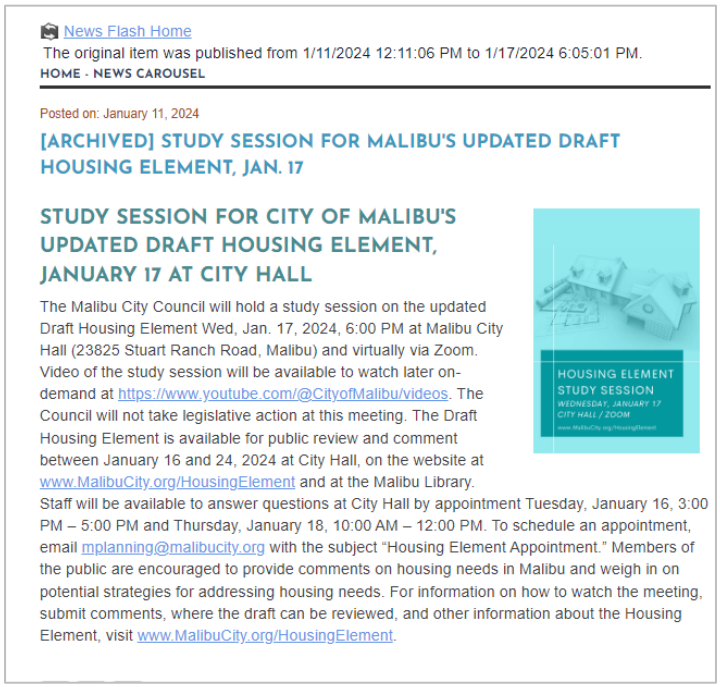
Slide posted in advance on Malibu City TV – Ch. 3 broadcast



Facebook (Main and Planning Dept. accounts), posted twice in advance



Newsflash (website homepage) posted in advance, and sent out to 559 subscribers.



NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
AVAILABILITY OF UPDATED DRAFT HOUSING ELEMENT

Study Session: The Malibu City Council will hold a study session on **WEDNESDAY, January 17, 2024, at 6:00 p.m.** on the updated Draft Housing Element in Council Chambers at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference. As a study session, no legislative action will be taken at this meeting.

General Plan Amendment 20-001 - The City Council adopted the 2021-2029 update of the City of Malibu General Plan Housing Element on January 20, 2022. In March 2022, the State Housing and Community Development (HCD) issued a letter finding that revisions were necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to comply with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on the updated Draft Housing Element.

Office Hours: Staff will be available to answer questions by appointment during the following times:

Tuesday, January 16 from 3:00 pm – 5:00 pm
Thursday, January 18 from 10:00 am – 12:00 pm

Appointments can be requested by emailing mplanning@malibucity.org. Please include "Housing Element Appointment" in the subject of your email.

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. Please include "Housing Element" in the subject of your email. All comments will be provided to the City Council for its consideration.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by **January 8, 2024.** Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

Hardcopies of the draft will be available in the following locations:

City of Malibu	Malibu Library
Planning Department	23519 Civic Center Way
23825 Stuart Ranch Road	Malibu, CA 9026

A written staff report for the study session and a copy of the Draft Housing Element will be available at malibucity.org/agendacenter prior to the meeting.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: January 11, 2024

CERTIFICATION OF PUBLICATION

STATE OF CALIFORNIA
County of **LOS ANGELES**

I hereby certify that I am the principal clerk of the printer of **The Malibu Times,** newspapers of general Circulation by The Superior Court of the County of Los Angeles, State of California: that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspapers and not in any supplement therof on the following dates to wit:

Legal Notice:

City Of Malibu

NOTICE OF MALIBU CITY COUNCIL STUDY SESSION

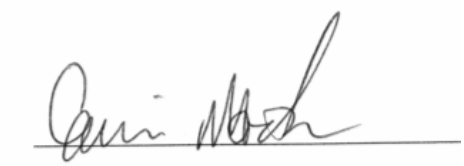
Dates Published:

12/21/2023

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed on: 12/21/2023

In Malibu, California



Legal Clerk, Cami Martin
The Malibu Times

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General Plan Amendment 20-001 - The City Council will consider the 2021-2029 update of the City of Malibu General Plan Housing Element which establishes and implements specific goals, policies, and objectives relative to the provision of housing for all income levels consistent with all applicable state housing element law. As a study session, no legislative action will be taken at this meeting.

On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to be in compliance with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on housing needs in Malibu as well as potential strategies for addressing housing needs.

Review Period: Begins: **January 16, 2024** Ends: **January 24, 2024**

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. All comments will be provided to the City Council for its consideration.

How to Participate in Study Session: All persons wishing to address the City Council during the study session will be afforded an opportunity in accordance with the Council's procedures. To view and participate during the meeting, please review the meeting agenda which will be posted at malibucity.org/agendacenter and follow the directions for public participation.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by January 8, 2024. Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

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Malibu, CA 9026

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Next Steps: Once the City Council conducts its review, the draft will be submitted to the California Department of Housing and Community Development. Following its review, an updated draft will be presented to the Planning Commission and City Council for its final review and adoption.

Receive Notifications: To be notified of important information regarding the Housing Element, sign up at malibucity.org/news and select Housing Element Update.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: December 21, 2023

CERTIFICATION OF PUBLICATION

STATE OF CALIFORNIA
County of **LOS ANGELES**

I hereby certify that I am the principal clerk of the printer of **The Malibu Times,** newspapers of general Circulation by The Superior Court of the County of Los Angeles, State of California: that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspapers and not in any supplement therof on the following dates to wit:

Legal Notice:

City Of Malibu

Housing Element Study Session

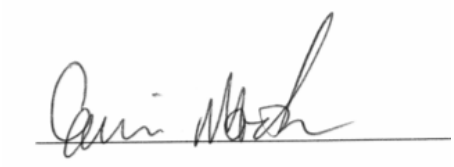
Dates Published:

1/11/2024

I certify (or declare) under penalty of perjury that the forgoing is true and correct.

Executed on: 1/11/2024

In Malibu, California



Legal Clerk, Cami Martin
The Malibu Times

NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
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Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: January 11, 2024

From: Gail Duncan
Bcc: [redacted]
Subject: CITY OF MALIBU - UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD
Date: Thursday, December 21, 2023 1:16:41 PM
Attachments: PHN_Housing Element_1.17.24 Study Session.pdf
image001.png
image002.png
image003.png
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image005.png
image006.png

UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD

The City will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24, 2024. In addition, the City Council will hold a Study Session on

Wednesday, January 17, 6:00 PM in-person at City Hall and virtually via Zoom, on the updated Draft Housing Element. For information on how to participate or view the meeting, submit comments, and where the draft can be reviewed, please see the Notice of Study Session and Availability for more information. On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter. For more information, visit the project webpage.

Gail Duncan (she/her)
Office Assistant | Planning Department
Office: (310) 456-2489 ext. 309
23825 Stuart Ranch Road | Malibu, CA 90265



UPCOMING

- December 27 - January 10, 8:00 AM - 3:00 PM - Free Christmas Tree Recycling - Chili Cookoff Lot
- Monday, January 8, 6:30 PM - City Council Regular Meeting - in-person at City Hall & virtually via Zoom
- Thursday, January 11, 7:00 PM - Harry Barovsky Memorial Youth Commission Special Meeting - in-person at City Hall
- Tuesday, January 16, 5:30 PM - Parks and Recreation Commission Regular Meeting - in-person at City Hall
- Tuesday, January 16, 6:30 PM - Planning Commission Regular Meeting - in-person at City Hall & virtually via Zoom
- Wednesday, January 17, 7:00 PM - Organics Recycling Training and Kitchen Caddy Giveaway - virtual
- Wednesday, January 17, 7:00 PM - Malibu Library Speaker Series with Thomas Levenson - Malibu Library
- Thursday, January 18, 6:00 PM - Art Talks, "21 Miles in Malibu" Film Screening & Community Discussion on PCH Safety - Santa Moniica College - Malibu Campus

CITY HALL / MANAGEMENT / GENERAL

(NEW) ALL CITY COMMISSION MEETINGS TO BE HELD IN PERSON AT CITY HALL AS OF JANUARY 1, 2024

On January 1, 2024, Assembly Bill 361, which has allowed the City's Commissions to meet virtually via Zoom, expired. This law was a temporary provision approved by the State Legislature to allow local agencies to conduct entirely virtual meetings pursuant to the Brown Act during the COVID-19 pandemic. Under normal circumstances, the Brown Act requires that Commission meetings be held in-person to allow the commission to openly conduct the people's business. After January 1, all of the City's Brown Act bodies have resumed meeting in-person at City Hall. City Council and Planning Commission meetings will continue to be held in a hybrid format; in-person at City Hall and virtually via Zoom. These meetings will continue to be available to view live and on-demand on the City's YouTube channel and website and live on City TV Ch. 3. All of the other City Commissions will begin meeting in person at City Hall only as they did before the pandemic, with no video broadcast.

HOMELESS OUTREACH UPDATE

The City's Homeless Outreach Team, which consists of two outreach workers and a housing navigator from The People Concern, reported that in November 2023, it engaged with 67 people experiencing homelessness in Malibu, one of whom was placed into permanent housing. In Malibu, 32 people are currently in various stages of engagement as the Outreach Team proactively works towards getting them into housing and comprehensive services. Current and past monthly Homeless Outreach reports are available on the webpage.

PLANNING

UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD, JANUARY 16 - 24

The City will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24. The City Council will also hold a Study Session on the updated Draft Housing Element on Wednesday, January 17, 6:00 PM in-person at City Hall and virtually via Zoom. Viewing and commenting instructions for the meeting and the Draft Housing Element are available on the website. On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addressed many statutory requirements but stated that revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter. For more information, visit the project webpage.

TEMPORARY USE PERMIT ORDINANCE HEARING RESCHEDULED TO FEBRUARY 12

The City Council public hearing to consider the Temporary Use Permit (TUP) proposed ordinance scheduled for December 11 has been rescheduled to Monday, February 12, 6:30 PM in-person at City Hall and virtually via Zoom. The hearing is to consider an ordinance and the Planning Commission's recommendations on updating regulations for TUPs, which are permits for events at non-residential properties. For more information about TUPs, visit the webpage.

WOOLSEY FIRE NON-CONFORMING STRUCTURES DEADLINES PUBLIC HEARING, JANUARY 8

To meet noticing requirements, the City Council will hold a second hearing on extending the deadlines to rebuild non-conforming structures destroyed or damaged in the Woolsey Fire without having to bring the structure into compliance with current ordinances on January 8, 2024, 6:30 PM. For more information, see the Notice of Public Hearing. On December 11, the City Council held its first hearing on the item and recommended extending the deadlines by three years. The December 11 staff report is available online. The January 8 staff report will be available in advance on the website. Should the Council extend the deadlines, the extensions filed by property owners will be considered moot. For more information, visit the Fee Waiver and Deadlines webpage.



As we approach the end of another eventful year, I want to take a moment to extend my warmest holiday greetings to each and every one of you. The holiday season is a time of reflection, gratitude, and joy, and it is with a heart full of appreciation that I address this message to our vibrant and dynamic community.

In the spirit of unity and togetherness, I want to express my deepest thanks to all of you for your continued support and dedication to making the City of Malibu a wonderful place to live, work, and thrive. Our community's strength lies in the bonds we share and the collective efforts to create a welcoming and inclusive environment for all.

In 2024, our focus remains unwaveringly on finding effective solutions for making Pacific Coast Highway safe. We understand the importance of this vital artery to our community, and we are fully resolved to work collaboratively towards improvements that ensure safety, efficiency, and a positive impact on our daily lives.

As we gather with family and friends to celebrate various traditions and festivities, let us take a moment to cherish the moments of joy, appreciate the spirit of giving, and reflect on the values that make our community resilient and compassionate.

The challenges we've faced this year have only strengthened our resolve to overcome adversity together. Your commitment to the well-being of Malibu is truly inspiring, and I am confident that our community will continue to grow and prosper in the coming year.

May this holiday season bring you peace, happiness, and the warmth of cherished connections. Let us embrace the opportunities that the New Year holds, working hand in hand to build an even brighter future for Malibu.

Thank you for being an integral part of our community. Your contributions make a positive difference every day, and I look forward to another year of collaboration and shared achievements.

Wishing you and your loved ones a joyful holiday season and a prosperous New Year!

- Steve McClary, City Manager

UPCOMING

- Friday, December 22 - January 1 - City Hall Winter Holiday Closure

SANDBAG AND SAND LOCATIONS IN THE MALIBU AREA
Zuma Beach Lifeguard Headquarters does not have sand for sandbags. Please do not remove sand from the beach, it is a violation of LA County Code. Sand is crucial for beach habitats. Plastic sandbags are banned in the City of Malibu. Look up sand and sandbag locations on the County website.

- Fire Station 70, 3970 Carbon Canyon Rd., Malibu. Ph: 310-456-2513 - sandbags, sand
- Fire Station 71, 28722 W. Pacific Coast Hwy., Malibu. Ph: 310-457-2578 - sandbags
- Fire Station 72, 1832 Decker Canyon Rd., Malibu. Ph: 310-457-6186 - sandbags
- Fire Station 88, 23720 W. Malibu Rd., Malibu. Ph: 310-456-2812 - sandbags
- Fire Station 89, 29575 Canwood St., Agoura Hills. Ph: 818-597-2272 – sandbags, sand
- Fire Station 99, 32550 Pacific Coast Hwy., Malibu. Ph: 310-457-3706 – sandbags, sand
- Fire Station 125, 5215 N. Las Virgenes Rd., Calabasas. Ph: 818-880-4411 – sandbags, sand
- Fire Station 144, 31981 Foxfield Dr., Westlake Village . Ph: 818-889-1626 - sandbags

PLANNING

(NEW) UPDATED DRAFT HOUSING ELEMENT STUDY SESSION & PUBLIC REVIEW PERIOD, JANUARY 16 - 24

The City will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24. The City Council will also hold a Study Session on the updated Draft Housing Element on Wednesday, January 17, 6:00 PM in-person at City Hall and virtually via Zoom. Viewing and commenting instructions for the meeting and the Draft Housing Element are available on the website. On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addressed many statutory requirements but stated that revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter. For more information, visit the project webpage.

(NEW) TEMPORARY USE PERMIT ORDINANCE HEARING RESCHEDULED TO FEBRUARY 12

The City Council public hearing to consider the Temporary Use Permit (TUP) proposed ordinance scheduled for December 11 has been rescheduled to Monday, February 12, 6:30 PM in-person at City Hall and virtually via Zoom. The hearing is to consider an ordinance and the Planning Commission's recommendations on updating regulations for TUPs, which are permits for events at non-residential properties. For more information about TUPs, visit the webpage.

(NEW) WOOLSEY FIRE NON-CONFORMING STRUCTURES DEADLINES PUBLIC HEARING, JANUARY 8

To meet noticing requirements, the City Council will hold a second hearing on extending the deadlines to rebuild non-conforming structures destroyed or damaged in the Woolsey Fire without having to bring the structure into compliance with current ordinances on January 8, 2024, 6:30 PM. For more information, see the Notice of Public Hearing. On December 11, the City Council held its first hearing on the item and recommended extending the deadlines by three years. The December 11 staff report is available online. The January 8 staff report will be available in advance on the website. Should the Council extend the deadlines, the extensions filed by property owners will be considered moot. For more information, visit the Fee Waiver and Deadlines webpage.

(NEW) ADU ORDINANCE ADOPTED

On December 11, the City Council held a hearing on the Accessory Dwelling Units (ADUs) ordinance as well as the Planning Commission's recommendations and adopted an ordinance. The second reading of the ordinance will be held on January 8, 2024. The January 8 staff report with the final ordinance will be available in advance on the website. Once the second reading is conducted, staff will submit the Local Coastal Program Amendment to the California Coastal Commission for its certification review. The State has identified ADUs as an important tool to create more affordable housing amidst California's housing crisis and has passed several laws to make it easier to build ADUs. The City is developing an ordinance to be consistent with the State laws and has been gathering community input to ensure the regulations reflect Malibu's needs and characteristics. For more information, visit the project webpage.

(NEW) SPECIAL EVENTS REPORT

Currently, there are no new permitted events scheduled. The City of Malibu Planning Department posts a weekly report of approved event permits on the website. In order to help the public stay informed of pending event permit applications and to create opportunity for public input, the Event Permit Report includes all event permit applications deemed complete for review for consistency and compliance with the requirements of the Malibu Municipal Code and the Planning Director's action on each application. To sign up to receive an email or text message when an updated Event Permit Report is posted, visit the e-notifications page (scroll down to the "Special Event Permit Report" category).

CITY HALL / GENERAL

CITY HALL HOURS

City Hall is open to the public. Regular City Hall hours are Monday through Thursday, 7:30 AM to 5:30 PM and Fridays 7:30 AM to 4:30 PM. Members of the public may come to City Hall without an appointment during public counter hours. An appointment will be needed for in-person assistance during any other hours. Appointments can be made online. The use of facemasks is now "individual preference" while inside City Hall, in accordance with Los Angeles County Department of Public Health guidelines.

Public Counter Hours

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Sent By:	(Automatically Sent By Website)
Send Date:	1/22/2024 12:35:08 PM
Email Subject:	**Malibu Updated Draft Housing Element - Public Review Period Through January 24**

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UPDATED DRAFT HOUSING ELEMENT
PUBLIC REVIEW PERIOD

The City's updated Draft Housing Element is available for public review and comment through January 24 at City Hall, on the Housing Element webpage and at the Malibu Library. Members of the public are encouraged to provide comments on housing needs in Malibu and weigh in on potential strategies for addressing housing needs. Comments may be submitted to rmollica@malibucity.org. For more information about the Housing Element, including the January 17 City Council Study Session video, visit the project webpage.

▼ Plain text message

Updated DRAFT HOUSING ELEMENT
PUBLIC REVIEW PERIOD
The City's updated Draft Housing Element is available for public review and comment through January 24 at City Hall, on the Housing Element webpage and at the Malibu Library. Members of the public are encouraged to provide comments on housing needs in Malibu and weigh in on potential strategies for addressing housing needs. Comments may be submitted to rmollica@malibucity.org [mailto:rmollica@malibucity.org]. For more information about the Housing Element, including the January 17 City Council Study Session video, visit the project webpage [https://malibucity.org/housingelement].

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Malibu Updated Draft Housing Element - Public review and comment period through January 24
malibucity.org/housingelement

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Sent By:	(Automatically Sent By Website)
Send Date:	12/21/2023 3:00:42 PM
Email Subject:	**Malibu Draft Housing Element - City Council Study Session Jan 17**

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DRAFT HOUSING ELEMENT
STUDY SESSION & PUBLIC REVIEW PERIOD

The City of Malibu will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24, 2024. In addition, the City Council will hold a Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom, on the updated Draft Housing Element. For information on how to participate, view the meeting, or submit comments, and where the draft can be reviewed, please review the Notice of Study Session and Availability of Documents for more information.

On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter.

For more information, visit the project webpage.

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DRAFT HOUSING ELEMENT
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The City of Malibu will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24, 2024. In addition, the City Council will hold a Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom, on the updated Draft Housing Element. For information on how to participate view the meeting, or submit comments, and where the draft can be reviewed, please review the Notice of Study Session and Availability of Documents [https://malibucity.org/DocumentCenter/View/33032/PHN_Draft-Housing-Element_11724-Study-Session] for more information.

On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter [https://www.malibucity.org/DocumentCenter/View/29597/HCD-Letter-Dated-32222] .

For more information, visit the project webpage [https://www.malibucity.org/housingelement] .

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Malibu City Council to hold Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom to consider a revised Draft Housing Element. For more information about this meeting and availability of the Draft Housing Element, visit the webpage malibucity.org/housingelement.

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Sender Name:	Planning Department
Sent By:	(Automatically Sent By Website)
Send Date:	1/11/2024 8:04:28 PM
Email Subject:	**Malibu Draft Housing Element - City Council Study Session Jan 17**

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DRAFT HOUSING ELEMENT
STUDY SESSION & PUBLIC REVIEW PERIOD

The Malibu City Council will hold a study session on the updated Draft Housing Element Wed, Jan. 17, 2024, 6:00 PM at Malibu City Hall (23825 Stuart Ranch Road, Malibu) and virtually via Zoom. Video of the study session will be available to watch later on-demand at https://www.youtube.com/@CityofMalibu/videos. The Council will not take legislative action at this meeting. The Draft Housing Element is available for public review and comment through January 24, 2024 at City Hall, on the website at www.MalibuCity.org/HousingElement and at the Malibu Library. Staff will be available to answer questions at City Hall by appointment Tuesday, January 16, 3:00 PM – 5:00 PM and Thursday, January 18, 10:00 AM – 12:00 PM. To schedule an appointment, email mplanning@malibucity.org with the subject "Housing Element Appointment." Members of the public are encouraged to provide comments on housing needs in Malibu and weigh in on potential strategies for addressing housing needs. For information on how to watch the meeting, submit comments, where the draft can be reviewed, and other information about the Housing Element, visit www.MalibuCity.org/HousingElement.

▼ **Plain text message**

DRAFT HOUSING ELEMENT
STUDY SESSION & PUBLIC REVIEW PERIOD
The City of Malibu will publish an updated Draft Housing Element on January 8, 2024 for a public review period from January 16 through January 24, 2024. In addition, the City Council will hold a Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom, on the updated Draft Housing Element. For information on how to participate view the meeting, or submit comments, and where the draft can be reviewed, please review the Notice of Study Session and Availability of Documents [https://malibucity.org/DocumentCenter/View/33032/PHN_Draft-Housing-Element_11724-Study-Session] for more information.

On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with the State Housing Element Law. This draft was prepared in response to the HCD March 2022 letter [https://www.malibucity.org/DocumentCenter/View/29597/HCD-Letter-Dated-32222] .

For more information, visit the project webpage [https://www.malibucity.org/housingelement] .

▼ **SMS message**

Malibu City Council to hold Study Session on Wednesday, January 17, 6:00 PM, in-person at City Hall and virtually via Zoom to consider a revised Draft Housing Element. For more information about this meeting and availability of the Draft Housing Element, visit the webpage malibucity.org/housingelement.

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NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
AVAILABILITY OF UPDATED DRAFT HOUSING ELEMENT

Study Session: The Malibu City Council will hold a study session on **WEDNESDAY, January 17, 2024, at 6:00 p.m.** on the updated Draft Housing Element in Council Chambers at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference. As a study session, no legislative action will be taken at this meeting.

General Plan Amendment 20-001 - The City Council adopted the 2021-2029 update of the City of Malibu General Plan Housing Element on January 20, 2022. In March 2022, the State Housing and Community Development (HCD) issued a letter finding that revisions were necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to comply with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on the updated Draft Housing Element.

Office Hours: Staff will be available to answer questions by appointment during the following times:

Tuesday, January 16 from 3:00 pm – 5:00 pm
Thursday, January 18 from 10:00 am – 12:00 pm

Appointments can be requested by emailing mplanning@malibucity.org. Please include "Housing Element Appointment" in the subject of your email.

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. Please include "Housing Element" in the subject of your email. All comments will be provided to the City Council for its consideration.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by **January 8, 2024.** Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

Hardcopies of the draft will be available in the following locations:

City of Malibu	Malibu Library
Planning Department	23519 Civic Center Way
23825 Stuart Ranch Road	Malibu, CA 9026

A written staff report for the study session and a copy of the Draft Housing Element will be available at malibucity.org/agendacenter prior to the meeting.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: January 11, 2024

NOTICE OF MALIBU CITY COUNCIL STUDY SESSION
&
AVAILABILITY OF UPDATED DRAFT HOUSING ELEMENT

Study Session: The Malibu City Council will hold a study session on **WEDNESDAY, January 17, 2024, at 6:00 p.m.** on the updated Draft Housing Element in Council Chambers at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference.

General Plan Amendment 20-001 - The City Council will consider the 2021-2029 update of the City of Malibu General Plan Housing Element which establishes and implements specific goals, policies, and objectives relative to the provision of housing for all income levels consistent with all applicable state housing element law. As a study session, no legislative action will be taken at this meeting.

On January 10, 2022, the City Council adopted Resolution No. 22-67 adopting the Revised Draft Housing Element, which was submitted to the California Department of Housing and Community Development (HCD) on January 20, 2022. Subsequently, in March 2022, the HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, additional revisions are necessary to comply with State Housing Element Law. The updated Draft Housing Element incorporates revisions to be in compliance with the comments provided by the HCD.

Public Review: The updated Draft Housing Element is being circulated for public review to allow public agencies and interested members of the public the opportunity to comment on housing needs in Malibu as well as potential strategies for addressing housing needs.

Review Period: Begins: **January 16, 2024** Ends: **January 24, 2024**

How to Send Comments: Written comments should be submitted via email to rmollica@malibucity.org. All comments will be provided to the City Council for its consideration.

How to Participate in Study Session: All persons wishing to address the City Council during the study session will be afforded an opportunity in accordance with the Council's procedures. To view and participate during the meeting, please review the meeting agenda which will be posted at malibucity.org/agendacenter and follow the directions for public participation.

Where Documents are Available for Review: The updated Draft Housing Element will be available at malibucity.org/housingelement by January 8, 2024. Previous draft documents, meeting materials, and recordings of previous meetings are also available on the webpage.

Hardcopies of the draft will be available in the following locations:

City of Malibu
Planning Department
23825 Stuart Ranch Road

Malibu Library
23519 Civic Center Way
Malibu, CA 9026

A written staff report for the study session will be available at malibucity.org/agendacenter prior to the meeting.

Next Steps: Once the City Council conducts its review, the draft will be submitted to the California Department of Housing and Community Development. Following its review, an updated draft will be presented to the Planning Commission and City Council for its final review and adoption.

Receive Notifications: To be notified of important information regarding the Housing Element, sign up at malibucity.org/news and select Housing Element Update.

Contact: For more information regarding this notice, please contact Richard Mollica, Planning Director, at rmollica@malibucity.org or at 310-456-2489, extension 346.

Richard Mollica, Planning Director

Publish Date: December 21, 2023

Revised 2021-2029 Housing Element
City Council Study Session

January 17, 2024
City Council Meeting
Item No. 1.A.

Background Information

- Housing Element updated every 8 years
  - 6th Cycle Housing Element: 2021-2029 planning period
  - Certification by the Housing and Community Development (HCD) required by October 15, 2021

- HCD Review and Revisions
  - August 24, 2021 - First draft submitted to HCD
  - October 22, 2021 - HCD review letter
  - January 10, 2022 - City Council adopted the revised draft and resubmitted to HCD
  - March 22, 2022 - HCD review letter

Revisions to the Housing Element

Housing Plan (Section 7.5)

- Contains goals, policies, and programs the City is committed to accomplish during the planning period
- New programs added to the Housing Plan:
  - MMC and LIP amendments are needed to address new State law
  - Affirmatively Furthering Fair Housing (AFFH) analysis completed
- Existing programs' actions, objectives, and timelines were strengthened or clarified as needed

Revisions to the Housing Element

Affirmatively Furthering Fair Housing (New Appendix F)

- HCD requires a full assessment of fair housing:
  - Fair housing enforcement and outreach
  - Geographic analysis of trends related to disparities and segregation
  - Assessment of contributing factors to fair housing concerns
- The Housing Element was revised to provide a complete assessment using HCD's guidance

Revisions to the Housing Element

Residential Land Inventory (Appendix B)

- Demonstrates adequate land with appropriate zoning and development standards to meet the City's Regional Housing Needs Allocation (RHNA).
  - RHNA: specific number of housing units broken down by household income category

Housing Units	Household Income Category (Based on Area Median Income)				
	Very-Low	Low	Moderate	Above Moderate	Total
RHNA 2021-2029	28	19	17	15	79

Sites Inventory

- Revised to be limited to sites that could support a realistic development capacity and achieve RHNA
- City-owned La Paz site in the Civic Center removed from Site Inventory –parcels in inventory must be available during entire 2021-2029 planning period
- Capacity assumptions of two AHO sites on Pacific Coast Highway revised
- Updated assumptions for the projected number of Accessory Dwelling Units (ADUs)
  - Annual Progress Report

Public Notification- Deadlines

- The revised Housing Element is available for review on the City's web page at: malibucity.org/HousingElement.

- State law requires a 7-day public review process before resubmitting the revised draft to HCD.

- Notices of the City Council study session and availability of the revised Housing Element were sent to 840 individuals and public agencies published in the newspaper and advertised on the City's social media platforms and the City's webpage.

- Comments on the Housing Element are due **January 24** and can be sent to Planning Director Richard Mollica at RMollica@malibucity.org

Next Steps

- The revised Housing Element will be revised with input from the City Council and the public before resubmitting to HCD.
- Any further comments by HCD will be addressed until HCD considers the Housing Element in compliance.
- Future public hearings will be held by the Planning Commission and City Council to consider the readoption of the Housing Element.
- When the City Council re-adopts the revised Housing Element, it will be resubmitted to HCD for certification.

Recommendation

No formal action is required at this time. Staff recommends the following:

- Receive public comments
- Provide comments to staff on the revised Housing Element as appropriate

Revised 2021-2029 Housing Element
City Council Study Session

January 17, 2024
City Council Meeting
Item No. 1.A.

Revised Housing Element Public Review Comment from March 13- March 20 2024

[redacted]

Fri 3/15/2024 6:17 PM

To:Richard Mollica <RMollica@malibucity.org>

Hi my name is [redacted] I am interested in the Revised Housing Element if it does come to pass and the City of Malibu CA does indeed build Housing for low- income individuals I want to be on list to be first renter approved for the program if the Revised Housing Element does come to pass so here I am making a comment following the program and would like feed back on how to stay informed on City Hall meetings and emails regarding the Revised Housing Element 2021-2029 and just to be informed on how I can make myself the first renter on the list for the Revised Housing Element program if it comes to pass my info to be contacted is [redacted]
Phone number [redacted] email [redacted]

Sent from my Metro by T-Mobile 5G Device

Revised Housing Element

[redacted]

Fri 3/15/2024 7:56 PM

To:Richard Mollica <RMollica@malibucity.org>

Cc:[redacted]

Hi Richard:

I skimmed the report and from what I saw it looked very professional.

A couple of thoughts:

We host millions of visitors a year in the open space we have which is a valuable public service—would we be able to perform that service if required to increase residential density? Isn't Malibu's value its open space and rural character?

What are the CCC thoughts on the impact of residential build out and increased density in Malibu? Is it consistent with our visitor serving mandate?

Thanks

[redacted]

Sent from my iPhone

[redacted]

Housing Mandate

[redacted]

Mon 3/18/2024 3:14 PM

To:Richard Mollica <RMollica@malibucity.org>

The long and detailed Housing Document required by the state seems to be very complete in the requirements of what to report. But we also know that the State Housing Mandate has not been fulfilled in Malibu, and that right now there is no approved plan to do anything about it.

Here are two simple steps to help Malibu move towards compliance, and that I believe will benefit all of Malibu. However, I'm aware that there will be opposition as there is to every new suggestion in Malibu.

Step One: The city should build workforce housing to provide below market rate rents to teachers, city employees, firemen and policemen. Other cities do it. Universities do it for their professors. Even with below market rents, by floating a bond issue the rents will pay off the bonds with no out of pocket costs to the city. Let's remember that there are no real estate taxes nor development fees charged to the city. Also, the land is already owned by the city so the sunk costs for the land are the same as doing nothing with it, or just putting up a water fountain.

Step Two: Although there is the desire to maintain our rural character, the city should give waivers to those who wish to build ADU's and guarantee that if they rent them out, they will first be offered at below market rents to teachers, city employees, firemen and policemen. This requirement can be a deed requirement.
Right now the city is restricting the building of ADU's with requirements that could be waived in exchange for this commitment. Lot size minimums for example, could be reduced to allow for this kind of commitment.

Malibu needs the additional housing for not only the benefit of those who serve our city, but for the city's wellbeing. Our schools are being depopulated as more and more homes are bought for second homes. Not only are there less children in our schools, but there are fewer people who have an incentive to care about our city and to engage in local issues.

Please pass this email onto each of the planning commissioners and to each of our city council members.

Thanks, [redacted]

Great work! Housing Element Feedback

[redacted]

Sat 3/16/2024 11:08 AM

To:Richard Mollica <RMollica@malibucity.org>

[redacted]

Dear Mr. Mollica,

I was delighted to have the opportunity to review the City's recent revision of the Housing Element. Congratulations to you and your team on a thorough report with great depth and breadth.

I was pleased to see so many sub-populations called out in the report, especially attention to special needs populations.

I was also encouraged to see real attention to proactive and new steps being taken to expand the affordable housing stock in the City…long overdue. I have sat through City council meetings where I was dismayed that the apparent approach in the City of Malibu had essentially been to count the nanny's quarters as affordable housing. Sigh.

But I am hopeful that with the amount of resources and land in this area, and a proactive and empathic approach, engaging the whole community, that more solutions can be found, as they are readily available.

Just a few more specific comments and ideas:

- There is clearly a need for housing for **people with Intellectual and Developmental Disabilities (I/DD).** What will be required is the funding to offset costs of developing the housing. Having been in the I/DD field for 25 years myself, and specifically as a non-profit housing developer for over the past decade, it's simple math that a larger down payment offsets the need for a high mortgage, and makes rents affordable. **HOME funds** are a key source to developing this housing, and I am hopeful the City would consider broadening its funding availability to include more HOME funds. Also a call or letter to the Westside Regional Center to speak to the desire for housing to be developed here wouldn't hurt…they have some limited funding for housing too.
- I was pleased to see attention focused on **ADUs**. I would hope that this program can continue to be expanded, and planning costs reduced or abated. Orbit Homes could probably be a solution here…they're cool kids and right there!
- I would also think that **motorhomes and other mobile homes could be expanded**… indeed so many of my neighbors still live in one still not having rebuilt after the fire. Seems to be working just fine for them for now. Mayhaps a **buy-back program** sponsored by the City to get all these motorhomes everyone had to get after Woolsey. Cuz what are they supposed to do with them anyways?
- I would encourage the City to revise some of its own **regulations regarding zoning** or whomever needs to do that. For example, in our last home here (destroyed by Woolsey) we were in an R-10 zone…and even though we had a great set-up to provide additional housing on our 2.5 acres the zoning wouldn't allow for it. What a waste.
- There is SO much **surplus land** off of Encinal and Mulholland and Latigo, just to name a few back canyons, that could provide not only new developments, but also **Safe Parking sites**. As I am sure you are aware: there are a lot of people sleeping in cars off of our canyon and beach roads already. Rather than ticket everyone all the time how about a proactive approach by providing a more safe and reasonable accommodation. Safe Parking has been shown to be an effective solution. Especially when basic facilities are

included: it can work. What's nice about these back canyon areas are they aren't on PCH and in the face of our more affluent and/or NIMBY-neighbors.

- The **defunct Malibu Golf Course** would seem a great spot to provide multi-family or other mixed-use development. How about a live-work farm? A retreat-center or VRBO for tourists + homeless shelter of some kind + vineyard/farm for meaningful work and income = big wins.
- Of course "purpose" is critical to a meaningful life, therefore encouraging and **incentivizing the hiring of people** experiencing homelessness, veterans, the elderly, and people with an I/DD in many of our wineries and businesses can help provide a more holistic approach.
- And finally more **services** services services for people with special needs to ultimately work to find permanent housing. How many therapist-types and such do we have living in these hills here….tons. Continuing to partner with our own community, and the bounty of resources within it, is part of the solutions we are seeking.

Just a few ideas, nothing really novel. But mostly, I am glad you are taking it all seriously: as it is a very serious issue…and it has appeared that, historically, Malibu has figured out ways to not do its part.

What I do know is that Malibu, and its very own community, has plenty of resources to make true impact. From lots of land, to thriving businesses, to skilled therapists and retired folks, to money, to City folks like you. Really looking at the whole community can help us to reach solutions…cuz it's got to be a multi-pronged approach. And how cool would it be for Malibu to be a model for addressing housing! That's the kind of community I would love to be a part of.

Keep up the grrrrreat work!

Sincerely,

[redacted]

Resolution No. 24-48
Exhibit A

Revised 2021-2029 Housing Element question

[redacted]

Tue 3/19/2024 11:36 AM

To:Richard Mollica <RMollica@malibucity.org>

Dear Richard,
I saw your public comment period for the Revised 2021-2029 Housing Element online and was curious if you have been receiving a lot of comments on your draft? What does your process for tracking and analyzing those comments look like?

If you're using a spreadsheet, we'd love to help! We have been developing an AI-powered comment tagging system that has been proven to save time categorizing and organizing comments and are looking to try it with more entities to continue to improve. There is no cost for the trial (for a reasonable amount of comments).

Would this be something that might be helpful to your team?

Thanks very much,
[redacted]

[redacted]

Just FYI, we found your announcement on Google; feel free to unsubscribe
logo

[redacted]

Links not working.

[redacted]

Fri 3/15/2024 5:51 PM

To:Richard Mollica <RMollica@malibucity.org>

Subject: Review the City of Malibu's Revised Housing Element and Give Your Comments, March 13 - 20

The links cannot be accessed on two different devices.

Housing elements plan

[redacted]

Fri 3/15/2024 5:58 PM

To:Richard Mollica <RMollica@malibucity.org>

I am a long-term Malibu resident. Here's my input on your housing elements plan.

There is a serious shortage of rental housing in Malibu primarily because of short term vacation rentals. Your housing report says:

Short-Term Rentals Municipal Code Chapter 17.55 (Short-term Rental of Property) allows short-term rental of residential property subject to obtaining a short-term rental permit from the City. The City is currently working on a short-term rental ordinance that balances the need for overnight accommodations and the availability of long-term rental housing.

We do not need a "balance", we need a policy that puts the needs of resident's first. When entire neighborhoods are 50% vacation rentals, that is not a "balance", that is a very serious housing problem. This statement does not reflect the impact that vacation rentals have had on renters and people wanting to buy. If you pull up a map of Airbnb's in Malibu, the map is covered with red dots and every red dot you see is a home that is no longer available for someone to live in. Add to that the vacation rentals on other platforms and you can clearly see the problem.

Several of my former neighbors who were long term renters were forced out so the properties could be turned into Airbnb's (or sold to investors who turned them into vacation rentals). Nearly every home in my neighborhood is a vacation rental. I used to know all my neighbors, now I live in a hotel zone. This is not a balance.

I spoke with two Malibu renters recently, both are putting up with poor conditions of their rental units because they are afraid to complain, the shortage is so severe. I understand the City has been stymied by the Coastal Commission but there must be ways to cut down on the proliferation. I know you are working on it, but nothing has changed in years. Ideally the hosted ordinance would achieve what we need; allow for rentals but prioritize residents. Until we can get that passed, Here are a few ideas that would make the vacation rental business less attractive.

1. Mandatory inspections (owner pays cost). Many of these units are out of code. For example, a vacation rental near me added two bedrooms to a three-bedroom townhome, because it has five bedrooms, they can say it sleeps 10. One bedroom is an interior room with no fire exit and the other is a garage conversion (also with no windows/fire exits). They obviously do not have enough parking for 10 renters, and I doubt their septic can handle that many guests. If owners know they will have fewer bedrooms to rent or must pay the cost of compliance, their profitability will be impacted. These inspections should be annual. Yes, your policy states these properties are subject to inspection, but I don't know any that have been inspected. How do I know? because they are all still in business. You need to inspect every property, no inspection, no permit. Don't have the manpower? Bring in contractors to do the work, get the hosts to pay for it.
2. City run nuisance enforcement. Palm Springs does this (LAT article on it), *the hosts pay for it* through their permit fees and fines. Many of these homes are party houses. If you crack down on the parties, you cut into their profits. The current system of calling the Sheriff doesn't work. Many of my neighbors have called the Sheriff and complained to the City, the policy claims it will take their permits away for having parties, but they don't enforce it. Now more than ever, we need to Sheriff to focus on crime and PCH safety, not policing loud parties.
3. A tax break for long term rentals. Make it more attractive to rent long term, and less profitable for short term rentals.
4. Limit super hosts. Keep the big investors out, by limiting the number of properties one owner can rent short term within the City.

A housing plan that doesn't fix this problem is not an effective housing plan.

Best Regards,

[redacted]

Resolution No. 24-48
Exhibit A



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MALIBU'S HOUSING MUDDLE

Ever hopeful of a more affable Malibu, I have in the past proposed affordable housing developments for those who serve the city, the teachers and first responders, seniors and deserving others, contending it could bolster our public schools and public service, and possibly lend the civic center a sense of place and our community some civility.

For this, I have been mostly rebuked or ignored by conflicted residents, who have both cheered and chided Malibu's transition from an iconic coastal village to a tourist town, while shunning the state's imperative housing crisis and any gesture of neighborly good will.

As for a challenged City Hall, the responses have been muddled, while neophyte Councils have kept their collective heads buried in the sand, content to overpay sycophantic consultants to produce derivative reports to placate if not confuse residents and frustrate regional mandates, inviting the inevitable law suits and bad publicity for Malibu.

With this the sad state of local politics, and not believing in miracles, I hesitate to comment on the city's latest housing element to be shortly submitted to the State. Though If someone needed a single word to sum up the run-on report, I suggest "obfuscation."

Its lack of specific sites, schedules, stratagems and possibly some suggestive renderings make the Element all but useless in the quest for viable affordable housing. Put a match to it and it will explode for all the gas it contains.

But to be sure there are some bonbons to be plucked in the report's bundle of bureaucratic babble.

In declaring that its goals, policies and programs to encourage the housing needs "of residents from all economic segments" the city pledges to "coordinate with potential developers at least once annually to provide information on density bonus, potential funding sources, and available incentives."

Yes, it dangles liberal density bonuses that would make a Don Spitz weep, as well as fast track processing and, surprise, deep in the report actually cites a precise development goal of 47 lower-income and 17 moderate-income units.

But of course it doesn't specifically say where, what or when. On vacant land the City owns? In the Civic Center that begs for well-designed low rise multi-family development? The Trancas open space near shopping and schools?

It also notes that Malibu has been awarded $15,803,348 of federal funds in response to the 2018 Woolsey Fire, monies that could be used for affordable housing projects. To date, no developers have expressed interest.

There are other items in the Element that could challenge a befuddled City Hall and a naysaying public, but not wanting to overtax readers, I'll end it here and await reaction.

[redacted]

You should make note of the reaction.

[redacted]

[redacted]

Kay Real

From: Anna Nicolas <anicolas@bautelaw.com>
Sent: Tuesday, January 23, 2024 11:19 AM
To: Housing Elements@HCD
Subject: City of Malibu - ADU Ordinance and RHNA Requirements

Hello,

I am contacting you on behalf of Mark Baute, he appeared before the Malibu City Council a couple of months ago to prevent them from adopting a clearly illegal "nimby" ADU Ordinance, which, if adopted, would be a clear violation of the State ADU Statutes and Senate Bill 9. That city council has no intention of ever approving or building any RHNA housing, and their proposed ADU statute is designed to discourage, block, derail and delay any and all ADU construction.

His main goal is to contact who ever may be overseeing this issue so that the HCD has time to weigh in before he meets with the City Council again. The last person we heard of that was in control of situations like these was Steve Miller but we do not have contact information for him nor do we know if he still maintains this position. I recently contacted Fidel Herrera who provided me the information for a Melinda Coy, but she has not contacted us back and we do not have a phone number for her.

If you can provide any information as to who the person may be to talk to about this issue, please provide the names, emails, and phone numbers of those who it would be best to contact.

Thank you!

Anna S. Nicolas
BAUTE CROCHETIERE HARTLEY & McCOY LLP
777 S Figueroa Street, Suite 3800
Los Angeles, California 90017
Telephone: (213) 630-5000 Facsimile: (213) 683-1225
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LAW OFFICE OF SEBASTIAN RUCCI, P.C.
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Sebastian@Rucci.Law

March 20, 2024

COMMENTS REGARDING MALIBU'S SIXTY CYCLE HOUSING ELEMENT

CITY OF MALIBU
Richard Mollica, Planning Director (Rmollica@malibucity.org)
Mayor Steve Uhring (SUhring@malibucity.org)
Mayor Pro Tem Doug Stewart (DStewart@malibucity.org)
Councilmember Bruce Silverstein (BSilverstein@malibucity.org)
Councilmember Paul Grisanti (PGrisanti@malibucity.org)
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DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Paul McDougall, Senior Program Manager (Paul.McDougall@HCD.ca.gov)
Fidel Herrera, Program Manager (Fidel.Herrera@HCD.ca.gov)

Dear Malibu Planning Director, Mayor, Councilmembers, HCD and others:

The following are timely comments to Malibu's draft 6th Cycle Hosing Element. As shown below, the City's 6th cycle draft housing element violates the Housing Element Law. (Gov. Code §§ 65580 through 65589.11) and fails to affirmatively further fair housing.

Malibu's RHNA allocation focuses on three parcels comprising 9.11 acres that have a dual zone, Multi-Family (M-F) and Affordable Housing Overlay (AHO). It is true that the AHO zone allows 20 units per acre; however, the AHO zone permits development under the base M-F zone which permits 6 units per acre; hence, the minimum zoning is 6 units per acre, not 20 units per acre. The Housing Element Law mandates that affordable housing "shall be zoned" with a "**minimum density** . . . **at least 20 units per acre**." (Gov. Code § 65583.2(h).)

The court of appeals in the recent case of *Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193, 244 held that while "the RHN Overlay complies with this minimum density requirement, the base zoning does not. Because development may occur at a density that is lower than the statutory minimum, the RHN Overlay sites do not comply with § 65583.2(h). Therefore, the ordinance that created the RHN Overlay does not substantially comply with the Housing Element Law." Malibu's Affordable Housing Overlay zone similarly fails to substantially comply with the Housing Element Law and must be replaced.

Malibu's selection of the 9.11 acres on PCH during the 6th cycle, overlooks that the same 9.11 acres was used in the 5th and the 4th cycles. The Housing Element Law prevents reuse of the same 9.11 acres a third time. Under Gov. Code § 65583.2, subd. (c) a "nonvacant site identified . . . in a **prior housing element** and a vacant site that has been included in two or more consecutive planning periods that was not approved to develop a portion of the locality's housing need **shall not be deemed adequate to accommodate a portion of the housing need for lower income households** . . ." in the current housing cycle.

"No multifamily developments have been proposed within the past 10 years." (6th Cycle page 79.) In fact, Malibu "did not meet the 5th cycle RHNA objective of two units." (6th Cycle at page 115.) This lack of housing is likely because the AHO zone requires that "**all units in excess** of the permitted base density of six dwelling units per acre, **shall be affordable**." (MMC § 17.42.020.L.3.a.iv.) The AHO zone does not give any increase in market rate units for providing affordable housing units. A project may be built at 6 market rate units per acre in the MF zone, or 14 affordable and 6 market rate units per acre under the AHO zone. The market rate units are 6 in both scenarios. The lack of incentive to produce affordable housing explains why the 9.11 acres failed to produce two units in the 5th cycle. In the 6th cycle, the 9.11 acres are supposed to produce 111 units. As is clear, without incentives, like increasing the units for market rate housing, no affordable housing will be produced in Malibu under the AHO zone.

Malibu must comply with its mandatory duty to "affirmatively further fair housing opportunities and promote housing throughout the community." (Gov. Code § 65583, subd. (c)(5).) The identified Housing Element Law violations confirm that Malibu "is engaging in housing discrimination, it is not affirmatively furthering fair housing." (*Martinez,* 90 Cal. App. 5th at 289.) The Martinez court concluded "as a matter of law that the violations of §§ 65583, 65583.2(h), and 65584.09 . . . establish that the City has failed to 'affirmatively further fair housing' in violation of § 8899.50, subd. (b)(1)." (*Id.* at 289.)

THE CITY OF MALIBU'S DRAFT 6TH CYCLE HOUSING ELEMENT DOES NOT COMPLY WITH THE HOUSING ELEMENT LAW

After decades of failing to achieve, adequate affordable housing, the Legislature held that "California has a housing supply and affordability crisis of historic proportions" and significantly expanded city's responsibility under the Housing Element Law. (Gov. Code §§ 65580 through 65589.11). Cities "shall make adequate provision for the existing and projected needs of all economic segments of the community." (Gov. Code § 65583.)

Housing affordability is arrived at by viewing the area median income (AMI) further divided into four income categories: Very Low (31-50% of AMI), Low (51-80% of AMI), Moderate (81-120% of AMI) and Above Moderate (over 120% of AMI). Malibu's 6th Cycle Housing Element included its "Regional Housing Needs" in Table 7.2-22 (pg 37) as comprising 79 units and further divided into four categories: 28 Very Low units (31-50% of AMI), 19 Low units (51-80% of AMI), 17 Moderate units (81-120% of AMI), and 15 above Moderate units (over 120% of AMI).

Table 7.2-22
Regional Housing Needs - Malibu

Very Low[1]	Low	Moderate	Above Moderate	Total
28[2]	19	17	15	79

Malibu's 6th Cycle Housing Element identifies six zoning districts in Table 7.4-2 (pg 51). According to Malibu, only the MFBF (Multi-Family Beachfront) zone with a density of 23.1 units per acre, and the AHO zone (Affordable Housing Overlay) zone with a density of 23.1 units per acre, exceed 20 units per acre mandated by the Housing Element Law.

Table 7.4-2
Residential Development Standards

Development Standard	RR[1]	SF[7]	MF	MFBF	MH	AHO
Maximum density	1 du/acre	4 du/acre	6 du/acre[8]	23.1 du/acre[9]	NA	27du/acre

Malibu focuses on "maximum density;" however, the Housing Element Law is based on "minimum density" and mandates that affordable housing sites "shall be . . . zoned with **minimum density** . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).).

Malibu's multi-family zone provides a maximum density of 6 units per acre, which is 30% of that mandated by the Housing Element Law. Neither the MFBF zone, the AHO zone, nor any other district in Malibu comply with the mandate requiring that affordable housing require a minimum density of 20 units per acre. Malibu's failure to provide zoning with a minimum density of 20 units per acre violates the Housing Element Law.

MALIBU CANNOT RELY ON THE SAME PROPERTIES IN THREE HOUSING CYCLES

The Housing Element Law mandates that Malibu provide a housing inventory with sites that "can accommodate the development of some portion of its share of the regional housing need by income level during the planning period." (Gov. Code § 65583, subd. (c).)

Malibu's 6th Cycle Housing Element includes a "Sites Inventory" (page 138) which identifies three contiguous parcels comprising 9.11 acres (5.12 + 0.74 + 3.25) which will produce 66 Low Income units and 45 Moderate Income units, for a total of 111 units.

Table B-~~24~~
~~Multi-Family~~ Sites Inventory

APN	Address	Street	Parcel Size (acres)	Parcel Size (sq.ft.)	General Plan/ Zone	Realistic Density (units/acre)	Potential Units		
							Lower	Moderate	Above-Moderate
4467013022	28517	PACIFIC COAST HWY	5.12		MF/AHO	20	~~64~~36	25	
4467013023			0.74						
4467012005	28401	PACIFIC COAST HWY	3.25		MF/AHO	20	~~52~~30	20	

Malibu's 5th Cycle Housing Element (Jan. 13, 2014) includes the same three properties as meeting Malibu's affordable housing projection during that cycle.

Table B-2
Multi-Family Sites Inventory

APN	Address	Street	Parcel Size (acres)	Parcel Size (sq.ft.)	Zone	Realistic Density (units/acre)	Potential Units	
							Lower	Moderate
4467013022	28517	PACIFIC COAST HWY	5.12		AHO	20	61	
4467013023			0.74					
4467012005	28401	PACIFIC COAST HWY	3.25		AHO	20	52	

Malibu's 4th Cycle Housing Element (adopted six years past its due date) relied on the same three properties as meeting Malibu's affordable housing requirements. Malibu projected that these three properties would provide 181 affordable units during that cycle.

Table B-5
Candidate Affordable Housing Sites

APN	Address	Site Size	General Plan Zoning	LCP Zoning	Existing Use	Owner Interest in Use for Housing	Potential Units (20 units/acre)
4467-013-022 & -023	28517 Pacific Coast Hwy / Not assigned	5.12 & 0.74 (5.86 total)	MF	MF	The larger of the two parcels is vacant and the smaller is developed with a 3,000 sq. ft. single-family residence which was constructed in 1958.	The property owner has indicated an interest in using this property for housing.	116
4467-012-005	28401 Pacific Coast Hwy	3.25	MF	MF	The parcel is developed with a 2,550 sq. ft. single-family residence which was constructed in 1957.		65

The 9.11-acre parcels comprise the bulk of Malibu's housing inventory. Selecting the same 9.11 acres for three housing cycles is similar to a police department rounding up the usual suspects. This makes people feel that something is being done. It is apparent that after two prior housing cycles, the 9.11 acres at issue will not produce affordable housing.

The Legislature was well aware that many gimmicks are used to exclude affordable housing. It closed this loophole by preventing cities from using the same properties to account for affordable housing. Gov. Code § 65583.2, subd. (c) addressed this as follows:

> "A nonvacant site identified . . . in a **prior housing element** and a vacant site that has been included **in two or more consecutive planning periods** that was not approved to develop a portion of the locality's housing need **shall not be deemed adequate to accommodate a portion of the housing need for lower income households** that must be accommodated in the current housing element planning period . . ."

The statutory exception to the consecutive use of the same land does not apply here because the overlay zone used to calculate the density for the 9.11 acres does not provide a minimum of 20 units per acre. Malibu's identification of the same three properties to provide affordable housing in three housing cycles violates the Housing Element Law.

MALIBU'S OVERLAY ZONE VIOLATES THE HOUSING ELEMENT LAW

During the 4th cycle, Malibu established "an Affordable Housing Overlay (AHO) zone, MMC § 17.42.020(L), allowing multi-family development at a minimum density of 20 units/acre." (6th Cycle at page 53.) The AHO zone is not a citywide zone, only the same three 9.11 acre properties are in the overlay zone. (MMC § 17.42.020(L) Table 1.)

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway

"The Affordable Housing Overlay (AHO) District is . . . in addition to (and not as a limitation of) uses allowed within the underlying zoning district . . ." (MMC § 17.42.020(L), subd. 1.) Malibu's 6th Cycle Housing Element confirms that the "**three AHO parcels have a base zoning designation of MF (multi-family residential)** and . . . the types of housing permitted on AHO sites are determined by the underlying zoning, **which is MF for the sites identified in the Sites Inventory**." (6th Cycle at page 127.) The AHO zone "does not represent an 'inclusionary' requirement because property owners who do not wish to take advantage of the density incentive would be **allowed to develop market-rate housing at the allowable base density of 6 units per acre**." (6th Cycle at page 102.)

The AHO zone does provide 20 units per acre for three parcels; however, the three parcels base MF zone permits 6 units per acre; hence, **the minimum zoning is 6 units per acre, not 20 units per acre**. Malibu's RHNA allocation to 9.11 acres zoned MF does not comply with the Housing Element Law. The 9.11 acres are "allowed to develop market-rate housing at the allowable base density of 6 units per acre." (6th Cycle at page 102.)

In *Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193, the court held that the **dual density limits** did not comply with the Housing Element Law. In *Martinez*, the city "created a citywide zoning overlay that would allow multifamily housing on properties that meet specific standards." (*Id.* at 229.) The court described the overlay zone as follows:

> "An overlay zone district is a special zone district that adds another layer of permitted uses and standards over and beyond the existing (*i.e.*, base layer) zoning. Unlike a conventional rezoning, **an overlay does not remove the zoning rights of the base layer**. Thus, when an area previously zoned for single-family housing becomes subject to an overlay district for multifamily housing, both types of housing are allowed within the overlay district. In such an overlay district, multifamily housing development and single-family housing development compete for sites." (*Martinez,* 90 Cal. App. 5th at 229.)

The density required by Gov. Code § 65583.2(h) requires that the "minimum density . . . **shall be at least 20 units per acre**." The *Martinez* court noted that "the base zoning in existence when the overlay was enacted still applies to the RHN Overlay sites and permits development at densities below 20 units per acre." (*Martinez,* 90 Cal. App. 5th at 238.)

Martinez held that minimum density "is not susceptible to multiple interpretations and means what it says -- that the **sites must be zoned with at least a density of 20 units per acre**. As drafted, the RHN **overlay merely allows an additional possible density and does not impose a minimum density of at least 20 units per acre**." (*Martinez,* 90 Cal. App. 5th at 240.) The "base zoning allows for development at a lower density and, thus, the RHN Overlay sites do not comply with Gov. Code § 65583.2(h)." (*Id*.)

"While the RHN Overlay complies with this minimum density requirement, the base zoning does not. Because development may occur at a density that is lower than the statutory minimum, the RHN Overlay sites do not comply with § 65583.2(h). Therefore, the ordinance that created the RHN Overlay does not substantially comply with the Housing Element Law." (*Martinez,* 90 Cal. App. 5th at 244.) The "amended housing element does not substantially comply with the Housing Element Law because the RHN Overlay does not comply with applicable density requirements." (*Id.* at 252.)

It is true that the AHO allows "a minimum density of 20 units/acre." However, the "**three AHO parcels have a base zoning designation of MF (multi-family residential)** and . . . AHO sites are determined by the underlying zoning, **which is MF for the sites identified in the Sites Inventory**." (6th Cycle at page 127.) The overlay zone is not explicitly prohibited; however, "Gov. Code § 65583.2(h) limits the parameters of the base and overlay by requiring the site to be zoned for a minimum density." (Martinez, 90 Cal. App. 5th at 242.) Malibu must either increase the density of the existing multi-family zone to 20 units per acre or enact a new multi-family zone with a minimum of 20 units per acre. Until then, Malibu's zoning code fails to comply with the Housing Element Law.

THE 9.11 ACRES WILL NEVER PRODUCE AFFORDABLE HOUSING

Malibu's AHO requires that "**all units in excess** of the permitted base density of six dwelling units per acre, **shall be affordable** to lower and moderate income households." (MMC § 17.42.020(L), subd. 3.a.iv.) The AHO zone requires 70% of the housing to be affordable. Six units are market-rate units, and 14 units out of 20 units (70%) are affordable.

Malibu's 6th Cycle Housing Element states that the AHO zone allows "a minimum density of 20 units per acre for projects that include affordable housing. To qualify for the **increased density incentive**, all 'bonus' units (i.e., additional units allowed above the base density of 6 units per acre) must be deed-restricted for low- and moderate-income households. . ." (6th Cycle at page 101.) Malibu's 6th Cycle states that this "creates a strong incentive for affordable housing development because of the additional units allowed at 20 units per acre to the base density of 6 units per acre." (6th Cycle at page 102.)

However, Malibu's AHO does provide any additional market rate unit for providing affordable housing. The lack of incentive is difficult to understand. The landowner can choose between 6 market rate units for every acre (MF zone), or 6 market rate and 14 affordable units for every acre (AHO zone). The disincentive is readily apparent: Without any incentive in additional market rate units, affordable housing will never happen. The explains why "the City did not construct any very low and low income units and did not meet the 5th cycle RHNA objective of two units." (6th Cycle at page 115.) Malibu could not provide a minuscule two units in the 5th cycle, but now proposes in the 6th cycle, to provide 66 low income units and 45 moderate income units (total 111 units), using the same 9.11 acres and exclusionary AHO zone offered to the public during three prior housing cycles.

Malibu's 6th Cycle Housing Element states that the "Affordable Housing Overlay (AHO) District is applied to three vacant sites [in Table B-24]. The AHO allows multi-family development by-right at a minimum density of 20 units/acre. The AHO parcels were included in the 4th and 5th housing cycles to accommodate the lower-income RHNA requirement." (6th Cycle at page 129.) However, "No multifamily developments were developed on those parcels during the 4th and 5th housing cycles. The disincentive to provide 70% affordable housing makes it clear that the AHO zone will not produce any affordable housing. This is not a strong incentive as Malibu states, it is a disincentive, and fully explains why "No multifamily developments have been proposed within the past 10 years." (6th Cycle page 79)

"Some multi-family development . . . is located in the flatter portions of the City along Pacific Coast Highway." (6th Cycle at page 12.) However, "since its incorporation in 1991, the City has focused its efforts on preserving its rural character." (6th Cycle at page 48.) "The Mobile home parks [were] in existence as of City incorporation." (6th Cycle at page 63.) "The City was incorporated in 1991, long after urbanization and land use patterns had been established." (6th Cycle at page 240.) In effect, all multi-family housing predates Malibu's incorporation, Malibu has not added a single affordable unit in the past 33 years!

Malibu has yet to produce any affordable housing since its incorporation. The mobile home parks and multi-family housing predate Malibu's incorporation. It is time for Malibu to "make adequate provision for the existing and projected needs of all economic segments of the community." (Gov. Code § 65583.)

Gov. Code § 65583, subd. (a)(6) requires that an analysis of constraints on land include "the price of land." Malibu's 6th Cycle housing inventory offers three parcels, the 9.11 acres identified above. This is not an adequate housing inventory. Malibu comprises 19.9 square miles or 12,736 acres. It is surprising that Malibu focuses on only the 9.11 acres which calculates into a minuscule **0.07% of all land in Malibu** (12,736 acres / 9.11 acres)!

The mandatory components of Malibu's housing element require an "inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level . . ." (Gov. Code § 65583, subd. (a)(3).) Malibu does not identify all vacant parcels in the city.

It is not true as Malibu states that "most of the buildable land in the City has already been developed." (6th Cycle at page 78.) SCAG's website has a vacant land inventory for each city within SCAG and the vacant land inventory for Malibu shows 476 vacant properties. It is unfathomable that Malibu focuses on only three properties.

Malibu's 6th Cycle Housing Element correctly states that "a recent survey of vacant land offered for sale found asking prices of approximately $100,000 to $15 million." (6th Cycle at page 78.) Malibu should have noted that the 5.86 acre parcel, the largest of the 9.11 acres, is for sale for a $15 million (see attached Exhibit A). There is a host of land in the City that is selling for much less, and the $15 million price tag, along with the disincentive for any affordable housing under the AHO zone, puts a nail on the coffin of any affordable housing.

It may be true that the "density achieved is largely driven by the environmental conditions and the market demand for single family residences over multi-family residences in Malibu." (6th Cycle at page 50). However, Malibu must comply with state law which demands that affordable housing sites "shall be . . . zoned with **minimum density** . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h)).

"The goal is not just to identify land, but to pinpoint sites that are adequate and realistically available for residential development targets for each income level. (Gov. Code § 65583, subd. (c)(1).)" (*Martinez,* 90 Cal. App. 5th at 244.) The "main way a housing element accommodates lower income housing needs is through zoning ordinances that allow sufficient opportunities to construct multifamily residences." (*Id.* at 219.) It is time for Malibu to enact a citywide multi-family zone of 20 units per acre.

MALIBU'S HEIGHT LIMITS VIOLATE THE HOUSING ELEMENT LAW

Malibu's 6th Cycle Housing Element states that the maximum "height limit of 18 feet **may constrain** the development of residential developments specifically for **developments in the Multi-Family zone as 18 feet may only accommodate one story**. Height limits are generally intended to maintain visual consistency within an area and compatibility between adjacent buildings." (6th Cycle at page 50.)

There are many units in Malibu well above 18 feet. These units were built long before Malibu was incorporated. It is time for Malibu to remove the height constraint to multi-family housing. Contrary to Malibu's assertion that the height constraints "are generally dictated by the state coastal zone regulations." (6th Cycle at page 50.)

Malibu readily admits that "development standards such as **height may constrain development for multi-family residences**." (6th Cycle at page 50.) It is time for Malibu to enact height limitations to permit four-story multi-family units. This was the norm in Malibu prior to its incorporation, and contrary to its assertion, the existing multi-family units were developed with identical state coastal zone regulations. The only difference is that Malibu was incorporated to prevent any multi-family housing, and the data since its incorporation proves that it has done precisely that. It is time to remove these barriers.

THE MULTIFAMILY BEACH FRONT DISTRICT DENSITY IS INACCURATE

The City's March 2024 housing element states that the "default density refers to the density at which low-income housing development is presumed to be feasible . . . The MFBF zone allows development of more than 20 units per acre." (6th Cycle at page 52.) This statement is not accurate for multiple reasons.

FIRST, the Housing Element Law is concerned with minimum density, not maximum density: "If local law or regulations require the **development of a site at a minimum density**, the department shall accept the planning agency's **calculation** of the total housing unit capacity **on that site based on the established minimum density**." (Gov. Code § 65583.2, subd. (c)(1).) The City must "accommodate 100 percent of the need for housing for very low and low-income households . . . on sites that shall be . . . zoned with **minimum density** and development standards that **permit at least 16 units per site** at a density of . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).)

SECOND, the Malibu Municipal Code ("MMC") provides the "Lot development criteria" for the MFBF zone and states that the "Minimum lot area: five thousand (5,000) square feet." (MMC § 17.14050(A).) This calculates to only 8.71 units/acre (43,560/5,000) and is far less than a "minimum density" of 20 units per acre.

THIRD, according to the MMC, the "Lot development criteria" for the MFBF zone permits the following density: "Units per lot: one unit per one thousand eight hundred eighty-five (1,885) square feet of lot area, **not to exceed four units**." (MMC § 17.14050(D).) "Density: one additional unit per lot may be permitted, **not to exceed five units per lot**, for affordable housing . . . of very low, low, and moderate income households." (MMC § 17.14050(E).) The limitation to five units per lot does not "**permit at least 16 units per site** at a density of . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).)

Setting aside the defect in limiting the density to five units per lot, the Housing Element Law is concerned with "the total housing unit capacity **on that site based on the established minimum density**." (Gov. Code § 65583.2, subd. (c)(1).) Lots for affordable and lower-income households "shall be zoned with **minimum density**" of "**at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).) In theory, the maximum zoning could be 23.1 du/acre. However, the minimum density is 8.71 du/acre (43,560/5,000), not 23.1 du/acre.

The maximum density of 23.1 du/acre is also inaccurate as it is limited to five lots. It is noted that in Table 7.4-2, the City correctly states that in the MFBF zone the "**Maximum density** is 1 unit per 1,885 sf of lot area, **not to exceed 4 units per lot**. One additional unit may be permitted if affordable to a very-low, low, or moderate-income household." (6th Cycle at page 51, Table 7.1-2 at footnote 9.)

FOURTH, after omitting the lots on PCH comprising 9.11 acres discussed above, the balance of the "Sites Inventory" (Table B-4) consists of 21 lots producing 21 moderate houses; but 20 of the lots are less than 0.25 acres in size, and the Housing Element Law excludes sites "smaller than half an acre" (Gov. Code § 65583.2, subd. (c)(2)(A).)

Malibu's 6th Cycle Housing Element states the "**default density** established by HCD for sites feasible to facilitate development of housing affordable to lower-income households **is 20 units per acre**. Although these sites are zoned at a maximum density greater than 20 units per acre, the vacant sites in the MFBF zone are smaller than 0.5 acres and permit up to four units per lot, which limits development potential. Based on development trends in the MFBF and the lot sizes, realistic development of these sites is 10 units. Based on market conditions, units in this zone would be affordable to above moderate-income households if developed with market rate units." (6th Cycle at page 126.)

The City's zoning map shows the MFBF zone at two different places in the City, and it is true that lots in the MFBF will be developed for above moderate housing, *i.e.*, million dollar homes. However, the lots in the MFBF zone will never provide affordable housing, with density and size as required by the Housing Element Law. After all, the lots designated in the MFBF zone are all 50 feet wide by 160 feet deep. The limitation to four or five units is inconsistent with the mandate that parcels are large enough to "**permit at least 16 units per site** at a density of . . . **at least 20 units per acre**." (Gov. Code § 65583.2, subd. (h).)

MALIBU IS ENGAGING IN HOUSING DISCRIMINATION

"In 2018, the Legislature enacted a statute requiring local governments to affirmatively further fair housing (AFFH). The mandatory AFFH duty greatly increases the responsibilities on local governments in administering their land use and housing policies." (*Martinez,* 90 Cal. App. 5th at 283.) Gov. Code § 8899.50 requires cities "to affirmatively further fair housing and 'also required cities and counties to consider AFFH in their housing element's implementation plan. By placing AFFH provisions into housing element law, the California law expanded its reach to all cities." (*Martinez,* 90 Cal. App. 5th at 285.)

Gov. Code § 8899.50, subd. (b)(1) provides that a city "shall administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing." Compliance with this AFFH provision is "a mandatory duty." (Gov. Code § 8899.50, subd. (b)(2).)

"Affirmatively furthering fair housing' means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." (Gov. Code § 8899.50, subd. (a)(1), italics added.)

Malibu's 6th Cycle Housing Element must "affirmatively further fair housing opportunities and promote housing throughout the community." (§ 65583, subd. (c)(5).) "The requirement to affirmatively further fair housing is not only a mandate to refrain from discrimination but a mandate to take the type of actions that undo historic patterns of segregation and other types of discrimination and afford access to opportunity that has long been denied." (*Martinez,* 90 Cal. App. 5th at 288.) The court in *Martinez v. City of Clovis* (2023) 90 Cal. App. 5th 193 stated:

> "Thus, we conclude as a matter of law that the City's acts and omissions in 2019 related to the amended housing element qualify as the administration 'programs and activities relating to housing and community development' for purposes of § 8899.50, subd. (b)(1)." (*Martinez,* 90 Cal. App. 5th at 288.)

"In other words, if a municipality is engaging in housing discrimination, it is not affirmatively furthering fair housing." (*Martinez,* 90 Cal. App. 5th at 289.) "Consequently, we conclude as a matter of law that the violations of §§ 65583, 65583.2(h), and 65584.09 . . . establish that the City has failed to 'affirmatively further fair housing' in violation of § 8899.50, subd. (b)(1). Restated using the language in the statutory definition of 'affirmatively furthering fair housing,' the City failed to 'foster[] and maintain[] compliance with … fair housing laws.'" (§ 8899.50, subd. (a)(1).)" (*Martinez,* 90 Cal. App. 5th at 289.)

Malibu is a beautiful city with a 21-mile coastline consisting of beachfront residential lots and large estate lots in the hillsides and canyons overlooking the ocean. Producing affordable housing will not change Malibu's character. It will provide housing to the nurses, teachers and others who work and wish to live in Malibu but cannot afford the cost.

Malibu's multi-family zone of 6 units per acre is the most restrictive of any city in Los Angeles County. The effort in enacting an affordable housing overlay zone has not produced any affordable housing, because it provides no economic incentives for doing so. It looks good as the AHO zoning has the word "affordable" in the zone, but it has not produced a single unit in two prior hosing cycles. It takes very little difficulty to enact a new multi-family zone with a minimum of 20 units per acre or increase the existing multi-family zone to provide the mandatory 20 units per acre.

The combination of the restrictive zoning, the one-story height limit, and lack of incentive with additional density has made it clear that Malibu is not affirmatively furthering fair housing. It could be inferred that Malibu is engaging in housing discrimination. The many violations of the Housing Element Law at the very minimum establish that Malibu has failed to "affirmatively further fair housing." (Gov. Code § 8899.50, subd. (b)(1)).

It is time to make honest corrections to Malibu's 6th Cycle Housing Element. I am available to assist and will gladly meet with staff, or the council, to address solutions to the critical need for affordable housing in one of the most amazing cities in the country.

Respectfully submitted,

LAW OFFICES OF SEBASTIAN RUCCI, P.C.



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Kay Real

From: DJ Dee <[redacted]>
Sent: Tuesday, January 9, 2024 10:33 AM
To: Housing Elements@HCD
Subject: Complaint about The Home Gallery in Malibu, California

Hi there,

I hope this email finds you well. I am writing to bring to your attention some concerning issues related to The Home Gallery, aka Orbit Homes aka Autonomous Living LLC, a company operating in Malibu California. We believe there have been malpractices, and we would like your department to investigate the matter.

We have compiled a set of articles that shed light on the reported malpractices of The Home Gallery. These are some items that we saw on their malpractices.

- **Leaks in the new properties** - Despite the promise of comfort, multiple reports have surfaced regarding the compromised quality of The Home Gallery.
- **Mold Infestations** - The compromised quality of construction has led to water intrusion, creating a conducive environment for mold growth.
- **Environmental Impact** - . The company stores its homes on a vacant lot, leaving them exposed to the elements — be it dust storms, rain, or the risk of break-ins.
- **Unattended Homes and Electrical Issues** - These oversights not only jeopardize the safety of homeowners but also reveal a disregard for the sanctity of the very spaces that The Home Gallery is entrusted to create.
- **Project Failures and Refunds** - Clients struggling to secure refunds in the wake of project failures face more than just monetary challenges.
- Unmet Expectations from the properties they sold

Here are some articles with more information about this complaint.

Article 1 [reddit.com]
Article 2 [reddit.com]

If you require any additional information or if there is a specific process we need to follow, please do let us know. We appreciate your attention to this matter and trust that your department will conduct a thorough investigation.

Thank you for your time and consideration.

Emily Green

From: David Kellogg <[redacted]>
Sent: Friday, November 18, 2022 5:07 PM
To: Housing Elements@HCD
Subject: Public Comment on Housing Element

Nov 18, 2022

On behalf of David Kellogg (a Contra Costa County resident), 350 Contra Costa, Greenbelt Alliance, CaRLA, Scott O'Neil (a resident of Palo Alto), Watson Ladd (a resident of Berkeley), Marven Normal (a resident of San Bernadino), Dara Dadachanji (a resident of San Francisco), and George Grohwin (a resident of San Francisco), we provide the following comment on the Housing Element from MALIBU.



Issue

- The Housing Element from MALIBU fails to adequately analyze compliance with one of the state's fundamental streamlining laws.
- Under PRC 21080.1 & 21080.2, a lead agency must determine if a housing development is exempt from CEQA within 30 days of completeness, or if an EIR or other CEQA document will be required.
- For CEQA-exempt housing, this CEQA determination then triggers a 60-day approval clock (with deemed approved remedies) under the Permit Streamlining Act. Thus, if state housing laws were followed, CEQA-exempt housing projects should generally receive approvals in about 120 days.
    1. 30 days to determine completeness
    2. 30 days for CEQA review
    3. 60 days for approval.
- MALIBU does not appear to issue determinations of CEQA-exemption within 30 days of completeness. As a result, **builders and the public are denied the right to the timely approval of housing**. Additionally, the builders are forced into an unreasonable bargaining position, as they lack the "deemed approved" options they should have. This improperly empowers jurisdictions to treat builders arbitrarily in the entitlement process.

- Moreover, MALIBU has no apparent good-faith basis for delaying CEQA-exemption determinations beyond the allowance of Public Resources Code 21080.1 & 21080.2. In the vast majority of instances, these exemptions are uncontested and straightforward.

Recommendation

- The Housing Element from MALIBU should include an analysis of compliance in its approval process with PRC 21080.1 & 21080.2.
- The Housing Element from MALIBU should add a program to specify (i) who is responsible for making the CEQA determination of PRC 21080.1, specify (ii) that their decision will be made within the timeframe permitted by PRC 21080.2, and specify that (iii), when they determine a project is exempt from CEQA, their determination triggers the Permit Streamlining Act (PSA) 60-day deadline (Gov. Code 65950(a)(5)). If existing local practices or regulations are incompatible with these state laws, the program should commit to enacting reforms necessary to achieve compliance within a reasonable and definite timeline.

HCD Technical Assistance Letter

- The CEQA issues mentioned herein are discussed in the June 3, 2022 Technical Assistance letter sent to Berkeley by Shannan West, Housing Accountability Unit Chief (copy included below).
- In the letter, HCD notes that Berkeley had been issuing “recommendations” of CEQA-exemption and that the actual “determinations” were made more than 30 days beyond the completeness date. HCD notes that such practice was in violation of PRC 21080.1 & 21080.2 and “may act as a governmental constraint on housing.”

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
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Sacramento, CA 95833
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www.hcd.ca.gov

June 3, 2022

Sharon Gong, Senior Planner
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Dear Sharon Gong:

RE: Berkeley – Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of Berkeley (City). The California Department of Housing and Community Development (HCD) has become aware of potential conflicts between the practices of the City's Zoning Adjustments Board (ZAB) concerning determinations for projects determined to be exempt from the California Environmental Quality Act (CEQA) and timelines pursuant to Public Resources Code section 21080.1, subdivision (a), and Public Resources Code section 21080.2. HCD is concerned that these actions may act as a governmental constraint on housing development and requests the City review the CEQA determination process in Berkeley's 6th Cycle Housing Element and include programs to mitigate or remove constraints as necessary.

Obligations Under Public Resources Code sections 21080.1 & 21080.2

HCD has been made aware of at least five development applications where the final ZAB determination was made more than 30 days after the relevant permit was determined to be complete. As the City is aware, under the Public Resources Code, a lead agency must make a determination under CEQA for projects exempt from environmental review within 30 days of a project application being deemed complete. These provisions are critical to meeting the Permit Streamlining Act requirement set in Government Code section 65950, subdivision (a) (5), and generally facilitate the processing of housing developments.

6th Cycle Housing Element

As Berkeley is updating its 6th Cycle Housing Element, the City must describe and analyze the permit process from application to approvals, including a discussion on timeframes for each step in the process, impediments, and how it addresses the

application of state law on application processing pursuant to Government Code section 65583, subdivision (a)(5). In addition, the element must also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need and include program actions to remove or mitigate identified constraints pursuant to Government Code section 65583, subdivision (c)(3). Excessive CEQA review timeframes can delay project approval and pose a constraint to the development of housing and should be reviewed as part of the City's housing element update.

Conclusion

HCD understands that the City is currently reviewing its compliance with these provisions and is looking at strategies to transparently document the process to ensure timely approval of CEQA determinations and provide additional transparency. HCD supports these efforts and encourages the City to take meaningful steps to ensure that its processes comply with provisions of state housing law.

If you have questions or need additional information, please contact Kevin Hefner at Kevin.Hefner@hcd.ca.gov

Sincerely,

Shannan West
Housing Accountability Unit Chief

Emily Green

From: Patricia Salazar <psalazar@malibucity.org>
Sent: Wednesday, May 8, 2024 3:33 PM
To: Lilly Rudolph; Veronica Tam; Emily Green; Kay Real
Cc: jparkerbozylinski@gmail.com
Subject: [EXT] FW: Malibu's 2021-2029 HOUSING ELEMENT

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Public comment

From: losangeleschicagonewyork3 <[redacted]>
Sent: Friday, May 3, 2024 5:17 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: Malibu's 2021-2029 HOUSING ELEMENT

Hi yes my name is David Rodriguez [redacted] i have reviewed the updated Malibu 2021-2029 Housing element and i see that they are going to be 47 housing units availible to very low- income households i am very interested on one of those housing units and i am keeping touch with Malibu City Hall so i can be one of the first or first individual on the list to pay rent for one of the Housing Units under Malibus 2021-2029 Housing Element as my updated public comment i see Malibu CA as a safe neighberhood for me and i would love to be a resident of Malibu CA near the water enjoying the coast and Sun on the beach where i can hold my prayers under the Sunlight I am glad the City of Malibu CA is making way for this opurtunity please notify me through email or text on future Malibu City Hall meetings on the Malibu's 2021-2029 HOUSING ELEMENT
Sincerely David Rodriguez

Sent from my Metro by T-Mobile 5G Device

Appendix D – List of Acronyms

AB	Assembly Bill
AHO	Affordable Housing Overlay
AMI	Areawide Median Income
CCC	California Coastal Commission
CCRL	California Community Redevelopment Law
CDBG	Community Development Block Grant
CDP	Coastal Development Permit
CEQA	California Environmental Quality Act
CUP	Conditional Use Permit
DOF	California Department of Finance
DU	Dwelling unit
ELI	Extremely low income
ESHA	Environmentally Sensitive Habitat Area
FAR	Floor area ratio
FMR	Fair market rent
HCD	California Department of Housing and Community Development
HMDA	Home Mortgage Disclosure Act
HUD	U.S. Department of Housing and Urban Development
LCP	Local Coastal Program
LIP	Local Implementation Plan
MF	Multi-family
RHNA	Regional Housing Needs Assessment
SB	Senate Bill
SCAG	Southern California Association of Governments
SF	Single-family

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Appendix E
Contributing Factors to Fair Housing Issues

I. Executive Summary

Impediments/Contributing Factor	Priority	Justification	Service Area
Barriers to mobility	High	According to 2015 ACS data, an estimated 9.2 percent of persons in the Urban County had a disability. The ability for persons with disabilities to access infrastructure, public facilities, and housing units is limited by barriers to mobility, such as physical accommodations for access. Some 37.6 percent of survey respondents with a disability indicated that it was difficult or somewhat difficult getting about their neighborhood or housing complex. In addition, an estimated 10.5 percent of respondents in Los Angeles County indicated that there are problems with their home that create physical/accessibility issues for their households. Based on a survey of participating cities regarding their CDBG spending priorities, over 80% indicated that they will use CDBG funds if available during the next five (5) years to address accessibility improvements such as sidewalks, public facilities, or housing. Participating cities considered the needs identified through assessments and input from residents to set their CDBG spending priorities. Barriers to mobility limits access to opportunities, creating a disproportionate access and contributing to fair housing issues. As such, this factor has been rated as a high priority. While the CDC and HACoLA have made continued efforts in the past to increase access for persons with disabilities, the need remains. The CDC and HACoLA must establish goals to increase access in order to diminish any disproportionate access to opportunity that persons with disabilities in the Urban County experience.	Los Angeles Urban County HACoLA
Lack of affordable housing in a range of sizes	High	According to the 2017 HUD AFFH data, approximately 74 percent of family households with five or more members experience housing problems such as cost burdens or overcrowding. The high percentage of families that need appropriately sized housing makes this contributing factor a high priority. Almost a quarter of all households surveyed expressed severe cost burdens which impact racial and ethnic minorities at an even higher rate. The lack of affordable housing units available in a wide variety of household sizes is evident in the proportion of households with severe cost burdens. The 2017-18 Resident Survey found that countywide the need for housing for seniors and persons with disabilities, ranked out of a possible 4, were 3.36 and 3.28, respectively. Although the CDC has encouraged the development of affordable units for special needs and low income households, the need for additional housing options is striking compared to available units. As a high priority, the CDC will continue to direct efforts and resources to promoting affordable housing options that comply with federal and state fair housing requirements, including Section 504 of the Rehabilitation Act (Section 504), Title II of the Americans with Disabilities Act (ADA), and the Fair Housing Act.	Los Angeles Urban County
Lack of sufficient accessible housing in a range of unit sizes	High	While 2015 ACS data states that 9.2 percent of persons in the Urban County had a disability, according to the County's 2015 Health Survey, 22.6 percent had a disability countywide. Barriers to mobility are compounded with limited access to affordable housing to create a lack of accessible housing options. Service providers echo this sentiment, highlighting the need for additional accessible units for varying households. The 2017-2018 Resident Survey found that, countywide, the rated need for housing for persons with disabilities was 3.28 out of 4. Lack of sufficient accessible housing in a range of unit sizes is rated as a high priority due to its impact on persons with disability to access fair housing options. This factor is a core function of both the CDC and HACoLA to address fair housing issues in the County. HACoLA and the CDC have been increasing the number of accessible units in the County through various efforts over time. However, these efforts still do not meet the need of persons with disabilities to access housing. In establishing goals to meet this need, the CDC and HACoLA will help decrease the disparity in access to housing options and access to opportunity for persons with disabilities.	Los Angeles Urban County HACoLA

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of sufficient publicly supported housing for persons with HIV/AIDS	High	The HIV/AIDS population in Los Angeles County has seen 85,500 cumulative diagnosis of HIV/AIDS, according to the 2015 Annual HIV Surveillance Report, which also estimates that 60,000 persons are currently living in the County with HIV/AIDS. This report also suggests that the Hispanic population is disproportionately affected, as well as persons in San Fernando and San Gabriel Valley. The U.S. Department of Health and Human Services states that stable housing options for this population has been linked to better ability to access care and supportive services, as well as maintenance of treatment.[2] The continued need for housing options for persons with HIV/AIDS was emphasized during the AI process through service providers and public input. The lack of sufficient publicly supported housing for persons with HIV/AIDS limits access to housing options for this special needs population. This directly impacts access to opportunity and exasperates levels of segregation. Due to these impacts, this factor has been given a high priority. Housing efforts have been undertaken county-wide to increase housing option for person with HIV/AIDS. However, the need for additional housing options is still prominent for this special needs community. The CDC will Establish a goal to increase housing options to help diminish the dipartites in access for persons with HIV/AIDS.	Los Angeles Urban County
Land use and planning decisions restrict fair housing choice for persons with disabilities and affordable housing in general	High	The location of accessible and affordable housing units in the Urban County may indicate that land use and planning decisions are restricting the housing options for eligible households. Affordable housing options tend to be located in or adjacent to R/ECAP areas, as seen in the maps in Section F. Land use and planning decisions restricting fair housing choice for persons with disabilities and affordable housing in general plays an immediate impact on fair housing issues by limiting housing choices, diminishing access to opportunity, and further exacerbates segregations among minorities and for persons with disabilities. For these reasons, this factor has been places as a high priority. While the CDC and participating cities have reviewed and implemented Housing Elements and other plans, the need for additional review and revision exists in order to identify restrictions to accessible and affordable housing. Identifying and revising existing land use and planning decisions will expand housing options and increase access to fair housing options within the County.	Los Angeles Urban County
Presence of lead poisoning exposure	High	Lead poisoning exposure continues to be an issue for households, particularly for low income households. Between 2011 and 2015, over 15,000 children under the age of 6 test positive for lead.[3] However, the number of those children that have elevated blood lead levels is unclear, and under-testing appears to be a continued problem[4] According to the Response and Surveillance System for Childhood Lead Exposure (RASSSCLE), the highest levels of lead poisoning exposure can be found in Central and South Los Angeles. Elevated blood levels are more prevalent among low income households.[5] In addition, CDC studies have found that black populations have been found to be more likely to have elevated blood levels.[6] This heightened risk limits access to healthy neighborhoods and safe housing environments. It is selected as a high priority due to its impact of access to healthy housing options and increases disproportionate housing needs within R/ECAP areas. The CDC has funded lead abatement procedures, but the continued risk threatens the health and safety of households, especially those with children. The CDC will continue efforts to promote increased access to healthy and safe housing options through lead abatement efforts and review.	Los Angeles Urban County

[2] https://www.hiv.gov/hiv-basics/living-well-with-hiv/taking-care-of-yourself/housing-and-health
[3] "Lead's Hidden Toll", Joshua Schneyer, April 20, 2017. Reuters Investigates. http://www.reuters.com/investigates/special-report/usa-lead-la/.
[4] https://www.reuters.com/article/us-usa-lead-la/l-a-health-officials-misstated-some-cases-of-childhood-lead-exposure-idUSKBN18S66J
[5] http://www.epi.umn.edu/let/nutri/disparities/causes.shtm
[6] https://www.cdc.gov/mmwr/volumes/65/wr/mm6539a9.htm

Impediments/Contributing Factor	Priority	Justification	Service Area
Significant disparities in the proportion of members of protected classes experiencing substandard housing when compared to the total population	High	Housing problems impact a large proportion of households in LA County. Racial and ethnic minorities, people with disabilities, families with children, and other protected classes face housing problems at higher rates than the total population. For example, black and Hispanic households face housing problems at a rate of 58.7 and 66.5 percent, respectively, and families with 5 or more people face housing problems at a rate of 74.0 percent, according to HUD AFFH Data. The rate at which protected classes face housing problems compared to the general population exemplifies the disproportionate housing need in the County, particularly those in R/ECAPs. This is a high priority as it impacts the level of access to fair housing options for these households in the County. While the CDC has directed resources to address disparities in access to housing in at-need areas, continued efforts are needed in order to guarantee access to housing options. The CDC will continue to establish meaningful and impactful goals to increase access for protected classes to access housing and decrease disproportionate need.	Los Angeles Urban County
Noise Pollution due to plane traffic from Los Angeles International Airport	High	R/ECAPs in the Urban County are more likely to face environmental issues, such as noise pollution from LAX. There are an estimated 8,424 dwelling units impacted by noise from LAX.[7] Noise pollution continues to be a hazard for low income households and for R/ECAPs. Noise pollution decreases quality of life and limits access to healthy neighborhoods. This factor has been selected as a high priority due to the enormous need and its effect on persons living in R/ECAPs as well as the ability of the CDC to work with Federal Aviation Administration and Los Angeles World Airports to address the need. The CDC has recognized the impact of noise pollution on household access to healthy neighborhood, and is creating goals to help diminish the impact of noise pollution on access to healthy neighborhoods.	Los Angeles Urban County
Poor land use and zoning situating sources of pollution and environmental hazards near housing	High	The disparity in access to healthy neighborhoods shows a marked disparity for racial and ethnic minorities in accessing healthy neighborhoods. The location of housing adjacent to environmental hazards may continue to allow for disparities to exist and limit household access to lower pollution levels. R/ECAP areas in the Urban County tend to have higher levels of toxic emissions and environmental hazards, as seen in Map IV.110. Poor land use and zoning policies diminish access to opportunity and healthy neighborhoods. Siting decisions increase the disproportionate level of access to unhealthy neighborhoods for racial and ethnic minorities and low-income households, particularly those in R/ECAPs. These limiting factors to fair housing options, places this factor as a high priority. While the CDC and participating cities have reviewed and implemented Housing Elements and other plans, the need for additional review and revision exists in order to identify restrictions to accessible and affordable housing. Identifying and revising existing land use and planning decisions will expand housing options and increase access to fair housing options within the County. In addition, the CDC will continue its policy in the Notice of Funding Availability for affordable housing that applicants that propose projects within 500 feet of a freeway will not qualify for funding such as HOME Partnerships Investment and other applicable funding. Participating cities will also be trained on the policy and encouraged to implement it within their jurisdictions	Los Angeles Urban County

[7] http://www.lawa.org/uploadedFiles/LAX/pdf/3q17_20171115_Quarterly_Report.pdf

Impediments/Contributing Factor	Priority	Justification	Service Area
Access to quality healthcare	Low	Healthy Neighborhoods focus groups highlighted the poor access to quality healthcare in areas with higher concentrations of poverty. The 2015 LA County Health Survey found that 43.0 percent of persons below the Federal Poverty Line had difficulty accessing medical care. Racial and ethnic minorities also have more difficultly accessing medical care, with 31.2 percent of Hispanic and 26.8 percent of Asian adults having difficulty, compared to 12.7 percent of white adults. While this issue remains vital to the overall well-being of Urban County households and impacts the ability of households to access healthy neighborhoods, the CDC has limited capacity to make effective change with its available resources to provide access to quality healthcare. The Department of Public Health and other agencies throughout Los Angeles County are responsible for healthcare and the CDC partners with these agencies where possible. The CDC has funded community efforts to promote access to community health services. The CDC will continue these efforts by establishing goals to create more access to healthcare and healthy neighborhoods.	Los Angeles Urban County
Food insecurity - Access to healthy and nutritious food options	Moderate	Food insecurity continues to be an issue for many households in Los Angeles County. The 2015 County Health Survey found that 41.1 percent of households below the FPL had low or very low food security. In addition, Latino, black, and American Indian households had a markedly higher rate of low or very low food security.[8] Many areas experience limited access to fresh food, particularly R/ECAPs in the County, as shown by USDA food atlas.[9] This sentiment was echoed by the Healthy Neighborhoods Focus Groups. Limited access to food options and food insecurity are directly impactful to access to healthy neighborhoods. Since the County is seeing disproportionate access for R/ECAPs and low-income and minority populations in food security, the priority for this factor is moderate. It is rates as a moderate priority as the CDC will focus more resources on issues directly related to fair housing choice. Increasing access to food options will reduce the level of disparity that low-income and minority populations face in access to healthy neighborhoods. In light of this, although it's a moderate priority, HACoLA and the CDC can establish goals to help increase access to food options and social services with its limited resources.	Los Angeles Urban County HACoLA
Location and access to local businesses, especially in economically depressed areas	Moderate	Access to local businesses may limit job proximity and labor force engagement. As seen in the Opportunity Indices. Labor force engagement for some racial and ethnic minorities is markedly lower than for white Urban County residents. Labor market index scores for black and Hispanic households were 44.4 and 34.9, respectively, while those for white households were 69.4. Location and access to local businesses, especially in economically depressed areas such as R/ECAPs, limits access to opportunity. This is directly connected to fair housing issues and the CDC continues to invest in business assistance in R/ECAPs. However, it is rated as a moderate priority as the CDC will focus more resources on issues directly related to fair housing choice. Areas with high concentrations of racial and ethnic minorities and poverty, or R/ECAPs, are inundated with lower level of access to opportunity and access to local businesses. The CDC will implement activities to increase access to increased business activity in R/ECAPs in order to decrease disparities in access to opportunity.	Los Angeles Urban County

[8] http://www.publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm
[9] https://www.ers.usda.gov/data-products/food-access-research-atlas/go-to-the-atlas.aspx

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of Information on Affordable Housing	High	Public input brought to light the limitation of current outreach practices that do not provide sufficient reach for eligible households to access information regarding affordable housing opportunities in the Urban County. Limited access to information on affordable housing directly impacts access to housing options. Disparities in access to housing options relates directly to fair housing issues and is placed as a high priority. Efforts to increase access to information have been on-going throughout the County. Efforts by the CDC to increase knowledge about federal and state fair housing requirements will decrease disparities in access and increase the accessibility of fair housing options.	Los Angeles Urban County
Increasing measures of segregation	High	The Urban County has seen moderate to high levels of segregation since the 1990s. Most of these levels have remained high into 2015, with Black/White segregation and Hispanic/White segregation remaining virtually unchanged since 2000 at 67.21 and 62.72, respectively, in 2015, according to AFFH Table 3. These areas of segregation continue to limit access to high opportunity areas, as well as compounding housing problems in R/ECAPs. The rate of segregation is a direct limiting factor in access to fair housing opportunities. As the rate of segregation in the Urban County remain high, the priority of this contributing factor remains high as well. The CDC will increase access to housing in low minority and high opportunity areas through the introduction of pertinent goals, such as developing housing outside of areas of minority concentrations with low opportunities. Increasing access to low minority areas will impact the rate of segregation.	Los Angeles Urban County
Discrimination in private rental and homes sales markets	High	According to Fair Housing public input and HMDA data, racial and ethnic minorities, as well as other protected classes, face discrimination in private rental and homeowner markets. HMDA data shows that some racial and ethnic minorities are more likely to be denied a mortgage. In addition, HUD Fair Housing Complaint Data showed over 2,600 complaints between 2008 and 2016. The basis of these complaints was most likely to be disability, race, or familial status. Discrimination in the private rental and home sales market has been selected as a high priority affecting the fair housing issues of disparities in access to opportunity, discrimination, and segregation. It is selected as a high priority because it directly relates to fair housing choice and restricts a person's ability to secure housing based on protected class status or some other arbitrary reason. The CDC also has the ability to contract with a fair housing service provider to address this contributing factor. Although the CDC has contracted with a fair housing service provider to investigate alleged violations of fair housing law in the past, the complaints still remain each year so there needs to be enhanced, on-going enforcement as well as fair housing education. In addition, to adequately determine and address patterns of discrimination, more specific complaint data needs to be collected such as where the resident currently lives, where the alleged infraction occurred, protective class, and issue code (type of discrimination). As a high priority, the CDC will need to set goals to ensure meaningful actions are implemented so that discrimination in the private rental and homes sales market can be decreased or eliminated.	Los Angeles Urban County
Access to Financial Services	Moderate	The Fair Housing survey found that 9.3 percent of respondents indicated that their home loan application was denied in the past five years. According to HMDA data, between 2008 and 2015, black mortgage applicants are denied at a rate more than 7 percentage points higher than white applicants, and Hispanic applicants are denied at a rate more than 5 percentage points higher than non-Hispanic applicants. Access to financial services is related directly to housing options, and contributes to segregation, R/ECAPs, disparities in access to opportunities, and disproportionate housing needs. While this factor contributes to fair housing issues, it is rated as a moderate priority as the CDC is not able to address this issue on a large scale due to funding as well as the fact that state and regulatory agencies are in a better position to ensure compliance. Although this factor is rated as a moderate priority, the CDC will conduct outreach and education services through a fair housing service provider to help additional households access financial services in the Urban County.	Los Angeles Urban County

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of coordination with other Planning Processes and Programs to address contributing factors	Moderate	Throughout the planning and evaluation process, the CDC acknowledges gaps in coordination and planning processes that may limit the impact of programs and resources that are used to address fair housing. The size of the Urban County, and coordination among the numerous cities and unincorporated areas is limited by scale and resources to implement large scale planning efforts. Lack of coordination contributes to a number of fair housing issues including segregation, R/ECAPs, disparities in access to opportunity, and disproportionate housing needs. At the time of preparing the AI, there were initiatives that were in process that could address some of these fair housing issues such as a County tenant protection ordinance. However, the role of the CDC was not defined. The CDC will continue to participate in various meetings to define these roles and will take active steps to coordinate with the agencies taking the lead in applicable planning and programming efforts. While this factor is important to reducing these fair housing issues, the role of the CDC is undefined at this point. As such, it is rated as moderate. In spite of the fact that this factor is rated as moderate, the CDC will address this factor with steps to increase coordination across agencies through active participation in the planning and development of future programs and policies to address fair housing issues as well as implementation of these initiatives where appropriate..	Los Angeles Urban County

Impediments/Contributing Factor	Priority	Justification	Service Area
Public safety concerns	High	Crime data reported by LA County, as well as public sentiment, pointed to a high level of need for public safety measures. This is particularly striking in R/ECAPs. According to the 2017 Fair Housing Survey, an estimated 37 percent of residents in R/ECAPs felt unsafe in their neighborhood at night, compared to 20 percent for the Urban County overall. Safety is a primary concern for promoting access to healthy neighborhoods. The diminished access to safety also diminishes access to healthy neighborhoods, and therefore establishes this factor as a high priority. Efforts to increase public safety, particularly for those households in R/ECAPs will increase access to healthy neighborhoods and decrease public safety concerns. The CDC's and HACoLA's efforts will promote community involvement and crime prevention through annual goals.	Los Angeles Urban County HACoLA
Violent and drug related crime in public housing	High	Violence and crime in public housing is a real concern for residents because it impacts their quality of life, particularly those in R/ECAPs. Violent crimes continued to grow and had jumped for a third time by 2016.[10] Increased incidents of crime and drug related offences have been linked to areas with higher concentrations of poverty. According to the Fair Housing Survey, only 46.7 percent of public housing residents felt safe or very safe in their public housing development at night, and 38.6 percent felt safe or very safe in their neighborhood at night. Violent and drug related crime in public housing directly impacts access to healthy neighborhoods. Residents in R/ECAPs are facing diminished access to healthy neighborhoods, and therefore this factor is rated as a high priority. HACoLA has engaged in crime and safety programs, including the Community Policing Team (CPT) Program, and Crime Prevention through Environmental Design. However, crime and safety are a continued issue for public housing residents. Continued efforts are necessary to reduce the number of violent and drug related crime incidents in public housing.	HACoLA
Minority and low-income communities experience higher rates of crime and violence	High	As demonstrated by higher levels of crime in R/ECAP areas, access to safe neighborhoods are limited for low-income household. The perception of neighborhood safety is markedly lower for low income and minority households. Only 68.9 percent of households below the Federal Poverty Line (FPL) felt their neighborhoods were safe, compared to almost 80 percent of households between 100 and 199 percent FPL.[11] In addition, Latino and African American households were more than 15 percentage points lower in perceived neighborhood safety than white households. The Portrait of Los Angeles County report found that areas in Los Angeles County, including Cudahy, Westmont, Lennox, East Rancho Dominguez, and Florence-Graham, have higher crime rates.[12] Disproportionate rates of violence and crime create disproportionate access to healthy neighborhoods. The factor is selected as high priority because of the impact on minority and low-income communities, and the disparities in access to safe neighborhoods and environments. The CDC and HACoLA's efforts to address crime and violence in minority and low-income communities will increase access to healthy neighborhoods. The CDC and HACoLA will establish goals to increase resources to combat the disproportionate rate of violence and crime for these communities.	Los Angeles Urban County HACoLA

[10] http://www.latimes.com/local/lanow/la-me-crime-stats-20161227-story.html
[11] http://www.publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm
[12] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf

Impediments/Contributing Factor	Priority	Justification	Service Area
Criminal activity in public housing facilities	High	Crime data reported by Los Angeles County, as well as public sentiment, pointed to a high level of need for public safety measures. This is particularly striking in R/ECAPs. According to the 2017 Fair Housing Survey, an estimated 37 percent of residents in R/ECAPs felt unsafe in their neighborhood at night, compared to 20 percent for the Urban County overall. According to the Fair Housing Survey, only 46.7 percent of public housing residents felt safe or very safe in their public housing development at night, and 70.6 percent felt safe or very safe in their development during the day. Criminal activity in public housing facilities not only impacts the residents' quality of life but also access to healthy neighborhoods. This impact on fair housing issues places this factor as a high priority. HACoLA has engaged in a variety of efforts to decrease criminal activity. Continued efforts are necessary to increase access to safe and healthy neighborhoods and diminish disparities in access to opportunity.	HACoLA
Juvenile crime activity	High	The rate of juvenile crime, echoing the rate of the crime statistics, is prevalent in lower income communities. In 2015, the juvenile felony arrest rate was 513 per 100,000 county-wide.[13] This rate has lowered over the past couple years for the County. Disproportionate rates of juvenile crime activity not only affects the residents' quality of life but also creates disproportionate access to healthy neighborhoods. The factor is selected as high priority because of the impact on minority and low-income communities, and the disparities in access to safe neighborhoods and environments. HACoLA has undertaken the Juvenile Justice Crime Prevention Act (JJCPA) Program to encourage lower rates of juvenile crime. The CDC also funds a gang and drug intervention program for youth in the RECAP areas. While rates are lowering county-wide, they still remain a crucial issue for neighborhood safety and access to healthy neighborhoods. Continued efforts to combat juvenile crime may help lower the dipartites in access to safe and healthy neighborhoods.	Los Angeles Urban County HACoLA
Increase independence for the elderly or families with disabilities	High	The 2015 County Health survey found that 22.6 percent of the population had a disability and 41.9 percent of those over 65 had a disability. In addition, those under the FPL had a higher disability rate than average, at 28.6 percent. Independence is reliant on access to a variety of components, including accessibility and services. Barriers to mobility and access to accessible housing are two primary hurdles to increasing independence. Limited independence for the elderly or families with disabilities is a primary barrier for access to housing options and opportunity. This factor contributes directly to fair housing issues, such as disparity in access to opportunity, and is therefore rated as a high priority. Efforts to increase independence will help integrate households with disabilities and negate any disparities in access to opportunity. HACoLA's established goals to encourage independence will support overarching fair housing goals and provide more equitable access to housing.	HACoLA
People with disabilities becoming homeless	High	Homelessness continues to be a major issue in Los Angeles County, and increased by 23 percent between 2016 and 2017 to 57,794 county-wide.[14] In 2016, more than 15 percent of the homeless population had a physical disability, and more than 3 percent had a developmental disability.[15] Homelessness is a critical issue throughout Los Angeles County, particularly for households with disabilities. This contributing factor limits access to housing options and is considered a high priority. Identifying people with disabilities at risk of becoming homeless will decrease the number of persons who enter homelessness each year. HACoLA will address the growing need for affordable and accessible housing by setting goals that target at-risk persons with disabilities.	HACoLA

[13] http://casi.cjcj.org/Juvenile/Los-Angeles
[14] https://www.lahsa.org/documents?id=1385-2017-homeless-count-results-los-angelescounty-presentation.pdf.
[15] https://www.lahsa.org/dashboards?id=18-2016-greater-los-angeles-homeless-count-demographic-summary

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of mental health services for school age children of public housing	High	Mental health concerns continue to be a crisis for public housing residents, impacting school age children. An estimated 7.4 percent of children in LA County attempted to access mental health care.[16] The incidence of violence and poverty have a documented impact on mental health for children, coupled with limited access to mental health services has continued to keep child mental health as a high priority.[17] Access to mental health services is an essential part of a healthy household and community, and limited access is a part of limited access to healthy communities. This factor is set as a high priority because of its impact on households' ability to access healthy neighborhoods and vital services. Although HACoLA has promoted mental health activities in the past, there is a continued need within public housing to promote access to mental health, particular for school aged children. Efforts to increase access must be implemented in order to eliminate any disparities in access to these services.	HACoLA
Access to affordable internet	Moderate	Data and public input have revealed a digital divide for low income households that do not have equitable access to affordable internet options. Areas with higher concentrations of poverty in LA County are the least connected to internet options.[18] About a third of low-income households do not have internet, more than double the general population.[19] This digital divide may have far reaching consequences, including limitations to service information, and limited access to educational and employment opportunities. This creates disparities in access to opportunity, but is rated as a moderate priority due to a lack of HACoLA resources to address the factor on a wide scale. Efforts to decrease the digital divide will help eliminate the disparities in access to educational and employment opportunities. HACoLA efforts must attempt to bridge this divide in order to establish more equitable access to opportunities in the County.	HACoLA
Industries not in compliance with health regulations - Pollution in Neighborhoods	Moderate	Access to healthy neighborhoods is markedly diminished in low income areas and R/ECAPs from industry practices. However, industry practices are not within the authority of HACoLA. The highest rates of pollution were found in areas of high poverty, and according to the Portrait of LA County report, were in Cudahy, Westmont, Lennox, East Rancho Dominguez, and Florence-Graham.[20] In addition, Latino, black, Native Hawaiian or other Pacific Islander (NHOPI) and Native American households were more likely to be in areas with high pollution levels.[21] Pollution directly impacts health and access to healthy neighborhoods. Disproportionate access to healthy neighborhoods for low-income and minority population creates a significant need. However, the ability of HACoLA to address industry policy is limited, and therefore this factor is weighed as moderate. Efforts by HACoLA to diminish disparities in access to healthy neighborhoods may be achieved through increased access and dissemination of information to residents. HACoLA goals to decrease exposure to pollution will help increase access to healthy neighborhoods.	HACoLA

[16] http://publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm#Child
[17] https://www.urban.org/urban-wire/povertys-toll-mental-health
[18] http://arnicusc.org/wp-content/uploads/2017/07/Policy-Brief-2.pdf
[19] http://arnicusc.org/wp-content/uploads/2017/07/Policy-Brief-2.pdf
[20] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf
[21] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf

Impediments/Contributing Factor	Priority	Justification	Service Area
Illegal Dumping - Proximity to environmental hazards, especially in communities of color	High	Environmental hazards are more likely to impact low-income households and R/ECAPs, as shown by the Environmental Health Index, the CalEnviroScreen, and the consultation process. Latino, black, NHOPU, and Native American households were more likely to be in areas with high pollution levels.[22] These hazards limit access to healthy neighborhoods and increase health hazards in vulnerable communities. This diminished access to healthy neighborhoods is a contributing factor to fair housing issues and is rated as a high priority. Efforts by HACoLA to diminish disparities in access to healthy neighborhoods may be achieved through increased monitoring and information. HACoLA goals to decrease exposure to pollution will help increase access to healthy neighborhoods.	HACOLA
Enhance adequacy of life skills (e.g. Housekeeping, healthy eating, financial management)	Moderate	The 2015 LA County Health survey indicated that households below the FPL may have less access to support for enhancing life skills. Additionally, public involvement and consultation provided insight on inadequacy of life skills for many households throughout the County. These may include housekeeping, healthy eating, and financial management. The impact of life skills on quality of life and access to healthy neighborhoods is a contributing factor to fair housing issues and disproportionate access to opportunity. The capacity of HACoLA to impact these skills may be minimal on a large scale, and is therefore rated as a moderate priority. Efforts to increase the adequacy of life skills may impact the disparity in access to opportunity by increasing access to healthy neighborhoods. HACoLA will enhance current programs to increase life skills.	HACOLA
Enhance air quality within housing development sites	Low	Studies have found that public housing residents nationwide are twice as likely to have asthma as the general population, advocating for the elimination of smoking in public housing units.[23] In December, 2016, HUD published a final rule requiring public housing agencies to initiate a smoke-free policy by July, 2018. Diminished access to healthy air limits access to healthy neighborhoods. While enhancing air quality within housing development sites is of high importance, HACoLA has already made great strides in improving air quality and rates it as a priority of low. Between 2013 and 2014, HACoLA implemented a smoke-free policy for its housing developments to protect the residents, including families, youth, and the elderly and disabled. HACoLA continues to make strides to protect the air quality within housing development sites, and promote the health of all public housing residents.	HACOLA
Instances of absentee/bad landlords	Low	The cases of bad and absentee landlords, as established by public input, diminish the quality of housing options for many low-income households throughout the Urban County. Over 19 percent of respondents to the Fair Housing survey indicated that they were not able to communicate with their landlord; and 21 percent of public housing residents were not able to communicate with their landlord. For the public housing program, HACoLA will improve the perception of absentee landlords by effectively communicating and meeting with the residents. The impact of these landlords on sub-par conditions is important in establishing equal access to housing, however, may be difficult to monitor on a County-wide scale, especially in the private rental market. While this may impact access to housing options, this factor has been rated as a low priority. Efforts to increase the responsibility of landlords will help encourage access to housing options. Establishing goals may be limited by the capacity of HACoLA, but may be focused on public housing residents to increase access to opportunity.	HACOLA

[22] https://ssrc-static.s3.amazonaws.com/moa/PoLA%20Full%20Report.pdf
[23] https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4716462/

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of opportunities for residents to obtain housing in higher opportunity areas	High	As seen in the Disparities in Access to Opportunity section of this document, R/ECAPs have a markedly lower level of access to education, employment, and healthy neighborhoods. A lack of affordable housing options in higher opportunity areas, with access to transportation, jobs, and education, limit access to these areas for low income and racial and ethnic minority households. Lack of opportunities for residents to obtain housing in higher opportunity areas directly contributes to fair housing issues of dipartites in access to opportunity. This contributing factor has been rated as a priority due to the level of disparate impact on fair housing choice for minority and low income households. Efforts to increase access to high opportunity areas have not mitigated the disparity in access to opportunity faced by households in low opportunity areas. Increasing housing options in high opportunity areas, through measureable goals, will help establish higher levels of access to minority and low income households.	HACOLA
Lack of knowledge of Fair Housing, Section 504 and ADA laws	High	The Fair Housing survey indicated that 39 percent of respondents were not aware of their right to request accommodations. Fair housing outreach indicated a lack of knowledge of fair housing, Section 504 and ADA laws throughout the Urban County. In addition, some 30.9 percent of public housing resident respondents were not aware of their rights to request accommodations. Limited knowledge limits access to services for eligible households. This limited access is a contributing factor to fair housing in limiting access to opportunity. This factor is rates as a high priority. HACoLA efforts to increase knowledge of fair housing laws will continue and increase access to opportunities and decrease disparities for households with disabilities.	HACOLA
Disconnect in matching people with disabilities with the right housing resources	High	The Fair Housing survey indicated that 39 percent of respondents were not aware of their right to request accommodations, and 11 percent were in need of a housing accommodation. Additionally, consultation with agencies and public input indicated that eligible households were not effectively matched with appropriate resources, especially accessible housing options. Persons with disabilities that are not matched with appropriate services are contributing factors to fair housing issues and decreasing access for persons with disabilities to housing options. This factor is a rated as a high priority due to its impact of fair housing. HACoLA has increased efforts to match persons with disabilities with services, but are not currently meeting the existing need. Establishing goals to remediate this factor through increased services will help close the gap in disparate access.	HACOLA
Discrimination in the private accessible rental markets	High	According to Fair Housing public input and HMDA households with disabilities face discrimination in private rental and homeowner markets. HUD Fair Housing Complaint Data showed over 2,600 complaints between 2008 and 2016 for Los Angeles County, with the most common basis of these complaints being a disability. Discrimination in accessible units has been selected as a high priority because it related directly to fair housing and access to opportunity. Although efforts had been made to investigate violations of fair housing law in the past, discrimination still remains an on-going continuing factor that limits access to fair housing. As a high priority, HACoLA will continue efforts to enhance access to housing options and resources to encourage fair housing practices in the marketplace.	HACOLA

Impediments/Contributing Factor	Priority	Justification	Service Area
Disparities in job readiness and educational achievement	High	The Education index as well as other data sources, indicated a marked disparity in school proficiency. While white households had a school proficiency index of 73.65, black and Hispanic household indices were 44.24 and 44.35, respectively. This disparity in job readiness has far reaching consequences, including future economic opportunities. Disparities in job readiness and educational achievement has been placed as a high priority due to its impact on fair housing issues and access to opportunity. This factor limits access to fair housing choice and economic security. Since disparities in access still exist in the County, particularly for racial and ethnic minorities, HACoLA will set goals to ensure meaningful actions are implemented to increase job readiness and educational achievement, so disparities in access can be reduced.	HACOLA
Availability of scholarships	Moderate	Limited availability of scholarships create a barrier for households to access proficient educational opportunities. As seen in the School Proficiency Index, some racial and ethnic minorities overall, and R/ECAPs experience lower levels of school proficiency compared to white households in the Urban County. Black and Hispanic households have a school proficiency index of 44.2 and 44.4, respectively, compared to 73.7 for white households. The limited availability of scholarships limits access to education opportunities. This factor is related to the fair housing issue of access to opportunity, but is not within the capacity of HACoLA to impact on a wide scale, and is therefore rated as a moderate priority. Efforts to increase access to educational opportunities will decrease the disparities in access to educational opportunities for low income households. R/ECAPs with particularly low school proficiency and educational achievement levels can be directly impacted by efforts to increase access to sustained educational opportunities.	HACOLA
Enhance programs to help at-risk homeless population	High	Homelessness continues to be a major issue in Los Angeles County, and increased by 23 percent between 2016 and 2017 to 57,794 county-wide.[24] More than 74 percent of the counted homeless population in 2017 were unsheltered. The growing rate of homelessness places this factor as a high priority in the County. While HACoLA have taken substantial efforts to combat homelessness, it continues to be a growing problem in the County. In an effort to help stabilize and even reduce homelessness, HACOLA will establish goals to provide services for at-risk households. Any effort to help reduce the growth of the homeless population will help decrease disparities in access to housing options.	HACOLA
Access to transportation	Low	A 2017 Metro study found that 84 percent of bus riders did not have a car, and that the median income for riders in 2016 was $15,620.[25] Public input and consolation activities reiterated the fact that many households with children struggle to access transportation options, limiting access to opportunity. Limited access to transportation is a key component in access to fair housing and disparities in access to opportunities. Limited access to transportation for families, including parents and children is rated as a low priority for addressing fair housing issues in the County due to a lack of capacity for HACoLA to address this factor. However, HACoLA has undertaken programs to increase access to transportation services, but the gap in access persists. Increasing the availability of transportation options for parents and children will help close this gap in access to opportunity.	HACOLA

[24] https://www.lahsa.org/documents?id=1385-2017-homeless-count-results-los-angelescounty-presentation.pdf.
[25] https://www.metro.net/about/metro-disparity-study/

Impediments/Contributing Factor	Priority	Justification	Service Area
Lack of resources and services for working families (e.g., helping find housing for minorities)	High	Resources and services for working class families are essential to bridge the gap in access to housing and other services. 2015 Health Survey data suggest that low income households have lower knowledge about where to turn for support when compared to higher income households. A lack of these resources acts as a barrier in access, and remains a high contributing factor to access to fair housing. This factor has been rated as a high priority due to its impact on access to opportunity. Increasing access to resources and services will help decrease any disparities in access to opportunities for low income households. Efforts by HACoLA can be achieved in measurable goals to connect working families with applicable resources.	HACOLA
Access to affordable childcare	Moderate	Affordable childcare is a barrier for many households to enter or remain in the workforce, with an estimated 31.6 percent of LA County housing facing difficulties finding childcare.[26] The rate was even higher for those living below the FPL, at 41.9 percent. Public involvement and outside consultation reiterated the importance of affordable childcare that acts as a barrier to economic opportunities for low income households. Access to affordable childcare is directly linked with access to employment. Inequitable access to childcare create disproportionate access to opportunity and therefore is a contributing factor to fair housing issues. While it is vital for households to have access to childcare options, it is not within the ability of HACoLA to impact change on a wide scale. Therefore, this factor is rated as moderate. While there have been past efforts to increase access to childcare, it still remains a critical issue for many households. Any efforts by HACoLA to increase access to services will decrease disparities in access to opportunity for low-income households.	HACOLA
Enhance place based investments	Moderate	The availability of services and access to opportunities varies for protected classes in Los Angeles County. This is exemplified by the opportunity index, such as access to low poverty areas. While non-Hispanic white households have a low poverty index of 70.81, black households have an index of 48.72, and Hispanic households have an index of 41.00. Disparities in access to opportunity are directly linked to limiting access to fair housing. Enhancing place based investments will increase access to opportunity and is therefore rated as a moderate priority. HACoLA will increase place based investments through the use of additional funding for rental assistance, resident service programs, and addressing homelessness.	HACOLA
Facilitate Access to proficient schools	Moderate	Minority populations in the Urban County have significantly lower school proficiency indices than white non-Hispanic households. While white households have index ratings at 73.66 for school proficiency, black households have 44.24, and Hispanic households have 44.35. Disparities in access to opportunity, such as disparities in access to proficient schools are a significant issue for the Urban County. However, due to the lack of control over the education system, facilitating access to proficient schools has been rated as a moderate priority. HACoLA will continue to increase access to educational opportunities for public housing residents in an effort to increase access to proficient schools, and decrease disparities in access to opportunity.	HACOLA

[26] http://publichealth.lacounty.gov/ha/LACHSDataTopics2015.htm#Child

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Appendix F – Affirmatively Furthering Fair Housing (AFFH)

The following section is new text subsequent to City Council adoption on January 10, 2022 and has not been denoted with formatting (underlines, strikethroughs, highlighting) to improve readability.

Introduction

Government Code § 8899.50 requires local agencies to affirmatively further fair housing (AFFH). Under California law, AFFH means "taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics." California law requires Housing Elements to include an assessment of fair housing that addresses the following components:

- A summary of fair housing issues and assessment of the jurisdiction's fair housing enforcement and outreach capacity
- An analysis of segregation patterns and disparities in access to opportunities
- An assessment of contributing factors
- An identification of fair housing goals and actions.

Analysis of Fair Housing Methodology

Government Code Section 65583(c)(10)(A)(ii) requires the City of Malibu to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk.

Resources

To conduct this analysis, the City utilized data from a variety of sources, including Housing and Community Development's (HCD) AFFH Viewer, Urban Displacement Project (UDP), CalEnviroScreen, California Tax Credit Allocation Committee (TCAC), and the 2018 Analysis of Impediments to Fair Housing Choice (AI) for the Community Development Commission and Housing Authority of the County of Los Angeles.

Housing and Community Development's AFFH Viewer

The AFFH Data Viewer is a tool developed by HCD that features census block group and tract level data from an expansive collection of sources including the American Community Survey (ACS), US Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), TCAC, and Urban Displacement Project (UDP). The Data Viewer tool serves as a resource for local and regional governments and provides the ability to explore spatial data patterns concerning fair housing enforcement, segregation, and integration, racially and ethnically concentrated areas of poverty, and disparities in access to opportunities and housing. The Data Viewer is intended to assist in the creation of policies that alleviate disparities, combat discrimination, and increase access to safe and affordable homes.

Urban Displacement Project (UDP)

The UDP was developed as a research initiative by the University of California, Berkeley in partnership with the University of California, Los Angeles. The tool was developed to track neighborhood change and identify areas that are vulnerable to gentrification and displacement in California. Indicators of gentrification and displacement are measured at the census tract level based on data from the 2017-2021 ACS. UDP indicators examine census tracts to identify areas that qualify as disadvantaged neighborhoods. Additionally, census tracts qualifying as disadvantaged neighborhoods per UDP's criteria are further analyzed to explore changes in the percentage of college educated residents, non-Hispanic white population, median household income, and median gross rents over time to determine levels of gentrification and displacement risk.

CalEnviroScreen

The California Office of Environmental Health Hazard Assessment (OEHHA) developed a screening methodology to help identify California communities disproportionately burdened by multiple sources of pollution. This tool is called the California Communities Environmental Health Screening Tool (CalEnviroScreen). CalEnviroScreen utilizes existing environmental, health, and socioeconomic data to rank census tracts based on 20 distinct indicators. In general, the higher the score, the more impacted a community is by pollution burdens and population vulnerabilities. Designated disadvantaged communities are those communities that scored within the highest 25 percent of census tracts across California (CalEnviroScreen percentile scores of 75 or higher).

California Tax Credit Allocation Committee (TCAC)

To assist in the analysis of integration and segregation in the context of race and income status, HCD and TCAC convened the California Fair Housing Task force to "provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD)." The Task force created opportunity maps to identify resource levels across the state to accompany new policies aimed at increasing access to high opportunity areas. These opportunity maps are made from composite scores of three different domains (economic, environmental, and education) with each including a set of indicators. Table F-1 shows the full list of indicators. The opportunity maps include a measure or "filter" to identify areas with poverty and racial segregation. To identify these areas, census tracts were first filtered by poverty and then by a measure of racial segregation. The criteria for these filters were:

- Poverty: Tracts with at least 30 percent of the population under the federal poverty line
- Racial Segregation: Tracts with location quotient higher than 1.25 for Black, Hispanic, Asian, or all people of color in comparison to the county

Table F-1
Domains and List of Indicators for Opportunity Maps

Domain	Indicator
Economic	Poverty, Adult Education, Employment, Job Proximity, Median Home Value
Environmental	CalEnviroScreen 3.0 pollution Indicators and Values
Education	Math proficiency, Reading proficiency, High school Graduation Rates, Student Poverty Rates

Source: California Fair Housing Task Force, Methodology for the 2020 TCAC/HCD Opportunity Maps, December 2020

2018 Analysis of Impediments to Fair Housing Choice for the Community Development Commission and Housing Authority of the County of Los Angeles

As part of the Community Development Block Grant (CDBG) program certification process, participating jurisdictions must prepare an analysis of impediments to fair housing choice every five years (See Appendix E). This analysis and the AI provide an assessment of the regional laws, ordinances, statutes, and administrative policies, as well as local conditions that affect the location, availability, and accessibility of housing. This analysis also considers the conditions in the private market and public sector that may limit the range of housing choices or impede a person's access to housing and provides solutions and measures that will be pursued to mitigate or remove identified impediments. The AI assesses the extent of housing needs among specific income groups and evaluates the availability of a range of housing choices for residents. Regionally, the AI identifies the following contributing factors to fair housing pertaining specifically to the cities located within Los Angeles County:

- Barriers to mobility
- Lack of affordable housing in a range of sizes
- Lack of sufficient accessible housing in a range of unit sizes
- Lack of sufficient publicly supported housing for persons with HIV/AIDS
- Land use and planning decisions restrict fair housing choice for persons with disabilities and affordable housing in general
- Presence of lead poisoning exposure
- substandard housing when compared to the total population
- Noise pollution due to plane traffic from Los Angeles International Airport
- Poor land use and zoning
- Sources of pollution and environmental hazards near housing
- Access to quality healthcare
- Food insecurity – Access to healthy and nutritious food options
- Location and access to local businesses, especially in economically depressed areas

Approach to Analysis

Appendix F is an assessment that evaluates fair housing issues. An assessment of fair housing identifies and analyzes patterns, trends, conditions, and practices that result in less fair housing choice. This Appendix F was prepared consistent with HCD's *Affirmatively Furthering Fair Housing Guidance for All Public Entities and for Housing Elements* (AFFH Guidance Memo).[1] The AFFH Guidance Memo was prepared in response to Assembly Bill 686, which amended Government Code § 8899.50 to require housing elements to include an assessment of fair housing. Government Code § 8899.50 stipulates that an assessment of fair housing include the following components:

i. A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
ii. An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
iii. An assessment of the contributing factors for the fair housing issues identified under clause (ii).
iv. An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
v. Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

Appendix F provides a fair housing assessment organized along the following topics:

1. Fair Housing Enforcement and Outreach Capacity
2. Integration and Segregation Patterns and Trends
3. Racially and Ethnically Concentrated Areas of Poverty
4. Disparities in Access to Opportunity
5. Disproportionate Housing Needs
6. Local Data and Knowledge
7. Other Relevant Factors, including historical disinvestment, lack of infrastructure improvements, and presence of older affordable housing units that may be at risk of conversion to market-rate housing.

1 HCD, AFFH Guidance, p 7. April 2021 Update. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf#page=23

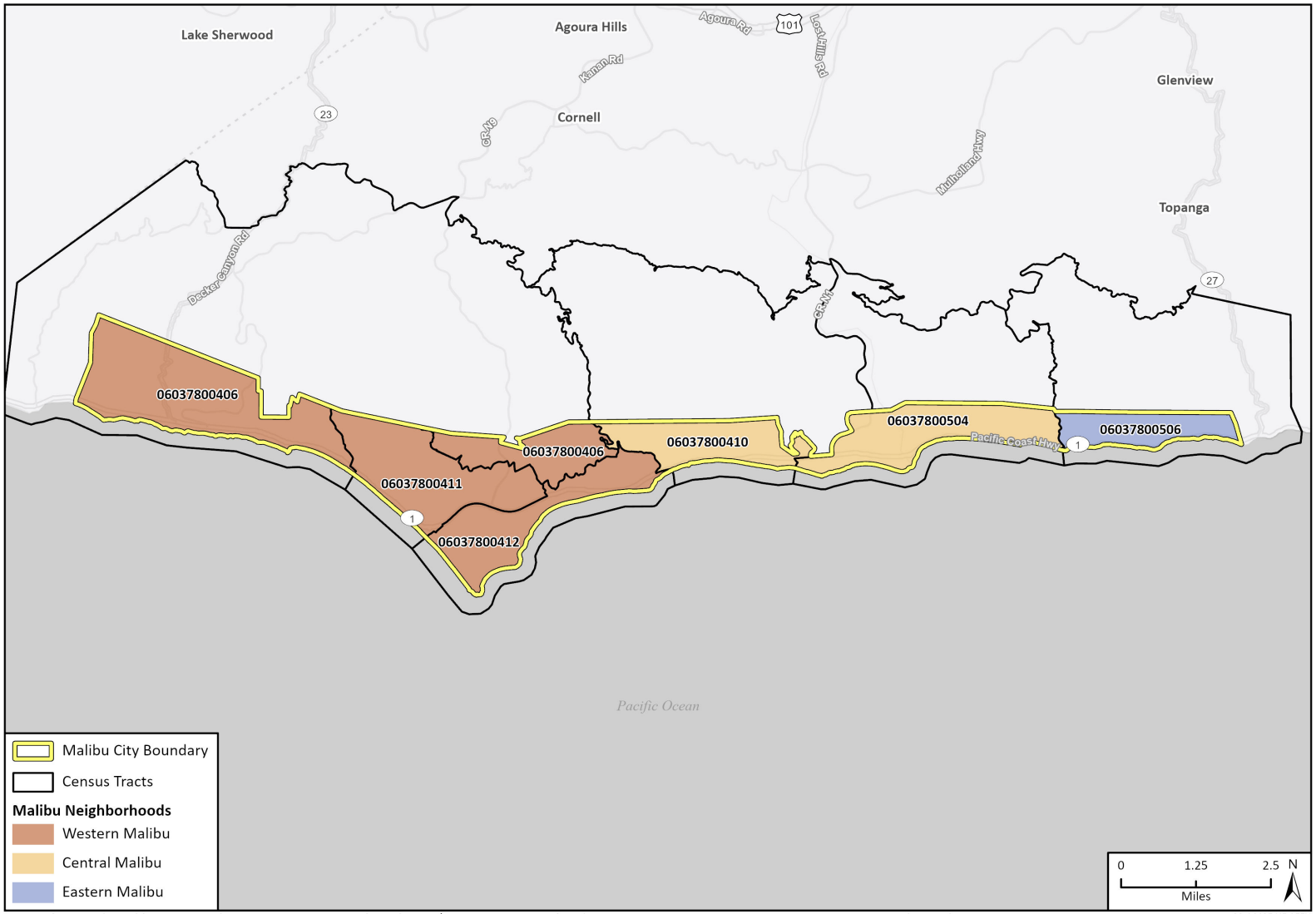
For each topic, trends are presented at the regional scale and locally at the city scale. Trends for overlapping issues were noted in the discussion for each topic and are referenced geographically by area or by census tract (see Figure F-1 for census tracts and neighborhoods within the city). Fair housing priorities, goals and actions are also provided specific to Malibu to address as implementation actions for the Housing Element. The goals and actions address the contributing factors for each theme itemized above.

Malibu's city boundaries overlap with six census tracts: 8004.06, 8004.10 8004.11, 8004.12, 8005.04, and 8005.06. Most of these census tracts contain unincorporated county areas outside of the city boundary. Since the Census data for each census tract aggregates data from all households in the census tract regardless of jurisdictional boundaries, the Census data may not accurately reflect data that pertains only to Malibu households. This analysis considers that discrepancy and noted where appropriate.

The neighborhoods and census tracts that make up Malibu include:

- Western Malibu: Consists of portions of Census Tracts 8004.06, 8004.11, and 8004.12. Census Tracts 8004.06 is primarily comprised of unincorporated land and extends approximately three miles past the city's boundaries into the Santa Monica Mountains. Census Tract 8004.12 encompasses the community of Point Dume.
- Central Malibu: Consists of portions of Census Tracts 8004.10 and 8005.04. These census tracts are primarily comprised of unincorporated land and extend approximately 2.5 and 1.5 miles into the Santa Monica Mountains, respectively.
- Eastern Malibu: Consists of a portion of Census Tract 8005.06, which is primarily comprised of unincorporated land and extends approximately 1.5 miles into the Santa Monica Mountains.

Figure F-1
City of Malibu Census Tracts and Neighborhoods



County of Los Angeles, California State Parks, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

23-14425 HE AFFH
AFFH - City Basemap 8.5 x 11

Fair Housing Enforcement and Outreach Capacity

Fair housing enforcement and outreach capacity relates to the ability of public jurisdiction and fair housing entities to disseminate information related to fair housing and provide outreach and education to assure community members are informed of fair housing laws and tenants' rights. In addition, enforcement and outreach capacity includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing.

Regionwide Fair Housing Services

Throughout the County of Los Angeles, there are a variety of organizations that provide fair housing services (see Table F-2). These organizations helped to coordinate the development of the Los Angeles County Consolidated Plan for 2018 – 2023 (organizations shown in Table F-2). The Consolidated Plan assesses the county's affordable housing and community development needs by analyzing housing markets; articulating priorities, goals, and strategies to address identified needs; and describing the actions that need to be taken to implement strategies for affordable housing.

Table F-2
Organizations Active in Los Angeles County

Organization	Activities and Capacity
1736 Family Crisis Center	Outpatient services and emergency shelters
Housing Rights Center	Fair housing services
Helpline Youth Counseling	Individual and community wellness services
Shelter Partnership, Inc.	Affordable housing services
YWCA of Greater Los Angeles	Health related wellness services
Affordable Living for the Aging	Senior living housing services
Quality of Life center	Mental health services
Volunteers of East Los Angeles	Community wellness services
East Los Angeles Women's Center	Individual and community wellness services
WINTER	Education and career development services
St. Joseph Center	Educational and vocational services

Source: Los Angeles County Consolidated Plan 2018 – 2023.

Enforcement

The Housing Rights Center (HRC) is a large non-profit civil rights organization dedicated to securing and promoting fair housing. HRC services all of Los Angeles County, including Malibu. HRC investigates housing discrimination and offers free, confidential housing counseling to assist tenants with housing discrimination issues, rent increases, notices and evictions, repairs, security deposits, disability accommodations, and other fair housing concerns.

Fair housing testing and enforcement services are also provided by the State of California's Department of Fair Employment and Housing (DFEH), which has the authority to investigate and prosecute violations of state civil rights laws on a state-wide basis, including the use of discriminatory language in housing advertisements. Fair housing testing is a technique used to uncover evidence of discrimination in rental housing. Initiated by the Department of Justice's Civil Rights Division in 1991, fair housing testing involves the use of an individual or individuals who pose as prospective renters for the purpose of determining whether a landlord is complying with local, state, and federal fair housing laws. Enforcement actions may be taken when investigations yield evidence of a pattern or practice of illegal housing discrimination. Testing may be initiated following the filing of a specific housing discrimination complaint or, as is the case when testing for disability discrimination, as part of an overall effort to determine whether the design or architectural features of a specific rental facility comply with state and federal accessibility requirements. In Los Angeles County, fair housing testing is used to identify unlawful housing discrimination practices based on the race, color, religion, sex, national origin, disability, familial status, marital status, age, ancestry, sexual orientation, and source of income of prospective renters.

HUD's Office of Fair Housing and Equal Opportunity maintains a record of all housing discrimination complaints filed. These grievances can be filed on the basis of race, color, national origin, sex, disability, religion, familial status and retaliation. Between January 5, 2010, and June 26, 2020, 2,881 housing discrimination cases were filed within Los Angeles County by the Office of Fair Housing and Equal Opportunity. Overall, disability-related discrimination was the most reported—comprising 53 percent of all cases. Other complaints concerned race (21 percent), retaliation (15 percent), and familial status (16 percent).

Outreach

HRC organizes an annual fair housing conference and resource fair for housing providers. Housing rights workshops are offered to landlords, property managers, and community members. Information on federal and state fair housing laws, common forms of housing discrimination, protected characteristics, unlawful practices, and fair housing liability is presented to workshop participants. Bilingual media outlets (primarily English and Spanish) and social media platforms are used to promote the conference and scheduled workshops and provide general information on fair housing. Information on rental housing options gathered from various classified and rental property sources is published on a monthly basis and distributed to the public and to social services representatives throughout Los Angeles County. Individual assistance is provided to landlords and tenants, with a focus on low- and moderate-income households.

Local Enforcement and Outreach

The City of Malibu is a participating city in the Los Angeles Urban County, which is a consortium of 48 cities that was formed to be eligible to receive HUD entitlement grants. The Los Angeles County Development Authority (LACDA) administers the Los Angeles County's CDBG programs for the Los Angeles Urban County. The CDBG programs include fair housing assistance programs through the Housing Rights Center, including legal

counseling, discrimination complaints investigation, and landlord/tenant counseling. Services are provided throughout the County.

Enforcement and Compliance with Existing Fair Housing Laws

The City of Malibu is subject to state and federal laws related to fair housing. These laws include the following:

- Fair Housing Act; Title VI of the Civil Rights Act of 1964. The City complies by ensuring its actions related to housing are not discriminatory through City protocols, decision-making procedures, and adhering to non-discrimination requirements of federal funding programs.
- Rehabilitation Act of 1973. See Fair Housing Act; also, the City complies through its accessibility protocols, administered and enforced by the City's ADA Coordinator. See https://www.malibucity.org/DocumentCenter/View/29478/ADA-Grievance-Form?bidId=
- American Disabilities Act. The City complies with the ADA through building permit review and issuance and as described in this Housing Element.
- California Fair Employment and Housing Act (FEHA) Regulations. The City complies with FEHA and its regulations through established City protocols decision making, legal counsel and advisement.
- Government Code Section 65008. The City Zoning Code is written to ensure that the City's actions regarding the development of housing for persons and families of very low, low, moderate, and middle incomes, or emergency shelters for the homeless, are not discriminatory. Programs have been included in this Housing Element to remove constraints and facilitate housing for all households, including protected classes (e.g., programs regarding residential care facilities, emergency shelters, etc.)

  Government Code Section 8899.50. Appendix F of this Housing Element documents compliance with Affirmatively Furthering Fair Housing requirements.
- Government Code Section 11135 et seq. The City complies with anti-discrimination requirements through the City's Human Resources programs and the City's procurement protocols.

  Density Bonus Law (Gov. Code, Section 65915.). The City will update its density bonus ordinance to comply with the new provisions as part of the updates to the Zoning Ordinance (Program 3.4).
- Housing Accountability Act (Gov. Code, Section 65589.5.). The City has documented compliance with the Housing Accountability Act as described in Chapter 7.4, Housing Constraints.
- No-Net-Loss Law (Gov. Code, Section 65863). The City has documented compliance with sufficient capacity for RHNA and will ensure compliance with no-net loss via required annual reporting to HCD.

- Least Cost Zoning Law (Gov. Code, Section 65913.1). The City includes programs in this Housing Element to ensure that sufficient land is zoned with appropriate standards to accommodate its RHNA.
- Excessive subdivision standards (Gov. Code, Section 65913.2.). The City's subdivision standards are typical or not excessive in compliance with the Government Code.
- Limits on growth controls (Gov. Code, Section 65302.8.). The City complies as it has no growth control measures.
- Housing Element Law (Gov. Code, Section 65583, esp. subds. (c)(5), (c)(10).). This Housing Element documents compliance with Housing Element Law.

The City of Malibu complies with these laws through the City's daily operations. The City complies with the California Fair Employment and Housing Act (FEHA), prohibiting discrimination based on marital status, ancestry, source of income, sexual orientation, and arbitrary discrimination in addition to the groups protected under federal fair housing legislation. The City does not have local ordinances that relate to fair housing.

As a participant of the Los Angeles Urban County program for CDBG funds, the City is served by the HRC, which provides fair housing services countywide under a contract with the LACDA. The City refers requests for services to HRC Any complaints or requests for services are referred to the HRC for investigation and action. According to HUD data, the City had three fair housing discrimination cases between 2013 and 2022. One complaint was on the basis of disability, one on the basis of sex, and one on the basis of retaliation. HRC did not receive calls from Malibu residents from July 2022 through June 2023.[2] The City is unaware of any past or current fair housing lawsuits.

Outreach

The City advertises fair housing services through the placement of fair housing service brochures at the public counter and at the Malibu Senior Center. Apartment owners and managers are provided with current information about fair housing issues, rights and responsibilities. The Apartment Association of Greater Los Angeles conducts seminars on state, federal and local fair housing laws and compliance issues. The City website does not provide fair housing information. Program 5.1 requires the City to provide more information and resources on fair housing, and Program 5.2 Fair Housing Community Outreach aims to provide community outreach to increase participation from all sectors in the community in developing the City's housing policies and overall planning process. Specifically, outreach for affordable housing opportunities will extend beyond city limits to include workers who work but do not live in the City.

Integration and Segregation Patterns and Trends

To inform priorities, policies, and actions, the housing element must include an analysis of integration and segregation, including patterns and trends, related to people with protected characteristics. Integration generally means a condition in which there is not

[2] Communication with Javier Beltran, HRC. September 2023.

a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability when compared to a broader geographic area. As defined in Title 24 Code of Federal Regulations (CFR) Section 5.151, segregation generally means a condition in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area. In order to adequately assess the patterns of both integration and segregation, trends at the regional scale are presented for the greater Los Angeles region and at the local scale for the City of Malibu.

Race and Ethnicity

The ethnic and racial composition of a region relates to fair housing concerns such as household size, locational preferences, and economic opportunity.

Regional Trends

In the Southern California region, Hispanic/Latino populations are most concentrated in and around South Los Angeles, to the north of Los Angeles near the City of San Fernando, and in central Orange County near the City of Santa Ana. Asian American populations are most prevalent in Downtown Los Angeles, East Los Angeles, near the cities of Alhambra, Monterey Park, and Chino Hills, and in Orange County near the cities of Cerritos, Westminster, and Irvine. The largest concentration of Black/African American populations is in South Los Angeles and the nearby unincorporated county communities of Athens-Westmont and View Park/Windsor Hills. White populations tend to have highest prevalence near the coast, including in Malibu, and along the Interstate 210 Corridor south of the San Gabriel Mountains. Los Angeles County has the one of the highest percent of non-white population in the Southern California Association of Governments (SCAG) region, second to Imperial County.[3]

The areas with highest percentage of non-white residents in the region are in South Central Los Angeles, near the city of San Bernadino, eastern San Fernando Valley, and in central Orange County near the city of Garden Grove. These areas have at least 80 percent of non-white residents, as shown in Figure F-2. Comparatively, the less urbanized areas of the region and along the coast have a significantly lower percentage of non-white populations.

HUD utilizes the racial/ethnic dissimilarity index to measure segregation levels across a defined geographic boundary. The racial/ethnic dissimilarity index ranges from 0-100, where 0 represents perfect integration between racial groups and 100 representing perfect segregation.[4] According to the most recent HUD data, segregation levels in Los Angeles County are roughly similar to the Los Angeles-Long Beach-Anaheim region (as defined by HUD). Over the past three decades, the racial/ethnic segregation index score in Los Angeles County fluctuated (Table F-3). Since 2010, segregation increased between non-white and white residents; and between Asian American/Pacific Islander,

[3] SCAG. Racial Equity Baseline Conditions Report. 2022. https://scag.ca.gov/sites/main/files/file-attachments/2022racialequitybaselineconditionsreport_final.pdf#:~:text=People%20of%20color%20currently%20comprise,2024%20RTP%2FSCS%20Projection), accessed August, 2023.
[4] HUD, 2020. https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf

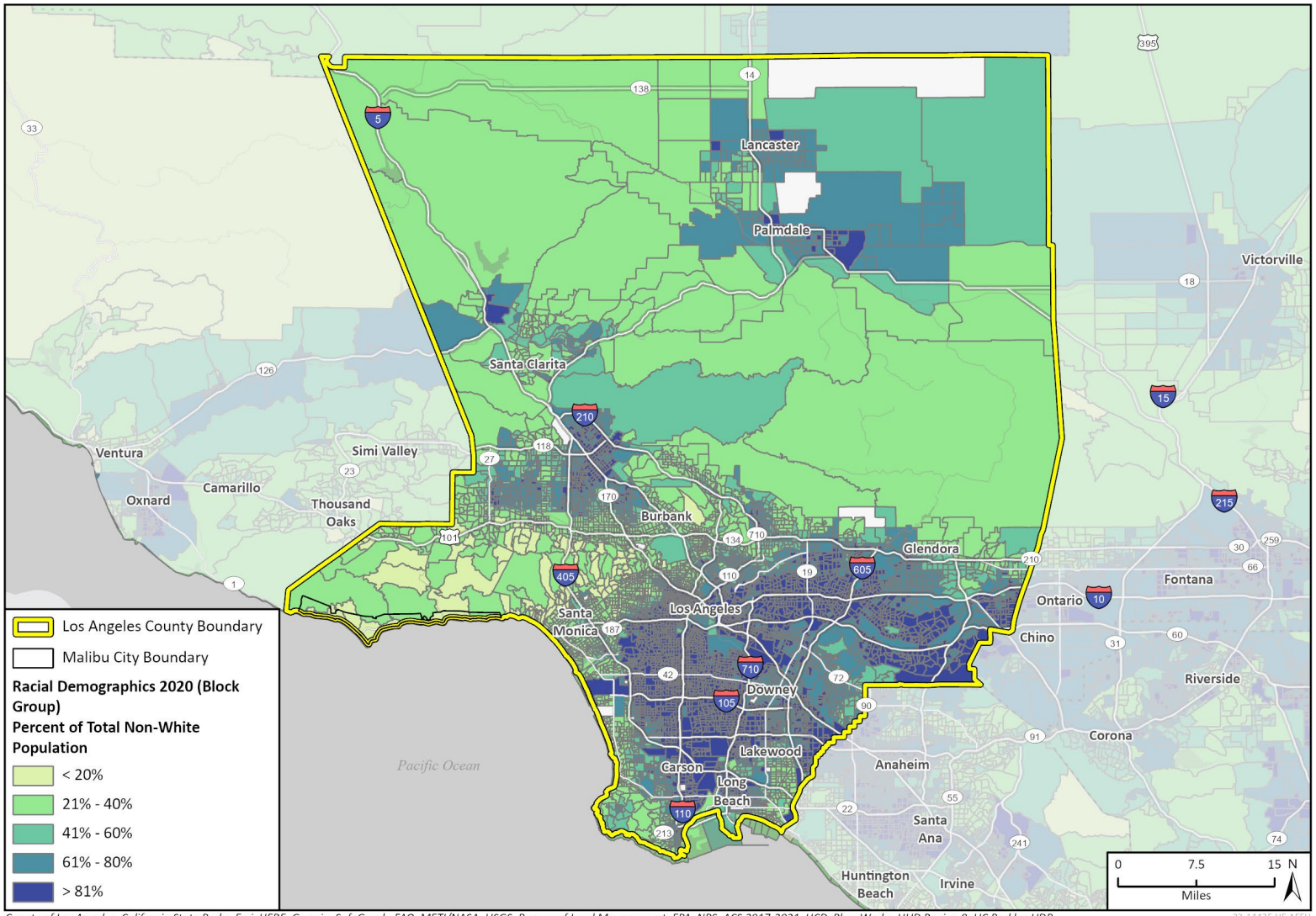
Hispanic/Latino, and /white residents. Segregation between Black/African American and white residents decreased during this time.

Table F-3
Racial Dissimilarity Index Values for Segregation (Los Angeles County and Los Angeles-Long Beach-Anaheim Region)

	Los Angeles County				Los Angeles-Long Beach-Anaheim Region			
Race	1990	2000	2010	Current	1990	2000	2010	Current
Non-White/White	53.33	53.62	53.85	55.87	55.32	55.50	54.64	56.94
Black/White	68.29	63.51	60.24	64.21	72.75	68.12	65.22	68.85
Hispanic or Latino/White	62.81	64.99	64.38	65.12	60.12	62.44	62.15	63.49
Asian or Pacific Islander/White	41.58	48.57	49.62	52.79	43.46	46.02	45.77	49.78

Source: HUD, 2023, Table 3 – Racial/Ethnic Dissimilarity Trends

Figure F-2
Percentage Total Non-White Population (Los Angeles County)



Source: AFFH Viewer, 2023

Local Trends

According to the 2020 Census, white residents comprised the most prevalent racial/ethnic group in Malibu. Table F-4 shows the population by racial category for Malibu in 2010 and 2020 and compares the 2020 population to the composition of the Southern California region in 2020. Malibu's racial composition has a higher percentage of white, non-Hispanic residents than the Southern California region and a lower percentage of non-white residents. Approximately 77 percent of Malibu's population is non-Hispanic white compared to approximately 30 percent of the Southern California regional population. The percentage of Hispanic/Latino residents in Malibu is 12 percent, compared to approximately 47 percent of the Southern California regional population.

Malibu's population has become more diverse during the past decade, but most of the city is designated an area of high white segregation by HUD, as shown in Figure F-3. The areas that are not designated high white segregation do not have available data.

The concentration of non-white residents by census tract is shown in Figure F-4. The figure shows that areas with 20 percent non-white residents are located in the area neighborhood of Point Dume and the area between Latigo Canyon Road and Malibu Canyon Road in western Malibu. The figure also shows that certain areas of the city are 21-40 percent non-white. However, these areas are primarily located within the census tracts that contain large areas of unincorporated Los Angeles County (Census Tracts 8004.06, 8004.10, and 8005.06) . This overlap with County land may affect the census data concerning racial composition within the boundaries of Malibu and may not accurately reflect the population in the city. Given local knowledge of City staff, it is likely that the racial composition of Census Tracts 8004.06, 8004.10, and 8005.06 are similar to other areas of the city with 20 percent non-white residents.

Table F-4
Share of Population by Racial/Ethnic Group, City of Malibu and the Southern California Region

	Malibu (Percent of Population)		Southern California Region (Percent of Population)
Race	2010	2020	2020
Hispanic/Latino	6.7	12.0	46.7
Non-Hispanic White	82.0	77.1	30.3
Black/African American	1.4	0.5	6.2
Asian American/Pacific Islander	4.5	2.8	13.5
Other or Multiple Races	0.0	0.5	3.1

Source: US Census, 2020. ACS Demographic and Housing Estimates, Table DP05; SCAG. Racial Equity Baseline Conditions Report. 2022. https://scag.ca.gov/sites/main/files/file-attachments/2022racialequitybaselineconditionsreport_final.pdf

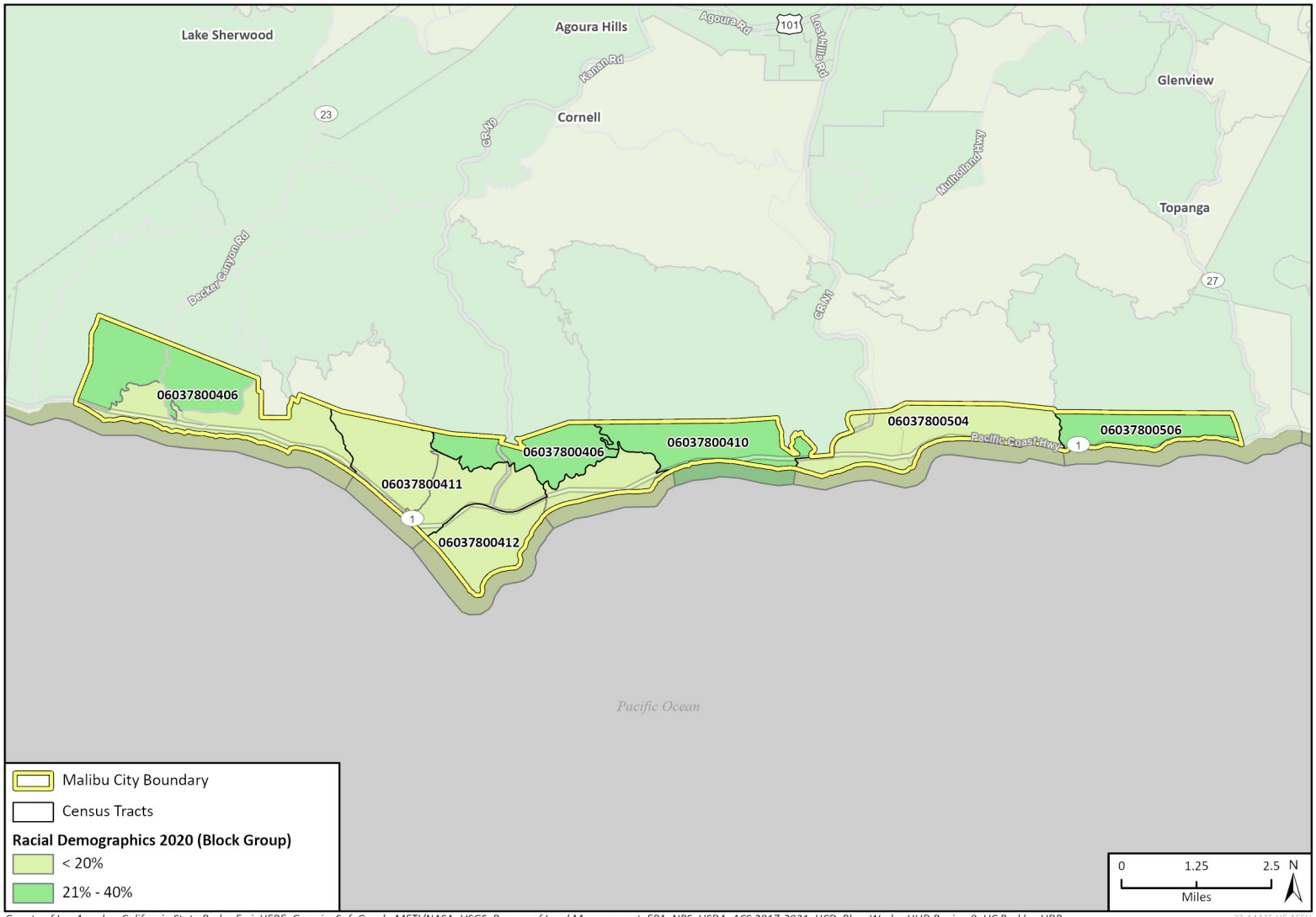
Figure F-5 shows the predominance of white populations in the city. White residents are the predominant racial/ethnic group in all census tracts in the city.

Figure F-3
Neighborhood Segregation (Malibu)



Source: AFFH Viewer, 2023

Figure F-4
Percent of Total Non-White Population (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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AFFH - City Basemap 8.5 x 11

Source: AFFH Viewer, 2023.

Figure F-5
Predominant Populations (Malibu)



Source: AFFH Viewer, 2023

Persons with Disabilities

Physical, mental, and/or developmental disabilities may prevent a person from working, restrict one's mobility, or make it difficult to care for oneself. Disabled persons often have special housing needs related to limited earning capacity, a lack of accessible and affordable housing, and higher health costs associated with a disability. The living arrangement of persons with disabilities depends on the severity of the disabilities and the available resources. Many people with disabilities live at home in an independent arrangement or with other family members. To maintain independent living, people living with disabilities may need assistance. Four factors – affordability, design, location, and discrimination – significantly limit the supply of housing available to households of people with disabilities.

Regional Trends

According to 2021 ACS estimates, 1,004,632 Los Angeles County residents have one or more disabilities, or 10.1 percent of the total population. Most of this population are seniors: 4.7 percent are aged 18 or younger, 13.8 percent are between the ages of 18 and 64, and 73.7 percent are 65 and older. Figure F-6 shows the percent of population living with a disability for each census tract in Los Angeles County. In most of the county, less than 20 percent of the population has one or more disabilities. There are small areas with more than 40 percent of the population with a disability in Long Beach, Santa Monica, and Downtown Los Angeles.

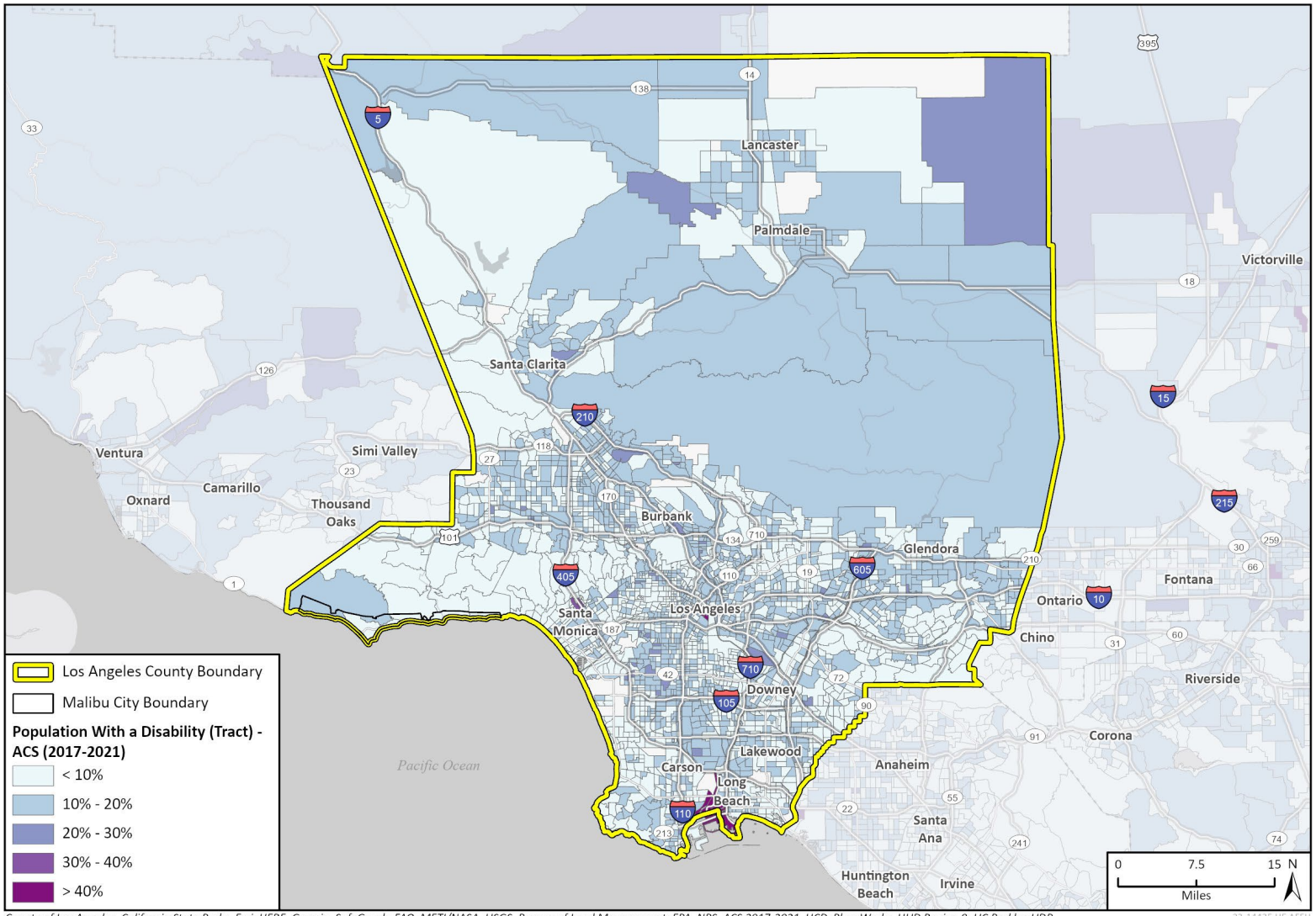
Local Trends

Approximately 883 residents (8.1 percent) of Malibu's population live with one or more disabilities. This is lower than the county average of 10.1 percent. According to 2021 ACS estimates shown in Figure F-8, cognitive difficulty was the most common disability reported by Malibu residents.

Figure F-7 shows the percentage of the population living with one or more disabilities in the city by census tract. In most areas of the city, less than 10 percent of residents live with a disability. The census tract that makes up the majority of Western Malibu and the area north of Point Dume (Census Tract 8004.06) has between 10 to 20 percent of residents reporting living with one or more disability. This census tract also has a high percentage of residents who are over 65 years of age (29 percent). However, the data may be affected due to the inclusion of unincorporated County land in the census tract and may not accurately reflect differences within the city's population. Residents in Western Malibu live further away from resources such as grocery stores, retail, and community facilities than residents in Central and Eastern Malibu. Combined with a lack of transit options, this distance creates a disproportionate burden on residents with disabilities in Western Malibu, particularly those who do not have access to or ability to drive a vehicle.

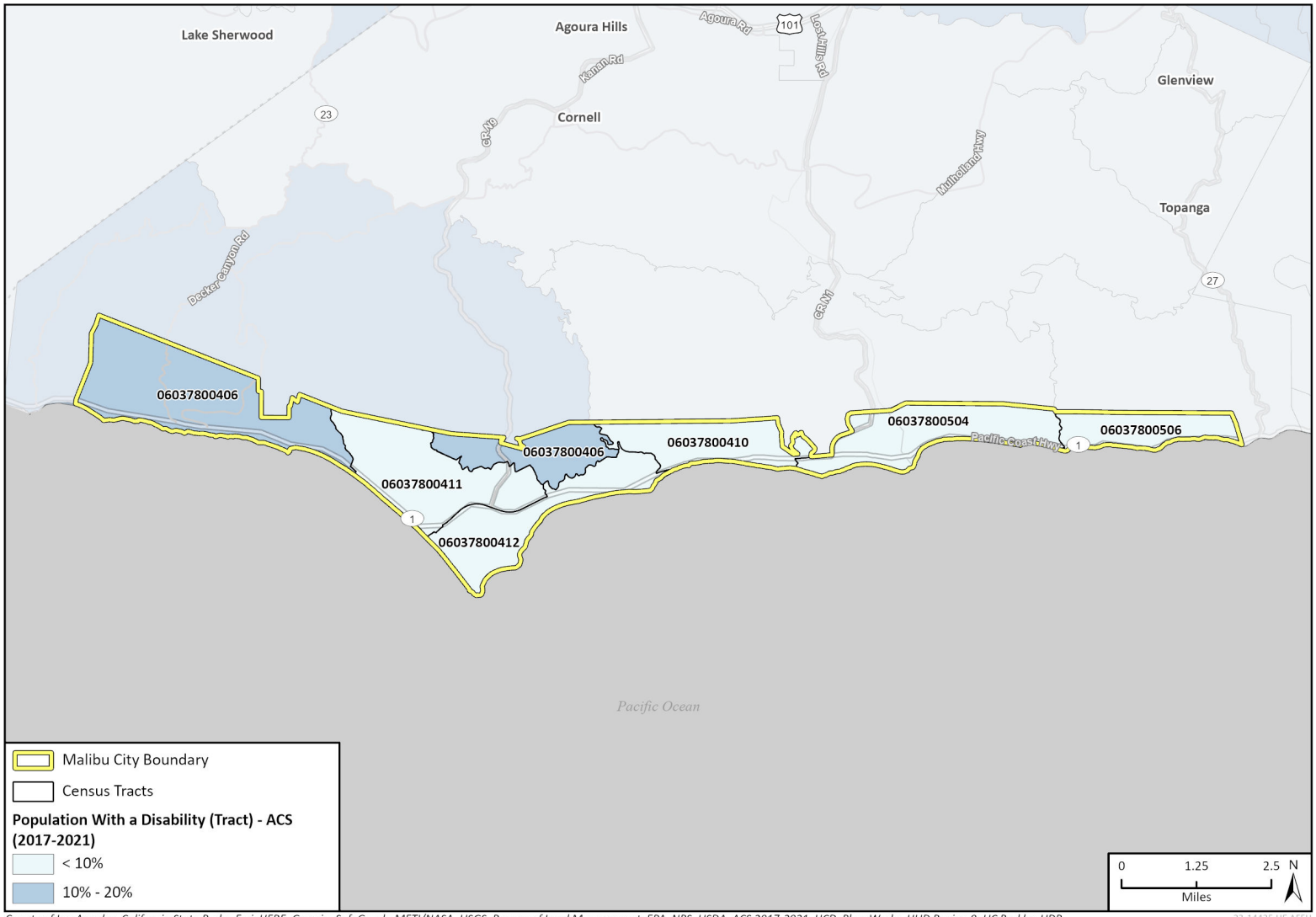
As noted in Chapter 7.2, *Housing Needs Assessment*, there are two senior residential care facilities in Malibu, but there is no housing specifically for people with disabilities. The City will implement Program 2.4b to remove constraints to the development of residential care facilities.

Figure F-6
Percent of Population with a Disability (Los Angeles County)



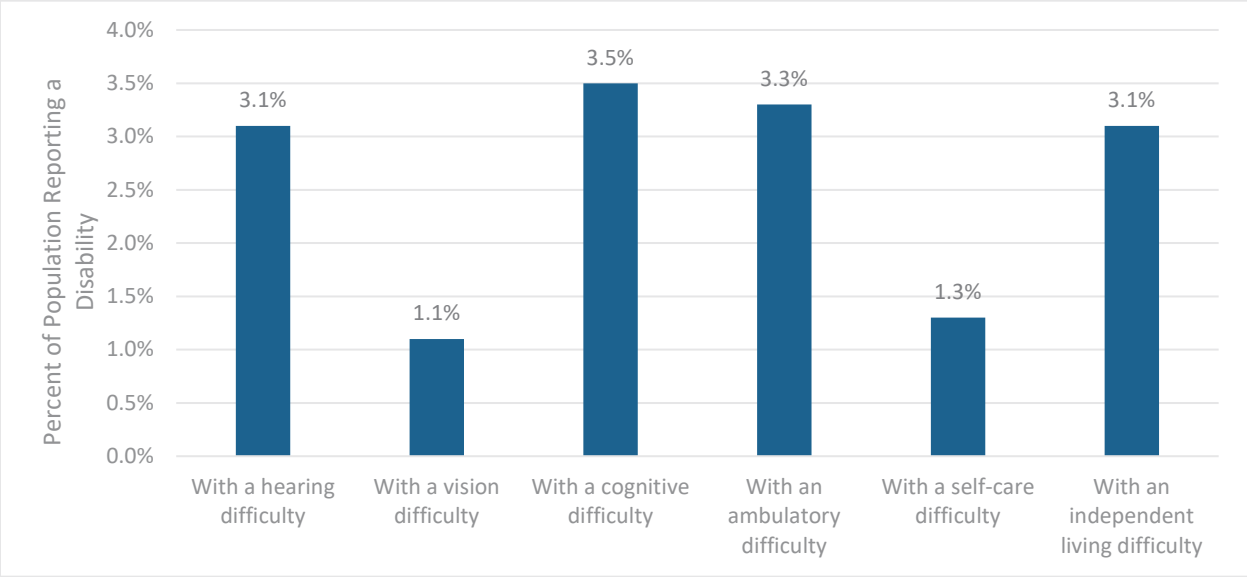
Source: AFFH Viewer, 2023

Figure F-7
Percentage of Population with One or More Disabilities (Malibu)



Source: AFFH Viewer, 2023

Figure F-8
Disability by Type (Malibu)



Notes: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.
Source: U.S. Census Bureau, American Community Survey 1-Year Estimates (2021), Table S1810

Familial Status

According to the Fair Housing Act, familial status refers to the presence of children under the age of 18 in a household with a legal guardian or designee of such guardian.[5] HUD provides examples of familial discrimination as (a) refusing to rent to families with children; (b) evicting families once a child joins the family through, e.g., birth, adoption, custody; (c) requiring families with children to live on specific floors or in specific buildings or areas; (d) imposing overly restrictive rules about children's use of the common areas (e.g., pools, hallways, open spaces); and (e) advertising that prohibits children.[6] Single parent households are protected by Government Code § 65583(a)(7). Because of their relatively lower incomes and higher living expenses, single-parent households can have limited options for affordable, decent, and safe housing. As a result, single parents are considered to be among the groups most at risk of experiencing poverty.

In addition to barriers to fair housing for single-parent households, large families can also experience housing discrimination as property owners impose occupancy limitations that can preclude large families with children. HUD data shows that familial status discrimination ranks third in discrimination of protected classes, behind discrimination due to disability and race.[7]

[5] 42 U.S. Code sections 3601, *et seq*., the Fair Housing Act.
[6] https://www.hud.gov/program_offices/fair_housing_equal_opp/discrimination_against_families_children#_Who_Is_Protected?
[7] U.S. Department of Housing and Urban Development. "Annual Report on Fair Housing FY 2017."

Regional Trends

About 35 percent of all households within Los Angeles County are family households, consisting of two or more individuals who are related by birth, marriage, or adoption, although they also may include other unrelated people. Non-family households consist of people who live alone or who share their residence with unrelated individuals. Approximately 15 percent of households are characterized as female-headed, single-parent households, as shown in Figure F-9. There are areas with a higher concentration of households with children who reside in female-headed, single-parent households in the neighborhoods of South Central and San Pedro in Los Angeles, and the cities of Inglewood and Huntington Park.

Table F-5 shows a breakdown of each household type in the county. Countywide, 58.4 percent of owner-occupied households are married couple families while 23.3 percent are categorized as non-family households. In contrast, non-family households constitute the majority of renter-occupied households, with 41.9 percent as non-family households and 30.3 percent as married-couple families. Figure F-10 highlights the percentage of children residing in married-couple households. There are greater percentages of children in married-couple households in relatively less urbanized communities of the county. Highly urbanized neighborhoods within and surrounding the City of Los Angeles have lower percentages of children in married-couple households compared to cities near the coastal region and the county periphery.

Additionally, 12.0 percent owner-occupied households are headed by a female-headed householder with children present, while 6.1 are headed by a male-headed householder with children present. Approximately 17.1 percent of renter-occupied households are female-headed compared to 8.6 percent that are male-headed household.

Table F-5
Household Type by Tenure (Los Angeles County)

Household Type	Owners		Renters	
	Households	Percent	Households	Percent
Married couple family	917,264	58.4%	548,495	30.3%
Male householder, no spouse present	96,698	6.1%	157,039	8.6%
Female householder, no spouse present	188,337	12.0%	309,816	17.1%
Non-family households	365,710	23.3%	792,228	41.9%
Total Households	1,568,009	100.0%	1,807,578	100.0%

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table B25011 Tenure By Household Type (Including Living Alone) and Age of Householder, 2021 5-yr Estimates.

Local Trends

Table F-6 shows household type by tenure in the City of Malibu. Owner-occupied households are predominantly married-couple households. Approximately 68 percent of owner-occupied households in Malibu are family households, slightly less than the Southern California region. Thirty percent are categorized as non-family households, which is higher than the Southern California region. The higher percentage of non-family

households in the city may be due to the city's proximity to Pepperdine University and college students residing in off-campus housing as roommates. Only 60 percent of undergraduate students reside on campus; therefore, 40 percent reside off-campus and likely in Malibu.[8] The higher percentage may also be due to a higher percentage of single-person households and seniors living alone.

Of the family households, 57.8 percent of owner-occupied households in Malibu are married-couple families. In contrast, family households comprise 49.6 percent of renter-occupied households, while non-family households comprise 50.1 percent. Of the family households, married-couple families comprise 40.5 percent of renter-occupied.

Of all owner-occupied households, female-headed households comprise approximately 6.3 percent male-headed households comprise 3.7 percent. Of all renter households, female-headed comprise 4.9 percent and male-headed households comprise 4.2 percent. As shown in Figure F-11, children in female-headed households comprise less than 20 percent of all households with children present in all areas of the city. Female-headed households do not appear to be segregated from other populations in Malibu. The percentage of households in Malibu that are single-parent households for both renter- and owner-occupied households is less than in the Southern California region.

As shown in Figure F-12, the east Malibu has a higher percentage of children in married couple households than western Malibu.

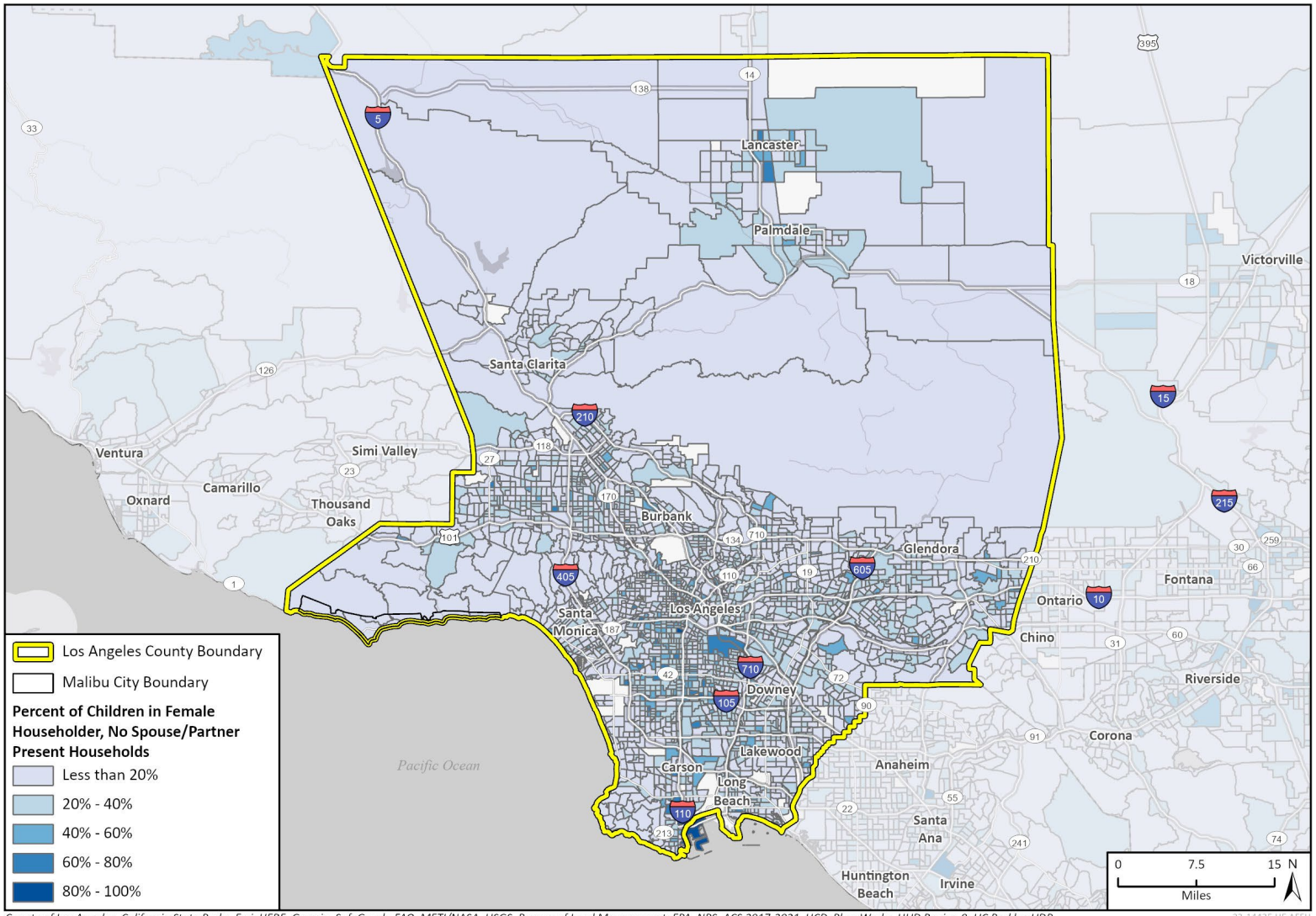
Table F-6
Household Type by Tenure (City of Malibu)

Household Type	Owner		Renter	
	Households	Percent	Households	Percent
Married couple family	1,965	57.8%	425	40.5%
Male householder, no spouse present	128	3.7%	45	4.2%
Female householder, no spouse present	215	6.3%	52	4.9%
Non-family households	1,087	32.0%	525	50.1%
Total Households	3,395	100.0%	1,047	100.0%

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table B25011 Tenure By Household Type (Including Living Alone) and Age of Householder, 2021 5-yr Estimates.

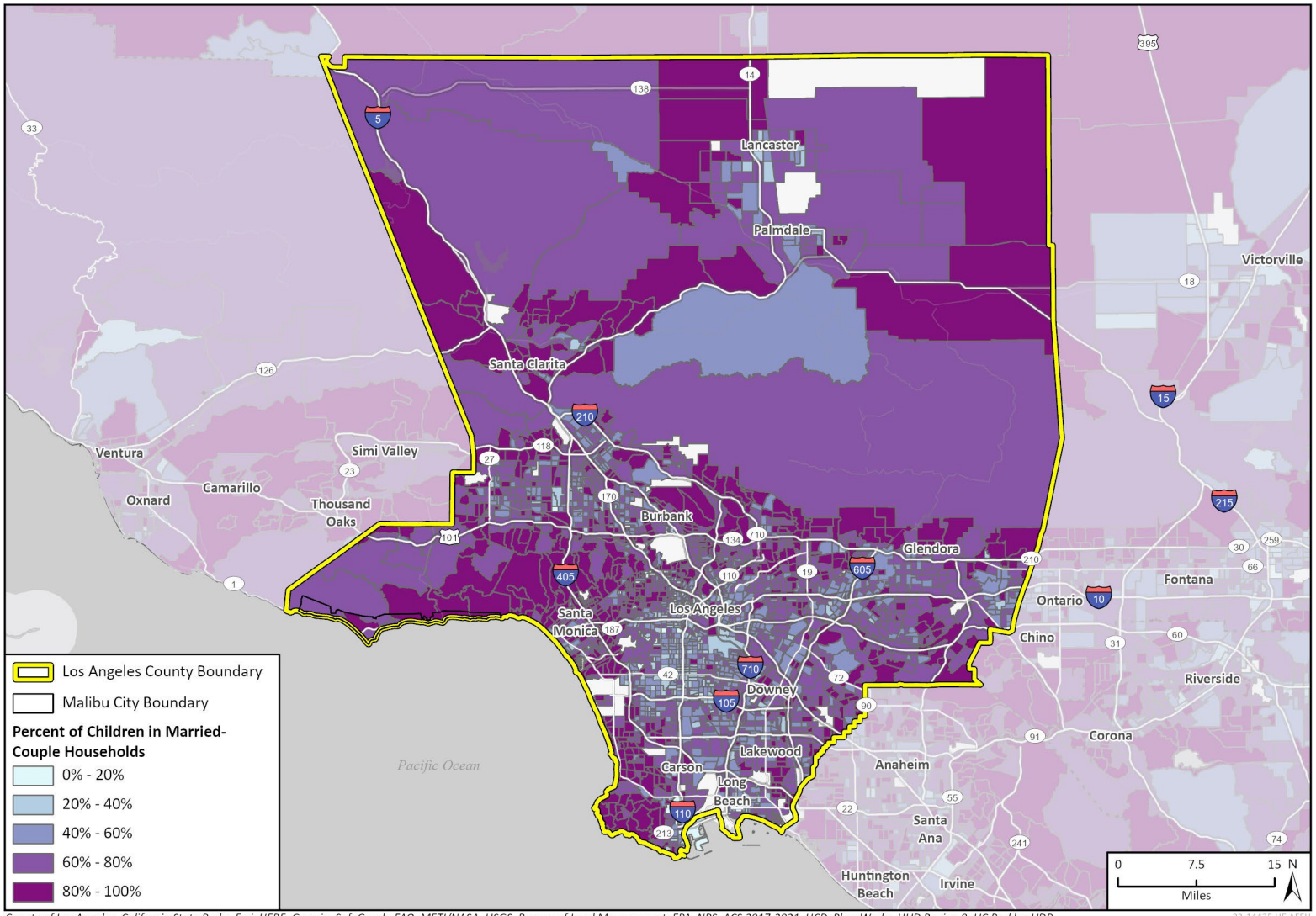
[8] Pepperdine University. 2018.
https://www.pepperdine.edu/oie/content/pdf/housing_residence_life_program_review_2018.pdf

Figure F-9
Female Headed Households with Children, No Spouse/Partner Present (Los Angeles County)



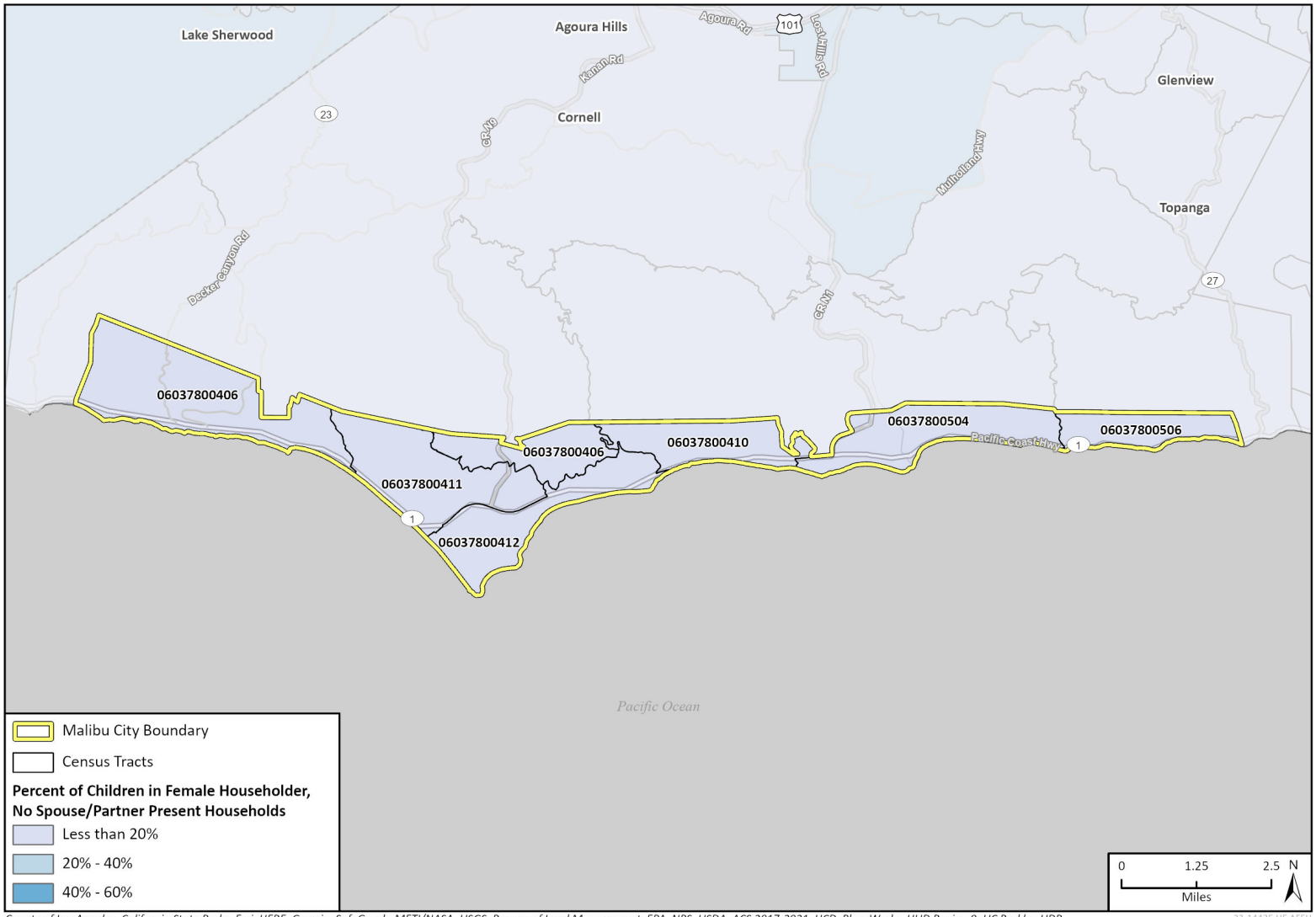
Source: AFFH Data Viewer, 2023

Figure F-10
Percent of Children in Married-couple Households (Los Angeles County)



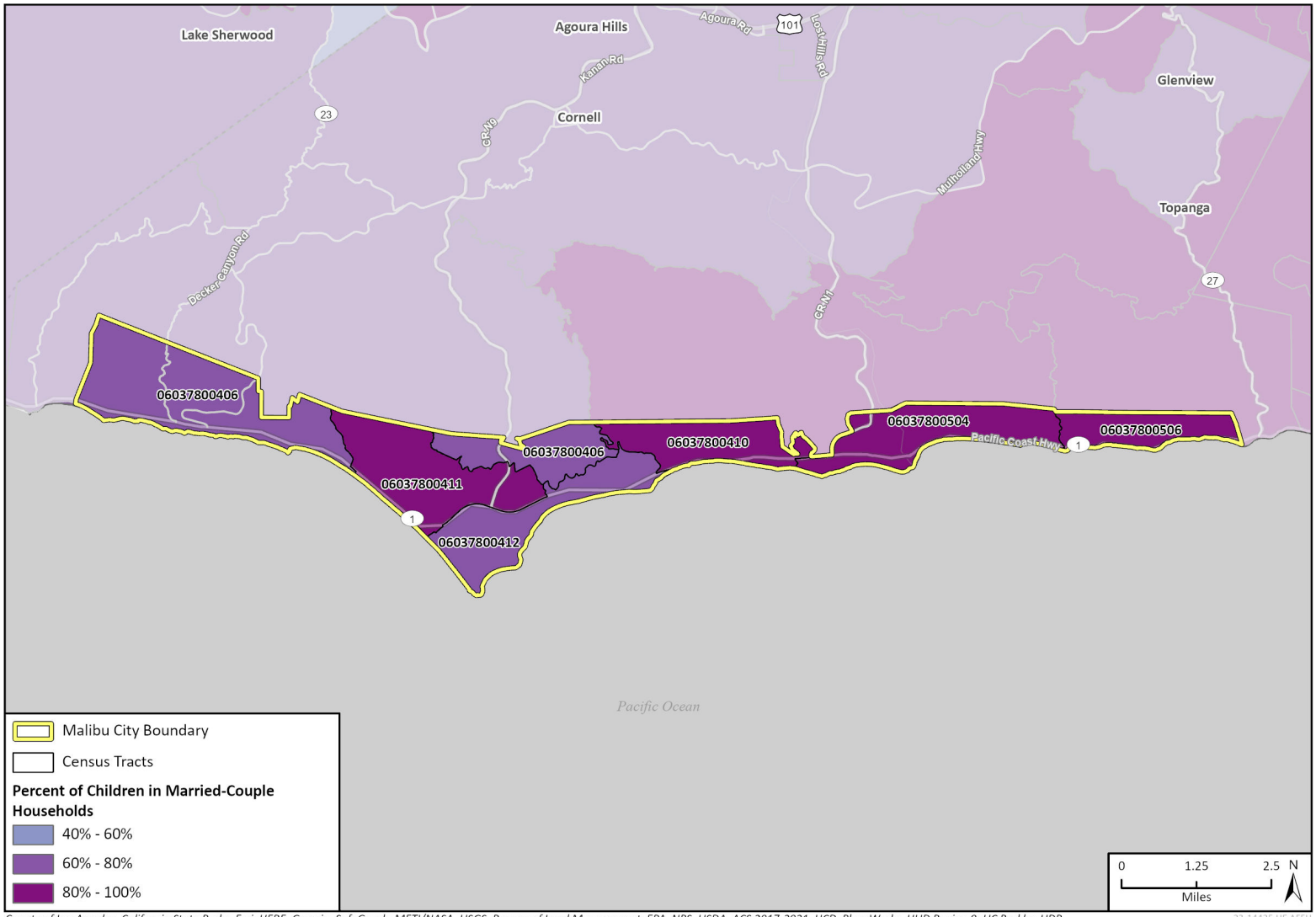
Source: AFFH Data Viewer, 2023

Figure F-11
Female Headed Households with Children, No Spouse/Partner Present (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-12
Percent of Children in Married-couple Households (Malibu)



Source: AFFH Data Viewer, 2023

Household Income

Household income is directly connected to the ability to afford housing. Higher-income households are more likely to own rather than rent housing. As household income decreases, households tend to pay a disproportionate amount of their income for housing and the number of persons occupying unsound and overcrowded housing increases. To achieve fair housing objectives, people in low-income households must have a choice in housing opportunities—that is, when they are able to locate units that are affordable and well maintained in all parts of a jurisdiction and region.

This section identifies household income disparities using data based on median household income and low or moderate income (LMI) geographies. HUD defines an LMI area as a census tract or block group where over 51 percent of the population is LMI. The definition of low or moderate income is based on HUD income definitions of up to 80 percent of the AMI.

Regional Trends

According to 2021 ACS estimates, Los Angeles County has a median household income of $77,456, which is similar to the Southern California regional median household income of $77,430.

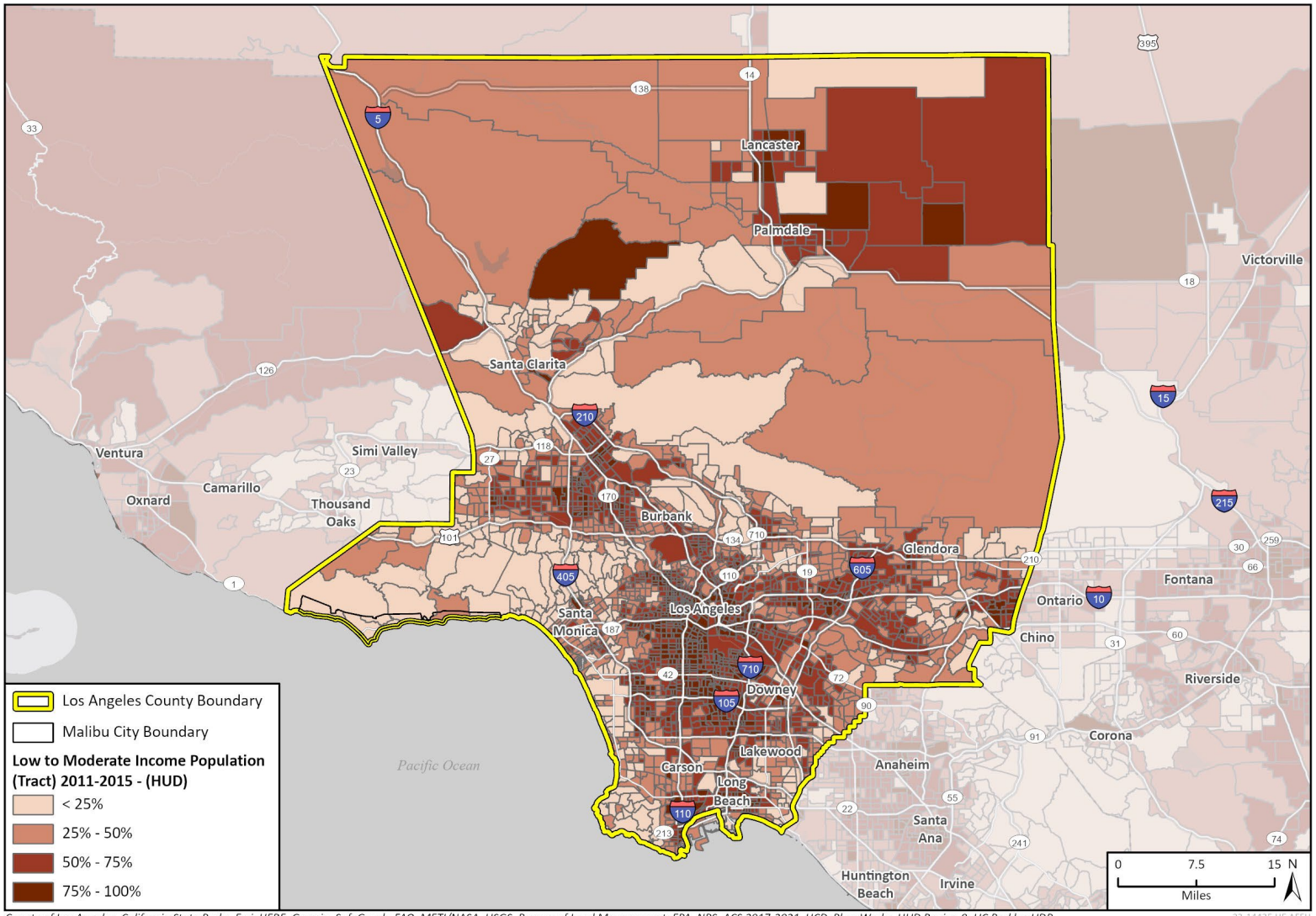
As shown in Figure F-13, there are concentrations of low and moderate income (LMI) households throughout Los Angeles County, centered within and around the City of Los Angeles and scattered throughout cities in the San Fernando Valley and San Gabriel Valley. The largest concentration of LMI households is in the Downtown and South-Central neighborhoods of the City of Los Angeles. In most of these areas, between 75 and 100 percent of households are LMI households. Regionally, coastal cities such as Malibu generally have a lower percentage of LMI households (less than 25 percent), except for the cities of Long Beach and Santa Monica.

Local Trends

According to 2021 ACS estimates, Malibu has a median household income of $178,594, approximately 230 percent higher than Los Angeles County's median income of $77,456. Figure F-14 shows the median household income in Malibu by census tract. Eastern Malibu and the census tract north of Point Dume (Census Tract 8004.11) have the highest median annual household income in the city (greater than $175,000).

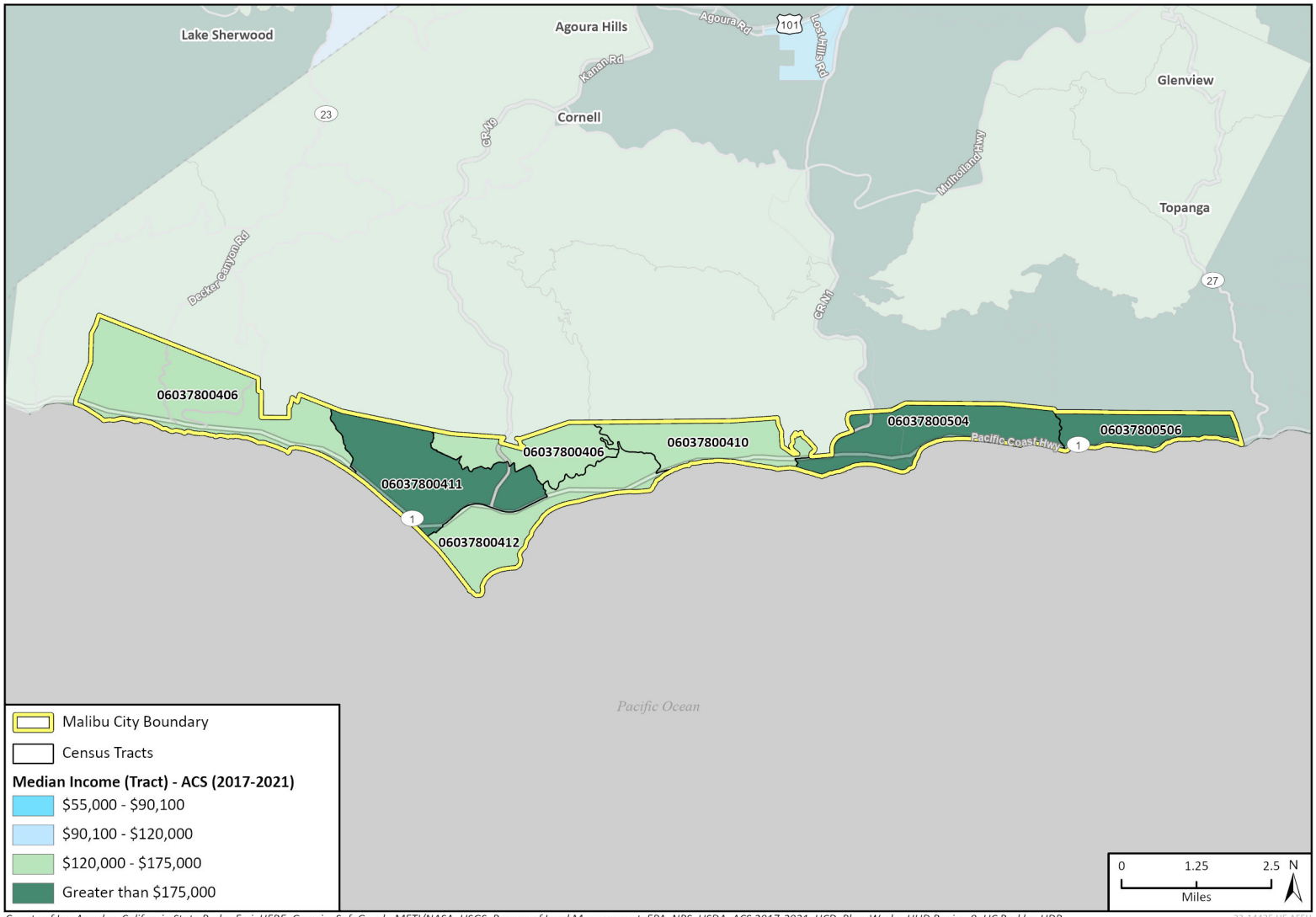
Figure F-15 shows the percent of households that are LMI households, by census tract. The percentage of LMI households is low throughout most of the city, but there is an LMI household concentration between 25 and 50 percent in Census Tract 8005.04, which includes the Civic Center in Eastern Malibu. This area has a higher concentration of commercial uses and is in proximity to Pepperdine University. While the campus is not within Malibu city limits, it is located within the same census tract. On-campus student housing does not factor into census-designated households. However, as noted previously, approximately 40 percent of students live off campus, and likely reside close to the university. It is possible that a higher number of students live in this census tract than other census tracts, accounting for the higher percentage of LMI households.

Figure F-13
Low to Moderate Income Population (Los Angeles County)



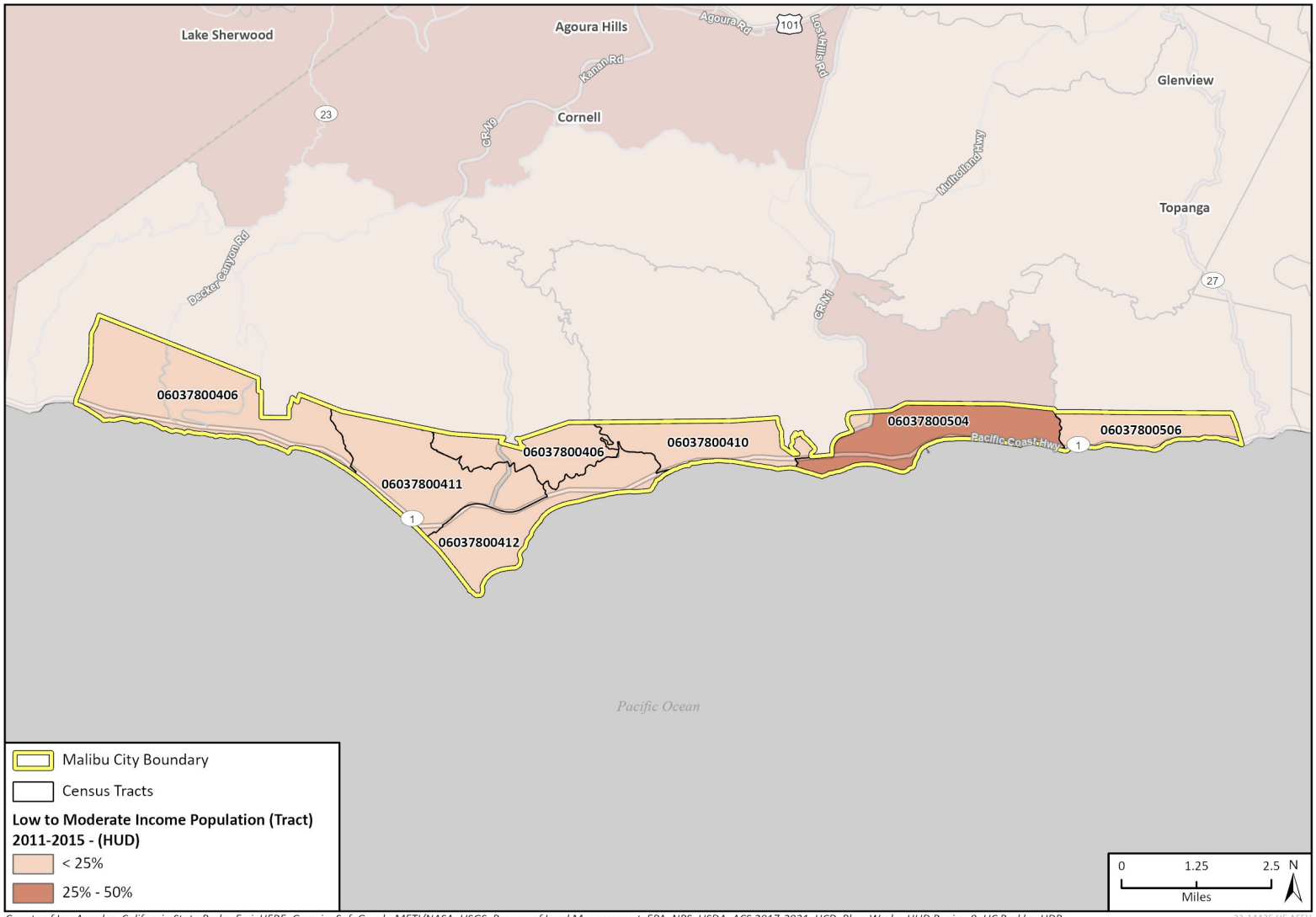
Source: AFFH Viewer, 2023.

Figure F-14
Median Household Income (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-15
Low to Moderate Income Population (Malibu)



Source: AFFH Data Viewer, 2023

This census tract also contains a significant amount of unincorporated land, which could affect the data and may not accurately reflect the household income levels of residents within Malibu's city limits. Of the total housing units in Census Tract 8005.04, 32 percent are multifamily, the highest percentage of multifamily units compared to other census tracts that overlap with the city limits. No census tract within the city qualifies as a LMI area (with 51 percent or more LMI households). The city's high-cost real estate makes it difficult for a low-income household to live within city limits. Therefore, Malibu is economically segregated from the region.

Table F-7 displays income level by household type. According to 2017-2021 ACS data, married-couple families in Malibu have significantly higher incomes than non-family households. Approximately 85.3 percent of married couple families earn an income above $100,000 per year, compared to 48.4 percent of nonfamily households and 71.4 percent of total households. Approximately 24 percent of all households earn an annual income of less than $75,000 per year (approximately the County median household income). More than 40 percent of households in Malibu earn an annual income of $200,000 or more.

Table F-7 Income Level by Household Type (Malibu)

Income Level	Total Households	Married-Couple Families	Nonfamily Households
Less than $10,000	7.5%	5.9%	9.7%
$10,000 to $14,999	0.7%	0.0%	2.0%
$15,000 to $24,999	4.3%	0.0%	11.8%
$25,000 to $34,999	3.6%	1.4%	6.3%
$35,000 to $49,999	1.9%	1.0%	3.3%
$50,000 to $74,999	5.9%	3.5%	8.5%
$75,000 to $99,999	4.8%	2.8%	10.0%
$100,000 to $149,999	11.6%	11.8%	13.0%
$150,000 to $199,999	16.6%	17.9%	11.5%
$200,000 or more	43.2%	55.6%	23.9%
Median income	$178,594	$129,862	$58,271

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table S1901, Income in the Past 12 Months (Inflation-Adjusted Dollars), 2017-2021 Estimates

Racially and Ethnically Concentrated Areas of Poverty

To identify racially and ethnically concentrated areas of poverty (known as R/ECAPs), TCAC includes a poverty concentration and racial segregation filter that aligns with HUD's R/ECAP methodology but is intended to reflect the level of racial and ethnic diversity more effectively. TCAC categorizes census tracts that have both a poverty rate of over 30 percent and that are designated as being racially segregated (overrepresentation of people of color relative to the region) as areas of high segregation and poverty.

Poverty and Segregation

Regional Trends

Countywide, concentrations of poverty and segregation may exasperate existing impediments to fair housing such as lending discrimination and overcrowded housing conditions. Approximately 14 percent of the population in Los Angeles County earns an income below the poverty line, higher than the state average of 12.2 percent. Figure F-16 shows areas of high segregation and concentrated poverty in Los Angeles County. The most prominent areas of high segregation and poverty are in the South-Central area of the City of Los Angeles and East Los Angeles. Areas of high segregation and poverty are also present in the San Fernando Valley in the neighborhoods of Panorama City, Pacoima, and Van Nuys. In North Los Angeles County, high segregation and poverty areas are present within the cities of Palmdale, Lancaster, and Victorville.

Local Trends

Areas of high segregation and poverty are not present within the city of Malibu. Therefore, Malibu does not have census tracts that meet the HUD definition of a R/ECAP. However, Malibu does have residents that experience poverty. Approximately 8.6 percent of the population of Malibu earns an income below the poverty line. As shown in Figure F-17, there is a higher percentage of residents in poverty within census tracts located south of the Pacific Coast Highway in the neighborhood of Point Dume, and the area between Latigo Canyon Road and Malibu Canyon Road in western Malibu (Census Tracts 8004.12 and 8004.10). Census Tract 8004.10 is primarily made up of unincorporated land, which may affect the data and may not accurately reflect the households within Malibu's city limits. In these areas, between 10 and 20 percent of residents earn an income below the poverty line. As confirmed by City staff, it is likely that many low-income households in Malibu are retired elderly households who are "income-poor" but "asset-rich", as home values in these census tracts are comparable to citywide home values[9] and it is difficult for a low-income household to afford the real estate prices in city limits.

Concentrated Areas of Affluence

While R/ECAPs have long been the focus of fair housing policies, racially concentrated areas of affluence (RCAAs) must also be analyzed. RCAAs are defined as affluent, white communities.[10] According to a policy paper published by HUD, white residents are the most racially segregated group in the United States and typically more affluent than majority non-white communities. RCAAs have not been studied extensively, nor has a standard definition been adopted by HCD or HUD. Therefore, this assessment uses the percent white population and median household income as thresholds to identify potential RCAAs. In addition to having a higher median income, areas of affluence typically experience less overcrowding, less housing cost burden on renters, and are generally less susceptible to displacement compared to areas of high segregation and poverty.

[9] Zillow. https://www.zillow.com/ Accessed 16 November 2023
[10] Goatz, Damanio and Williams, 2019. https://www.huduser.gov/portal/periodicals/cityscpe/vol21num1/ch4.pdf

HCD's AFFH Data Viewer identifies RCAAs as census tracts that have a white population that is 1.25 times higher than the county and a household median income 1.5 times higher than the county AMI.

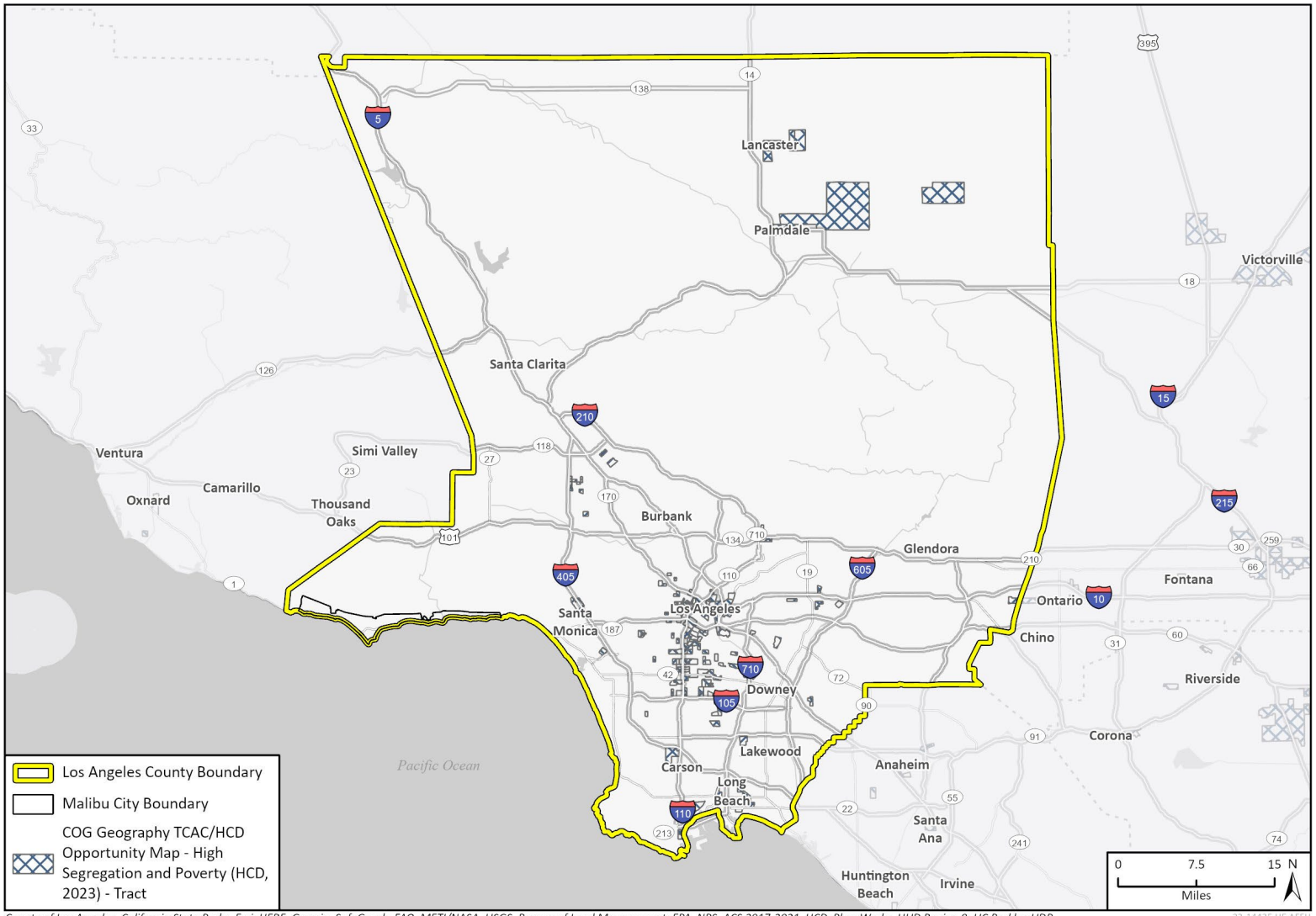
Regional Trends

The areas characterized as RCAAs in Los Angeles County are shown in, Figure F-18,and are located throughout the county. Many coastal cities, including the cities of Malibu, Santa Monica, Redondo Beach, and Rancho Palos Verdes, as well as the cities of Pasadena, Burbank, and Monrovia in eastern Los Angeles County. The communities of Palos Verdes Peninsula, Hollywood Hills, Santa Monica Mountains, and La Canada/Flintridge are also characterized as RCAAs.

Local Trends

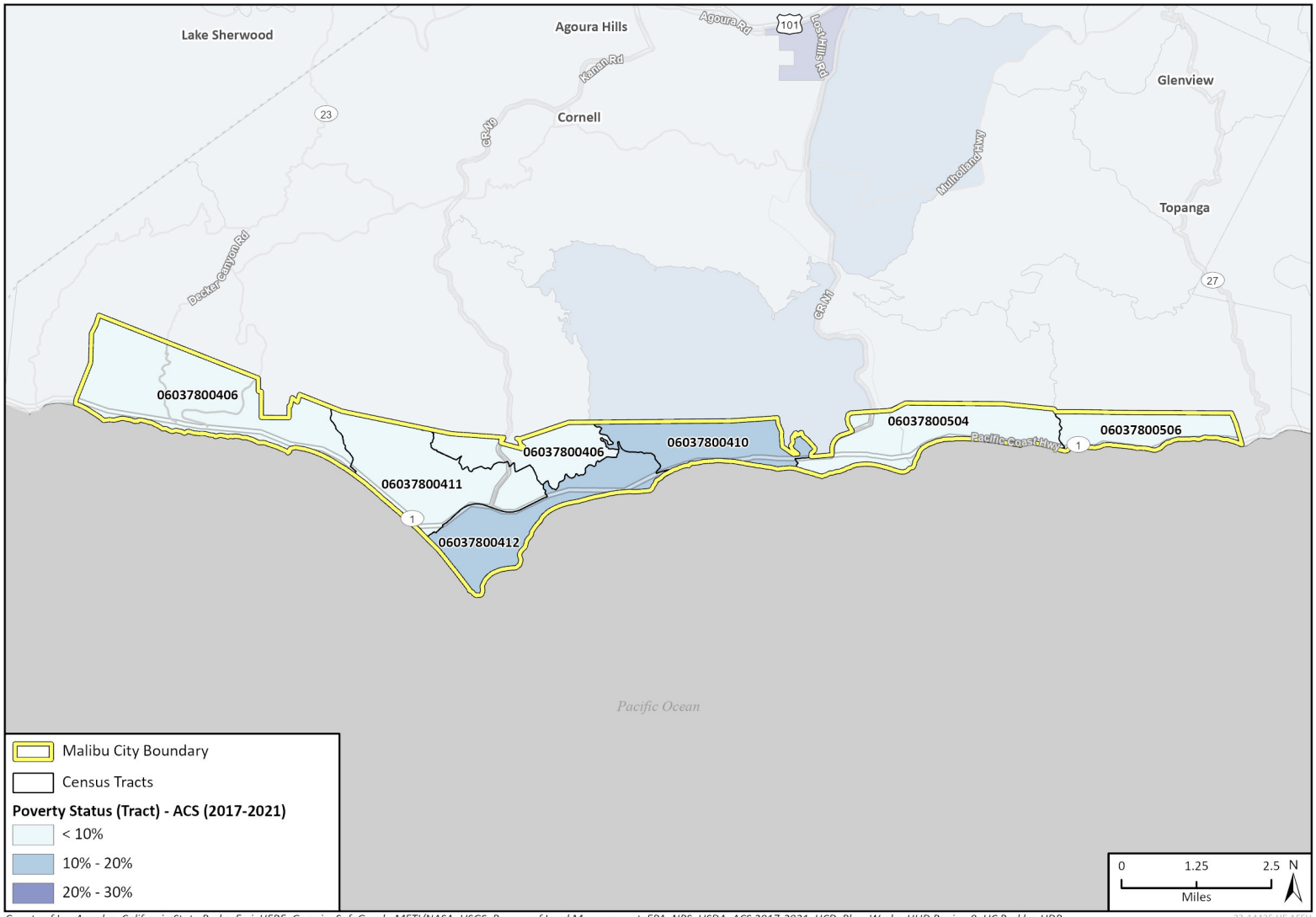
The entire city of Malibu is designated as RCAA as shown in Figure F-19. While the entire city is classified as a RCAA, Census Tract 8005.04 in Eastern Malibu has a higher concentration of both affluent and white-dominant communities compared to other areas of the city. The city has a large proportion of white residents and a median income that is more than double the median income of Los Angeles County. The city's economic and racial segregation is likely due to redlining practices and racial covenants practiced between the 1930s and 1970s that promoted exclusion on the basis of race, as discussed in *Local Knowledge*. The City was not incorporated until 1991, after land use patterns were already established. By that time, Malibu had long been established as an enclave for higher-income households with mostly single-family homes. As a result, white, affluent households are significantly more prevalent in Malibu, and non-white and low-income households have faced difficulty accessing housing in the city due to availability and affordability. Program 5.1 and Program 5.2 aim to provide fair housing services and community outreach to decrease segregation within the city.

Figure F-16
Areas of High Segregation and Poverty (Los Angeles County)



Source: AFFH Data Viewer, 2023

Figure F-17
Poverty Status (Malibu)

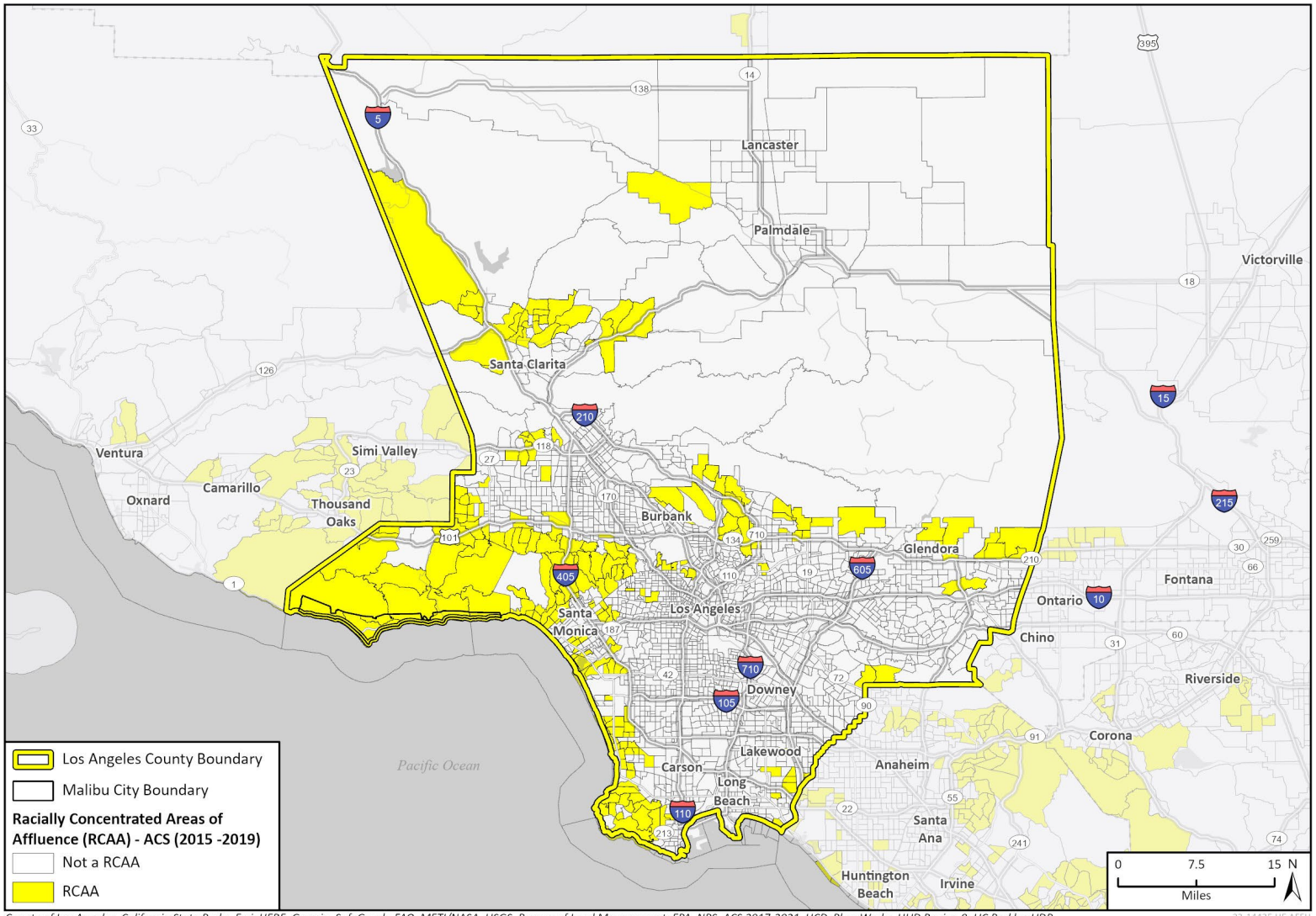


County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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AFFH - City Basemap 8.5 x 11

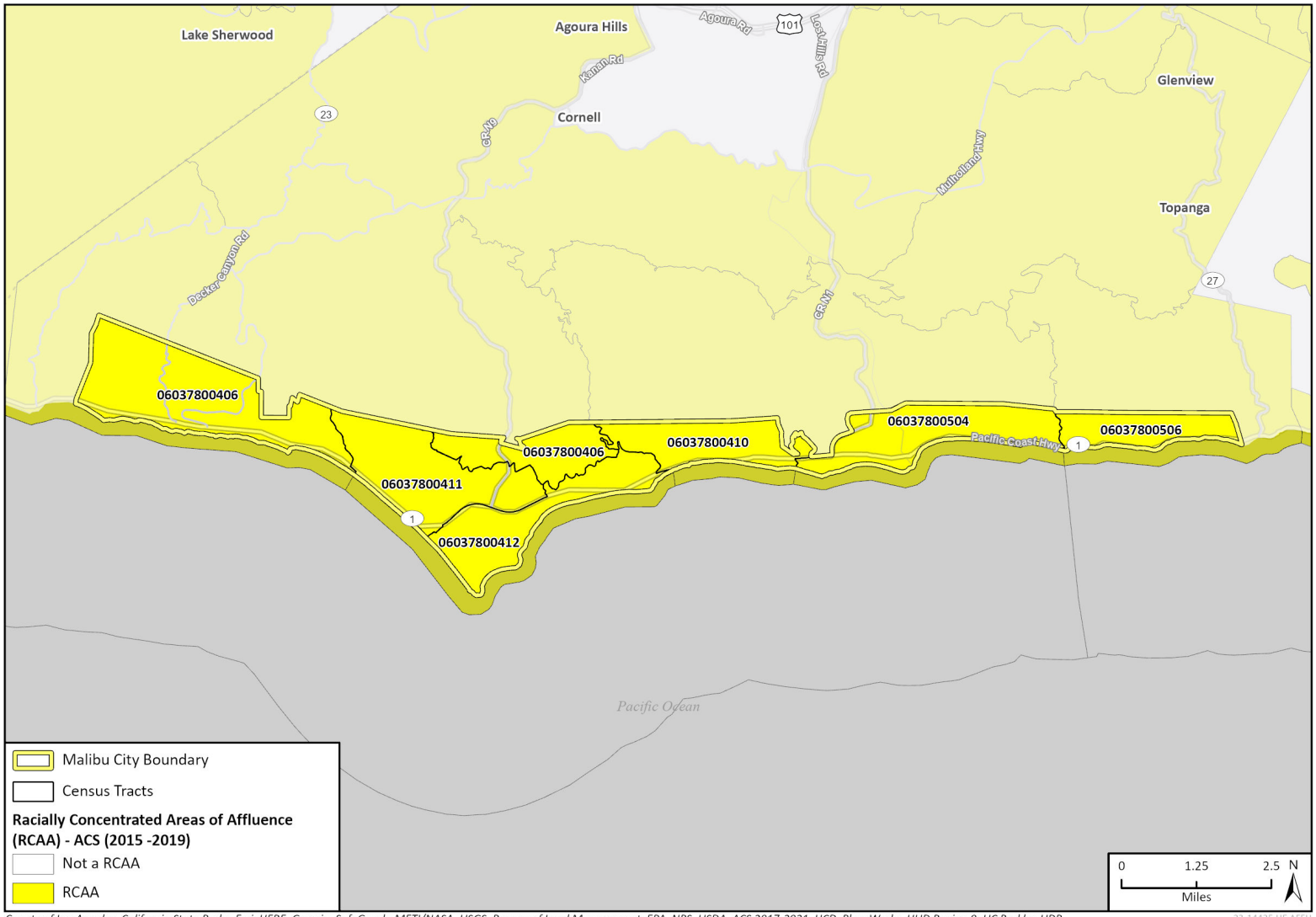
Source: AFFH Data Viewer, 2023

Figure F-18
Concentrated Areas of Affluence (Los Angeles County)



Source: AFFH Data Viewer, 2023

Figure F-19
Concentrated Areas of Affluence (Malibu)



Source: AFFH Data Viewer, 2023

Disparities in Access to Opportunity

Access to opportunity, including access to education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, recreation, and food and healthy environment (including clean air and water, safe neighborhoods, safety from environmental hazards, and access to social services and cultural institutions) influences health and economic outcomes. According to the California Fair Housing Taskforce, a group convened by HCD, "opportunity," can be thought of as pathways leading to better lives, including through health, education, and employment.[11] Improving access to opportunity can include supporting low-income communities with mobility and access to neighborhoods considered by TCAC to be 'high resource.'[12]

HUD's Opportunity Indices were created to inform communities about racial/ethnic segregation and disparities in access to opportunity.[13] Indicator index scores range from 0-100, with 100 representing the most positive outcomes). Measured at the neighborhood level, the index scores are intended to inform communities about segregation and disparities in access to opportunity in their jurisdiction and compare the opportunity indicators rankings across racial/ethnic groups. Generally, higher index scores are indicative of greater access to opportunity. For example, the "low poverty index" captures the poverty rate within a given neighborhood; the higher the index score means the less exposure to poverty. A higher "jobs proximity" score means that residents have greater accessibility to employment locations within the larger region.[14] Each index is measured using the following variables:

- Economic Opportunity Index: a composite of poverty rate by census tract, percentage of adults with a bachelor's degree, percentage of adults employed, and number of jobs for persons without a bachelor's degree that fall within a given radius of each census tract.
- Environmental Opportunity Index: exposure to pollution burden shown in CalEnviroScreen.
- Educational Opportunity Index: the percentage of fourth-grade students testing proficient in reading and math within three miles of a census block group.
- Low Transportation Cost Index: the cost of transportation and proximity to public transportation by neighborhood.
- Transit Index: How often low-income families in a neighborhood use public transportation.

[11] California Fair Housing Task Force. 2020. Methodology for the 2020 TCAC/HCD Opportunity Map. June 2020. https://www.treasurer.ca.gov/ctcac/opportunity/2020-tcac-hcd-methodology.pdf
[12] Ibid.
[13] HUD, 2020. https://www.hud.gov/sites/dfiles/FHEO/documents/AFFH-T-Data-Documentation-AFFHT0006-July-2020.pdf
[14] Urban Institute, 2018. https://www.urban.org/sites/default/files/publication/98674/place_and_opportunity_brief_3.pdf

Transit

Access to public transit is of paramount importance to lower-income households. Limited transportation options reduce access to jobs, public spaces (such as parks, plazas, and campuses), and goods and services.

Regional Trends

Mass transportation in Los Angeles County consists of regional bus systems, city bus systems, ADA paratransit services, heavy rail, light rail, and subways. Service operations include:

- Los Angles Metro: Multiple commuter rail lines connecting to cities located throughout the greater Los Angeles Region
- San Fernando Valley Transit Services: Antelope Valley Transit, Burbank Bus, Glendale Beeline, LADOT Dash/Commuter Express, La Canada Flintridge Shuttle, Pasadena Transit, Santa Clarita Transit, Simi Valley Transit
- San Gabriel Valley Transit Services: Alhambra Community Transit, Baldwin Park Shuttle, Commerce Municipal Bus, Duarte Transit, El Monte Transit, Glendale Beeline, Glendora Mini Bus, La Puente LINK, LADOT DASH, Monterey Park Spirit, Omnitrans, OCTA, Pasadena Transit, Rosemead Explorer, Go West / West Covina, Foothill Transit
- South Bay, Gateway Cities and Central/West Side Los Angeles Transit Services: Long Beach Transit, Torrance Transit, Gardena G-Trans, Norwalk Transit, Montebello Bus Lines, Santa Monica Big Blue Bus, Culver CityBus, Foothill Transit
- Metrolink Line: multiple Commuter rail lines connecting to cities located throughout the greater Los Angeles Region and cities within the Counties of Ventura, Orange, San Bernardino and Riverside
- Amtrak: Interstate train service serving coastal and inland areas of California

Transit use is higher in parts of the Los Angeles region where the greatest investment in transit service has been made, including the north coastal, central, and south bay regions of Los Angeles. Almost all major employment centers in Los Angeles County are served by some form of public transit. However, low-income employees, especially female heads of household with children, have unique travel patterns that may prevent them from obtaining work far from home, regardless of access to public transit. Generally, women are disproportionately responsible for household-supporting activities such as trips to grocery stores or accompanying young children to and from schools and day care.

According to 2021 ACS data 70 percent of county residents drive alone to work and 4.9 percent used public transportation. Furthermore, county residents have a longer average commute time (29.2 minutes) than the statewide averages (27.6 minutes).

Local Trends

AllTransit is an online database that provides details on transit opportunity throughout the United States. The website uses metrics to understand the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to Alltransit.com, Malibu has an overall performance score of 3.1, suggesting a low combination of trips per week and number of jobs accessible enabling few people to take transit to work. There is one bus route that runs along the Pacific Coast Highway (Route 134). The 134 bus (Malibu-PCH-Trancas) has 36 stops from Olympic Boulevard/7th Street in Santa Monica to Trancas Canyon/Pacific Coast Highway in Malibu. The bus takes about one hour from the Olympic Boulevard/7th Street in Santa Monica to the commercial center of Malibu, which is a constraint to lower-income employees who do not have access to a vehicle but work in Malibu.

Figure F-20 shows areas of the city within a one-half mile to transit. The eastern portion of Malibu has greater transit access than the western portion. The areas with lower transit access have a higher concentration of people with a disability (Figure F-7). Local organizations have reported that accessible transit is an issue in the city, particularly for lower-income and public sector employees who commute to the city from elsewhere in the region (see the Loal Knowledge section of this analysis).

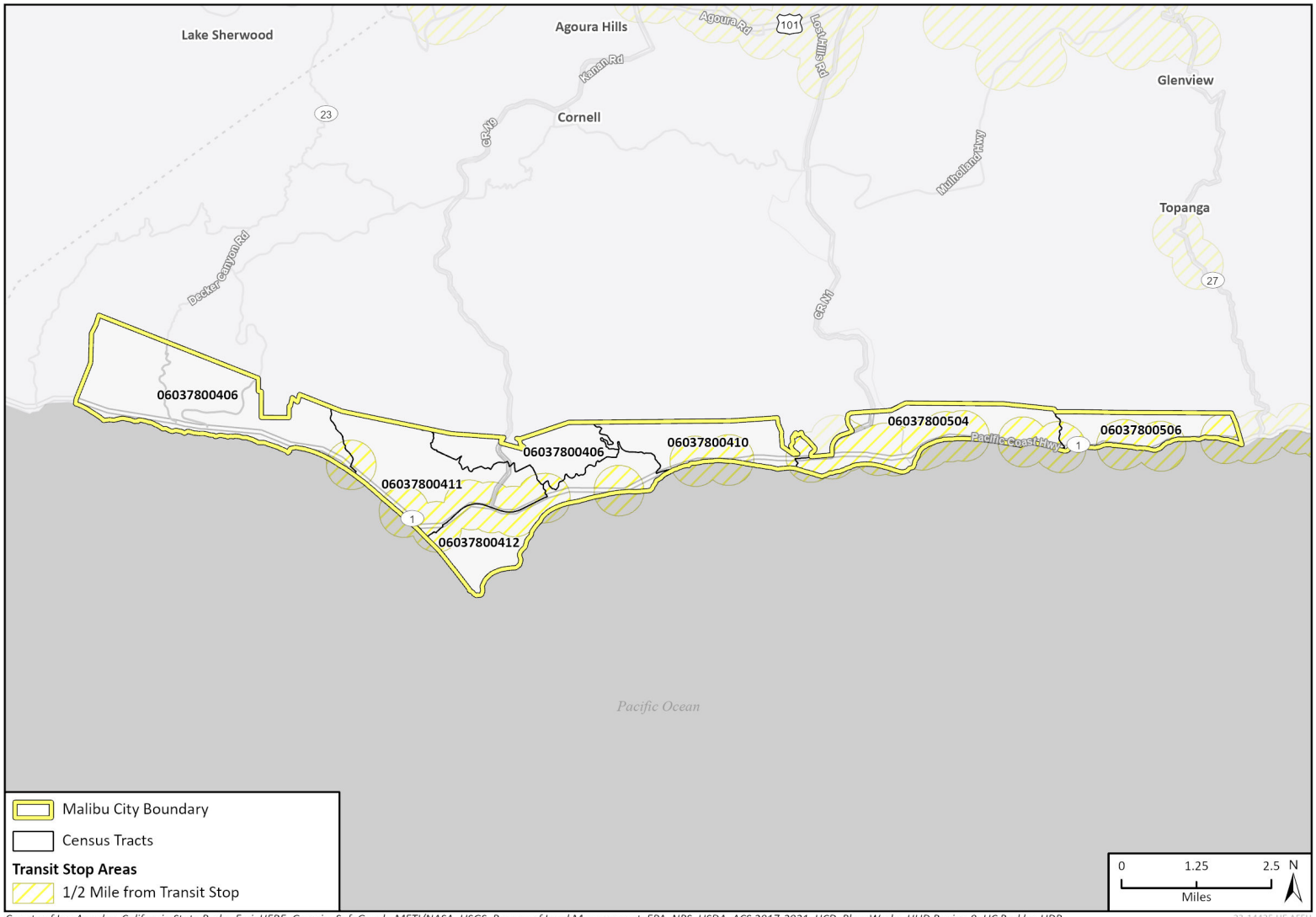
The City provides paratransit services, called Dial -A-Ride, to Malibu seniors (60 years and older) and disabled residents through the City's contracted service provider, Ventura Transit Systems. The Dial-A-Ride service provides transportation to the Malibu Senior Center, various locations in the city, and the neighboring cities of Agoura Hills, Calabasas, and the neighborhood of Westwood in Los Angeles. The program has two vans in service and provides approximately 25 to 30 rides, or 60 hours of service per month. The program is currently meeting the demand of residents and does not have a waitlist. To promote the program, the City displays banners in the Senior Center, advertises in the newspaper, provides give-a-ways with program information, and gives presentations and announcements at social and recreation programs. Program 3.3, Housing for Persons with Special Needs, directs the City to fund and promote transportation services available to seniors.

According to 2021 ACS data, 1.7 percent of residents used public transportation to commute to work, 59.8 percent drove alone, and 29.6 percent worked at home. Compared to Los Angeles County, Malibu has a lower percentage of residents that drive alone and use public transportation when commuting to work, and a higher percentage of residents who work from home. According to the Healthy Places Index, a platform that provides open data on health equity indicators, Western Malibu has a higher rate of active commuting than central or eastern Malibu.[15]

The Environmental Protection Agency (EPA) has a walkability index that ranks Census block groups.[16] The EPA walkability map, shown in Figure F-21, shows that most of the city has a walkability score below the national average, but the area surrounding Point Dume and the southeastern corner of the city have an above average walkability score.

[15] California Healthy Places Index. Active Commuting Indicator. https://map.healthyplacesindex.org/?redirect=false, accessed March 29, 2024.
[16] EPA, 2021. https://www.epa.gov/smartgrowth/national-walkability-index-user-guide-and-methodology

Figure F-20
Access to Transit Within a Quarter Mile (Malibu)

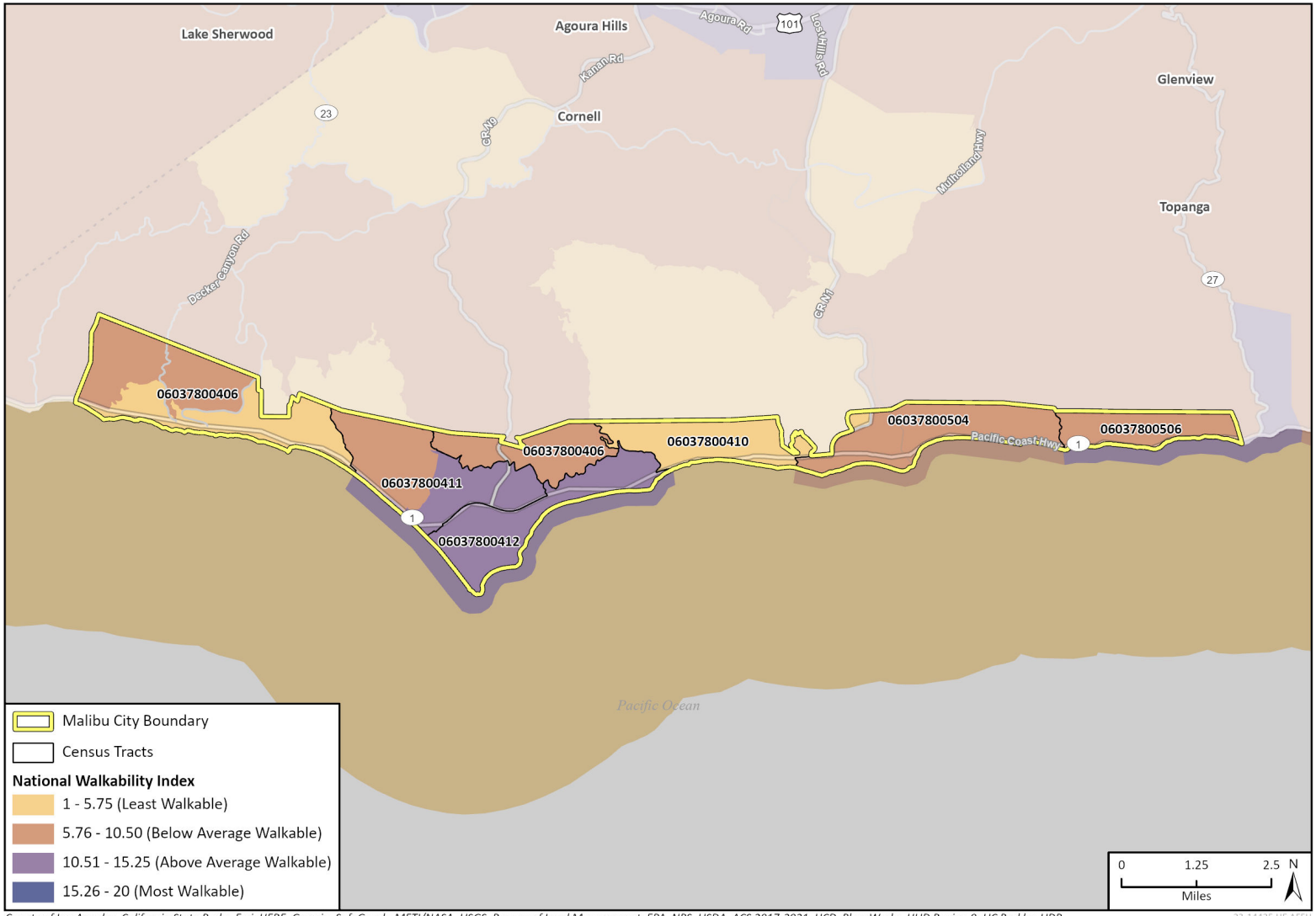


County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

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AFFH - City Basemap 8.5 x 11

Source: County of Los Angeles, 2023.

Figure F-21
Walkability Index (Malibu)



Source: National Walkability Index, 2023.

Educational Opportunity

Economics literature has consistently found about a 10 percent increase in wages/salary with each additional year of education.[17] Therefore, educational attainment is directly linked to housing opportunities. To assess educational opportunities by geography, this analysis uses TCAC education domain scores, which incorporate a variety of indicators including math and reading proficiency scores, high school graduation rates, and student poverty rates at the census tract level.

Regional Trends

An overview of education outcomes across Los Angeles County is illustrated in Figure F-22. Educational outcomes vary across Los Angeles County. In general, urban areas within Central Los Angeles, Long Beach, and northwestern areas of the county, including the cities of Lancaster and Palmdale, had less positive education outcomes compared to the rest of the county. The coastal communities, including the cities of Santa Monica, Malibu, and Rancho Palos Verdes, as well as areas northeast of Downtown Los Angeles, and the northeastern portion of Los Angeles County, have higher educational outcomes.

According to Kidsdata.org, a data compilation program of the Lucile Packard Foundation for Children's Health, Los Angeles County had a high school graduation rate of 82.4 percent. High school graduation rates were highest among Asian-American and Filipino students (94 percent) and white, non-Hispanic students (87 percent). American Indian/Alaska Native students (63 percent) and African American/Black students (73 percent) had lower graduation rates.[18]

Local Trends

Public schools in Malibu are part of the Santa Monica-Malibu Unified School District (SMMUSD). The SMMUSD serves 8,820 students in grades K-12 in the cities of Malibu and Santa Monica. In addition to Malibu High School (grades 9-12) and Malibu Middle School (grades 6-8), which share a campus, Malibu has two public elementary schools (grades K-5): John L Webster Elementary School and Malibu Elementary School. According to the California School Dashboard, Malibu Elementary School located in Western Malibu has a higher percentage of socioeconomically disadvantaged[19] students (16 percent) and English learners (11 percent) compared to Webster Elementary School, located in Eastern Malibu (10 percent and five percent, respectively). The Santa Monica-Malibu Unified School District had an overall high school graduation rate of 96.1 percent in 2021, higher than the county average.[20] According to the California School Dashboard, Asian American, English learners, Hispanic/Latino, and socioeconomically disadvantaged students had lower graduation rates than Black/African American, white, or students of

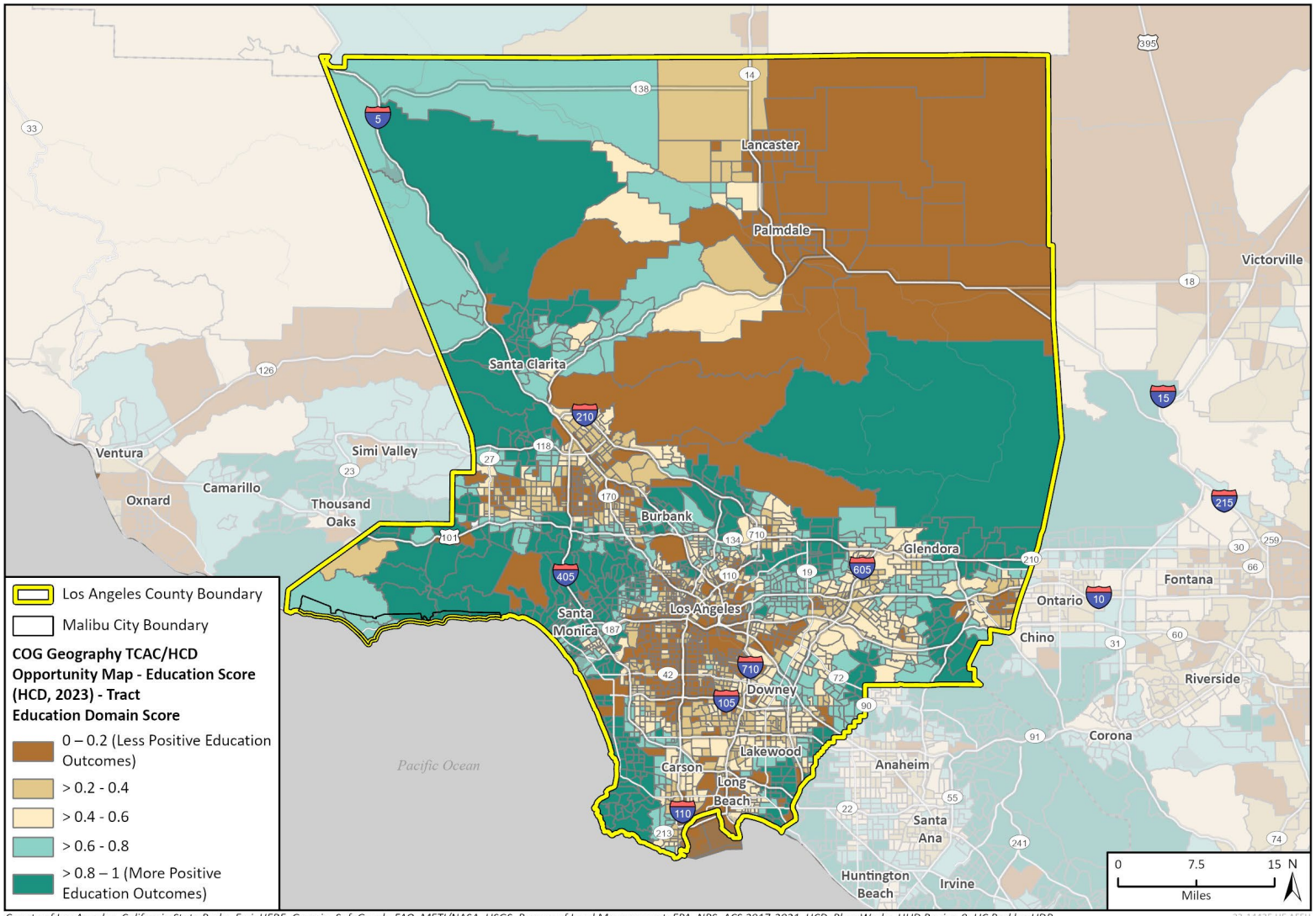
[17] Annual Disability Statistics Compendium, 2020. https://disabilitycompendium.org/annualreport
[18] Kids Data. 2021. All Data: Los Angeles County. https://www.kidsdata.org/region/364/los-angeles-county/results#ind=&say=&cat=18
[19] Students who are eligible for free or reduced priced meals; or have parents/guardians who did not receive a high school diploma.
[20] Kids Data. 2021. All Data: Malibu. https://www.kidsdata.org/region/720/malibu/results#ind=&say=&cat=18

two or more races.[21] Approximately 26 percent of all students in the district are socioeconomically disadvantaged. According to GreatSchools, an online database that provides data on school quality, Malibu High School has above average test scores and levels of college readiness.[22] The GreatSchools equity indicators show that underserved students at Malibu High School perform better than the state average on tests and college readiness. However, there are differences within the school based on race and ethnicity and household income. Malibu High School is reported as 76 percent white, 14 percent Hispanic/Latino, five percent two or more races, two percent Black/African American, two percent Asian American, and less than one percent Native American/Pacific Islander. Twelve percent of students are from low-income households. At Malibu High School, Hispanic/Latino students and students from lower-income households are less likely to be eligible for state college or university upon graduation than white students and students from higher-income households. Students with disabilities that attend Malibu High School have higher rates of absenteeism compared to the state average.[23]

While all areas in Malibu have positive educational outcomes, Eastern Malibu has slightly higher positive educational scores than Western Malibu, as shown in Figure F-19. However, this data may be impacted by the inclusion of unincorporated land in this census tract and may not accurately represent conditions in the city. Eastern Malibu also has the highest percentage of children in married couple households (Figure F-12), as well as households with the highest median incomes, suggesting that educational opportunity is segregated by income and family composition. Disparities in access to educational opportunity for low-income households is exacerbated by the lack of housing options in the city due to the high cost of owner and rental housing. Program 5.1 identifies actions the City will take to increase housing mobility, which will increase access to greater educational opportunities.

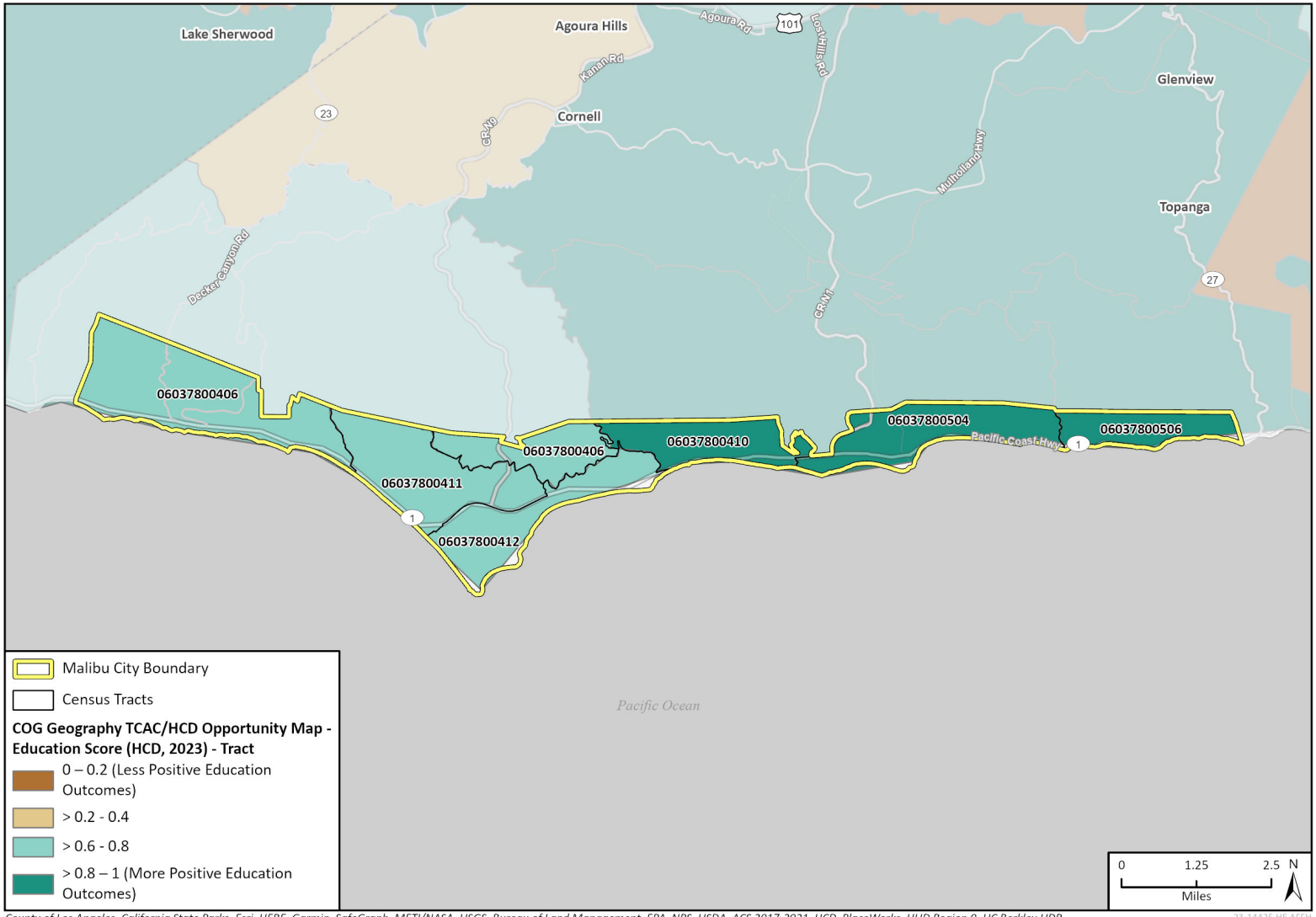
[21] California School Dashboard. Santa Monica-Malibu Unified: Academic Engagement. https://www.caschooldashboard.org/reports/19649800000000/2023/academic-engagement#graduation-rate, accessed March 29, 2024.
[22] GreatSchools. Malibu High School. https://www.greatschools.org/california/malibu/2925-Malibu-High-School/#Equity_overview, accessed March 29, 2024.
[23] Ibid.

Figure F-22
TCAC Opportunity Areas – Education Outcomes (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-23
TCAC Opportunity Areas - Education Outcomes (Malibu)



Source: AFFH Viewer, 2023

Employment

Housing opportunities are directly related to economic opportunities. Access to high quality employment close to desired and affordable housing results in more housing opportunities and shorter commute times. The analysis for economic opportunities uses TCAC economic indicators, employment participation data from the ACS and the HUD Jobs Proximity Index.

TCAC economic opportunities are measured by census tract and considers poverty, adult education, employment, job proximity, and median home values. A higher economic index score reflects more positive economic outcomes. The HUD Jobs Proximity Index assesses the accessibility to job opportunities at the census block group level.

Regional Trends

Economic outcomes vary across Los Angeles County as shown in Figure F-24. Areas with more positive economic outcome scores were identified along the coastal communities and portions of east Los Angeles County. Conversely, similar to educational outcomes, the urban areas in Central Los Angeles, Long Beach, and northwestern areas of the county had less positive economic outcomes.

According to 2021 ACS estimates, Los Angeles County has an employment rate of 90.8 percent, a decrease of two percent from 2019. Table F-8 shows employment status by disability status estimates for Los Angeles County for ACS 2015-2019 and 2017-2021. Overall, the percentage of all employed residents aged 16 remained the same, but unemployment increased slightly.

Table F-8 Employment Status by Disability Status (Los Angeles County)

Disability Status	Employed 2015-2019	Unemployed 2015 -2019	Employed 2017-2021	Unemployed 2017-2021
No Disability	4,502,627 (96.4%)	274,277 (91.5%)	4,187,832 (95.5%)	396,066 (87.7%)
With a Disability	169,322 (3.6%)	25,535 (8.0%)	197,504 (3.2%)	45,578 (8.0%)
Total	**4,671,949 (93.9%)**	**299,812 (6.0%)**	**4,385,336 (90.8%)**	**441,644 (9.2%)**

Source: U.S. Bureau of the Census, American Community Survey (ACS), Table C18120 Employment Status by Disability Status, 2015-2019, 2017-2021 Estimates.

Local Trends

Economic outcomes are positive throughout Malibu, as shown in Figure F-25. As of 2021, the employment rate in Malibu is 94.4 percent, slightly higher than the County employment rate. In 2021, the largest industries for employees in Malibu are professional, scientific, and management, and administrative and waste management services (25 percent of employed population); educational services, and health care and social

assistance (17 percent); and finance and insurance, and real estate and rental leasing (13 percent).

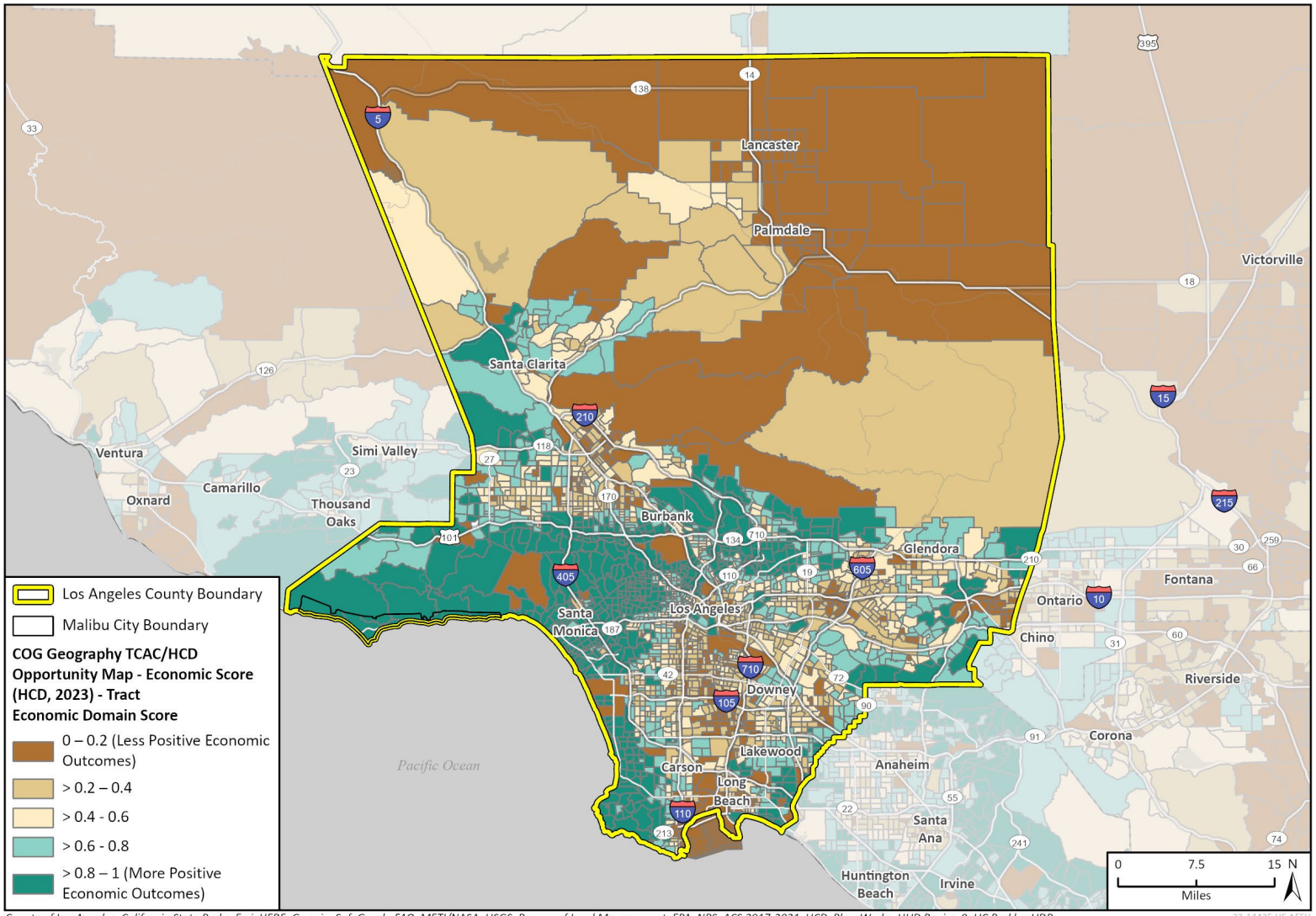
Employment status by disability status estimates is provided in Table F-9. The labor participation rate of residents aged 16 and older decreased by approximately two percent, similar to the county's rate of change. The number of employed residents with a disability decreased by almost three percent, while employment for residents without a disability increased. However, the number of unemployed residents with a disability remained the same at zero percent. The total unemployment rate (2.9 percent) in 2021 is lower than the county (3.9 percent) and the Southern California region (9.3 percent).

Table F-9
Employment Status by Disability Status (Malibu)

Disability Status	Employed 2015-2019	Unemployed 2015 -2019	Employed 2017-2021	Unemployed 2017-2021
No Disability	4,772 (96.0%)	205 (100%)	3,907 (97.9%)	236 (100%)
With a Disability	249 (4.9%)	0 (0%)	83 (2.1%)	0 (0%)
Total	**5,021 (96.1%)**	**205 (3.9%)**	**3,990 (94.4%)**	**236 (5.6%)**

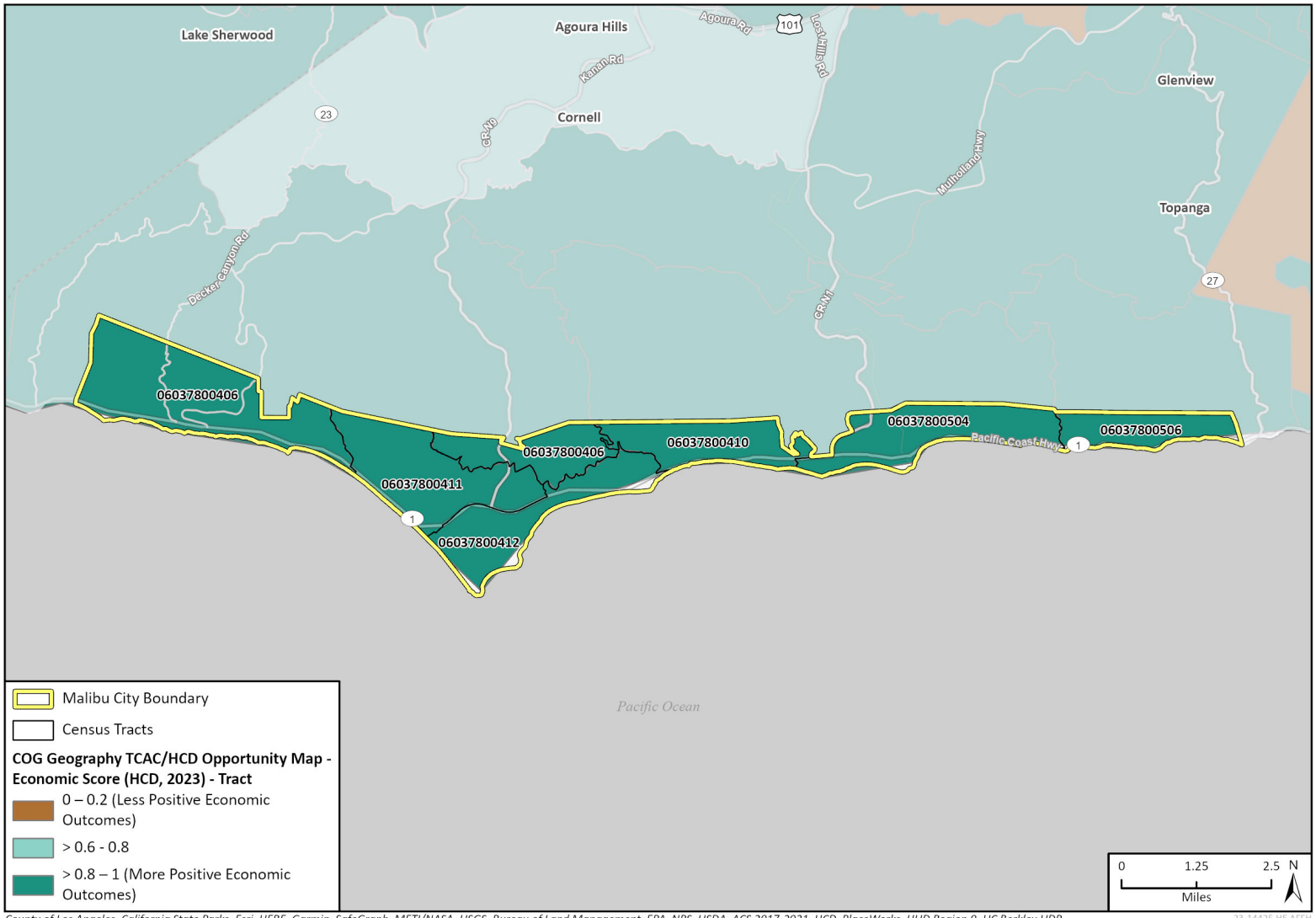
Source: U.S. Bureau of the Census, American Community Survey (ACS), Table C18120 Employment Status by Disability Status, 2015-2019, 2017-2021 Estimates.

Figure F-24
TCAC Opportunity Areas - Economic (Los Angeles County)



Source: AFFH Viewer, 2023.

Figure F-25
TCAC Opportunity Areas – Economic (Malibu)



Source: AFFH Viewer, 2023

Healthy Environment

Healthy Environment in AFFH addresses disparities in access to environmentally healthy neighborhoods by protected class groups. An assessment of environmentally healthy neighborhoods can include air and water quality, safety, environmental hazards, social services, and cultural institutions. Recent California laws—Assembly Bill (AB) 1550, Senate Bill (SB) 535 and SB 1000 emphasize the importance of environmental justice as a fair housing issue. Environmental Justice, according to HUD, means ensuring that people have equal access to safe and healthy housing. HUD requires all entitlement jurisdictions to conduct reviews under the National Environmental Protection Act to determine if a proposed project creates adverse impacts due to environmental conditions. It furthers the requirement that human health deserves equal protection for all people regardless of race, color, national origin, or income. Under Executive Order 12898, Federally assisted projects may also target funding to communities that have disproportionately high and adverse human health impacts on minority and low-income populations due to environmental conditions. [24] The California Office of Environmental Health Hazard Assessment developed CalEnviroScreen, a mapping tool that uses spatial data collected by various regulatory agencies (e.g., air quality indicators from South Coast Air Quality Management District, water quality indicators from Orange County Water District, monitored chemical releases into the air or water table from Environmental Protection Agency, HUD socio-economic indicators, etc.). The dataset uses a methodology to identify communities disproportionately burdened by exposures to pollution, environmental effects of existing pollutants in communities, among other indicators of sensitive populations or socioeconomic factors. Residents in census tracts with high CalEnviroScreen scores (shown as percentiles) are disproportionately burdened by pollution and are more vulnerable to related effects.

Regional Trends

According to CalEnviroScreen data, areas with higher pollution percentiles are generally urban areas with higher proportions of LMI and overcrowded households. Areas experiencing the highest pollution percentile scores in the Los Angeles region are as the cities of Baldwin Park, El Monte and South El Monte in the San Gabriel Valley, neighborhoods and cities located south of Downtown Los Angeles, and in the Pacoima and Sylmar neighborhoods of the San Fernando Valley (Figure F-26). The areas of Los Angeles County with lower scores (i.e., low exposure to pollution and high household income) are near the county boundaries and along the coast.

Local Trends

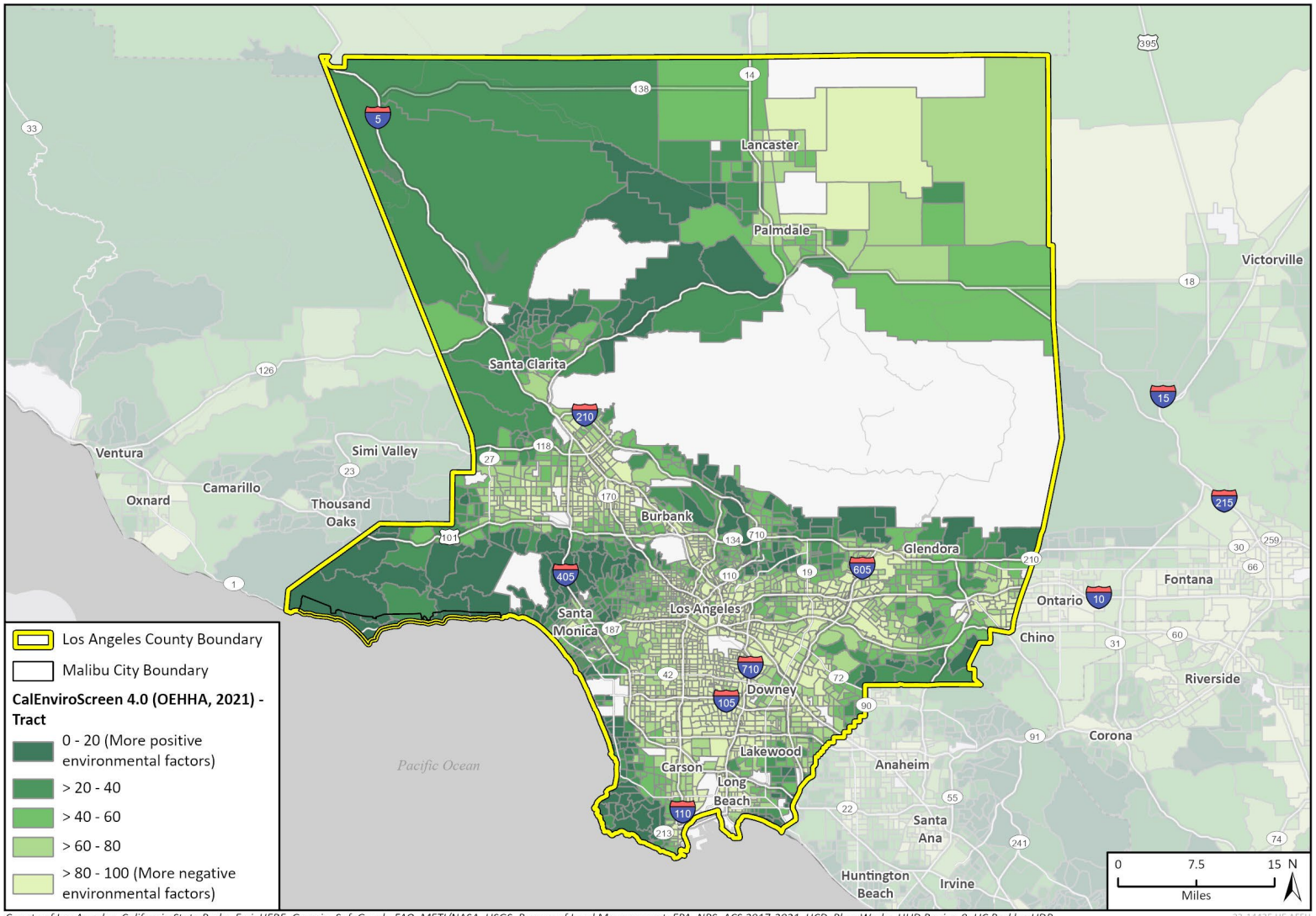
The City of Malibu has a low environmental pollution burden. This is likely due to the lack of industrial uses and the lack of truck routes through Malibu that generate pollutants in other areas in Southern California. Pacific Coast Highway has a permanent truck ban from Topanga Canyon Road (Route 27) to Decker Road (Route 23).

Throughout the entire city, the CalEnviroScreen score percentile ranges between zero and 30. The majority of the city scores below the 20th percentile, while a small portion of city between Malibu Canyon Road and Latigo Canyon Road scores between the 20th

[24] HUD, 2022. https://www.hudexchange.info/programs/environmental-review/environmental-justice/

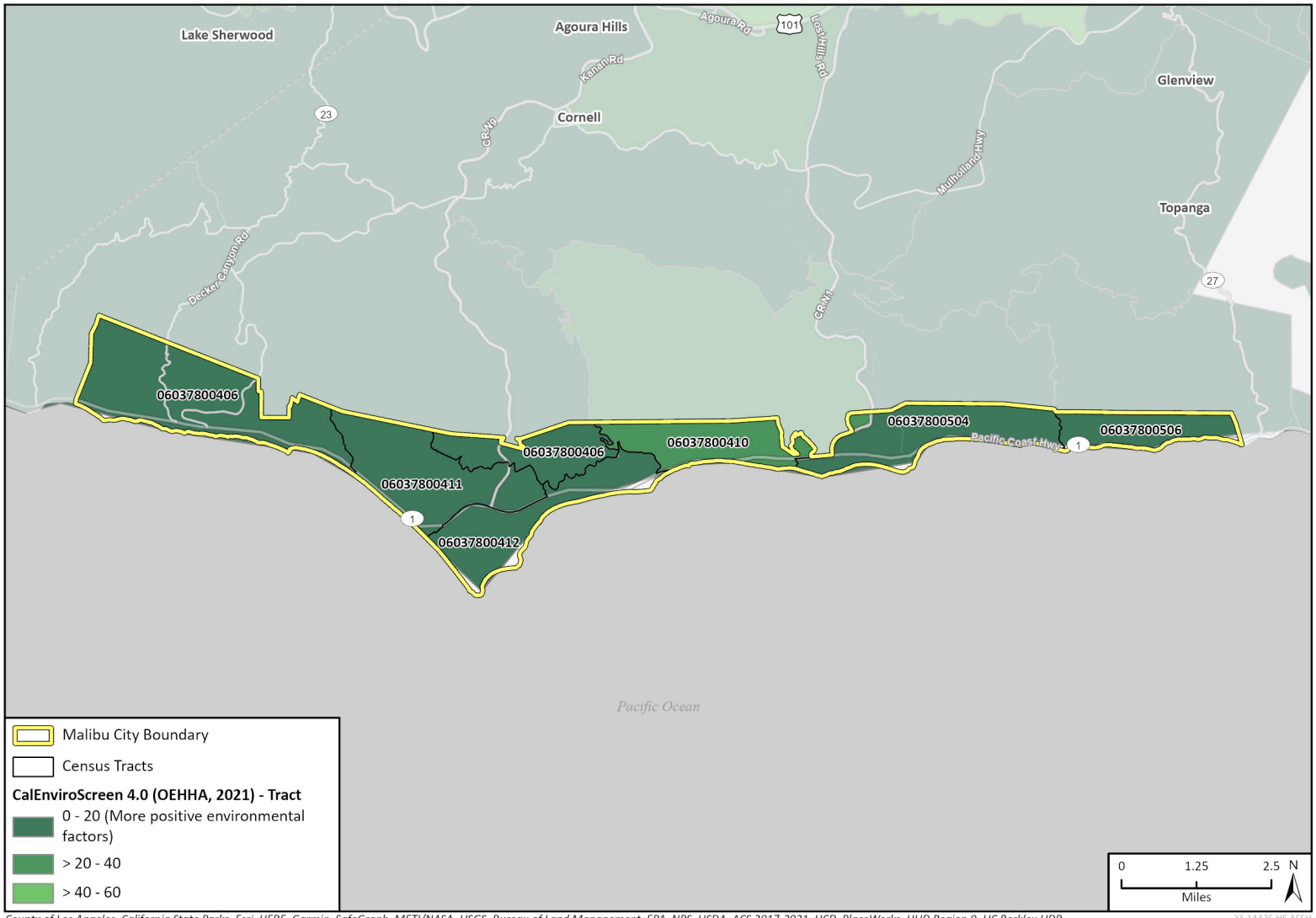
and 40th percentile, as shown in Figure F-27. This area overlaps with the TCAC Opportunity Areas data for environmental outcomes, with the central portion of the city having less positive environmental outcomes than the western and eastern portion of the city (Figure F-28). The TCAC environmental outcomes map shows that Census Tract 8005.04 has the lowest environmental outcomes of all census tracts that overlap with the city boundaries. This area has more multifamily housing and commercial uses than other areas of the city, which could account for lower environmental outcomes due to traffic congestion and/or regional smog. This Census Tract also has the highest concentration of LMI residents (Figure F-15), which suggests that lower-income households may be more likely to reside in areas with less positive environmental outcomes.

Figure F-26
CalEnviroScreen 4.0 Percentile Scores (Los Angeles County)



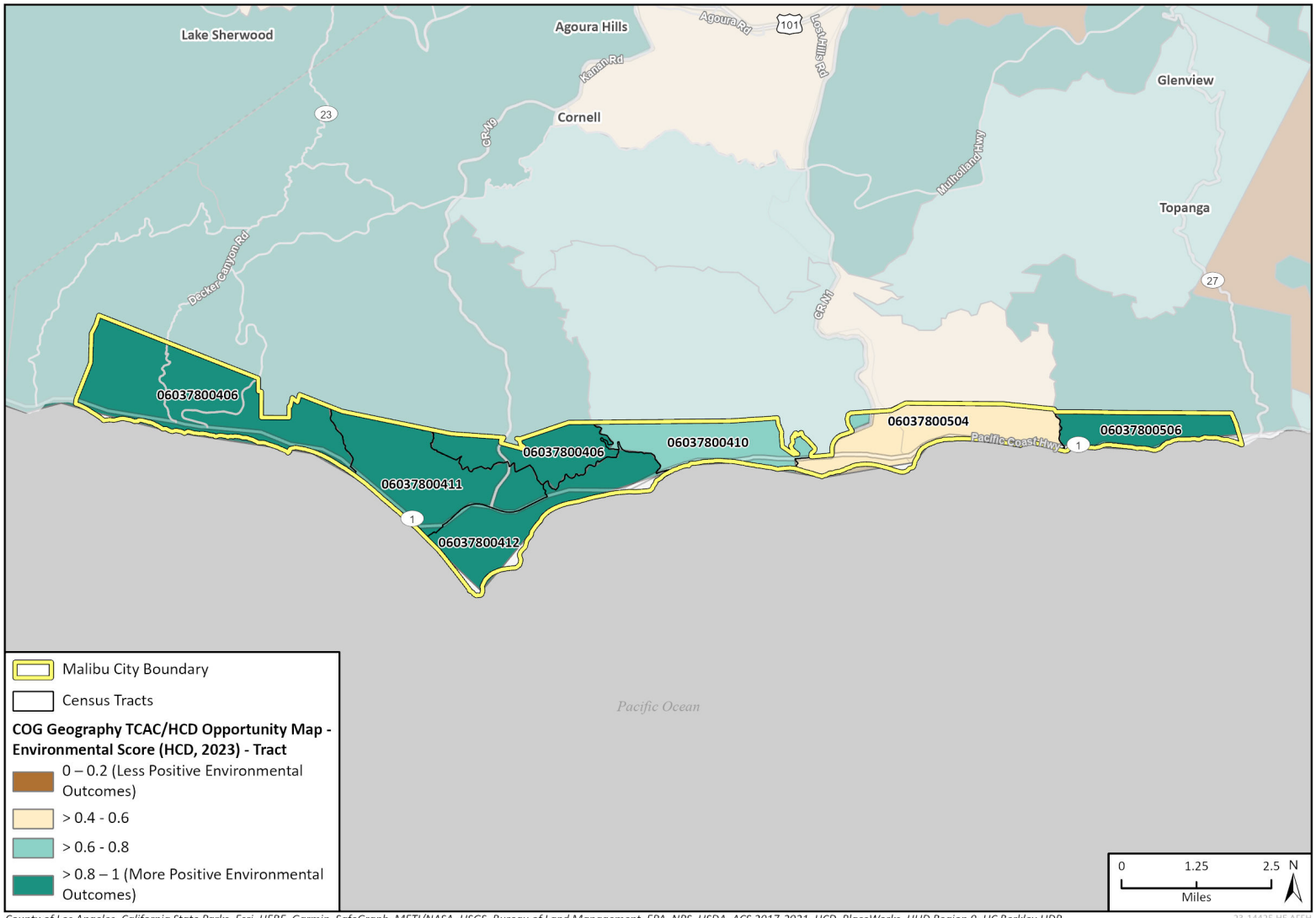
Source: AFFH Data Viewer, 2023

Figure F-27
CalEnviroScreen 4.0 Percentile Scores (Malibu)



Source: AFFH Data Viewer, 2023

Figure F-28
TCAC Opportunity Areas – Environment (Malibu)



Source: AFFH Data Viewer, 2023

Disproportionate Housing Needs

Disproportionate housing needs refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need, or the total population experiencing that category of housing need in the applicable geographic area. To analyze the extent of disproportionate housing needs in Malibu, this section reviews data on housing cost burden and severe housing cost burden, overcrowding, homelessness, and substandard housing conditions. Information for this section relies on the HUD CHAS data.

Housing Cost Burden

Housing cost burden is defined as the proportion of a household's total gross income spent on housing costs. Households that spend at least 30 percent of their total gross income on housing costs (rent, mortgage, utilities, and other housing-related costs) are considered "cost burdened," and households spending over 50 percent on housing costs are considered "severely cost burdened." The higher the housing cost burden, the more likely residents are to live in overcrowded and substandard conditions and are less likely to afford to relocate. Low-income households and persons in protected classes disproportionately experience severe housing problems.

Regional Trends

According to HUD CHAS estimates, 33.7 percent of owner-occupied households and 52.8 percent of renter-occupied households are burdened by housing costs.

Figure F-29 shows areas of Los Angeles County where renter households experience housing cost burden (spending more than 30 percent of household income on housing costs). As shown, paying more than 30 percent of gross income on rent is widespread across Los Angeles County. There are many areas where between 40 and 80 percent of renter households are housing cost burdened. Neighborhoods in South-Central City of Los Angeles have census tracts where at least 60 percent of renter households are burdened by housing costs. In contrast, renter households in coastal areas, where median incomes tend to be higher, generally experience less housing cost burden. Overpayment amongst homeowners is also widespread across the county, as shown in Figure F-30. Housing cost burden among homeowners is most prevalent in South-Central City of Los Angeles and in eastern Los Angeles County, especially in the cities of Industry, El Monte, and Huntington Park

Local Trends

According to HUD CHAS estimates, 34.9 percent of residents are cost burdened, and 20.2 percent are severely cost burdened, as shown in Table F-11. Cost burden is significantly higher among low-income households than high-income households.

Table F-10
Housing Cost Burden by Income Level (Malibu)

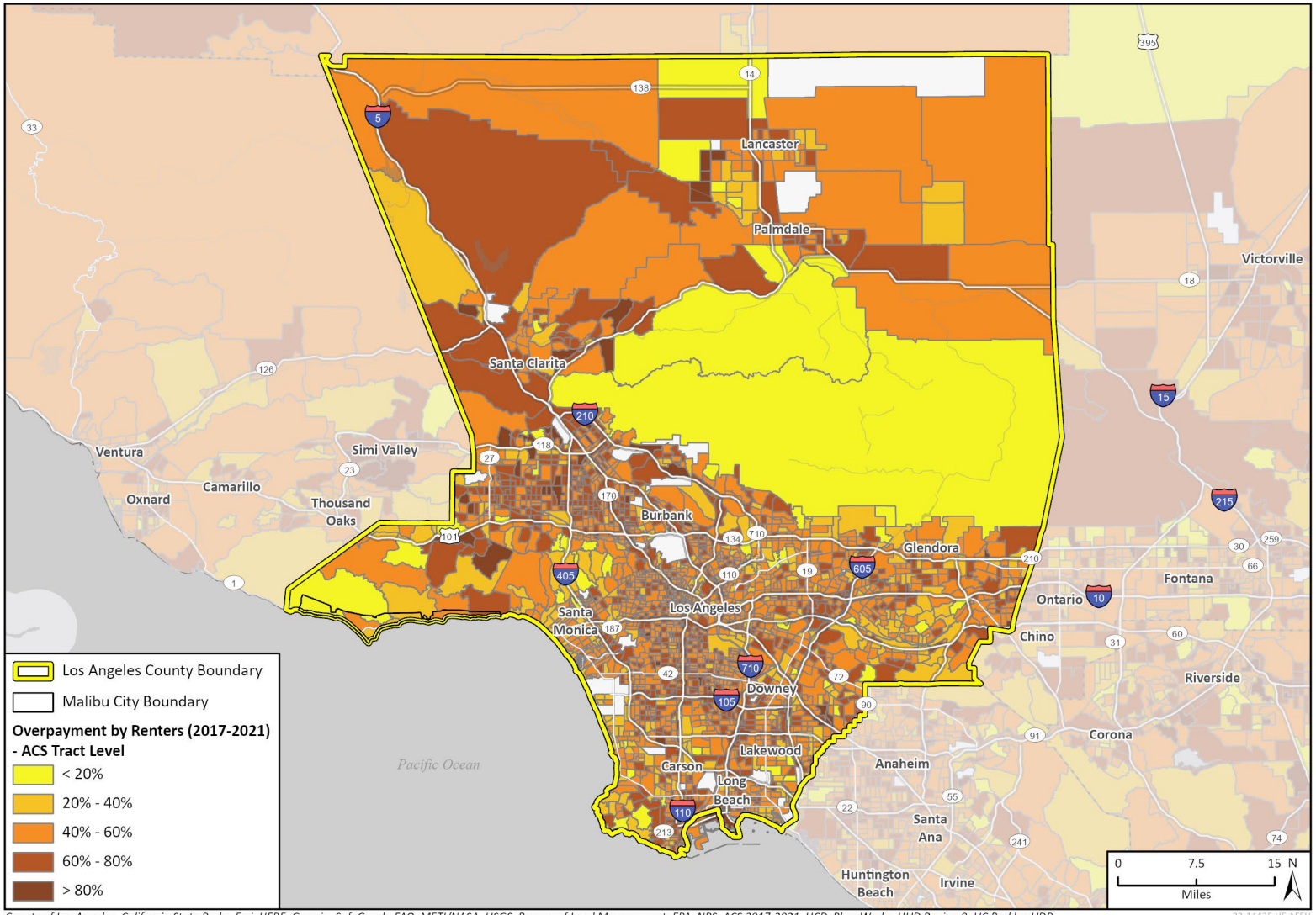
Household Income	Cost Burden >30%	Cost Burden >50%	Total
<30% AMI	500 (64.1%)	465 (59.6%)	780 (100%)
>30% to <50% AMI	210 (79.2%)	180 (67.9%)	265 (100%)
>50% to <80% AMI	190 (60.3%)	125 (39.7%)	315 (100%)
>80% to <100% AMI	165 (60.0%)	50 (18.1%)	275 (100%)
>100% AMI	740 (20.9%)	230 (6.5%)	3,530 (100%)
Total	**1,805 (34.9%)**	**1,045 (20.2%)**	**5,170 (100%)**

Source: U.S. Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2016-2020 Estimates.

Of owner-occupied units, 32.8 percent of owner-occupied are cost-burdened and 30.2 percent of renter-occupied households are burdened by housing costs.

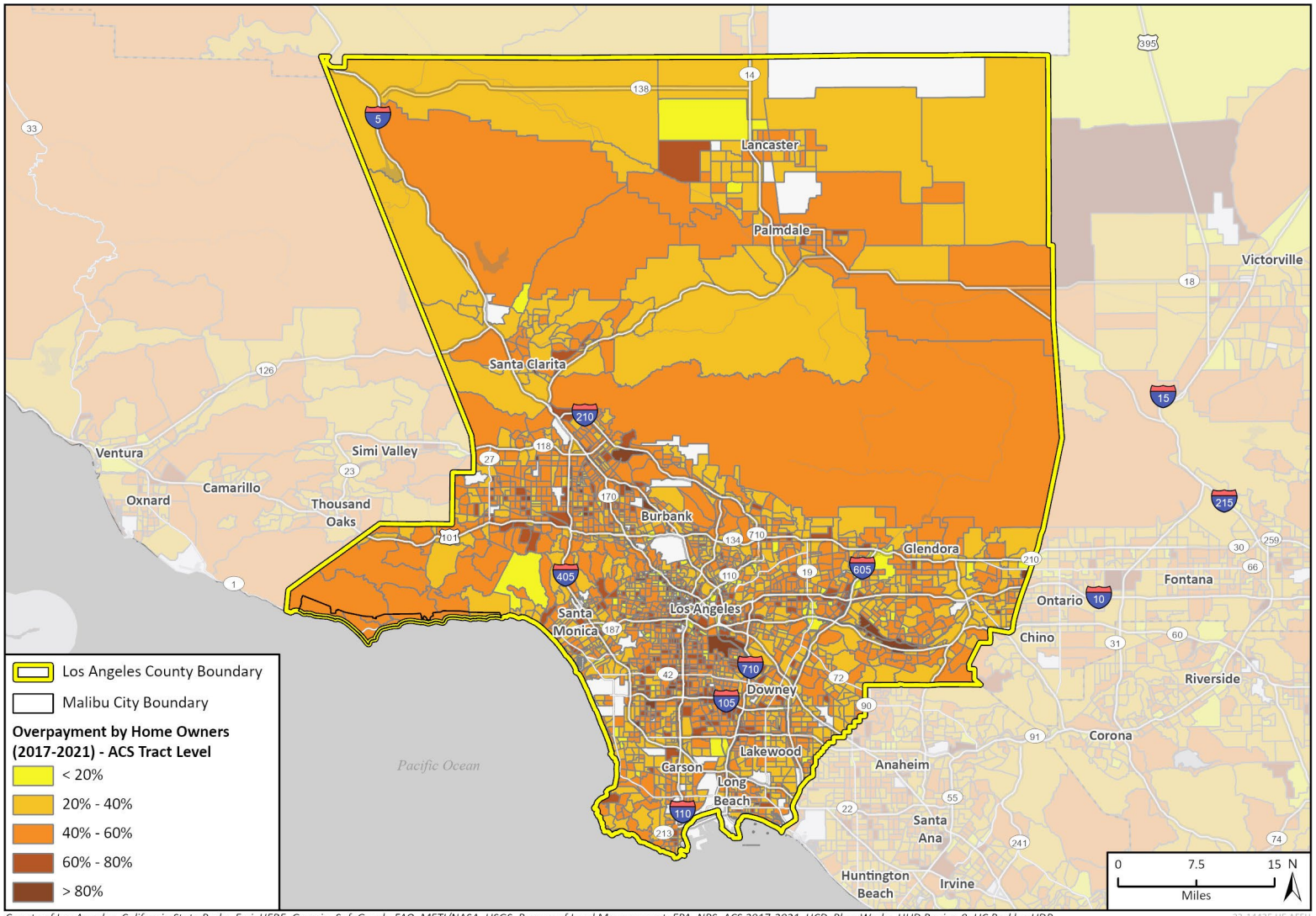
As shown in Figure F-31, the area with the highest levels of renter cost burden is in the in the eastern potion the city east of Las Flores Canyon Road, where between 60 and 80 percent of renters are burdened by housing costs. However, the data may be affected due to the inclusion of unincorporated County land in the census tract and may not accurately reflect differences within the city's population. The western portion of the city has the lowest levels of cost burden by renters, with less than 20 percent of renter households experiencing cost burden. These areas in the western portion of the city also have the highest population with a disability (Figure F-7). Conversely, housing cost burden by homeowners is lowest in the eastern portion of the city, where 20 to 40 percent of homeowners are cost burdened. This area also has some of the highest median incomes in the city (Figure F-14). West of Las Flores Canyon Road, between 40 to 60 of homeowners are cost burdened, as shown in Figure F-32.

Figure F-29
Overpayment by Renters (Los Angeles County)



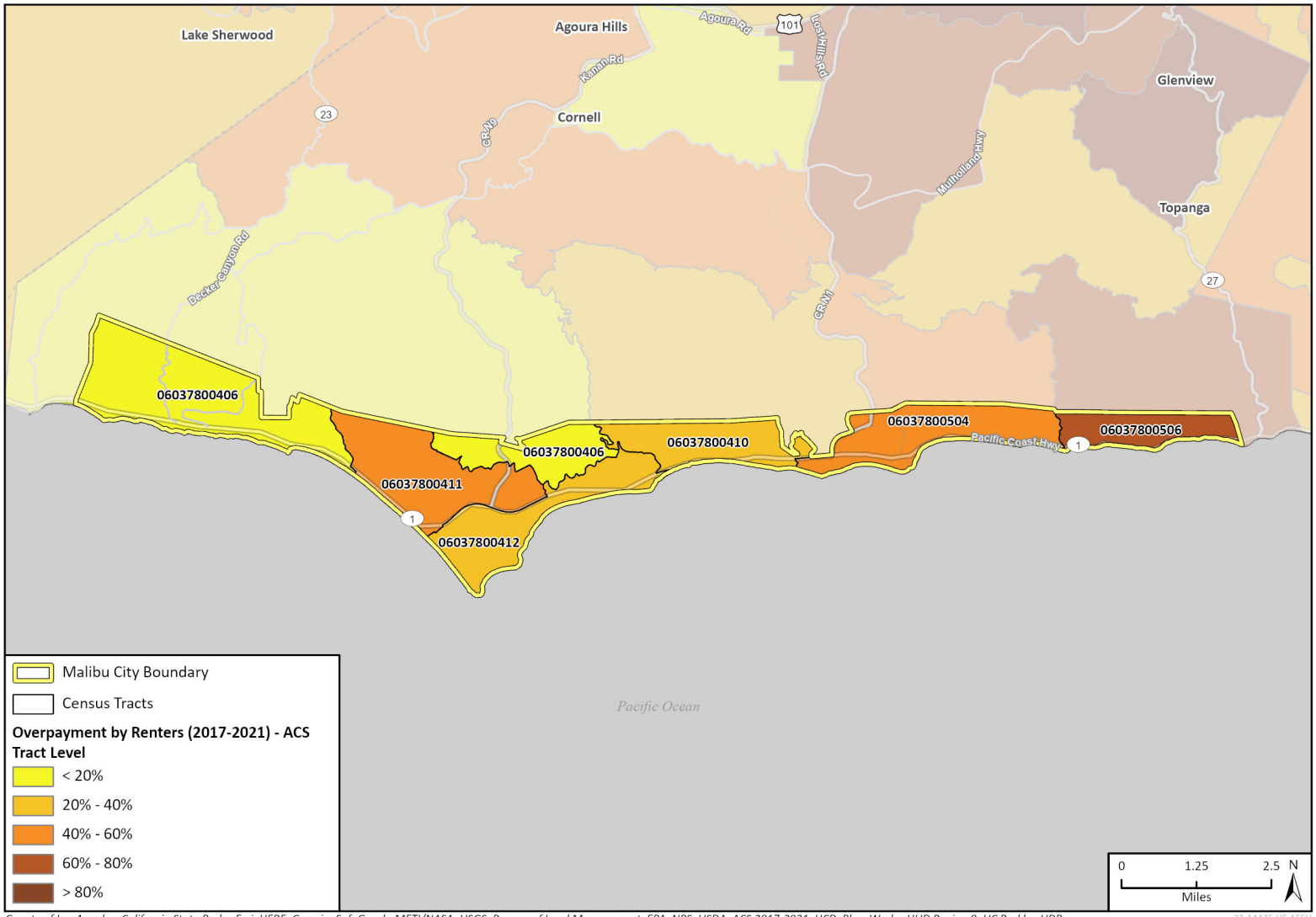
Source: AFFH Viewer, 2023

Figure F-30
Overpayment by Homeowners (Los Angeles County)



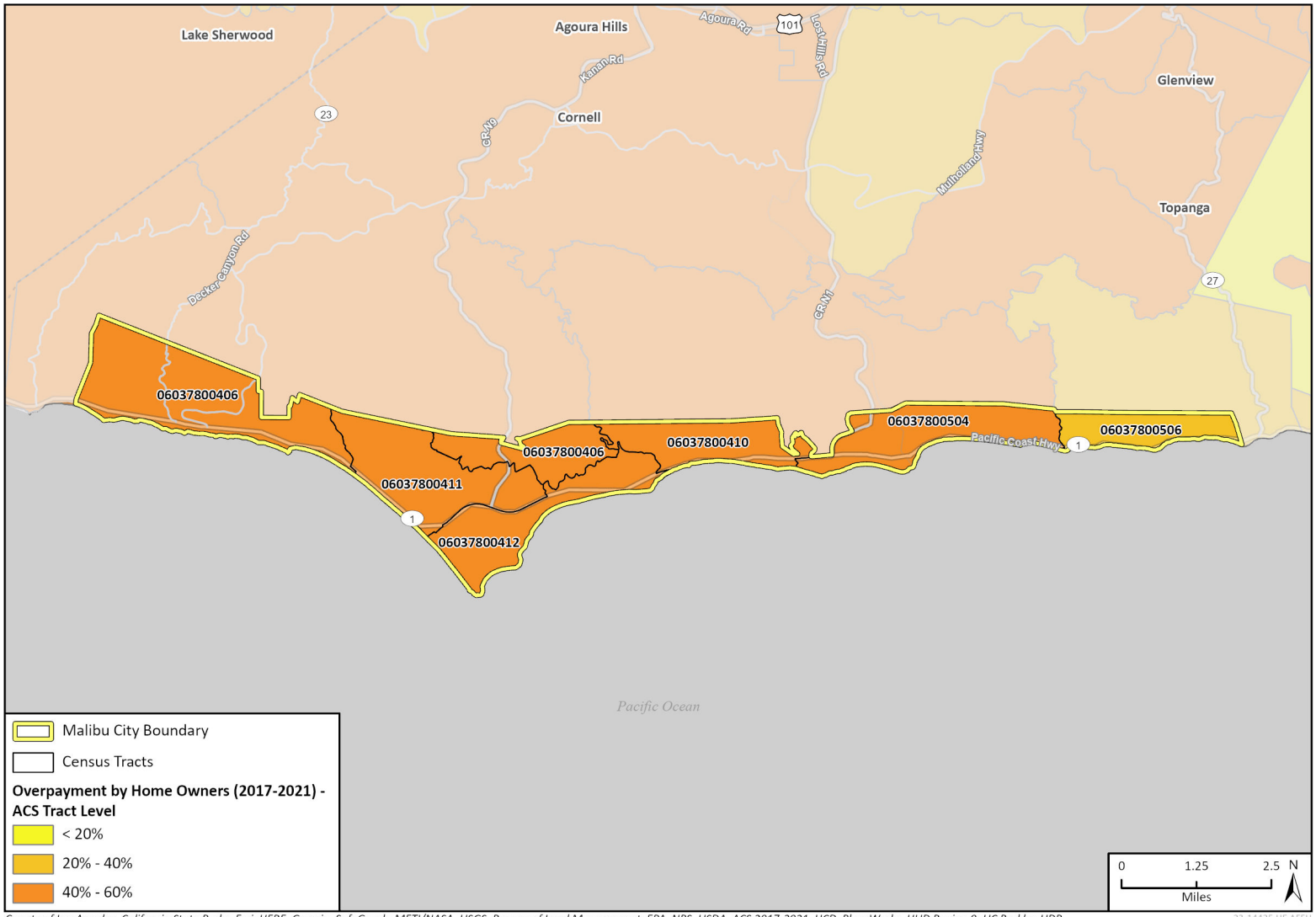
Source: AFFH Viewer, 2023

Figure F-31
Overpayment by Renters (Malibu)



Source: AFFH Viewer, 2023

Figure F-32
Overpayment by Homeowners (Malibu)



Source: AFFH Viewer, 2023

Overcrowding

Overcrowding is defined as housing units with more than one person per room (including dining and living rooms but excluding bathrooms and kitchen) while severe overcrowding refers to more than 1.5 persons per room. Overcrowding is a measure to understand the needs of large families, defined as five or more persons per household. Generally, large households have special housing needs due to lower per capita income and the need for housing with three or more bedrooms.

Some large households may not be able to accommodate high-cost burdens for housing and accept housing with too few rooms. Potential fair housing issues emerge if non-traditional households are discouraged or denied housing due to a perception of overcrowding. Household overcrowding reflects various living situations, including housing units that are inadequately sized to meet a household's needs; the necessity or desire to have extended family members reside in an existing household; or unrelated individuals or families that share a single housing unit.

Not only is overcrowding a potential fair housing concern, but it can also potentially strain electrical systems in older housing that have not been updated or contribute to a shortage of parking. As a result, some property owners/managers may be more hesitant to rent to large households, thus making access to adequately sized housing even more difficult. Fair housing issues may arise from policies aimed to limit overcrowding that have a disparate impact on specific racial or ethnic groups with different preferences for housing size and/or ability to pay according to the household size standards identified.

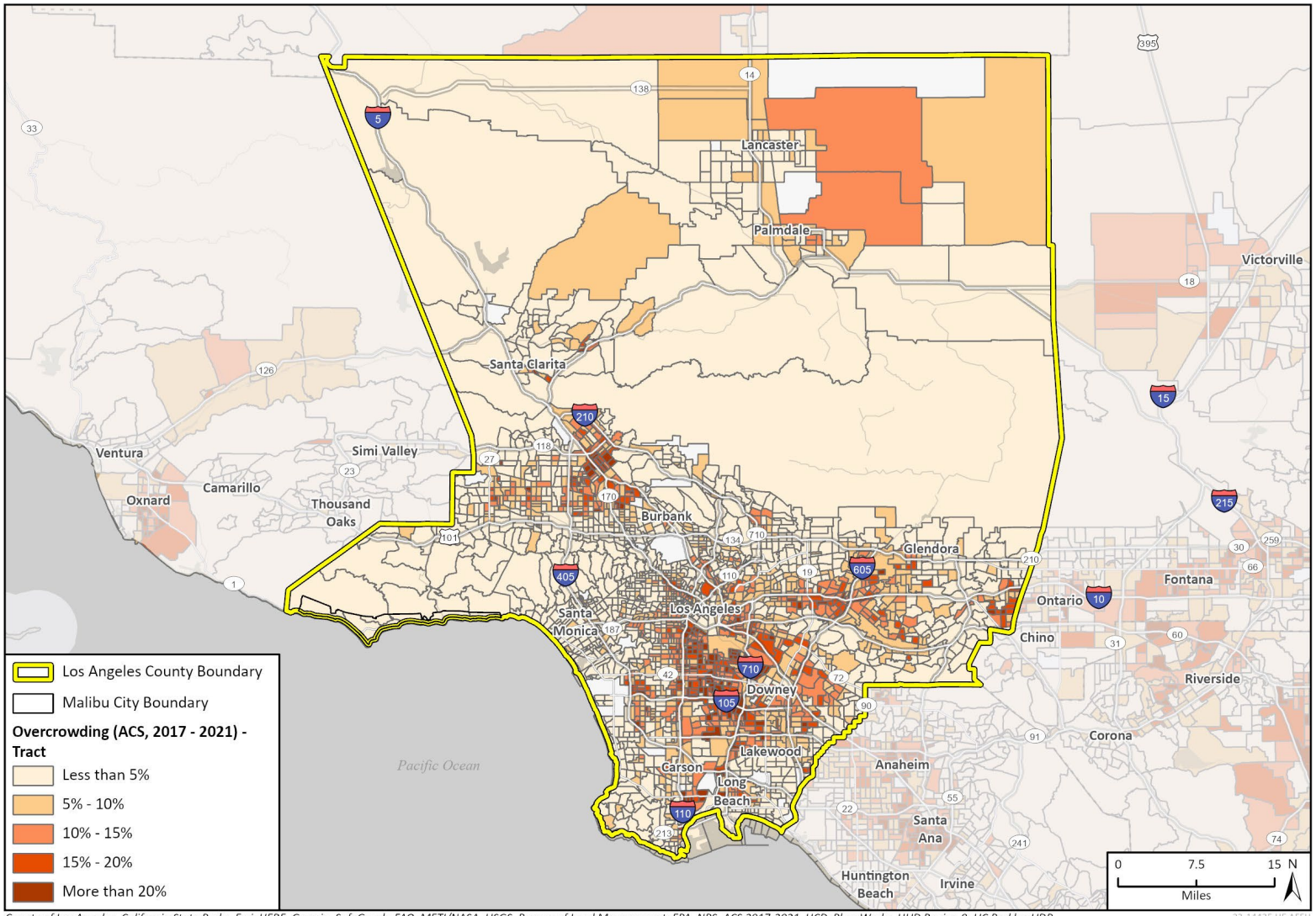
Regional Trends

According to ACS 2021 estimates, approximately 11 percent of households in the county are overcrowded and five percent are severely overcrowded. Overcrowding is present throughout the county, particularly in the communities of South-Central Los Angeles, in eastern Los Angeles County near the cities of El Monte and Baldwin Park, and in the San Fernando Valley. Coastal areas tend to have lower rates of overcrowding, as shown in Figure F-33.

Local Trends

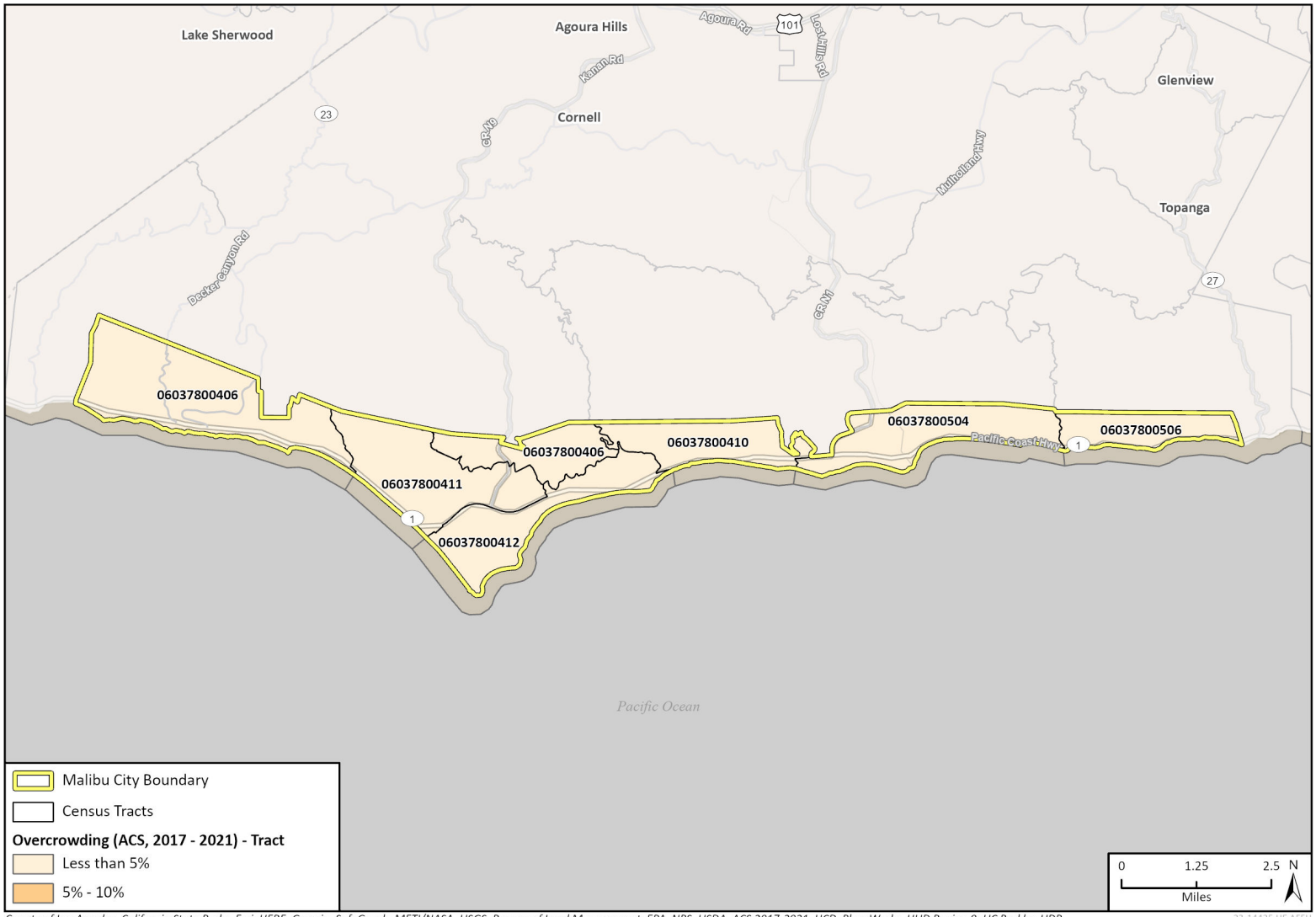
The rate of overcrowding is low throughout the City of Malibu. Figure F-34 shows overcrowded households in Malibu. Approximately one percent of all households in the city are overcrowded, and less than one percent are severely overcrowded. All overcrowding in the city is experienced in owner-occupied households.

Figure F-33
Overcrowded Households (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-34
Overcrowded Households (Malibu)



Source: AFFH Viewer, 2023

Housing Problems

HUD considers housing units to be "standard units" if they are in compliance with local building codes. Many federal and State programs use the age of housing as a factor to determine a community's housing rehabilitation needs. Housing age can be an important indicator of housing condition in a community. Like any other tangible asset, housing is subject to gradual physical or technological deterioration over time. If not properly and regularly maintained, housing can deteriorate and discourage reinvestment, depress neighboring property values, and eventually impact the quality of life in a neighborhood. Typically, housing over 30 years old is more likely to have rehabilitation needs that may include replacing plumbing, roof repairs, foundation work, and other repairs. Housing units built before 1978 may have health risks such as lead-based paint and asbestos. Housing issues prompted by disrepair such as mold may elevate health conditions such as asthma.

Regional Trends

Housing problems are defined as units having incomplete kitchen facilities, incomplete plumbing facilities, more than one person per room, and households with a cost burden greater than 30 percent. Severe housing problems are defined as all of the above and with a cost burden greater than 50 percent.[25]

Approximately 50 percent of households in Los Angeles County experience housing problems, and 32 percent experience severe housing problems.

A housing unit is considered substandard by the ACS if it lacks complete plumbing or kitchen facilities. According to the 2017-2021 ACS, 0.5 percent of occupied housing units in Los Angeles County lack complete plumbing facilities and 1.6 percent lack complete kitchen facilities.

Seventy-three percent of Los Angeles County's housing stock was built prior to 1980. Only 3.4 percent of the county's current housing stock was constructed in the last decade. These units are potentially in need of repair and modernization improvements. Additionally, lead-based paint was banned from residential uses in 1978. All houses constructed before 1978 are therefore considered at risk for containing lead-based paint.

Local Trends

According to 2021 ACS estimates, approximately 34 percent of households in Malibu experience housing problems and 19 percent of total households experience severe housing problems. These rates are significantly lower than the percentages of households experiencing housing problems in the county.

According to the 2017-2021 ACS, 0.7 percent of all occupied housing units in Malibu lack complete plumbing facilities and 0.9 percent lack complete kitchen facilities.

Sixty-four percent of Malibu's housing stock was built prior to 1980. Only 2.4 percent of the city's current housing stock was constructed in the last decade. As noted in Chapter 7.2,

[25] HUD, 2021. https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html

Housing Needs Assessment, the majority of units are well-maintained due to high property values, although it is estimated that 10 units are in need of rehabilitation. Additionally, the 2018 Woolsey fire destroyed approximately 488 homes. Concentrated areas of substandard housing in Malibu are in the eastern part of the city, mainly east of Malibu Canyon Road and along the Pacific Coast Highway near Topanga Canyon. Program 1.3 Housing Rehabilitation Assistance directs resources to households that need rehabilitation assistance.

Persons Experiencing Homelessness

Nationally and in Los Angeles County, homelessness has become an increasingly significant issue. Many factors are identified as contributing to the increase in homeless populations.

State law (Section 65583(a)(7)) requires municipalities to address the special needs of persons experiencing homelessness within their boundaries. "Homelessness," as defined by HUD, describes the condition of an individual, who is not imprisoned or otherwise detained, who:

- Lacks a fixed, regular, and adequate nighttime residence; and
- Has a primary nighttime residence that is:
  - A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - An institution that provides a temporary residence for individuals intended to be institutionalized; or
  - A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Regional Trends

The 2023 Greater Los Angeles Point-in-Time (PIT) Summary by the Los Angeles Homeless Services Authority (LAHSA) provides the most recent evaluation of people experiencing homelessness in the county. According to the 2023 PIT count, there are 75,518 people experiencing homelessness in Los Angeles County (sheltered and unsheltered), an increase of 6,374 people (nine percent) from 2022. Approximately 26 percent of individuals in this count are sheltered adults and youth, 70 percent are unsheltered adults, and three precent are unsheltered youth.[26] Thirty percent reported a substance abuse issue, and 25 percent are experiencing serious mental illness.

The proportion of Black/African American persons experiencing homelessness in Los Angeles County (31.7 percent) far exceeds their relative proportion in the county's population (7.1 percent). American Indian/Alaskan Native residents and Native Hawaiian/Other Pacific Islander residents are also overrepresented in the homeless population count compared to the respective county population share.

[26] Los Angeles Homeless Services Authority. 2023 Greater Los Angeles Homeless Count Deck. 2023. https://www.lahsa.org/documents?id=7232-2023-greater-los-angeles-homeless-count-deck, accessed August, 2023.

Los Angeles voters passed Proposition HHH in 2016, which enabled City officials to issue $1.2 billion in bonds for the development of permanent supportive housing units for people experiencing homelessness. In addition to funding permanent supportive housing development, the bonds can be used to help build temporary shelters.[27]

Local Trends

The preliminary data from the January 2024 homeless survey[28] conducted by LAHSA showed 51 people experiencing homelessness in Malibu, the lowest number since 2016, when the City began participating in the count, and a 30 percent decline since the 2023 count. The data follows reports from the City's Homeless Outreach Team through The People Concern that they helped 51 people in Malibu exit homelessness in 2023 through placement in permanent and interim housing, or family reunification.

Detailed information about persons experiencing homelessness is unavailable for the 2024 count. Data for the 2020 count (most recent available data) showed that most unsheltered persons resided on the street (43 percent) and in vans (approximately 20 percent). The remaining unsheltered persons resided in cars (18 percent), in RVs/Campers (12 percent), and in tents/makeshift shelters (seven percent). Malibu represents 0.11 percent of the county's population but has 0.14 percent of the county's population experiencing homelessness (2022 data). Therefore, Malibu has a disproportionately higher percentage of the county's unhoused population.

Demographic data from the homeless survey conducted by LAHSA is compiled by LASHSA Service Planning Area (SPA). Malibu is in SPA 5 West Side, which includes Bel Air, Beverly Hills, Beverly Crest, Beverly Glen, Brentwood, Century City, Culver City, Holmby Hills, Laurel Canyon, Malibu, Mar Vista, Marina Del Rey, Manchester, Pacific Palisades, Palms, Rancho Park, Santa Monica, South Robertson, Venice, Westchester, and Westwood. Demographic data for SPA 5 is available for the 2023 survey, which estimated 5,712 total unhoused individuals (unsheltered and sheltered). Most (68 percent) were male. Nine percent were under the age of 18 and eight percent were over the age of 65.

In terms of race and ethnicity, 24 percent were Hispanic/Latino, one percent was American Indian/Alaska Native, three percent Asian, 30 percent were Black/African American, one percent was Native Hawaiian/Other Pacific Islander, 37 percent were white, and four percent were multiple races. In comparison, Malibu's population is eight percent Hispanic/Latino, 81 percent white alone (not Hispanic/Latino), three percent Asian, one percent Black/African American, five percent multiple races, and less than one percent American Indian/Alaska Native or Native Hawaiian/Other Pacific Islander.[29] While comparison between the unhoused population of SPA 5 and the population of Malibu is not a direct comparison, it can be assumed that Black/African American and Hispanic/Latino racial and ethnic categories are likely overrepresented among the unhoused residents in Malibu. This data suggests that Black/African American and

[27] Local Housing Solutions. 2024. https://localhousingsolutions.org/housing-policy-case-studies/los-angeles-proposition-hhh/
[28] City of Malibu, https://www.malibucity.org/homelessness, accessed April, 2024
[29] U.S. Census data. 2023. Table P9.
https://data.census.gov/table/DECENNIALDHC2020.P9?t=Race%20and%20Ethnicity&g=160XX00US0645246

Hispanic/Latino residents are at higher risk for displacement compared to other racial and ethnic groups.

For adult individuals over the age of 18 in SPA 5, 23 percent had a substance abuse disorder, two percent reported having HIV/AIDS, 26 percent reported a serious mental illness, 10 percent had a developmental disability, and 22 percent had a physical disability. In comparison, nine percent of all Californian residents met the criteria for a substance abuse disorder (2022 data), and less than one percent of all Californian residents live with diagnosed HIV infection (2021 data), which implies overrepresentation of these characteristics among the unhoused residents in SPA 5.[30] In addition, 48 percent of individuals in SPA 5 reported having experienced domestic/intimate partner violence and 11 percent reported being homeless due to fleeing a domestic/intimate partner violence situation. [31]

Malibu partners with The Malibu Community Assistance Resource Team (CART) and The People Concern to bring resources to people experiencing homelessness in the city. Malibu CART provides ongoing dinner and lunch programs, vaccinations, mobile eye clinics, home transition supplies, shelter transport, and hygiene items for people experiencing homelessness. Additionally, Our Lady of Malibu Church and other local churches and synagogues provide a Monday Afternoon Community Meal, collect and distribute clothing, offer shower and support services, and host thanksgiving dinner. Standing on Stone (S.O.S.) partners with local churches to host dinners for the homeless.

There are no emergency shelters within city limits. According to local service providers, there is a concentration of people experiencing homelessness within the Civic Center and Legacy Park. A significant portion of the unhoused population are older individuals who have been homeless for decades and desire to remain in the city. Most of the population experiencing homelessness did not live in Malibu before becoming homeless but have arrived in the area for various reasons. However, some individuals resided in Malibu before becoming homeless, but lost their housing during the Woolsey Fire. In these circumstances, it is common that these residents resided on another resident's property in a guest home or trailer. Although housing vouchers were provided after the fire to all residents, not all displaced residents participated in the assistance program.

In February 2024, according to the latest report by The People Concern, the total number of contacts made by the Homeless Outreach Team was 258, with 72 unduplicated contacts. Fourteen individuals were contacted in permanent or temporary housing. Of the 54 unduplicated contacts currently residing on the streets, two were new contacts, with one of them becoming a repeat contact. There are currently 29 contacts considered in various stages of engagement, and 25 are currently refusing services. The outreach team continues to contact these individuals with the goal of getting them engaged in the housing process.[32]

[30] California Health Care Foundation. 2022. California Health Care Almanac; California Department of Public Health. 2023. The California HIV Surveillance Report https://www.chcf.org/wp-content/uploads/2022/01/SubstanceUseDisorderAlmanac2022.pdf
[31] LAHSA. 2023 Greater Los Angeles Homeless Count – SPA 5. https://www.lahsa.org/documents?id=7685-spa-5-hc2023-data-summary
[32] The People Concern. February 2024. https://www.malibucity.org/ArchiveCenter/ViewFile/Item/716

To address the issue of homelessness in Malibu, the City has maintained a proactive, service-driven approach that strategically bridges outreach and enforcement while considering impacts on the community. Some of those measures include the development of a strategic plan, increased collaboration with stakeholders throughout Los Angeles County, establishing a Homelessness Task Force, securing interim shelter bed opportunities for people experiencing homelessness in Malibu, and the formation of a working group to strengthen cooperation between the various agencies and organizations providing assistance within the community. The City currently provides funding for an Outreach Team and a Housing Navigator who work with landlords and shelter facilities throughout Los Angeles County to help people experiencing homelessness get off the streets and into housing. City staff conduct routine field checks to prevent the formation of new encampments, address public safety concerns related to homeless encampments in partnership with the Los Angeles County Sheriff's Department, and properly assist those who are experiencing homelessness in the city.[33] There are no interim beds in Malibu. The closest shelter is in Santa Monica, where the City contracts for three beds available to Malibu residents. As a result, the Malibu Library is an unofficial base to provide services to those experiencing homelessness. Service providers acknowledged that while there is a beneficial working relationship between the providers, the Sheriff's Department, City staff, and community volunteers, the lack of interim or emergency housing in the city creates challenges to providing adequate service coordination for their clients.

The City adopted and is currently implementing the Homelessness Strategic Plan to help guide and coordinate efforts to prevent and alleviate homelessness in Malibu. The Malibu Homelessness Working Group, comprised of City staff, outreach workers, the faith community, and residents, meets monthly to review community and City efforts to execute the Plan. The City funds two dedicated, full-time outreach workers from The People Concern to conduct outreach and offer services to the homeless population in Malibu. These outreach workers engage with and perform outreach to homeless individuals and families on the streets, hillsides, and beaches of Malibu and provide case management services. The outreach workers assess the needs of these individuals and connect them with, or provide referrals to, local services, housing, and resources. The Outreach Team performs its activities eight hours per day, five days a week, beginning in the early morning when homeless individuals are most likely to be engaged. The Outreach Team operates throughout the city and focuses outreach where homeless individuals are likely to be, such as within the Civic Center and Legacy Park.

Additionally, the Las Virgenes-Malibu Council of Governments (COG), comprised of the Cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake village, was awarded Los Angeles County Measure H funds to hire a homelessness outreach worker to serve the five cities. The COG outreach worker coordinates with other service providers operating in Malibu through joint operations in the field and through the Malibu Homelessness Working Group.

Given the low number of people experiencing homelessness relative to the extensive level of services provided by service organizations and the City, adequate services exist

[33] City of Malibu. 2024. https://www.malibucity.org/homelessness

to serve people experiencing homelessness, and there are no gaps in providing services locally.

Displacement

Displacement, as defined by HCD, is used to describe any involuntary household move caused by landlord action or market changes. Shifts in neighborhood composition are often framed and perpetuated by established patterns of racial inequity and segregation. Movement of people, public policies, and investments, such as capital improvements and planned transit stops, and flows of private capital can lead to displacement. Displacement is fueled by a combination of rising housing costs, rising income inequality, stagnant wages, and insufficient market-rate housing production. Decades of disinvestment in low-income communities, coupled with investor speculation, can result in a rent gap or a disparity between current rental income of the land, and potentially achievable rental income if the property is converted to its most profitable use. These processes can disproportionally impact people of color, as well as lower income households, persons with disabilities, large households, and persons at-risk or experiencing homelessness.[34]

Regional Trends

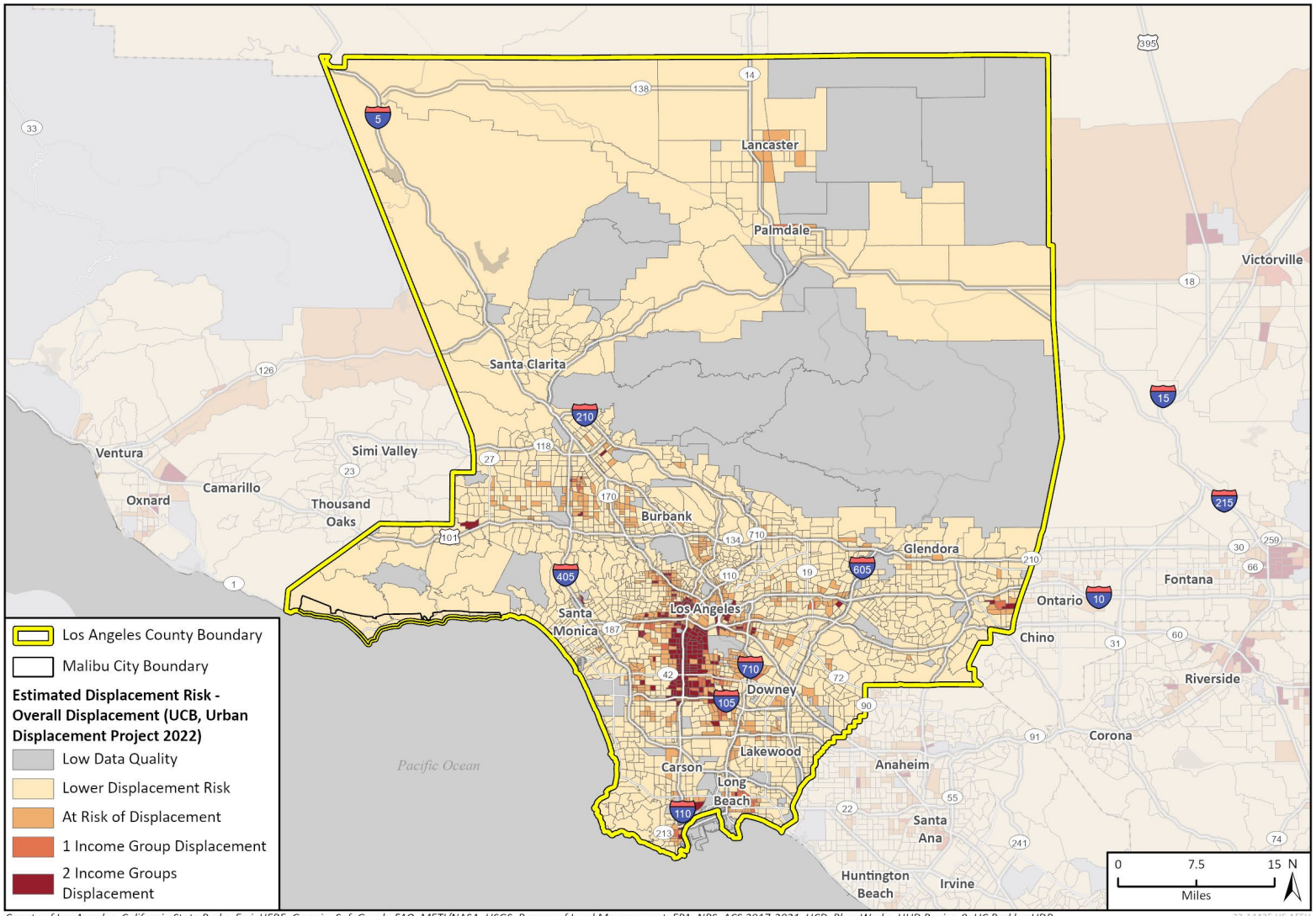
Regionally, much of Los Angeles County is considered vulnerable to displacement due to increases in housing costs combined with disparities in earned income and access to opportunity. Within the City of Los Angeles, most neighborhoods in the South-Central area and East Los Angeles experience high displacement risk. Within the San Gabriel Valley, cities such as El Monte and Montebello have high displacement risk. Most of the suburban, rural, and coastal communities have lower displacement risk, as shown in Figure F-35.

Local Trends

According to UDP, all of Malibu has a low risk of displacement, as shown in Figure F-36.However, those with high cost burden, particularly low-income households are at risk for displacement as there is no rent restricted housing within the city and no use of HCVs. Some households have been displaced in recent years by environmental disasters, such as the Woolsey Fire in 2018. Some have been unable to return due to the high cost of land and rebuilding. According to input from service providers, there is an upward trend of more women and more seniors becoming homeless. Lower-income residents, who may have had lower rent in private homes or apartments are vulnerable to displacement due to rental increases or changes in ownership. Residents in non-family households may be most at risk. Service providers acknowledged that displaced residents may lack knowledge of housing resources and/or may feel uncomfortable reaching out for assistance. To provide more housing opportunities in the city for low- and moderate-income households, the City will allow up to two Junior ADUs (JADUs) per single-family lot (Program 4.1.f). JADUs are a maximum of 500 square feet in size and are contained in the existing or proposed single-family structure. Allowing up to two JADUs may provide relatively affordable rental options in private homes.

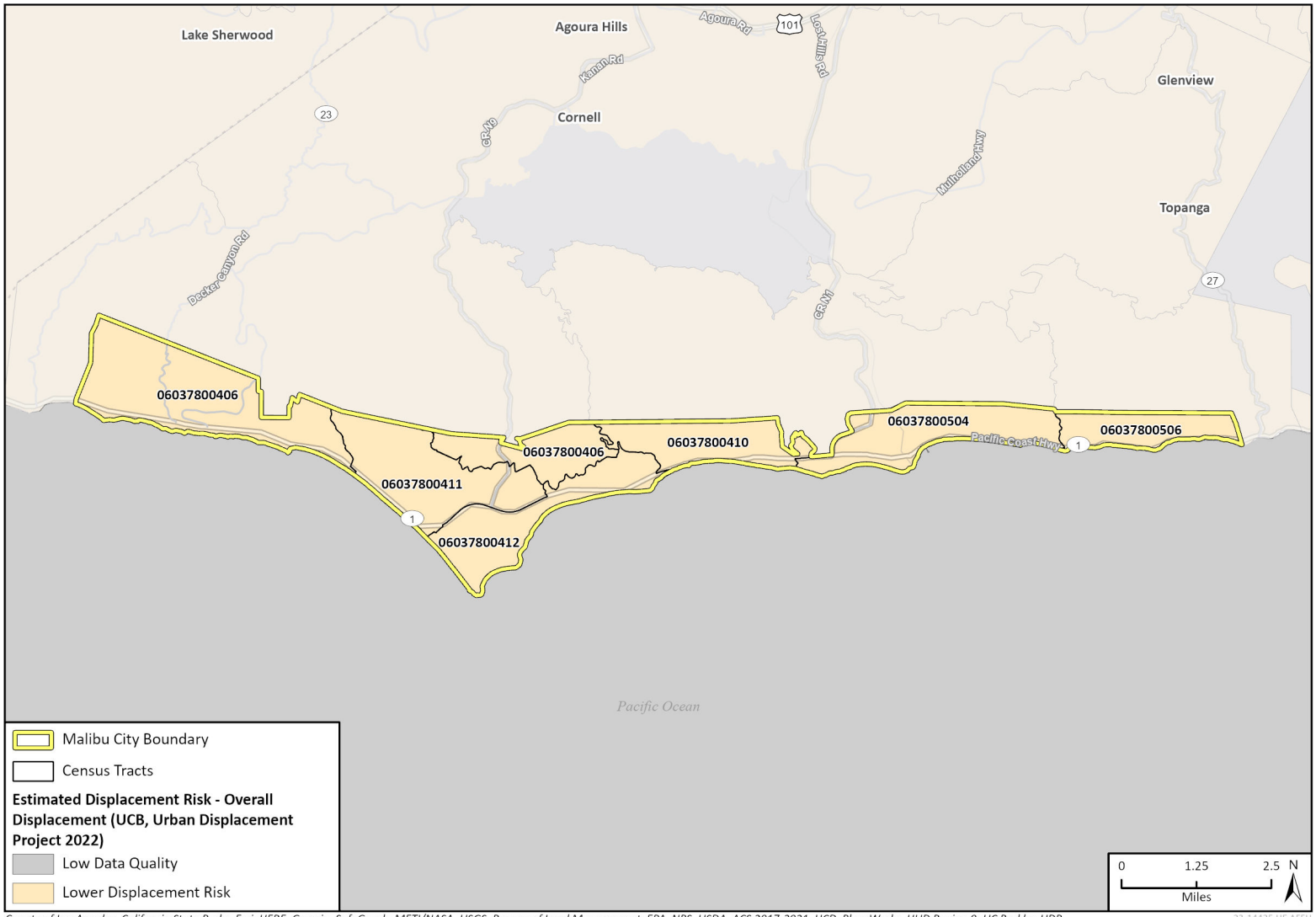
[34] HCD. 2021. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Figure F-35
Displacement Risk (Los Angeles County)



Source: AFFH Viewer, 2023

Figure F-36
Displacement Risk (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

Source: AFFH Viewer, 2023

Local Data and Knowledge

Regional

Patterns of racial segregation are the byproduct of local and federal policies, private housing discrimination, and community prejudice. To understand present challenges to fair housing, it is necessary to review the history of actions that have led to regional patterns of segregation.

Starting in the 1930s, communities in the Los Angeles region were impacted by redlining, which is the practice of discriminating against loan borrowers based on the racial or socioeconomic status of the neighborhood in which a property is located. Redlining, a government-sponsored system of denying mortgage loans and services to finance the purchase of homes in specific areas, served as a tool to limit homeownership opportunities, as federally insured and long-term mortgages were routinely denied to persons seen as "undesirable," often non-white persons. Redlining directed both public and private capital to white households and away from Black/African American, non-white, immigrant, and Jewish households. As homeownership is one of the most significant means of intergenerational wealth building in the United States, these redlining practices had long-term effects in creating wealth inequalities.[35]

A federal agency called the Home Owners' Loan Corporation created residential security maps in the 1930s throughout American cities to support the Federal Housing Administration and its new mortgage program. These maps designated certain neighborhoods as desirable or not worth investment based on several factors. These included housing age, condition, and value, as well as proximity to services, amenities, and transportation. "Security" levels were color-coded from green (least risk), blue, yellow, and red (highest level of risk). Problematically, the key factors in determining risk were race and ethnicity. Neighborhoods with a multicultural community, recent immigrants, or families of color were severely downgraded or redlined. Areas that saw the majority populations of white residents were either left unmarked or were given a high-desirability rating. These maps documented the perceived risk of lending and determined the lending practices of banks and other mortgage lenders administering the federal loans. This led to disinvestment in cities and a loss of wealth building for generations of American families. This practice of racial exclusion from homeownership allowed white Americans to accumulate wealth through government backed homeownership while minority communities were excluded and marginalized. Over eighty years later, 74 percent of neighborhoods color coded red are low to moderate income today and nearly 64 percent are minority neighborhoods now.[36]

[35] Mapping Inequality: Redlining in New Deal America. https://dsl.richmond.edu/panorama/redlining/#loc=14/34.067/-118.143&city=los-angeles-ca&area=C127

[36] HOLC "Redlining Maps," The persistent Structure of Segregation and Economic Inequality, NCRC, Bruce Mitchell, PhD. Accessed: January 5, 2022, https://ncrc.org/wp-content/uploads/dlm_uploads/2018/02/NCRC-Research-HOLC-10.pdf

Local

Malibu was first settled by the Chumash peoples. Spanish explorers reached the canyon now known as Malibu Creek in approximately 1776 and Rancho Malibu was established.

In 1904, the Southern Pacific Railroad applied to the Interstate Commerce Commission to build tracks linking the Long Wharf in Santa Monica with the northern tracks that ended in Santa Barbara through the area of Malibu. To prevent a public railroad from going through the land, the owner of the land (the Rindge family) built a private railroad that extended near the eastern boundary of the ranch near Las Flores Canyon and ended near Yerba Buena Canyon in Ventura County. Efforts by the Rindge family to prevent development on the ranch continued with a battle over the Pacific Coast Highway. After several lengthy court battle that lasted 25 years, the Roosevelt Highway (now called the Pacific Coast Highway) opened to the public in 1929.[37] Despite the Rindge's efforts to keep their land isolated from the public, with the establishment of the highway, a large labor force from Santa Monica became accessible, as did the transportation to and from rail and shipping centers in Santa Monica, Los Angeles, and San Pedro. In 1968, the Rindge family donated 138 acres to Pepperdine University for the construction of the school's new campus near present-day Malibu. The first students of the Malibu Campus entered school on September 6, 1972, with an incoming class of 867 students.

Prior to the development of the roadway network, Malibu was mainly used for grazing cattle or transversing the beach to travel to other areas of the county. The urban development of Malibu started with the sale of the La Costa area in 1928 for the establishment of the Malibu Movie Colony. Land was leased and later sold to movie stars. Today, the Malibu Movie Colony is a gated community. While Malibu was not included in the HOLC maps, the Malibu Movie Colony (now Malibu Colony) had racial covenants attached to the sale of the land, prohibiting occupation or use by any non-white person.[38] In 1948, the United States Supreme Court ruled that racial covenants were unconstitutional (Shelley v. Kraemer). In 2022, Assembly Bill 1466 was enacted to redact unlawfully restrictive covenants from all property records in the State of California.

The City was incorporated in 1991, long after urbanization and low-density land use patterns, exclusive nature, and single-family homes had been established. By then, Malibu had long been famous for its beaches, surfing and celebrity culture, and high-profile houses. Large-scale multi-family residential development has been, and continues to be, limited by geographic limitations, including steep slopes and infrastructure concerns, mainly the ability to provide septic systems with sufficient capacity or connect to the City's limited wastewater system.

The high price of real estate, limited transportation options, and lack of accessibility due to the topography and environmental constraints has prevented lower-income non-white populations from moving into the city. These challenges have exacerbated

[37] Doyle, W.T, Doyle T., Laubach, C., May, F., Merrick, J. Pfeifer, L., Rindge, R., Ringer, J.. The Story of Malibu. https://www.malibucity.org/106/History-of-Malibu, accessed August, 2023.
[38] History News Network. *The Racist History of Malibu.* 2009. https://historynewsnetwork.org/article/118349, accessed August, 2023

segregation by race and income between Malibu and the rest of Los Angeles County.
Stakeholder Input

As part of the Housing Element update, the City held a virtual workshop and two public meetings in the summer of 2021. Notices were sent to non-profit housing providers, housing advocates, and fair housing organizations. The most common issues raised during the Housing Element update process included the following:

- Insufficient affordable housing for lower-income persons who work in Malibu
- Effect of short-term rentals on the supply of housing
- High cost of development in Malibu
- Consideration of the exceptional constraints on housing development in Malibu including high fire hazards, environmentally sensitive habitat areas, geological hazards, flood hazards, water supply, lack of a communitywide wastewater system, limited roadway access, and problems caused by sea level rise.

In April 2024, the City held meetings with two social service organizations: The People Concern and Malibu CART, both of which work primarily with people experiencing homelessness and lower-income residents. The following issues were raised at the meetings:

- Lower-income and moderate-income employees in the city have difficulty commuting into the city, especially via public transit, and cannot afford housing in the city. The long commute time has led to high staff turnover for public sector and lower-income positions. Lower-income employees working temporary jobs (for example, in construction) sometimes choose to sleep in their vehicles on the street rather than commute the long distance home every day.

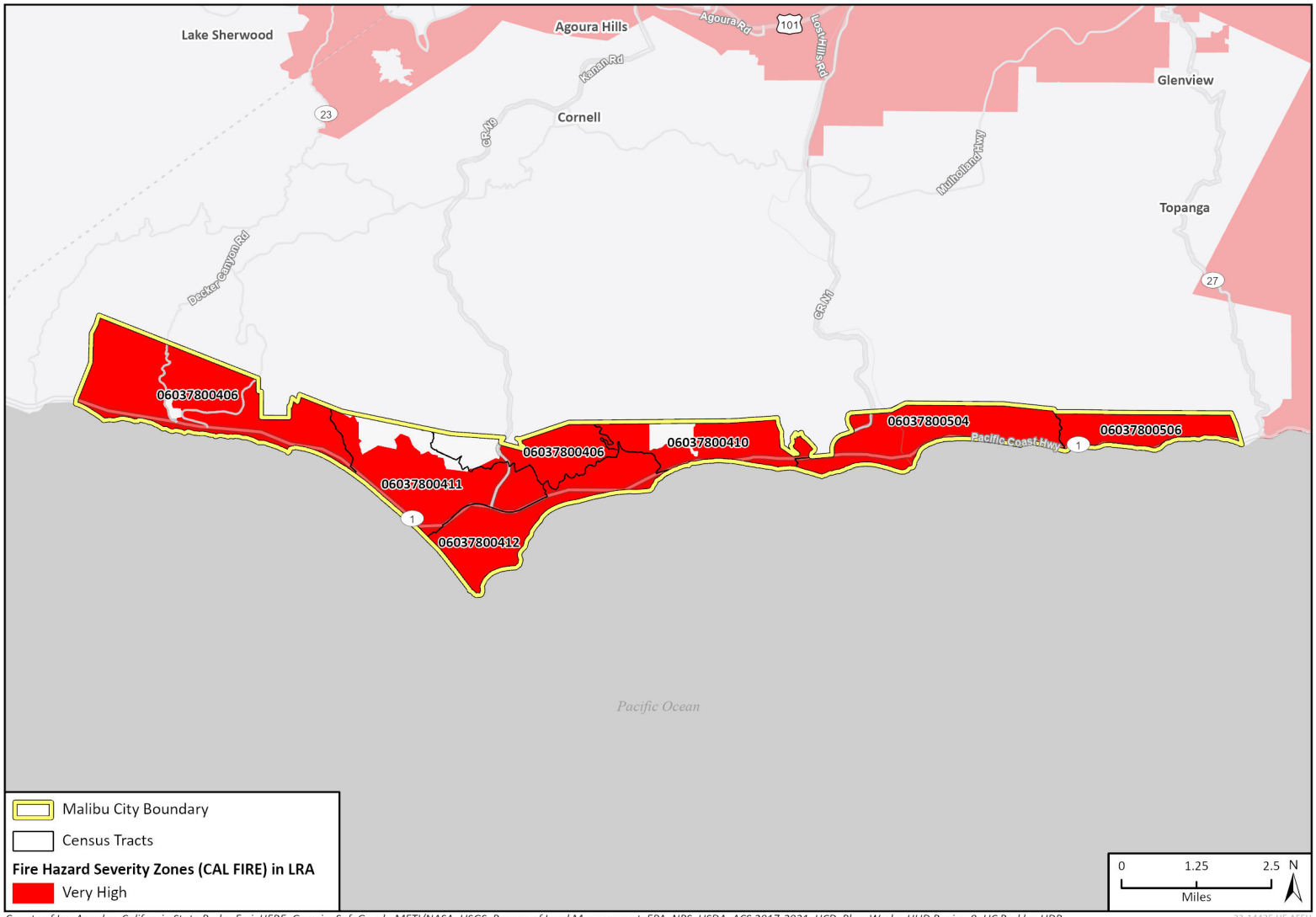
- Unhoused residents without vehicles have difficulty locating shelter and accessing services.

Other Relevant Factors

Other factors to fair housing issues in Malibu that have not been previously discussed in this analysis include lack of infrastructure and environmental factors. Development within the city is constrained by numerous land features including steep slopes, environmentally sensitive habitat areas (ESHAs), geologic instability, flood hazards, and extreme wildfire hazards. Although the city is characterized by a large amount of vacant land, only a small portion of that land is suitable for development due to these natural constraints. As shown in Figure F-37, almost the entire city is within a Very High Fire Hazard Severity Zones. Approximately 488 homes in the city were lost in the Woolsey Fire in 2018.

Development in steeply sloping properties requires substantial modification to the natural terrain, which significantly adds to the cost of development. Development on the steep hillsides also adds to erosion and landslide potential.

Figure F-37
Fire Hazard Severity Zones (Malibu)



County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, ACS 2017-2021, HCD, PlaceWorks, HUD Region 9, UC Berkley UDP, TCAC 2022, CalEnviroScreen 4.0, 2021, CAL FIRE, OEHHA, FEMA

Source: AFFH Viewer, 2023

Additionally, the entire city lies within the Coastal Zone as defined by the California Coastal Act of 1976[39]. All new single-family residences and multi-family residential development in the city require a Coastal Development Permit pursuant to the development requirements of the LCP, which limits grading on steep slopes and encroachment into environmentally sensitive habitat areas (ESHAs). Development is also constrained by federal and state laws (e.g., Federal Emergency Management Agency floodplain regulations, Clean Water Act, Endangered Species Act; and California Fish and Game Code and Alquist-Priolo Earthquake Fault Zoning Act). Because of these constraints, a large portion of the city remains undeveloped and rural in character. Growth is also severely limited by the lack of a centralized sewer system. The majority of the housing stock is served by private onsite wastewater treatment systems.

Access to Home Ownership

To understand current racial/ethnic disparities among homeownership opportunities, this analysis reviews mortgage application filing and acceptance by race using the latest available data. As shown in Table F-11, there were 1,381 mortgage applications filed in Malibu in 2021. Of the racial/ethnic categorization of mortgage applications, almost half were filed by non-Hispanic white residents. In comparison, Hispanic/Latino and Asian American/API applicants comprised approximately three percent each, and Black/African-American, Native Hawaiian/Other Pacific Islander, and American Indian or Alaskan Native applicants comprised less than one percent of total mortgage loan applications combined.

No racial population were representative for mortgage applications relative to proportion of population. Asian American residents were overrepresented for mortgage applications (3.1 percent of applications, 2.8 percent of population), as were Black/African American residents (0.7 percent of applications, 0.5 percent of population), and Other/Unknown (48 percent of applications, 0.5 percent of population. Hispanic/Latino residents were underrepresented for mortgage applications (2.6 percent of applications, 12 percent of population), as were non-Hispanic white residents (47.7 percent of applications, 77.1 percent of population).

[39] California Public Resources Code, Division 20.

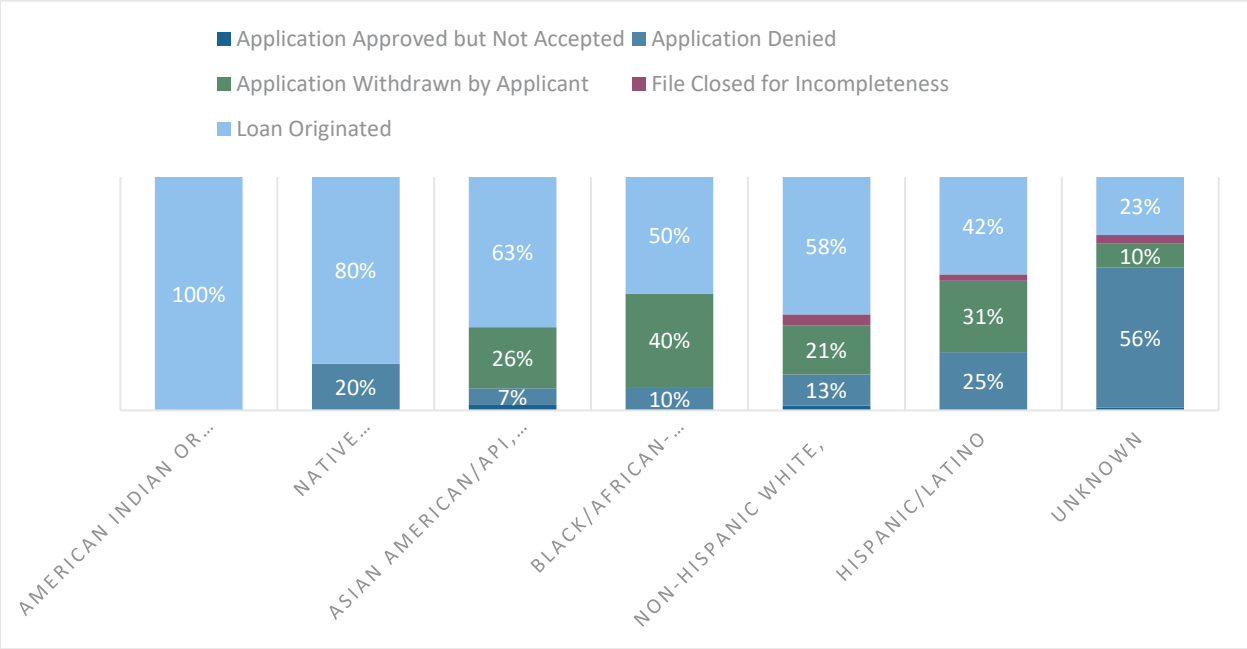
Table F-11
Mortgage Applications and Acceptance by Race, 2021

Racial/ Ethnic Group	Application Approved but Not Accepted	Application Denied	Application Withdrawn by Applicant	File Closed for Incompleteness	Loan Originated	Other Action	Total Applications
American Indian or Alaska Native, Non-Hispanic	0	0	0	0	1	0	**1 (0.1%)**
Native Hawaiian/Other Pacific Islander	0	1	0	0	4	0	**5 (0.4%)**
Asian American/API, Non-Hispanic	1	3	11	0	27	1	**43 (3.1%)**
Black/African-American, Non-Hispanic	0	1	4	0	5		**10 (0.7%)**
Non-Hispanic White	13	87	137	30	382	10	**659 (47.7%)**
Hispanic/Latino	0	9	11	1	15	0	**36 (2.6%)**
Other/Unknown	8	373	64	23	155	40	**663 (48%)**
Total	**22**	**465**	**216**	**53**	**574**	**51**	**1381**

Notes: "Loan originated" means that the application was accepted a loan was made by a financial institution to the applicant. "File incomplete or withdrawn" means a loan was not originated because the application was withdrawn before a credit decision was made or the file was closed for incompleteness. "Application denied" means a loan was not originated because the financial institution did not approve the mortgage application. "Application approved but not accepted" means the financial institution approved the loan application but the applicant did not complete the transaction and a loan was not originated. Other categories of application actions were not included in this analysis, such as purchased loan, preapproval request denied, and preapproval request approved but not accepted. For the purposes of this graph, the "Hispanic or Latino" racial/ethnic group represents those who identify as having Hispanic/Latino ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latino ethnicity.
Source: Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files

As shown in Figure F-38, 100 percent of American Indian or Alaska Native applicants, 80 percent of Native Hawaiian/Other Pacific Islander applicants, 63 percent of Asian American/API applicants, 58 percent of non-Hispanic white, and 50 percent of Black/African American applicants had their loans originated. Only 42 of Hispanic/Latino applicants had their loans originated. Black/African American and Hispanic/Latino applicants had the highest denial rates at 40 and 31 percent, respectively.

Figure F-38
Mortgage Rates and Acceptance by Race (Malibu)



Source: Federal Financial Institutions Examination Council's (FFIEC) Home Mortgage Disclosure Act loan/application register (LAR) files

Subsidized Housing

The Housing Authority of the County of Los Angeles (Housing Authority) serves in Los Angeles County, administering both the Section 8 Housing Choice Voucher (HCV) and Public Housing programs. The HCV provides assistance to rent-burdened residents and will continue to seek opportunities to increase rental assistance and reduce overpayment. The HCV program currently assists approximately 23,000 families through a partnership with over 13,000 property owners. The Public Housing program manages 3,229 units of public and other affordable housing throughout Los Angeles County.

According to the California Housing Partnership, there are no subsidized or public housing units within the City of Malibu.[40] There is no data available on the number of HCV recipients in the city.

Site Inventory

This section provides an analysis of how the site inventory impacts fair housing in the city. The housing element must demonstrate that there are adequate sites zoned for the development of housing for households at each income level sufficient to accommodate the number of new housing units needed at each income level as identified in the RHNA. In the context of AFFH, the site identification requirement involves

[40] California Housing Partnership. Affordable Housing Map and Benefits Calculator. https://affordablehomes.chpc.net/?view=34.033807,-118.81921,12&rural=1,0&funding=hud,usda,lihtc,hcd,calhfa&selected=city,125, accessed August, 2023.

not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Housing Sites by TCAC Opportunity Areas

For purposes of evaluating fair housing, resource levels designated by TCAC/HCD denote access to economic and educational opportunities such as low-cost transportation, jobs, and high-quality schools and the quality of environmental factors in the area such as proximity to hazards and air quality. TCAC has a composite opportunity score for each census tract. The entire City of Malibu is within census tracts designated by TCAC as highest resource, indicating that each neighborhood of the city is associated with positive economic, educational, and health outcomes for low-income families – particularly long-term outcomes for children – when compared to other neighborhoods in the same region.

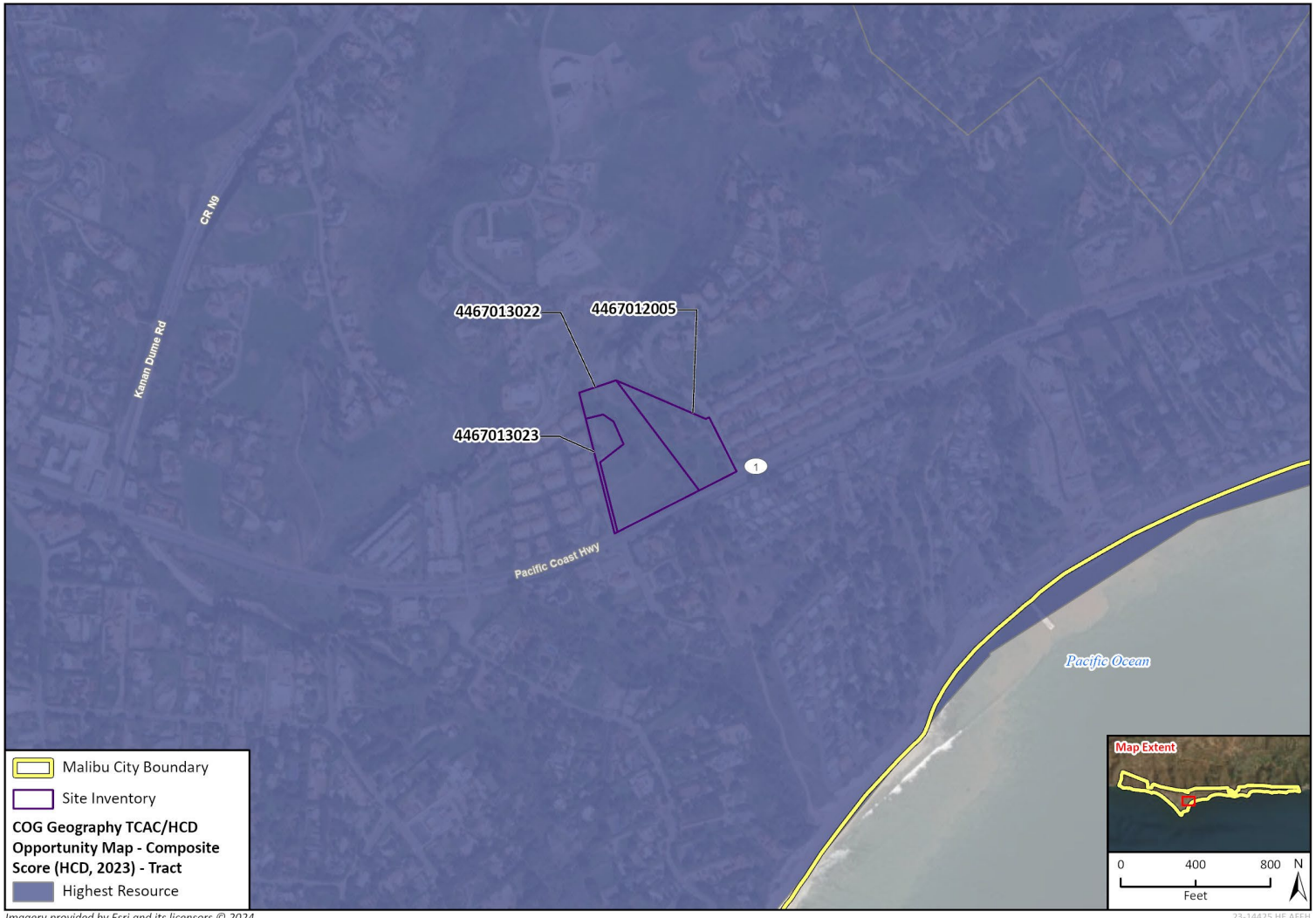
The City's site inventory can accommodate 111 units on three sites. Figure F-39shows the housing opportunity sites by TCAC-designated resource area, all within highest resource areas. The "appropriateness" of sites for various affordability levels -- whether the sites could accommodate housing appropriate for low-, moderate-, or above moderate-income households -- is dictated by state housing element law and HCD guidance and includes allowable density, size of site, realistic capacity, existing use(s), and other factors. More information about the sites and income designations is available in Appendix B, Residential Land Inventory.

A portion of the City's RHNA will be satisfied by planned and approved projects. All planned and approved projects and housing opportunity sites are in areas designated as highest resource.

Total Units by Resource Area

All 111 proposed housing units identified in the site inventory are in highest resource areas: 32 percent of those units (36 units) will be lower-income units, 20 percent (22 units) will be moderate-income units, and 48 percent (53 units) will be above moderate-income units. Due to the geographic constraints as discussed in detail in Chapter 7.4, *Housing Constraints*, the site inventory was limited in available opportunity sites for higher-density housing that could accommodate units for lower and moderate-income households. The AHO sites are the only sites in the city with sufficient area and zoning for higher-density housing, as well as proximity to transit and community amenities. As a result, all units proposed in the site inventory are limited to three neighboring AHO sites located within one census tract that is designated by TCAC as highest resource in Western Malibu. As discussed in Chapter 7.5, *Housing Plan*, the City will implement several programs to support affordable housing development and housing options throughout the city, such as Program 3.1. Facilitate Affordable Housing Development and Housing Assistance Opportunities, Program 3.2. Affordable Housing Development Incentives, and Program 4.1. Support Development of Accessory Dwelling Units. These programs will increase housing access and mobility for lower- and moderate-income households and reduce displacement risk for vulnerable residents. .

Figure F-39
Location of Site Inventory in Relation to TCAC/HCD Opportunity Areas



Source: AFFH Data Viewer, 2023

Sites by Income Population

Malibu does not contain areas with high levels of poverty relative to the region. Two census block groups in Western Malibu have a share of LMI households between 25 to 50 percent. The other census block groups in Malibu have a share of LMI households below 25 percent. All of the housing sites (84 percent of total units) are in the block groups with a share of LMI households between 25 to 50 percent. Figure F-40 shows the housing opportunity sites by percentage of LMI populations. LMI households in the city will benefit from the development of affordable units. The site inventory will improve the mixture of housing opportunities by income level in the city and will not exacerbate segregation by income. Program 5.2, *Fair Housing Community Outreach* will increase access to housing for lower income residents and provide housing mobility.

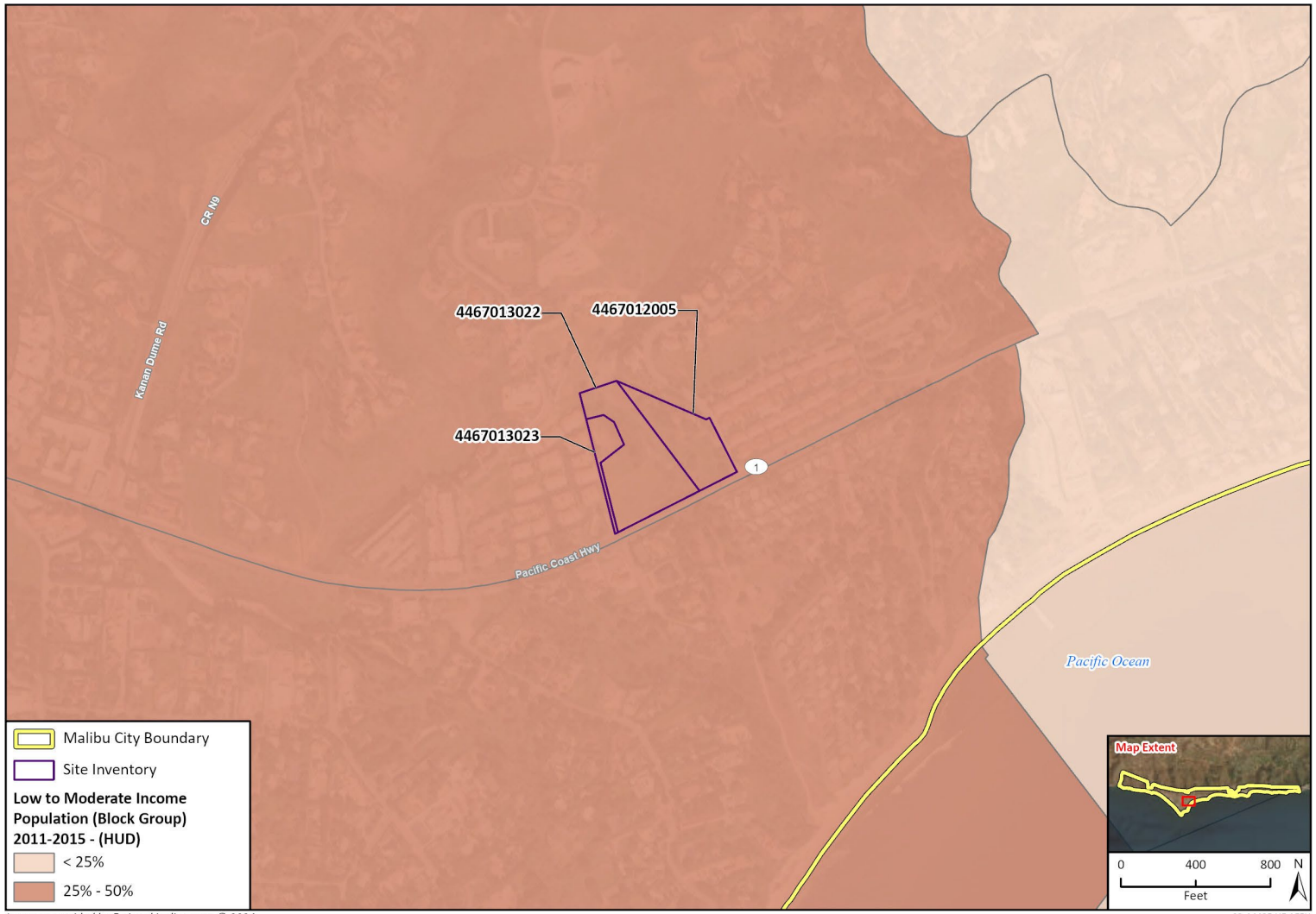
Sites by Overcrowded Households

Rates of overcrowding are less than five percent throughout Malibu (Figure F-41). The sites with units affordable to lower- and moderate-income households will provide opportunities for households that may otherwise need to rent smaller units or double with another household to afford the same opportunities.

Sites by Overpayment by Renters

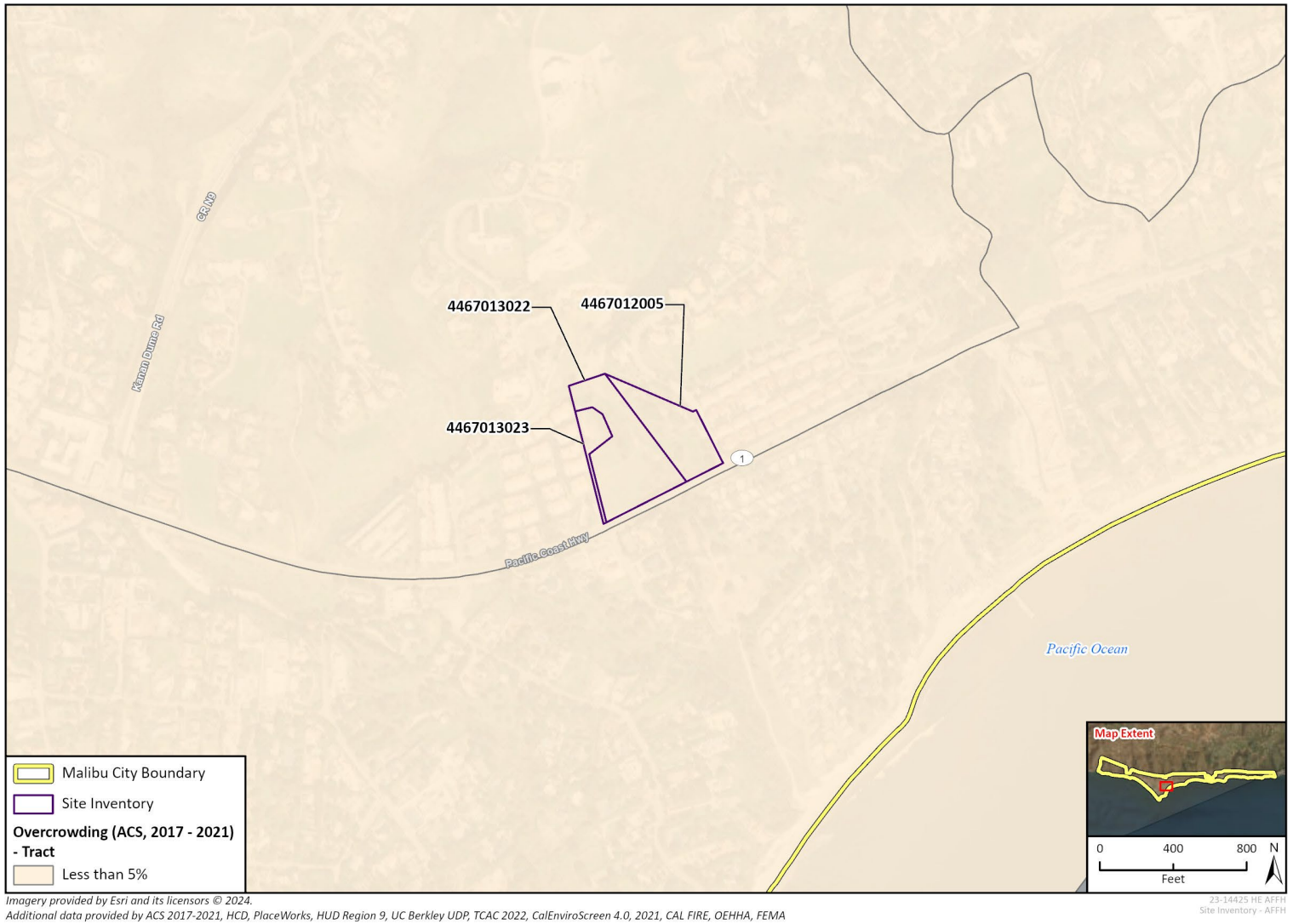
In most of the city, between 40 to 60 percent of renter households overpay for housing costs, as shown in Figure F-42. Eastern Malibu has the highest percentage of renters overpaying on housing costs (60 to 80 percent), but due to the availability of opportunity sites, all sites included in the Site Inventory are located in Western Malibu where rates of overpayment are 47 percent. This area can accommodate a mix of income levels, including 36 units appropriate for lower-income households, 22 units appropriate for moderate-income households, and 53 units appropriate for above moderate-income households. Housing units affordable to low- and moderate-income households will likely be rental units. The site inventory will not exacerbate overpayment by renters but will add affordable housing opportunities in areas that need them.

Figure F-40
Housing Opportunity Sites by Income Population (Western Malibu)



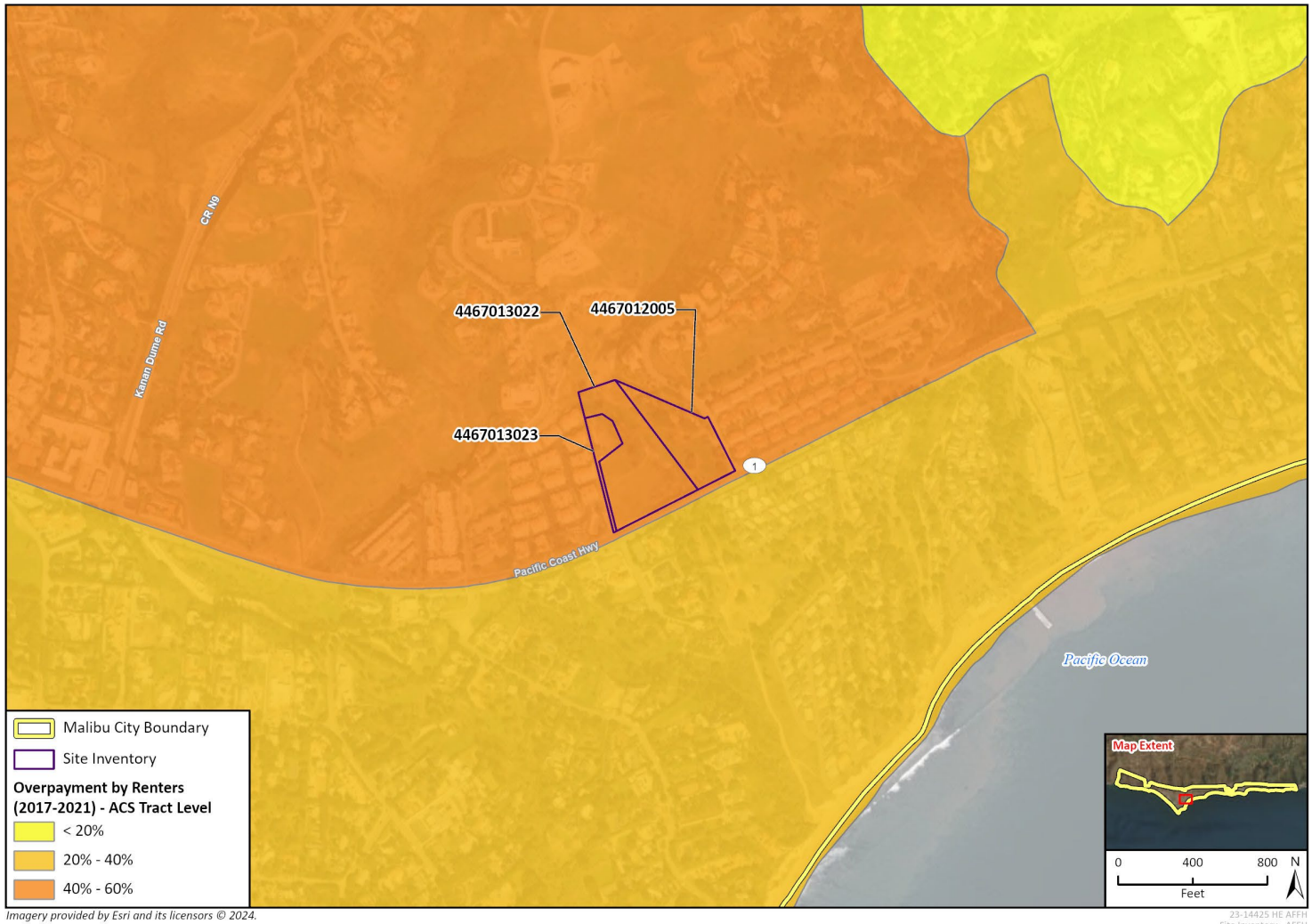
Source: AFFH Data Viewer, 2023

Figure F-41
Housing Opportunity Sites by Overcrowding (Western Malibu)



Source: AFFH Data Viewer, 2023

Figure F-42
Housing Opportunity Sites by Overpayment by Renters (Western Malibu)



Source: AFFH Data Viewer, 2023

Sites by Areas of Integration and Segregation

Malibu does not have any areas designated by TCAC as high segregation and poverty, and there are no R/ECAPs in the city. The entire city is designated an RCAA. Compared to the region, Malibu has high levels of white segregation. The census tract that encompasses Central Malibu has a higher percentage of non-white residents (30 percent) than other portions of the city. Sites by areas of non-white population are shown in Figure F-43. Housing sites in Central Malibu can accommodate five units appropriate for above moderate-income households. The site inventory will not contribute to segregation based on race/ethnicity or income level within the city. Regionally, the site inventory will add affordable housing opportunities in an RCAA.

Regionally, Malibu has a low rate of residents with one or more disabilities. For persons with disabilities who live independently or with other family members, independent living can be supported with special housing features, financial support, and in-home supportive services. The location of housing is also an important factor for people with mobility restrictions who rely on public transportation for travel. The development of the AHO sites on Pacific Coast Highway will include units affordable to low- and moderate-income households located within a quarter mile of public transit. Development on these sites will create opportunities for residents with disabilities to live in Malibu.

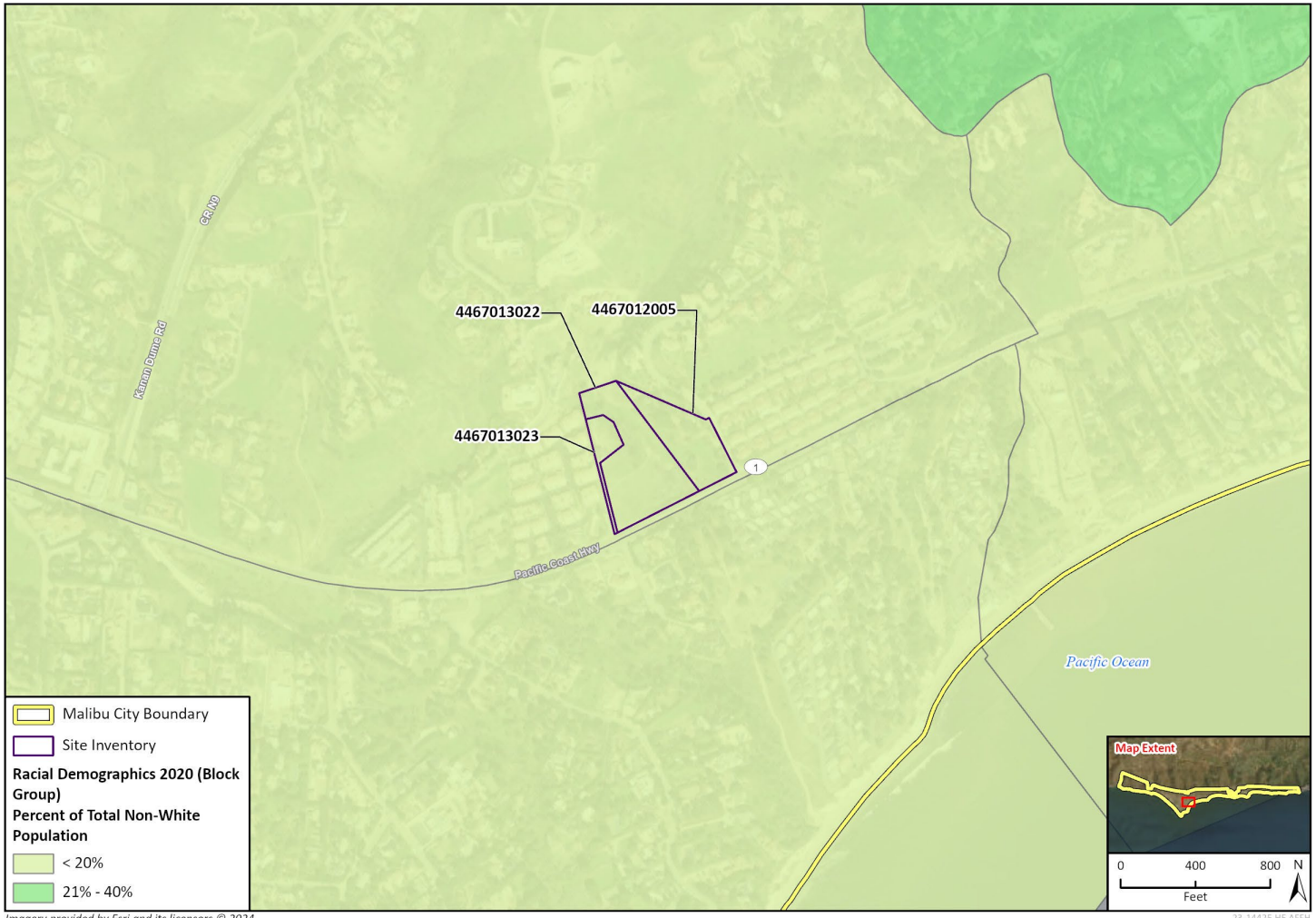
Sites by Communities Vulnerable to Displacement

The City of Malibu has a lower displacement risk as determined by the UDP. All lower-income and moderate-income housing sites proposed in the city are not in areas considered at risk of displacement, as seen in Figure F-44. Therefore, the site inventory will not increase segregation by risk of displacement.

Sites by CalEnviroScreen Score

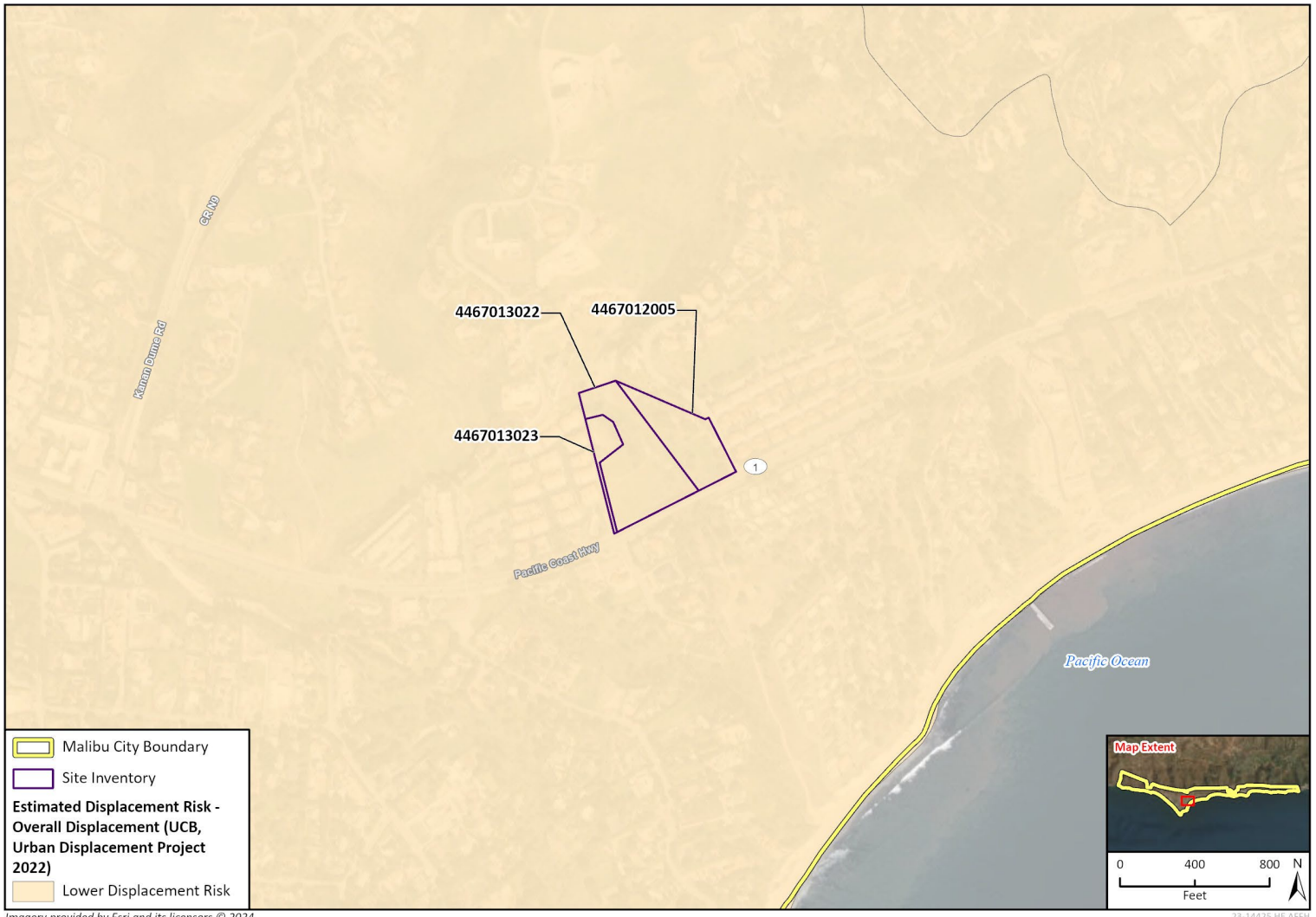
Malibu has a low CalEnviroscreen score compared to the region. Figure F-45 shows the housing opportunity sites by CalEnviroScreen score. The site inventory would not concentrate lower-income sites in areas of higher pollution burden. The site inventory will add affordable housing opportunities in an area with better environmental outcomes.

Figure F-43
Housing Opportunity Sites by Total Non-White Population



Source: AFFH Data Viewer, 2023

Figure F-44
Housing Opportunity Sites by Displacement Risk



Source: AFFH Data Viewer, 2023

Figure F-45
Housing Opportunity Sites by CalEnviroScreen Percentile Score



Source: AFFH Data Viewer, 2023

Sites Analysis Summary Data

Table F-12 summarizes the site inventory by development priority area, sites, number of units by income level, and census tract characteristics.

Contributing Factors and Meaningful Actions

State law (AB 686) requires the identification and prioritization of contributing factors to fair housing issues based on all the previously required analysis. This identification and prioritization must give highest priority to factors that limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights. AB 686 also requires identification of metrics or quantified objectives and milestones for determining what fair housing results will be achieved. Meaningful actions must be taken in concert with each other and address the following:

- Significant Disparities in Housing Needs and in Access to Opportunity
- Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns
- Transforming R/ECAP into Areas of Opportunity
- Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws[41]

This section lists contributing factors that create, perpetuate, or increase the severity of one or more fair housing issues that were identified in community outreach and the analysis in this document. Table F-13 summarizes the identified fair housing issues, contributing factors to these issues, and meaningful actions the City will undertake to affirmatively further fair housing for special needs, racial/ethnic minority, and low-income residents.

Fair Housing Enforcement and Outreach Capacity

The following contributing factors to inadequate fair housing enforcement and outreach include:

- Lack of local fair housing outreach and enforcement
- Lack of resources for fair housing agencies and organizations to conduct more rigorous testing and audits, outreach, training, public education campaigns.
- Lack of property owners/landlord education

Although Malibu is served by the Housing Rights Center, fair housing resources are limited to available funding. In order to meet the needs of residents of a large and diverse county, local fair housing agencies and organizations require greater levels of resourcing.

[41] HCD. 2021. Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements. April 2021 Update. https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf

Table F-12 Site Inventory by Census Tract Characteristics

Census Tract Number	Number of Existing Households	Site Inventory Capacity (Units)			AFFH Indicators							
		Low-Income	Moderate-Income	Above Moderate-Income	Percent Non-White	Percent LMI Residents	Median Household Income	TCAC Opportunity Area	Percent Overpayment by Renters	Percent Overcrowded Households	Displacement Sensitivity	CalEnviroScreen Percentile
Western Malibu												
06037800411	1,069	36	22	53	16%	33%	$243,125	Highest Resource	47%	0%	Lower Displacement Risk	2%
Total		**36**	**22**	**53**								

Source: California Tax Credit Allocation Committee (TCAC)/California Housing and Community Development (HCD), Opportunity Maps (2023); U.S. Census Bureau, American Community Survey 5-Year Data (2017-2021)

The City works with the Southern California Housing Rights Center, which provides fair housing services countywide. However, the City does not provide fair housing information on the City's website. A local public enforcement agency would have the potential to be more responsive to victims of discrimination.

State law protects against discrimination based on source of income. However, as noted in Appendix C, Public Participation Summary, public comments revealed that property owners and managers in Malibu routinely deny applications from voucher holders. Denial of housing vouchers impedes voucher holders from utilizing their assistance in areas of opportunity and indicates a greater need for outreach education to property owners and managers to enhance housing mobility. Information on housing rights and responsibilities, including source of income protection, should be disseminated to both landlords and residents, as well as mobility assistance and strategies for voucher holders. As stated in Program 3.1: Facilitate Affordable Housing Development and Housing Assistance Opportunities, the City will work with LACDA and other local organizations that help to connect residents throughout LA County to housing choice vouchers and other affordable housing services in areas of opportunity.

Segregation and Integration

Contributing factors to segregation and integration patterns in Malibu include:

- Community opposition
- Lack of public investments
- Location, type, and supply of affordable housing
- Lack of housing vouchers

Malibu has historically been segregated by income and race/ethnicity compared to the region. Although the City has completed rezoning efforts to allow multi-family development, higher-density housing development is limited by infrastructure constraints and geographic conditions, such as lack of ability to install a central wastewater system, steep slopes, and protected environmental habitats (see Chapter 7.3, Constraints*)*. Housing in Malibu is some of the costliest in the region and unaffordable to most households. Economic disparities have been exacerbated by the high cost of housing in recent years in Malibu and Los Angeles County. These disparities have been worsened by the lack of housing available for low- and moderate-income households and have resulted in significant segregation by race and ethnicity and income levels.

There is no regulated affordable housing in the City of Malibu and a very low number of units that accept housing vouchers. Additionally, the lack of transportation options and relative geographic isolation of Malibu have created barriers to lower-income, non-white residents from moving into the city.

As discussed in the analysis of the sites, the City will accommodate units affordable to low- and moderate-income households on three parcels on Pacific Coast Highway. As outlined in Program 2.1: Adequate Sites to Accommodate Regional Fair Share of Housing Growth, the City will encourage development of new affordable housing on these sites to ensure implementation of the RHNA for very low-, low-, and moderate-income

residents. The City will also support the development of ADUs affordable to low- and moderate-income households through Program 4.1: Support Development of Accessory Dwelling Units. Additionally, the City will implement Program 3.1: Facilitate Affordable Housing Development and Housing Assistance Opportunities and Program 3.3: Housing for Persons with Special Needs to expand affordable housing to residents of all incomes, disability status, and race. Furthermore, the City will implement place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

Significant Disparities in Housing Needs and Access to Opportunity

The following contributing factors to disparities in access to opportunities in Malibu include:

- Location, type, and supply of affordable housing
- Land use and zoning laws
- Lack of supportive housing
- Lack of transportation options

Approximately eight percent of residents in Malibu have a disability, lower than several other areas of the region. The areas with the lowest access to transportation have the highest percentage of persons with a disability. The ability for persons with disabilities to reside in Malibu is limited by barriers to mobility, such as access to public transit and lack of supportive housing and services in the city.

There are limited resources for lower-income households in the city, for reasons previously discussed. These limiting factors have contributed to disparities in opportunity for lower-income households to reside in the city. For residents already residing in Malibu, those who rent are often impacted by housing cost burden.

Meaningful Actions to Address Fair Housing Issues

This assessment of fair housing issues identifies factors that contribute to fair housing issues in Malibu, identified in Table F-13. The meaningful actions are incorporated into programs and actions in Chapter 7.5, *Housing Plan*. Based on community feedback and data analysis, it was determined that high-priority issues in the city are lack of affordable housing, fair housing enforcement and outreach, and segregation of low-income residents. Housing mobility and rehabilitation programs collectively have a metric of assisting 55 households during the planning period. Housing mobility and rehabilitation programs collectively have a metric of assisting 55 households during the planning period. These programs are Program 1.3 Housing Rehabilitation Assistance, 3.1 Facilitation of Affordable Housing Assistance (specifically actions 3.1.c and 3.1.d), Program 3.3. Housing for Persons with Special Needs, 4.1 Support Development of Accessory Dwelling Units (specifically action 4.1.f), and 5.2 Fair Housing Community Outreach. See quantified objectives in Table 7.5-1 in Chapter 7.5 Housing Plan.

Table F-13 Meaningful Actions to Address Fair Housing Issues

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
Fair housing enforcement and outreach	• Lack of local fair housing outreach and enforcement (Moderate Priority) • Lack of resources for fair housing agencies and organizations to conduct more rigorous testing and audits, outreach, training, public education campaigns (High Priority)	Promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling, mediation, and testing. Advertise available fair housing services. (Program 5.1.a)	At least once annually starting in 2025, provide information on fair housing services available to Malibu residents and property owners via the City's social media, flyers at the planning counter and at community locations, and/or posting in the local newspaper. When possible, provide information in English and Spanish.
		Provide informative materials on fair housing resources with ADU applications. (Program 5.1.b)	Provide materials with ADU applications by December 2025.
		Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility. Create a Housing Resources page on the City's website to disseminate informational materials to residents on affordable housing and financial resources including links to the HCV and Home Ownership Program resources through Los Angeles County Development Authority, Mortgage Credit Certificate through the Golden State Finance Authority, and the California Homeownership Downpayment Assistance Program through the California Housing Finance Agency.. (Program 5.2.b)	Create webpage by January 2025
Lack of housing affordable to lower- and moderate-income and special needs households	• Community Opposition • Location, type, and supply of affordable housing • Land use and zoning laws • Lack of housing vouchers	Proactively promote affordable housing development on AHO sites. Prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. (Program 3.1.a)	Coordinate with potential developers at least once annually to provide information on density bonus, potential funding sources, and available incentives. Support the development of 47 lower-income units and 17 moderate-income units.
		Identify funding available through LACDA, HCD, and HUD and have a list of options available for interested developers and homeowners and post the list on the City's website by July 2025. Potential funding programs may include single- and multi-family affordable housing rehabilitation programs and homeownership programs administered by the California Housing Financing Agency (CHFA). (Program 3.1.c)	Identify at least three different types of funding and post on the City's website by July 2025 and monitor funding on an ongoing basis.

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
		Promote the Housing Choice Voucher program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used. (Program 3.1.d)	Establish a list of property owners and managers of multi-family units and ADUs and mail information about the Housing Choice Voucher program and state fair housing law regarding discrimination based on source of income by December 2025 and again by December 2027.
		Subject to funding availability, provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services. (Program 3.2.a)	Annually, through the budgetary process, allocate available funding to support affordable housing development.
		Prioritize AHTF assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group by creating scoring criteria that encourage the inclusion of units and services needed to support individuals with special needs. (Program 3.3.a)	Subject to the availability of funds, support at least five affordable housing units during the planning period.
		Support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices. (Program 3.3.b)	Allocate $127,500 in FY 2023-24 to the Ventura Transit Systems for Dial-A-Ride services to seniors (60 years and older) and disabled residents. Annually consider allocations and continue the service throughout the planning period as funding allows. Organize a senior resource fair at least once annually that promotes housing and transportation services available to seniors, including the Dial-A-Ride service. Provide informational lectures on housing resources at the Senior Center including the application process and funding options for assisted living. Promote shared housing programs such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners. Post information on shared housing programs on the City's website by June 2025 and invite the ALA and/or similar

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
			organizations to attend the City's senior resource fair as a vendor. Provide services throughout the planning period. Post information on shared housing programs on the City's website by June 2025.
		Inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential. (Program 3.4.b)	Communicate with at least two different affordable housing developers annually informing them about the City's density bonus program.
		Provide technical assistance to developers on how to use the Density Bonus incentives. (Program 3.4.c)	Maintain current information on the City's website. Refresh annually. Publish an informational bulletin for developers on the City's density bonus program by June 2025. Review annually and edit to include new information as necessary.
		Pursue mechanisms to facilitate the construction of at least 28 ADUs by the end of the planning period, including but not limited to: • Create pre-approved standards for ADU foundation plans or prefabricated plans. • Refer property owners to programs that assist lower and moderate-income homeowners in constructing ADUs. • Expand or extend fee waivers for ADUs beyond state law. (Program 4.1.a)	Apply for funding to create pre-approved plans by June 2024. Publish pre-approved plans for ADUs by December 2025.
		Review ADU trends and commit to adjustments if the City is not on track to meet target development. If the City is not meeting ADU goals, implement additional action(s) depending on the severity of the gap, including increased public outreach efforts to increase ADU development. (Program 4.1.b)	Review ADU trends every two years starting in 2023 and implement additional incentives and public outreach within one year of review, and if necessary, pursue other strategies to meet the RHNA, including rezone of sites..
		Publish resources on City's website on building ADUs and JADUs. (Program 4.1.c)	Publish material on the City's website by January 2025.
		Create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines. (Program 4.1.d)	Adopt an ADU Amnesty Program Ordinance by 2028.

Identified Fair Housing Issue	Contributing Factors	Meaningful Actions	Metrics and Timeline
		Allow up to two JADUs on single-family lots. (Program 4.1.f)	Update the ADU ordinance in MMC within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later and transmit adopted LCP amendments to the California Coastal Commission within one month of adoption
		Require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population, extending outreach to nearby communities in Los Angeles County and Ventura County, especially to workers in the city who do not live in the city. These affirmative marketing materials will include contact information for housing service providers (such as the home share programs) and non-profit housing organizations that serve lower-income tenants in the surrounding region. (Program 5.2.a)	By January 2025, require implementation of an Affirmative Fair Marketing Plan.
		Enter into a contract with HRC or other fair housing service providers to host an annual fair housing workshop to educate residents and landlords on fair housing laws, HCVs and housing rights and resources. (Program 5.1.c)	Once annually starting in 2025, partner with HRC to host a fair housing workshop.
		In collaboration with the Housing Authority, provide education to property owners and managers to expand awareness of the HCV program to increase acceptance of tenant-based HCVs and to facilitate mobility and provide choices for lower-income households throughout the city. Identify and address challenges that property owners/managers have with existing or prospective HCV holders. (Program 5.1.d)	Starting in 2025, annually conduct one workshop for landlords on the HCV program, for a total of seven workshops during the planning period, targeting property owners/managers in eastern Malibu.
		Subject to available funding, offer grants of up to $10,000 per applicant from the Affordable Housing Trust Fund to construct ADUs that are rent-restricted to lower income households (using County AMI thresholds (Program 5.2.c)	By January 2025, implement grant program for rent-restricted ADUs. By June 2025, promote the grant opportunity on the City's website and provide one grant by the end of the planning period.

RESOLUTION NO. 24-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU DETERMINING THE PROPOSED AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM (LCP) LAND USE PLAN (LUP) POLICY 6.7 (LOCAL COASTAL PROGRAM AMENDMENT NO. 24-001) AS REQUIRED TO IMPLEMENT THE GOALS, POLICIES, PROGRAMS AND OBJECTIVES OF THE 2021-2029 GENERAL PLAN HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies, programs, and objectives that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and hold first readings on the MMC and LCP amendments; by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt,

the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element on the City website for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments to the City of Malibu Local Coastal Program (LCP) Land Use Plan (LUP) and Malibu Municipal Code (MMC) as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The Planning Commission reviewed and considered the staff report, public testimony, and other information in the record, and adopted Resolution No. 24-59 recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element; adopting Local Coastal Program Amendment (LCPA) No. 24-001 to amend the LCP LUP; and adopting Zoning Text Amendment (ZTA) No. 24-002 to amend Title 17 of the Malibu Municipal Code.

CC. On August 29, 2024, a Notice of Public Hearing of the City Council was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties; regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary amendments to the LCP LUP and MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The City of Malibu Local Coastal Program (LCP) Land Use Plan (LUP) amendment implements the goals, policies, programs, and objectives of the 2021-2029 Housing Element update, and is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The LUP amendment to implement the 2021-2029 Housing Element would not approve any development project and does not propose any standards, regulations, procedures, or application requirements that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the LUP amendment would have a significant effect on the environment.

B. In addition, pursuant to 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. This application is for an amendment to the LCP LUP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LCP 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP LUP amendment is approved, the City must also approve the corollary amendments to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because it is entirely dependent on, related to, and duplicative of the exempt activity, it is subject to the same CEQA exemption.

C. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

D. The proposed amendment is consistent with the provisions of the Malibu General Plan, MMC, LCP, and all other applicable programs.

SECTION 3. Local Coastal Program Land Use Plan Amendment Findings.

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The City Council, based on evidence in the whole record, finds that the LUP amendment is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows and hereby amends the LUP as set forth in SECTION 4:

A. The requirements and standards in the amendment for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 AFFORDABLE HOUSING and 3.4.5 Affordable Housing Overlay District), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendment does not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 4. Local Coastal Program Land Use Plan Amendment.

Policy 6.7 of the LCP LUP shall be replaced in its entirety as follows:

6.7 The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Notwithstanding the foregoing, to accommodate an affordable housing project, the maximum allowable height in the Affordable Housing Overlay Zone is 30 feet. Chimneys and rooftop antennas may be permitted to extend above the permitted height of the structure.

SECTION 5. Submittal to the California Coastal Commission.

The City Council hereby directs the City Manager or his designee to submit an application and all necessary materials to the California Coastal Commission to certify an amendment to the City of Malibu LCP LUP related to the implementation of the 2021-2029 Housing Element.

SECTION 6.

The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 23rd day of September 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-49 was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the 23rd day of September 2024 by the following vote:

AYES:	4	Councilmembers:	Grisanti, Uhring, Riggins, Stewart
NOES:	0		
ABSTAIN:	1	Councilmembers:	Silverstein
ABSENT:	0		

KELSEY PETTIJOHN, City Clerk
(seal)

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

HOW TO PARTICIPATE IN-PERSON DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form. In-person participants may also surrender their opportunity to speak on a particular item to defer one minute to another in-person speaker.

HOW TO PARTICIPATE REMOTELY DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. When you join the Zoom Webinar you may see a pop-up asking you to enter an email address, but a valid email address is not required. Be advised that those participating via Zoom do so at their own risk; remote participants should not expect the meeting to be cancelled or continued due the inability of some members of the public to access the remote meeting.

Malibu City Council
Regular Meeting Agenda

Monday, October 14, 2024

4:15 P.M. - CLOSED SESSION
City Hall – Council Chambers (call to order)
Westward Room (closed session)
23825 Stuart Ranch Road

5:30 P.M. – CITY COUNCIL REGULAR MEETING
City Hall – Council Chambers
23825 Stuart Ranch Road

Zoom Webinar Link:
https://us02web.zoom.us/j/84212798363

Four-fifteen p.m. Convene for Purpose of Closed Session

Call to Order – Mayor (Council Chambers)

Public Comment on Closed Session Items

Recess to Closed Session (to be held in the Westward Room)

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Section 54956.8 and 54956.9. Based on the advice of the City Attorney, discussion in open session concerning these matters would prejudice the position of the City in this litigation. The City Attorney will give an additional oral report regarding the Closed Session at the beginning of the next regular City Council meeting. At the conclusion of the Closed Session, the Council may continue any item listed on the Closed Session agenda to the Open Session agenda for discussion or to take formal action as it may deem appropriate.

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8

1. Property Known as Malibu Coast Animal Hospital: 23431 Pacific Coast Hwy, APN 4458-020-903
   City Negotiator: Assistant City Manager Joe Toney or his Designee.
   Negotiating Parties: David Marler
   Under Negotiation: Price and Terms of Payment

2. Property Known as Super Care Drugs Pharmacy: 23661 Pacific Coast Hwy, APN 4458-020-903
   City Negotiator: Assistant City Manager Joe Toney or his Designee.
   Negotiating Parties: Tomas Park
   Under Negotiation: Price and Terms of Payment

Conference with Legal Counsel – Anticipated Litigation

1. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
   Number of potential cases: (2)

Five-thirty p.m. **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Report on Posting of Agenda – October 4, 2024

Approval of Agenda

1. Consent Calendar

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed. Items in Consent Calendar Section B have not been discussed previously by the Council. Members of the public may comment on the consent calendar as a whole. After public comment, the Council may remove items from the Consent Calendar for individual consideration before adopting the Consent Calendar.

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 523

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 523 approving Local Coastal Program Amendment No. 20-001 and Zone Text Amendment No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act (CEQA).

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff Contact: Interim City Attorney Rusin, 456-2489, ext. 228

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 73658-73860 on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 755 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $ 4,370,519.83. City of Malibu payroll check number 5485 and ACH deposits were issued in the amount of $785,197.34.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 19, 2024 Special meeting and August 26, 2024 Regular meeting.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

4. Investment Report for the Month Ending August 31, 2024

Recommended Action: Receive the Investment Report for the month ending August 31, 2024.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

5. Beverage Container Recycling Grant Program

   Recommended Action: Adopt Resolution No. 24-53 authorizing the submittal of an application for grant funds through the Department of Resources Recycling and Recovery (CalRecycle) Beverage Container Recycling Grant Program.

   Staff Contact: Community Services Director Riesgo, 456-2489, ext. 350

6. Resolution Declaring the Existence of a Local Emergency and Initiating a Program for Reducing the Risk of Fires Associated with Individuals Engaged in Unpermitted Camping

   Recommended Action: Adopt Resolution No. 24-54 declaring the existence of a local emergency and initiating a program for reducing the risk of fires associated with individuals engaged in unpermitted camping.

   Staff Contact: Public Safety Director Dueñas, 456-2489, ext. 313

7. Approve Amendment to Contract for Special Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. to Provide for Representation of the City related to the Matter of City of Malibu v. Federal Aviation Administration related to Aviation Noise and Impacts Generated from Changes to Los Angeles International Airport Flight Paths

   Recommended Action: Authorize the City Manager to execute a fifth amendment to the Agreement for Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. for representation of the City related to the matter of Malibu v. Federal Aviation Administration, No. 24-2503.

   Staff Contact: Interim City Attorney Rusin, 456-2489, ext. 228

2. Ceremonial/Presentations

A. Presentation of Commendation to the Malibu Farmers Market in Recognition of its 25th Anniversary

B. Presentation of Commendation to William Bema for Assisting with a Rescue in Malibu Canyon

C. 2024 Fire Season Outlook Presentation

D. SB 1297 (Speed Cameras) Implementation Plan Presentation

3. Commission / Committee / City Manager Updates

4. Written and Oral Communications from the Public (Subsequent items to be heard after 6:30 p.m.)

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff, unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response.

A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. City Council Subcommittee reports / Mayor and Councilmember meeting attendance, reports and inquiries

5. Ordinances and Public Hearings

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time.

None.

6. Old Business

Old Business items have appeared on previous agendas with no final action having been taken.

A. Strategic Workplan Fiscal Year 24-25

Recommended Action: Adopt the Reprioritized Strategic Workplan for Fiscal Year 2024-25.

Staff Contact: Deputy City Manager Brown, 456-2489, ext. 300

7. New Business

New Business items are appearing for the first time for formal action.

A. Code of Conduct

Recommended Action: Adopt Resolution No. 24-52 establishing a Code of Conduct for City Officials.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

B. Adoption of the 2024 Emergency Operations Plan

Recommended Action: Adopt Resolution No. 24-51 adopting the 2024 Emergency Operations Plan.

Staff Contact: Public Safety Director Dueñas, 456-2489, ext. 313

C. Appropriation of Office of Traffic Safety (OTS) Grant Funds for Enforcement Operations and Public Education Campaign and Agreement for Public Education Campaign

Recommended Action: 1) Appropriate $460,000 from the General Fund Undesignated Reserve ($325,000 to Account Number 100-7002-5100 (Media Operations, Professional Services) and $135,000 to Account Number 100-7021-5115 (Public Safety, L.A. Co. Sheriff's Services)), for the Office of Traffic Safety (OTS) Grant Funds; and 2) Authorize the Mayor to Execute Professional Services Agreement with That's the Sound! Productions, in the amount of $325,000.

Staff Contact: Deputy City Manager Brown, 456-2489, ext. 300

8. Council Items

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments.

None.

Adjournment

Future Meetings

Monday, October 28, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Tuesday, November 12, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, November 25, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings and Decorum

Public Communications: Each speaker is limited to three (3) minutes. Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form *prior* to the beginning of the item being announced by the Mayor. In-person participants may surrender their time by deferring one (1) minute to another in-person speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. Speakers are taken in the order slips are submitted or hands are raised.

On specific agenda items Councilmembers may question any person addressing the City Council at the conclusion of all public testimony on that agenda item before the Council. Councilmembers shall not engage any member of the public in a dialogue with themselves other Councilmembers, city staff or other members of the public.

Role of the Presiding Officer: The presiding officer of the City Council, who shall be the Mayor, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the presiding officer to ensure that these rules of procedure and decorum are followed at all times. The presiding officer shall maintain control of communication between Councilmembers, between the Council and the public, and chair each meeting in a fair and impartial manner. It shall be the duty of each Councilmember to support the presiding officer in maintaining the order and decorum of Council meetings.

Members of the Audience: Members of the audience shall not engage in disorderly or boisterous conduct, including clapping, whistling, stamping of feet, or other acts which disturb, disrupt, impede or otherwise disturb the orderly conduct of the City Council meeting. Persons addressing the City Council shall not engage in disorderly conduct which disrupts, or otherwise impedes the orderly conduct or Council meetings. Any person who so disrupts a Council meeting may, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from that meeting.

No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for $0.10 per page.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

Requests to show an audio or video presentation during a Council meeting should be directed to the Media Team at media@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 4th day of October 2024 at 5:30 p.m.

Kelsey Pettijohn, City Clerk

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

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Amended[1] Malibu City Council Regular Meeting Agenda

Monday, October 14, 2024

4:15 P.M. - CLOSED SESSION
City Hall – Council Chambers (call to order)
Westward Room (closed session)
23825 Stuart Ranch Road

5:30 P.M. – CITY COUNCIL REGULAR MEETING
City Hall – Council Chambers
23825 Stuart Ranch Road

Zoom Webinar Link:
https://us02web.zoom.us/j/84212798363

Four-fifteen p.m. Convene for Purpose of Closed Session

Call to Order – Mayor (Council Chambers)

1 *See the addition of Consent Calendar Item No. 1.B.8. and modified recommended actions for Old Business Item No. 6.A. and New Business Item No. 7.C.*

Public Comment on Closed Session Items

Recess to Closed Session (to be held in the Westward Room)

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Section 54956.8 and 54956.9. Based on the advice of the City Attorney, discussion in open session concerning these matters would prejudice the position of the City in this litigation. The City Attorney will give an additional oral report regarding the Closed Session at the beginning of the next regular City Council meeting. At the conclusion of the Closed Session, the Council may continue any item listed on the Closed Session agenda to the Open Session agenda for discussion or to take formal action as it may deem appropriate.

Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8

1. Property Known as Malibu Coast Animal Hospital: 23431 Pacific Coast Hwy, APN 4458-020-903
   City Negotiator: Assistant City Manager Joe Toney or his Designee.
   Negotiating Parties: David Marler
   Under Negotiation: Price and Terms of Payment

2. Property Known as Super Care Drugs Pharmacy: 23661 Pacific Coast Hwy, APN 4458-020-903
   City Negotiator: Assistant City Manager Joe Toney or his Designee.
   Negotiating Parties: Tomas Park
   Under Negotiation: Price and Terms of Payment

Conference with Legal Counsel – Anticipated Litigation

1. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
   Number of potential cases: (2)

Five-thirty p.m. **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Closed Session Report

Report on Posting of Agenda – October 4, 2024*; Amended Agenda posted October 11, 2024*

Approval of Agenda

1. Consent Calendar

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed. Items in Consent Calendar Section B have not been discussed previously by the Council. Members of the public may comment on the consent calendar as a whole. After public comment, the Council may remove items from the Consent Calendar for individual consideration before adopting the Consent Calendar.

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 523

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 523 approving Local Coastal Program Amendment No. 20-001 and Zone Text Amendment No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act (CEQA).

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff Contact: Interim City Attorney Rusin, 456-2489, ext. 228

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 73658-73860 on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 755 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $ 4,370,519.83. City of Malibu payroll check number 5485 and ACH deposits were issued in the amount of $785,197.34.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 19, 2024 Special meeting and August 26, 2024 Regular meeting.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

4. Investment Report for the Month Ending August 31, 2024

Recommended Action: Receive the Investment Report for the month ending August 31, 2024.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

5. Beverage Container Recycling Grant Program

Recommended Action: Adopt Resolution No. 24-53 authorizing the submittal of an application for grant funds through the Department of Resources Recycling and Recovery (CalRecycle) Beverage Container Recycling Grant Program.

Staff Contact: Community Services Director Riesgo, 456-2489, ext. 350

6. Resolution Declaring the Existence of a Local Emergency and Initiating a Program for Reducing the Risk of Fires Associated with Individuals Engaged in Unpermitted Camping

Recommended Action: Adopt Resolution No. 24-54 declaring the existence of a local emergency and initiating a program for reducing the risk of fires associated with individuals engaged in unpermitted camping.

Staff Contact: Public Safety Director Dueñas, 456-2489, ext. 313

7. Approve Amendment to Contract for Special Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. to Provide for Representation of the City related to the Matter of City of Malibu v. Federal Aviation Administration related to Aviation Noise and Impacts Generated from Changes to Los Angeles International Airport Flight Paths

Recommended Action: Authorize the City Manager to execute a fifth amendment to the Agreement for Legal Services with Leech, Tishman, Fuscado & Lampl, Inc. for representation of the City related to the matter of Malibu v. Federal Aviation Administration, No. 24-2503.

Staff Contact: Interim City Attorney Rusin, 456-2489, ext. 228

8. Assignment of Interest in Malibu Lumber Yard Ground Lease

Recommended Action: 1) Approve, subject to implementing documentation, the transfer of all rights and obligations under the ground lease for the Malibu Lumber Yard site dated June 9, 2008 (Ground Lease), of WPG Malibu LLC (WPG), the tenant of the Malibu Lumber Yard (located at 3939 Cross Creek Road), to AJS Lumberyard, LLC, (AJS) a Delaware limited liability company and the execution of a new Guaranty of Ground Lease by 9308 Civic Center Drive LLC, a California limited liability company; and 2) Authorize the City Manager to execute Attachments A-D, and all documents necessary or appropriate to effectuate the City's approval of such changes, in such form as the City Manager shall determine appropriate, with such changes as deemed appropriate by the City Manager.

Staff Contact: City Manager McClary, 456-2489, ext. 228

2. Ceremonial/Presentations

A. Presentation of Commendation to the Malibu Farmers Market in Recognition of its 25th Anniversary

B. Presentation of Commendation to William Bema for Assisting with a Rescue in Malibu Canyon

C. 2024 Fire Season Outlook Presentation

D. SB 1297 (Speed Cameras) Implementation Plan Presentation

3. Commission / Committee / City Manager Updates

4. Written and Oral Communications from the Public (Subsequent items to be heard after 6:30 p.m.)

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff, unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response.

A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. City Council Subcommittee reports / Mayor and Councilmember meeting attendance, reports and inquiries

5. Ordinances and Public Hearings

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time.

None.

6. Old Business

Old Business items have appeared on previous agendas with no final action having been taken.

A. Strategic Workplan Fiscal Year 24-25

Recommended Action: Continue this item to the October 28, 2024 Regular City Council meeting.

Staff Contact: Deputy City Manager Brown, 456-2489, ext. 300

7. New Business

New Business items are appearing for the first time for formal action.

A. Code of Conduct

Recommended Action: Adopt Resolution No. 24-52 establishing a Code of Conduct for City Officials.

Staff Contact: Assistant City Manager Toney, 456-2489, ext. 224

B. Adoption of the 2024 Emergency Operations Plan

Recommended Action: Adopt Resolution No. 24-51 adopting the 2024 Emergency Operations Plan.

Staff Contact: Public Safety Director Dueñas, 456-2489, ext. 313

C. *Appropriation of Office of Traffic Safety (OTS) Grant Funds for Enforcement Operations and Public Education Campaign and Agreement for Public Education Campaign*

Recommended Action: Continue this item to the October 28, 2024 Regular City Council meeting.

Staff Contact: Deputy City Manager Brown, 456-2489, ext. 300

8. Council Items

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments.

None.

Adjournment

Future Meetings

Monday, October 28, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Tuesday, November 12, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, November 25, 2024	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings and Decorum

Public Communications: Each speaker is limited to three (3) minutes. Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form *prior* to the beginning of the item being announced by the Mayor. In-person participants may surrender their time by deferring one (1) minute to another in-person speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. Speakers are taken in the order slips are submitted or hands are raised.

On specific agenda items Councilmembers may question any person addressing the City Council at the conclusion of all public testimony on that agenda item before the Council. Councilmembers shall not engage any member of the public in a dialogue with themselves other Councilmembers, city staff or other members of the public.

Role of the Presiding Officer: The presiding officer of the City Council, who shall be the Mayor, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the presiding officer to ensure that these rules of procedure and decorum are followed at all times. The presiding officer shall maintain control of communication between Councilmembers, between the Council and the public, and chair each meeting in a fair and impartial manner. It shall be the duty of each Councilmember to support the presiding officer in maintaining the order and decorum of Council meetings.

Members of the Audience: Members of the audience shall not engage in disorderly or boisterous conduct, including clapping, whistling, stamping of feet, or other acts which disturb, disrupt, impede or otherwise disturb the orderly conduct of the City Council meeting. Persons addressing the City Council shall not engage in disorderly conduct which disrupts, or otherwise impedes the orderly conduct or Council meetings. Any person who so disrupts a Council meeting may, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from that meeting.

No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at www.malibucity.org/video. Copies of the staff reports or other written

documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for $0.10 per page.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

Requests to show an audio or video presentation during a Council meeting should be directed to the Media Team at media@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 11th day of October 2024 at 2:30 p.m.

Kelsey Pettijohn, City Clerk

City Council Meeting
10-14-24
Item
1.A.1.

Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, City Manager

Date prepared: October 1, 2024 Meeting date: October 14, 2024

Subject: Second Reading and Adoption of Ordinance No. 523

RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 523 approving Local Coastal Program Amendment (LCPA) No. 20-001 and Zone Text Amendment (ZTA) No. 20-002 to update regulations and determining the amendments are exempt from the California Environmental Quality Act (CEQA).

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

STRATEGIC PRIORITY: This item was included in the Adopted Work Plan for Fiscal Year 2023-2024 and is part of normal staff operations.

DISCUSSION: On September 23, 2024, the Council introduced on first reading Ordinance No. 523.

ATTACHMENT: Ordinance No. 523

ORDINANCE NO. 523

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROPOSED CODE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING AMENDMENTS TO THE LOCAL COASTAL PROGRAM (LCP) LOCAL IMPLEMENTATION PLAN (LIP) (LCPA NO. 24-001) SPECIFICALLY LOCAL IMPLEMENTATION PLAN SECTIONS 2.1, 3.3, 3.4.5, 3.6, 3.7, 3.11, 3.14, 6.7, 13.30, AND APPENDIX 1 TABLE B, AND COROLLARY AMENDMENTS TO MALIBU MUNICIPAL CODE (MMC) TITLE 17 ZONING SPECIFICALLY SECTIONS 17.02.060, 17.08, 17.10.020, 17.12.020, 17.12.040, 17.14.020, 17.14.040, 17.24.020, 17.30.020, 17.30.030, 17.34.020, 17.34.030, 17.39.020, 17.40.040, 17.40.120, 17.41.1, 17.42.020, 17.48.030, CHAPTER 17.63, AND APPENDIX 1 (ZONING TEXT AMENDMENT NO. 24-002), AN AMENDMENT TO THE LIP AND MMC TO MODIFY STANDARDS, REGULATIONS, PROCEDURES AND APPLICATION REQUIREMENTS RELATED TO HOUSING PROJECTS CONSISTENT WITH THE CITY'S 2021-2029 HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies, programs, and objectives that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD’s comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and related code amendments by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt, the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element on the City website for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments to the City of Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) and Malibu

Municipal Code (MMC) as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The Planning Commission reviewed and considered the staff report, public testimony, and other information in the record, and adopted Resolution No. 24-59 recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element; adopting Local Coastal Program Amendment No. 20-001 to amend the LCP LIP; and adopting Zoning Text Amendment No. 24-002 to amend Title 17 of the Malibu Municipal Code.

CC. On August 29, 2024, a Notice of Public Hearing of the City Council was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties; regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary amendments to the LCP LIP and MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The LCP LIP amendments and MMC amendments implement the goals, policies, programs, and objectives of the 2021-2029 Housing Element update, and are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The LIP and MMC amendments to implement the 2021-2029 Housing Element would not approve any development project and do not propose any standards, regulations, procedures, or application requirements that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the LIP and MMC amendments would have a significant effect on the environment.

B. In addition, pursuant to 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. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LCP 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendments are approved, the City must also approve the corollary amendments to the Zoning Ordinance. These amendments are 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.

C. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

D. The proposed amendments are consistent with the provisions of the Malibu General Plan, MMC, LCP, and all other applicable programs.

SECTION 3. Local Coastal Program Amendment Findings.

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The City Council, based on evidence in the whole record, finds that the LIP amendments are in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows and hereby amends the LIP as set forth in Exhibit A:

A. The requirements and standards in the amendments for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community, as well as those individuals with special needs, (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 AFFORDABLE HOUSING, 3.4.5 Affordable Housing Overlay District, and 13.30 HOUSING ACCESSIBIITY – REQUEST FOR REASONABLE ACCOMMODATION), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 4. Zoning Text Amendment and Findings.

Section 17.74.040(C) of MMC Title 17 Zoning states that before approval of any zoning text amendment, the City Council must make the finding that such amendment is consistent with the general plan as adopted. The City Council, based on evidence in the whole record, makes the finding as follows and hereby amends the MMC Title 17 Zoning as set forth in Exhibit B:

A. The proposed amendments implement the goals, policies, programs, and objectives of the City of Malibu Housing Element 2021-2029, which is consistent with the goals, policies, and objectives of the City of Malibu General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade the environment, LUP Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment, and LUP Policy 1.14: The City shall preserve the City's rural residential character, as the amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 5. Submittal to the California Coastal Commission.

The City Council hereby directs the City Manager or his designee to submit an application and all necessary materials to the California Coastal Commission to certify amendments to the City of Malibu LCP LIP related to the implementation of the 2021-2029 Housing Element.

SECTION 6. Effective Date.

The Local Coastal Program Amendment and Zoning Text Amendment approved in this Ordinance shall become effective after certification by the California Coastal Commission of the Local Coastal Program Amendment.

SECTION 7. Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 9. The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 23rd day of September 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

TREVOR RUSIN, Interim City Attorney

Exhibit A

The City of Malibu Coastal Program (LCP) Local Implementation Plan (LIP) is amended as follows:

A. The following definitions shall be added to Section 2.1:

BY-RIGHT USE – means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

PERMANENT SUPPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

B. The following definitions in Section 2.1 shall be replaced in their entirety as follows:

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless. No individual or household may be denied emergency shelter because of an inability to pay.

LOWER INCOME HOUSEHOLDS –means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

RESIDENTIAL CARE FACILITY, SMALL - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of

limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "PERMANENT SUPPORTIVE HOUSING").

C. Section 3.3(Q)(2)(a) shall be modified to add new subparts v. and vi., as follows:

v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

vi. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

D. Table 1 of Section 3.4.5(B) shall be replaced in its entirety as follows:

Table 1 – AHO District Sites		
Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

E. Section 3.4.5(D) shall be replaced in its entirety as follows:

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, a minimum of twenty percent (20%) of all units shall be deed restricted ("restricted units") as lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in Subsection E below, and a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

2. Development.

a. Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments, unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

3. Restricted Units. The restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

F. Section 3.4.5(E) shall be replaced in its entirety as follows:

E. Affordability.

1. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.1(D)(4) of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to affordable levels according to Section 3.4.5(D)(1)(d) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

   a. The number of restricted units proposed.

   b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

   c. The proposed location of the restricted units.

   d. Amenities and services provided for the unit residents.

   e. Specific level of affordability for each of the restricted units.

   f. Schedule for production of the restricted and market-rate units.

G. Section 3.4.5(F) shall be replaced in its entirety as follows:

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

   a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

   b. Subject to any other form of rent or price control; or

c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

h. Specific level of affordability for each of the replacement units.

H. Section 3.4.5 shall be modified to add new subparts (G) and (H) as follows:

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

I. Section 3.6(E) shall be replaced in its entirety as follows:

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), every residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

   For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

J. Section 3.6(I)(2) shall be replaced in its entirety as follows:

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

K. Section 3.7.1 shall be replaced in its entirety as follows:

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement State Density Bonus Law (Government Code sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code sections 65915 through 65918 are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

    a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

    b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

    c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

        i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act.

        ii. The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.

        iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

    d. If the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

    e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall

grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the

California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

   a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

   b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

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4. Affordable Housing Agreement. For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

F. Affordable Housing Agreement Requirements.

1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required

hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

H. Affordable Housing Fund.

1. Fund Revenues. The fund shall receive all in-lieu fees paid and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

k. Other costs associated with the construction or financing of affordable housing;

l. Reasonable administrative charges or related expenses; and

m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

L. Section 3.11.5 shall be replaced in its entirety as follows:

3.11.5 Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 3.11.5 shall be a permitted use established by-right.

4. Regulations. An emergency shelter is subject to the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

   a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty~~ fifty-five (~~2~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

   b. Facility Requirements.

      i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

      ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B) (4) shall be permitted uses established by-right.

4. Regulations.

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right Permanent Supportive Housing

1. Purpose. The purpose of this section is to provide standards for by-right permanent supportive housing. By-right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(D)(2) and (4). Permanent supportive housing that does not comply with the provisions of this section shall be subject to the standards, requirements, and review process for residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. By-right permanent supportive housing uses that comply with the standards in sections 3.11.5(C)(4) shall be established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this section, the supportive housing development is consistent with all objective standards that apply to other multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP Section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

M. Section 3.14.3 subpart Residential Units shall be replaced in its entirety as follows. The remaining subparts of Section 3.14.3 shall be unchanged.

PARKING STANDARDS

Residential Units

Emergency shelters	One parking space per employee on the ~~largest~~ maximum staff shift.

Large residential care facility	One space for every two beds and 1 space for every employee. In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
Multi-family units	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms – 2 ½ spaces. Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(D)(4)(c).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

N. Section 6.7(A) shall be replaced in its entirety as follows.

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.

5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.

6. An analysis of the potential impacts of the proposed development on the identified public views.

7. Project alternatives designed to avoid and minimize impacts to visual resources.

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

O. Section 13.30(B)(3) shall be replaced in its entirety as follows.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

P. Sections 13.30(D), (E), (F), (G) and (H) shall be replaced in their entirety as follows.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation.

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

3. The reasonable accommodation would not adversely impact coastal resources, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

4. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be

considering the application and inviting written comments on the requested accommodation.

3. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

Q. The following subparts of Appendix 1, Table B, shall be replaced in their entirety as follows.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP

RESIDENTIAL																
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments) – new or the expansion of over 500 sf of multifamily residential use			P[19]	P[19]					P[20]							
Small residential care facilities (serving 6 or less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•

Q. The following subpart of Appendix 1, Table B, shall be deleted in its entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

R. The following subparts shall be added to Appendix 1, Table B.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Supportive housing, by-right			P[22]	P[22]					P[25]	•	•	P[22]				
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]	•	P[18]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[23]	•	•	P[26]	•	•	•	•

S. The following Note 20 of Appendix 1, Table B, shall be replaced in its entirety as follows.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 4458-022-908 only), in compliance with Section 3.4.5.

T. The following Notes 21, 22, 23, 24, 25, and 26 shall be added to Appendix 1, Table B.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.

26. Allowed pursuant to Section 3.11.5.

Exhibit B

Title 17 Zoning of the Malibu Municipal Code (MMC) is amended as follows:

A. The following definitions shall be added to Section 17.02.060:

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or less, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

B. The following definitions in Section 17.02.060 shall be replaced in their entirety as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Lower income households" means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "permanent supportive housing").

C. Section 17.08.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

a. That the animals are located not less than 150 feet from any highway and not less than 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;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

I. Private equestrian and/or hiking trails;

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

D. Section 17.10.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

E. Section 17.12.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

C. Small family day care;

D. Residential care facilities, small;

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

F. Section 17.12.040 shall be replaced in its entirety as follows:

17.12.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

H. Parks and playgrounds;

I. Emergency communication and service facilities.

G. Section 17.14.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Transitional housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses.;

H. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

I. Residential care facilities, small;

I. Affordable housing development projects; and

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

H. Section 17.14.040 shall be replaced in its entirety as follows:

17.14.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Utility facilities related to public projects;

B. Lighted sports courts;

C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

D. Parks and playgrounds;

E. Emergency communication and service facilities.

I. Section 17.24.020 shall be replaced in its entirety as follows:

17.24.020 Permitted uses.
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L));

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

J. Sections 17.30.020 and 17.30.30 shall be replaced in their entirety as follows:

17.30.020 Permitted uses.
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

E. Cultural and artistic uses, such as museums, galleries, performing arts studios;

F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,

2. Manufacturing, processing or treatment of products,

3. Research and development and testing facilities,

4. Wholesale, storage and distribution,

5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

G. Movie theaters;

H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

I. Large residential care facilities involving seven or more persons.

J. Mixed Use (commercial and residential)

K. Sections 17.34.020 and 17.34.30 shall be replaced in their entirety as follows:

17.34.020 Permitted uses.
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel);

F. Emergency shelters;

G. Transitional housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses; and

H. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

17.34.030 Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Public or private educational institutions;

B. Towing and automobile storage;

C. Maintenance yards;

D. Public utility facilities;

E. Libraries, museums;

F. Community centers;

G. Health care facilities;

H. Religious institutions;

J. Day care facilities, nursery schools;

J. Accessory uses when part of an educational or nonprofit use (noncommercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, green-houses, and similar uses;

K. Educational (nonprofit) activities;

L. Emergency communication and service facilities;

M. Farmers' markets operated by a nonprofit charitable organization;

N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));

O. Helipad sites (public agency use only and not for private use);

P. Charitable, philanthropic activities;

Q. Parks, beaches, and playgrounds;

R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);

S. Residential care facilities for the elderly.

L. Section 17.39.020 shall be replaced in its entirety as follows:

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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

6. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

M. Section 17.40.040(A)(5) shall be replaced in its entirety as follows:

5. Height.

   a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

      For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

   c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

N. Section 17.40.040(A)(11) shall be replaced in its entirety as follows:

11. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

   a. Single-family. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre

or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25% requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

O. Section 17.40.120 shall be replaced in its entirety as follows:

17.40.120 Special housing projects.

A. Emergency shelters.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. Regulations. An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed 2555 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

b. Facility Requirements.

i. Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

c. Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district where the Affordable Housing Overlay (AHO) also applies, and Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial), and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Multiple Family Residential (MF), Multifamily Beach Front (MFBF), Community Commercial (CC), Commercial General (CG),

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

P. Section 17.41.1.010 shall be replaced in its entirety as follows:

A. Purpose. This section is intended to implement the provisions of:

1. State Government Code Sections 65915 through 65918, which require a local jurisdiction to provide incentives for the production of affordable housing units; and

2. The city's general plan housing element policies relating to the provision of affordable housing.

B. Eligibility. A density bonus may be granted to an eligible housing development as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

   b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

   c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

   a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
~~a~~

b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

Q. Sections 17.42.020(L)(3), (4) and (5) shall be replaced in their entirety as follows:

3. Standards.

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section, and a minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

b. Development

i. Site of Construction. Structures may be constructed on slopes flatter than 1½:1.

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units. The restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

vi. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

vii. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

R. Section 17.42.020(L) shall be modified to add new subparts (6) and (7) as follows:

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

   a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

      i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

      ii. Subject to any other form of rent or price control; or

      iii. Occupied by low- or very-low-income households.

   b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

   c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

   d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

   e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

   f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

S. Section 17.48.030(A) shall be replaced in its entirety as follows:

A. Residential Uses.	
Emergency shelters	One space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee.

	In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
Multifamily units	For each efficiency or one-bedroom dwelling unit, one space. For each dwelling unit with two or more bedrooms, two spaces. Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 17.40.120(C)(4)(c) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

T. Section 17.63 shall be replaced in its entirety as follows:

17.63.010 Purpose and intent.

This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

17.63.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing

opportunities. Requests related to deviation from the Building Code shall apply directly to the Environmental Sustainability Department.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

17.63.030 Application submittal.

A. Any person with a disability may file an application for a request for reasonable accommodation with the planning department, on a form approved by the planning director and shall contain the following information, accompanied by a fee established by resolution of the city council:

1. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

2. The address of the property for which the request is being made;

3. Current actual use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts;

5. The specific code provision, regulation, procedure or policy from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

6. The length of time the reasonable accommodation is necessary;

7. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

8. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

9. A site plan or illustrative drawing showing the proposed accommodation; and

10. Any other information required to make the findings required by subsection 5 of this section consistent with the Acts.

B. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a discretionary approval (including, but not limited to: CDP, conditional use permit, site plan review, etc.), then the applicant shall file the application submittal information together with the application for discretionary approval for concurrent review.

C. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

D. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible.

17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation.

B. Applications for reasonable accommodation submitted for concurrent review with the CDP application shall be reviewed by the authority reviewing the CDP application.

17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The reasonable accommodation would not adversely impact coastal resources, including:

a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

17.63.060. Decision.

A. The director shall consider an application, and issue a written determination within 45 calendar days of the date of receipt of a completed application. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.

C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

D. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.

E. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.

F. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

U. The following subparts of Appendix 1 shall be replaced in their entirety as follows:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development) – new or the expansion over 500 sf of existing multifamily residential use	•	•	P[30]	P[30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
Small residential care facilities (serving 6 or less persons)	P	P	P	P		•	•	•	•	•	•	•	•	•	•	•
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP[38]	CUP[38]	CUP	CUP	CUP	•	•	•	CUP

Q. The following subparts of Appendix 1 shall be deleted in their entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•

R. The following shall be added as subparts to Appendix 1:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[32]	P[32]	P[32]	P[32]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Supportive housing, by-right	•	•	P[33]	P[33]	•	•	•	•	P[36]	•	•	P[33]	•	•	•	•
Transitional housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[34]	•	•	P[37]	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

S. The following Note 31 of Appendix 1 shall be replaced in its entirety as follows:

31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.

T. The following Notes 32, 33, 34, 35, 36, 37, and 38 shall be added to Appendix 1.

32. Employee housing for 6 or fewer persons is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.

33. Allowed pursuant to Section 17.40.120(C).

34. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and pursuant to Section 17.140.120(B).

35. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

36. By-right permanent supportive housing is permitted pursuant to Section 17.40.120(C). Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

37. Allowed pursuant to Section 17.140.120(B).

38. Unless the use is an emergency shelter, low barrier navigation center, or by-right supportive housing, each of which is allowed by right pursuant to Section 17.40.120.

ORDINANCE NO. 523

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROPOSED CODE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING AMENDMENTS TO THE LOCAL COASTAL PROGRAM (LCP) LOCAL IMPLEMENTATION PLAN (LIP) (LCPA NO. 24-001) SPECIFICALLY LOCAL IMPLEMENTATION PLAN SECTIONS 2.1, 3.3, 3.4.5, 3.6, 3.7, 3.11, 3.14, 6.7, 13.30, AND APPENDIX 1 TABLE B, AND COROLLARY AMENDMENTS TO MALIBU MUNICIPAL CODE (MMC) TITLE 17 ZONING SPECIFICALLY SECTIONS 17.02.060, 17.08, 17.10.020, 17.12.020, 17.12.040, 17.14.020, 17.14.040, 17.24.020, 17.30.020, 17.30.030, 17.34.020, 17.34.030, 17.39.020, 17.40.040, 17.40.120, 17.41.1, 17.42.020, 17.48.030, CHAPTER 17.63, AND APPENDIX 1 (ZONING TEXT AMENDMENT NO. 24-002), AN AMENDMENT TO THE LIP AND MMC TO MODIFY STANDARDS, REGULATIONS, PROCEDURES AND APPLICATION REQUIREMENTS RELATED TO HOUSING PROJECTS CONSISTENT WITH THE CITY'S 2021-2029 HOUSING ELEMENT

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

SECTION 1. Recitals.

A. The State of California requires every municipality to periodically update the Housing Element of its General Plan to review the housing needs of the community and revise its policies, programs and objectives to address those needs. Jurisdictions such as the City of Malibu that are within the Southern California Association of Governments region are required to update their Housing Elements for the 6th planning cycle, which covers the 2021-2029 planning period.

B. The 2021-2029 Housing Element establishes goals, policies, programs, and objectives that address the provision of adequate, safe, and decent housing for all economic segments of the community.

C. On June 23, 2021, the City of Malibu conducted a public workshop to review Housing Element requirements and issues.

D. On July 22, 2021, the Malibu Planning Commission conducted a study session to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

E. On August 23, 2021, the Malibu City Council conducted a public workshop to review the draft 2021-2029 Housing Element. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

F. On August 24, 2021, the Draft 2021-2029 Housing Element was transmitted to the California Department of Housing and Community Development (HCD) for review as required by state law.

G. On October 22, 2021, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

H. On November 15, 2021, the Planning Commission held a duly noticed public hearing on the revised draft 2021-2029 Housing Element and adopted Resolution No. 21-77 recommending adoption to the City Council. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

I. On January 10, 2022, the City Council held a duly noticed public hearing on the General Plan Amendment and adopted Resolution No. 22-67 adopting the Revised Draft 2021-2029 Housing Element Update. Public notice of the workshop was provided to interested parties; regional, state and federal agencies; and local libraries and media.

J. On January 21, 2022, the Draft 2021-2029 Housing Element amendment was transmitted to the HCD for review as required by state law.

K. On March 22, 2022, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

L. On May 19, 2023, the City of Malibu received a "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry" from HCD.

M. On June 7, 2023, the City of Malibu issued a letter to HCD in response to the May 19, 2023 letter which provided a timeline for the City's adoption of an updated 2021-2029 Housing Element.

N. On July 20, 2023, the City of Malibu received a second "Failure to Adopt Compliant 6th Cycle Housing Element - Letter of Inquiry."

O. On September 23, 2023, the City entered into an agreement with Rincon Consultants, Inc. to assist the City in addressing HCD's comments to the 6th Cycle Housing Element Update when the previous consultant due to workload and planned retirement terminated his agreement with the City.

P. On January 17, 2024, the City Council held a study session to review the Housing Element requirements including needed code amendments.

Q. On February 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

R. On March 22, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

S. On April 22, 2024, the City entered into a stipulated judgment with HCD with deadlines to approve the 2021-2029 Housing Element and related code amendments by September 23, 2024.

T. The stipulated judgment further provided that prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments must be submitted to HCD by October 4, 2024; on October 14, 2024, the City Council must conduct the second reading of, and adopt, the MMC and LCP amendments; and by October 18, 2024 the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

U. On April 29, 2024, the City posted the revised Draft 2021-2029 Housing Element on the City website for a 7-day public review.

V. On May 7, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

W. On June 21, 2024, HCD issued a letter finding that the Draft 2021-2029 Housing Element meets many statutory requirements of State Housing Element Law, however, revisions are necessary to comply with State Housing Element Law.

X. On July 19, 2024, the City posted the revised Draft 2021-2029 Housing Element for a 7-day public review.

Y. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, regional, state and federal agencies; and local libraries and media.

Z. On July 29, 2024, the Draft 2021-2029 Housing Element amendment was transmitted to HCD for review as required by state law.

AA. On July 31, 2024, the City received a letter from HCD finding the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). The housing element will comply with State Housing Element Law when any necessary rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585. No rezoning is required as part of the revised Housing Element.

BB. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary code amendments to the City of Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) and Malibu

Municipal Code (MMC) as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The Planning Commission reviewed and considered the staff report, public testimony, and other information in the record, and adopted Resolution No. 24-59 recommending that the City Council adopt General Plan Amendment No. 20-001 adopting the 2021-2029 Housing Element; adopting Local Coastal Program Amendment No. 24-001 to amend the LCP LIP; and adopting Zoning Text Amendment No. 24-002 to amend Title 17 of the Malibu Municipal Code.

CC. On August 29, 2024, a Notice of Public Hearing of the City Council was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties; regional, state and federal agencies; and local libraries and media.

DD. On September 23, 2024, the City Council held a duly noticed public hearing on the General Plan amendment, and reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, and corollary amendments to the LCP LIP and MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element. The City Council reviewed and considered the staff report, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

A. The LCP LIP amendments and MMC amendments implement the goals, policies, programs, and objectives of the 2021-2029 Housing Element update, and are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The LIP and MMC amendments to implement the 2021-2029 Housing Element would not approve any development project and do not propose any standards, regulations, procedures, or application requirements that would substantially change any land use or portend new development that was not already anticipated in the City's previous Housing Element. It can therefore be seen with certainty that there is no possibility that the adoption of the LIP and MMC amendments would have a significant effect on the environment.

B. In addition, pursuant to 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. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LCP 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 inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendments are approved, the City must also approve the corollary amendments to the Zoning Ordinance. These amendments are 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.

C. The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the State of California Fish and Game Code.

D. The proposed amendments are consistent with the provisions of the Malibu General Plan, MMC, LCP, and all other applicable programs.

SECTION 3. Local Coastal Program Amendment Findings.

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The City Council, based on evidence in the whole record, finds that the LIP amendments are in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows and hereby amends the LIP as set forth in Exhibit A:

A. The requirements and standards in the amendments for various housing types ensure that development of affordable housing may occur in compliance with State housing element law, consistent with LCP and Coastal Act policies to accommodate housing for all economic segments of the community, as well as those individuals with special needs, (California Public Resources Code (Coastal Act) Section 30604(f); and LIP Sections 3.7 AFFORDABLE HOUSING, 3.4.5 Affordable Housing Overlay District, and 13.30 HOUSING ACCESSIBIITY – REQUEST FOR REASONABLE ACCOMMODATION), while supporting overarching policies in the LCP and Chapter 3 of the California Coastal Act for protection of coastal resources, public access, public recreation, and public viewsheds (Coastal Act Policies 30231, 30211, 30252). The amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 4. Zoning Text Amendment and Findings.

Section 17.74.040(C) of MMC Title 17 Zoning states that before approval of any zoning text amendment, the City Council must make the finding that such amendment is consistent with the general plan as adopted. The City Council, based on evidence in the whole record, makes the finding as follows and hereby amends the MMC Title 17 Zoning as set forth in Exhibit B:

A. The proposed amendments implement the goals, policies, programs, and objectives of the City of Malibu Housing Element 2021-2029, which is consistent with the goals, policies, and objectives of the City of Malibu General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade the environment, LUP Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment, and LUP Policy 1.14: The City shall preserve the City's rural residential character, as the amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 5. Submittal to the California Coastal Commission.

The City Council hereby directs the City Manager or his designee to submit an application and all necessary materials to the California Coastal Commission to certify amendments to the City of Malibu LCP LIP related to the implementation of the 2021-2029 Housing Element.

SECTION 6. Effective Date.

The Local Coastal Program Amendment and Zoning Text Amendment approved in this Ordinance shall become effective after certification by the California Coastal Commission of the Local Coastal Program Amendment.

SECTION 7. Severability.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid, and enforceable.

SECTION 9. The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 14th day of October 2024.

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

10/14/24

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 523 was passed and adopted at the Regular City Council meeting of October 14, 2024, by the following vote:

AYES:	5	Councilmembers:	Grisanti, Silverstein, Uhring, Riggins, Stewart
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		

KELSEY PETTIJOHN, City Clerk
(seal)

Exhibit A

The City of Malibu Coastal Program (LCP) Local Implementation Plan (LIP) is amended as follows:

A. The following definitions shall be added to Section 2.1:

BY-RIGHT USE – means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

COORDINATED ENTRY SYSTEM - a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

PERMANENT SUPPPORTIVE HOUSING – means the same as "SUPPORTIVE HOUSING."

B. The following definitions in Section 2.1 shall be replaced in their entirety as follows:

EMERGENCY SHELTER – housing with minimal supportive services for homeless persons, which is limited to occupancy of 6 months or less by a homeless. No individual or household may be denied emergency shelter because of an inability to pay.

LOWER INCOME HOUSEHOLDS —means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Section 50106 of the California Health and Safety Code, as the same may be amended from time to time.

RESIDENTIAL CARE FACILITY, SMALL - a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of

limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

SUPPORTIVE HOUSING – a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "PERMANENT SUPPORTIVE HOUSING").

C. Section 3.3(Q)(2)(a) shall be modified to add new subparts v. and vi., as follows:

v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

vi. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

D. Table 1 of Section 3.4.5(B) shall be replaced in its entirety as follows:

Table 1 – AHO District Sites		
Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

E. Section 3.4.5(D) shall be replaced in its entirety as follows:

D. Standards. The Residential Development Standards contained in Section 3.6 of the Malibu LIP, as well as all other applicable LCP provisions, shall apply, unless specifically modified by standards detailed in this Section (3.4.5). The following special specific regulations shall apply to the AHO sites identified in Table 1 above.

1. Density. Affordable housing developments in the AHO shall:

a. Have a minimum density of twenty (20) units per net acre.

b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.

c. Have a minimum of sixteen (16) dwelling units.

d. For Sites 1 and 2, a minimum of twenty percent (20%) of all units shall be deed restricted ("restricted units") as lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in Subsection E below, and a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

2. Development.

a. Structures may be constructed on slopes flatter than 1½:1.

b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments, unless specifically modified by standards detailed in this section 3.4.5.

c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

3. Restricted Units. The restricted multi-family dwelling units required under this Section:

a. May either be rental or for-sale dwellings;

b. Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;

c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

d. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;

e. May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;

f. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:

i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and

ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.

ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.

iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

F. Section 3.4.5(E) shall be replaced in its entirety as follows:

E. Affordability.

1. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.1(D)(4) of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.

2. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to affordable levels according to Section 3.4.5(D)(1)(d) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.

3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

   a. The number of restricted units proposed.

   b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.

   c. The proposed location of the restricted units.

   d. Amenities and services provided for the unit residents.

   e. Specific level of affordability for each of the restricted units.

   f. Schedule for production of the restricted and market-rate units.

G. Section 3.4.5(F) shall be replaced in its entirety as follows:

F. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

   a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

   b. Subject to any other form of rent or price control; or

c. Occupied by low- or very-low-income households.

2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).

8. An application for a new affordable housing development where replacement units are required shall specify the following:

   a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

   b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

   c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

   d. Number of replacement units proposed;

   e. Unit square footage and number of bedrooms of the replacement units;

   f. Proposed location of the replacement units;

   g. Amenities and services provided for the replacement unit residents; and

h. Specific level of affordability for each of the replacement units.

H. Section 3.4.5 shall be modified to add new subparts (G) and (H) as follows:

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.

2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.

3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

I. Section 3.6(E) shall be replaced in its entirety as follows:

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), every residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).

3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

   For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

J. Section 3.6(I)(2) shall be replaced in its entirety as follows:

2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

K. Section 3.7.1 shall be replaced in its entirety as follows:

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement State Density Bonus Law (Government Code sections 65915 through 65918) in order to provide additional opportunities for the provision of affordable housing within the City of Malibu in compliance with the policies of the Local Coastal Program. The intent of the following regulations is to ensure that the provisions of Government Code sections 65915 through 65918 are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.

B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

    a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

    b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

    c. The city shall grant a density bonus pursuant to Government Code section 65915 if it finds that the project meets each of the following:

        i. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act.

        ii. The project is found to be in conformity with the coastal resource protection standards in the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public services, public recreational access and open space protections), with the exception of the density provisions.

        iii. The proposed project is compatible with the goals and coastal resource protection policies of the LCP and purpose and intent of this section.

    d. If the City determines that the means for accommodating the density increase proposed by the applicant will have an adverse effect on coastal resources, before approving a density increase, the City shall identify all feasible means of accommodating the density increase and consider the effects of such means on coastal resources. The City shall require implementation of the means that avoid impacts to coastal resources, as required by relevant LCP policies, while still providing the density increase permitted by law.

    e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall

grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the

California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

   a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

   b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

   a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or

   b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. Affordable Housing Agreement. For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).

F. Affordable Housing Agreement Requirements.

1. The agreement shall:

a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;

b. Identify the type, size and location of each affordable housing unit required

hereunder;

c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;

d. Identify limits on income, rent, and sales price of affordable units;

e. Identify the term of the agreement, which would then define the term of affordability of the required units;

f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;

g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;

h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;

i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;

k. Include provisions for the enforcement and penalties for violation of the agreement; and

l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

2. The agreement, in its form and manner of execution, shall be in a form approved by the City Attorney and able to be recorded with the Los Angeles County Recorder. Additional rental or resale restrictions, deeds of trust, rights of first refusal and/or other documents shall also be recorded against owner occupied affordable units.

3. The affordability of the required units shall be monitored for compliance by Planning Department staff. The Planning Director is hereby expressly authorized to act as the City's agent to enter into the agreement for the purpose of enforcing the terms of the agreement consistent with this chapter. The agreement shall include a provision for reimbursement of the City's costs of monitoring.

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

H. Affordable Housing Fund.

1. Fund Revenues. The fund shall receive all in-lieu fees paid and may also receive moneys from other sources.

2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

   i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;

   j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;

k. Other costs associated with the construction or financing of affordable housing;

l. Reasonable administrative charges or related expenses; and

m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

L. Section 3.11.5 shall be replaced in its entirety as follows:

3.11.5 Special Housing Projects

A. Emergency Shelters

1. Purpose. The purpose of this section is to provide development standards for emergency shelters in the City of Malibu.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 3.11.5 shall be a permitted use established by-right.

4. Regulations. An emergency shelter is subject to the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

   a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty~~-fifty-five (~~2~~55) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

   b. Facility Requirements.

      i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.

      ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).

viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

(1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

(2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

ix. Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B) (4) shall be permitted uses established by-right.

4. Regulations.

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right Permanent Supportive Housing

1. Purpose. The purpose of this section is to provide standards for by-right permanent supportive housing. By-right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(D)(2) and (4). Permanent supportive housing that does not comply with the provisions of this section shall be subject to the standards, requirements, and review process for residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).

3. Permitted Use. By-right permanent supportive housing uses that comply with the standards in sections 3.11.5(C)(4) shall be established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this section, the supportive housing development is consistent with all objective standards that apply to other multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP Section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

D. Single-Room Occupancy Facility Requirements

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this Section are applicable in the Commercial General (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

M. Section 3.14.3 subpart Residential Units shall be replaced in its entirety as follows. The remaining subparts of Section 3.14.3 shall be unchanged.

PARKING STANDARDS

Residential Units

Emergency shelters	One parking space per employee on the ~~largest~~ maximum staff shift.

Large residential care facility	One space for every two beds and 1 space for every employee. In addition, 1 off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One parking space per employee on the maximum staff shift.
Multi-family units	For each efficiency or one-bedroom dwelling unit, 1 space. For each dwelling unit with two or more bedrooms - 2 ½ spaces. Guest parking for each 4 units or fraction thereof, 1 space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, 1 space (inclusive of guest parking). In addition, 2 spaces for the resident manager.
Small residential care facility	2 enclosed and 2 unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(D)(4)(c).
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

N. Section 6.7(A) shall be replaced in its entirety as follows.

A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:

1. Grading plan, if any grading is proposed.

2. Cross sections of the project site showing the proposed grading and structures.

3. Line of sight analysis showing the view of the project site from public viewing areas.

4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.

5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.

6. An analysis of the potential impacts of the proposed development on the identified public views.

7. Project alternatives designed to avoid and minimize impacts to visual resources.

8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.

O. Section 13.30(B)(3) shall be replaced in its entirety as follows.

3. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

P. Sections 13.30(D), (E), (F), (G) and (H) shall be replaced in their entirety as follows.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation.

2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The reasonable accommodation would not require a fundamental alteration in the nature of the LCP.

3. The reasonable accommodation would not adversely impact coastal resources, including:

   a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

   b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

   c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.

4. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be

considering the application and inviting written comments on the requested accommodation.

3. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

4. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.

5. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.

6. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

7. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.

I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.

3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.

4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:

1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;

2. Its removal would constitute an unreasonable financial burden; and

3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.

    a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

Q. The following subparts of Appendix 1, Table B, shall be replaced in their entirety as follows.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP

RESIDENTIAL																
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments) – new or the expansion of over 500 sf of multifamily residential use			P[19]	P[19]					P[20]							
Small residential care facilities (serving 6 or less persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•

Q. The following subpart of Appendix 1, Table B, shall be deleted in its entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

R. The following subparts shall be added to Appendix 1, Table B.

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[21]	P[21]	P[21]	P[21]	•	•	•	•	•	•	•	•		•	•	•	•
Supportive housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]		•	P[18]	•	•
Supportive housing, by-right			P[22]	P[22]					P[25]	•	•	P[22]					
Transitional housing	P[17]	P[17]	P[18]	P[18]	•	•	•	•	P[24]	•	•	P[18]		•	P[18]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[23]	•	•	P[26]		•	•	•	•

S. The following Note 20 of Appendix 1, Table B, shall be replaced in its entirety as follows.

20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 4458-022-908 only), in compliance with Section 3.4.5.

T. The following Notes 21, 22, 23, 24, 25, and 26 shall be added to Appendix 1, Table B.

21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.

22. Subject to Section 3.11.5.

23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.

26. Allowed pursuant to Section 3.11.5.

Exhibit B

Title 17 Zoning of the Malibu Municipal Code (MMC) is amended as follows:

A. The following definitions shall be added to Section 17.02.060:

"By-Right Use" means that the City's review of the use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with section 21000) of the Public Resources Code.

"Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

"Low Barrier Navigation Center" means a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

"Permanent supportive housing" means the same as "Supportive housing."

"Residential care facility, small" means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for seven or less, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance. The residential care facility, small may include such a facility licensed by the State of California.

B. The following definitions in Section 17.02.060 shall be replaced in their entirety as follows:

"Emergency shelter" means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Lower income households" means those households earning less than 80 percent of the Los Angeles County median income, and includes very-low-income households, as defined in California Health and Safety Code §50105, and extremely low-income households, as defined in Health and Safety Code §50106, as the same may be amended from time to time.

"Supportive housing" means a building or buildings configured as rental housing development with no limit on length of stay, that is occupied by a "target population," and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone. (Also referred to as, "permanent supportive housing").

C. Section 17.08.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 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:

a. That the animals are located not less than 150 feet from any highway and not less than 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;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;

I. Private equestrian and/or hiking trails;

J. Greenhouses on a lot or parcel of land having an area of at least one acre;

K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

D. Section 17.10.020 shall be replaced in its entirety as follows:

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;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, 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 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 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 5,000 square feet of lot area,

   c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;

6. Agricultural employee housing, crop related,

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;

J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

E. Section 17.12.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;

C. Small family day care;

D. Residential care facilities, small;

E. 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 (750 square feet maximum) and greenhouses (noncommercial),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,

3. Domestic animals;

F. Manufactured homes, pursuant to Government Code Section 65852.3;

G. Second units, pursuant to Government Code Section 65852.2;

H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;

I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);

J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses~~.~~;

K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

L. Affordable housing development projects~~.~~; and

M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

F. Section 17.12.040 shall be replaced in its entirety as follows:

17.12.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

H. Parks and playgrounds;

I. Emergency communication and service facilities.

G. Section 17.14.020 shall be replaced in its entirety as follows:

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

A. One single-family residence per lot;

B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;

C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;

D. 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 (750 square feet maximum),

2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,

3. Domestic animals;

E. Manufactured homes, pursuant to Government Code Section 65852.3;

F. Second units, pursuant to Government Code Section 65852.2;

G. Transitional housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses.;

H. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;

I. Residential care facilities, small;

I. Affordable housing development projects; and

J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

H. Section 17.14.040 shall be replaced in its entirety as follows:

17.14.040. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Utility facilities related to public projects;

B. Lighted sports courts;

C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;

D. Parks and playgrounds;

E. Emergency communication and service facilities.

I. Section 17.24.020 shall be replaced in its entirety as follows:

17.24.020 Permitted uses.
The following uses and structures are permitted in the CC district:

A. All permitted uses and activities set forth in Section 17.22.020 (CN District);

B. Medical, dental and physical therapy clinics and health clubs and dance studios;

C. Multifamily affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L));

D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO;

E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

J. Sections 17.30.020 and 17.30.30 shall be replaced in their entirety as follows:

17.30.020 Permitted uses.
The following uses and structures are permitted in the CG district:

A. All permitted uses set forth in Section 17.28.020 (CV-2 district);

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;

G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;

H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

E. Cultural and artistic uses, such as museums, galleries, performing arts studios;

F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:

1. Automobile towing and storage,

2. Manufacturing, processing or treatment of products,

3. Research and development and testing facilities,

4. Wholesale, storage and distribution,

5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;

G. Movie theaters;

H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.

I. Large residential care facilities involving seven or more persons.

J. Mixed Use (commercial and residential)

K. Sections 17.34.020 and 17.34.30 shall be replaced in their entirety as follows:

17.34.020 Permitted uses.
The following uses are permitted in the I district:

A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;

B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;

C. Government facilities including police and fire stations and government offices;

D. Equestrian and hiking trails (public and private);

E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel);

F. Emergency shelters;

G. Transitional housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses; and

H. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

17.34.030 Conditionally permitted uses.
The following uses may be permitted subject to obtaining a conditional use permit:

A. Public or private educational institutions;

B. Towing and automobile storage;

C. Maintenance yards;

D. Public utility facilities;

E. Libraries, museums;

F. Community centers;

G. Health care facilities;

H. Religious institutions;

J. Day care facilities, nursery schools;

J. Accessory uses when part of an educational or nonprofit use (noncommercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, green-houses, and similar uses;

K. Educational (nonprofit) activities;

L. Emergency communication and service facilities;

M. Farmers' markets operated by a nonprofit charitable organization;

N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));

O. Helipad sites (public agency use only and not for private use);

P. Charitable, philanthropic activities;

Q. Parks, beaches, and playgrounds;

R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);

S. Residential care facilities for the elderly.

L. Section 17.39.020 shall be replaced in its entirety as follows:

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, 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).

3. Domestic animals, kept as pets.

4. Landscaping.

5. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

6. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

M. Section 17.40.040(A)(5) shall be replaced in its entirety as follows:

5. Height.

   a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

   b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), for new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

      For an addition to an existing structure, the height shall be measured from the bottom of the first floor diaphragm on the ocean side, or the lowest recommended finish floor elevation, whichever is lower, and the center line of the road on the land side.

   c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).

N. Section 17.40.040(A)(11) shall be replaced in its entirety as follows:

11. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.

   a. Single-family. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre

or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.

b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25% requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

O. Section 17.40.120 shall be replaced in its entirety as follows:

17.40.120 Special housing projects.

A. Emergency shelters.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.

4. Regulations. An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

   a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed 2555 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

   b. Facility Requirements.

      i. Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

      ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

iv. The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:

(1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

(5) Support services (e.g. training, counseling, etc.); and

(6) Child care facilities.

c. Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.

d. Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

e. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

f. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

i. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.

ii. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

iii. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

5. Reviewing Authority. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.

2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district where the Affordable Housing Overlay (AHO) also applies, and Commercial General (CG) zoning district.

3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.

4. Regulations. A low barrier navigation center shall meet the following requirements:

a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.

c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

Applications for low barrier navigation center uses shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial), and 17.30 (CG Commercial General) of this title.

2. Applicability. The provisions of this section are applicable in the Multiple Family Residential (MF), Multifamily Beach Front (MFBF), Community Commercial (CC), Commercial General (CG),

3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.

4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:

   a. All provisions of Government Code section 65651(a).

   b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

   c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. Single-room occupancy facilities.

The following standards shall apply to any single-room occupancy (SRO) facility development proposal in addition to all other commercial development standards set forth in this chapter. The provisions of this section are applicable in the Commercial general (CG) zoning district.

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.

2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.

3. Laundry facilities must be provided onsite.

4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.

5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.

6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.

7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.

8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

P. Section 17.41.1.010 shall be replaced in its entirety as follows:

A. Purpose. This section is intended to implement the provisions of:

1. State Government Code Sections 65915 through 65918, which require a local jurisdiction to provide incentives for the production of affordable housing units; and

2. The city's general plan housing element policies relating to the provision of affordable housing.

B. Eligibility. A density bonus may be granted to an eligible housing development as defined in Government Code Section 65915(i), pursuant to Government Code Section 65915.

C. General Provisions.

1. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code section 65915, the city shall grant a density bonus in an amount specified by Government Code section 65915.

   a. For the purposes of calculating the density bonus, the "maximum allowable residential density" shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.

   b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

   c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

c. The waiver or reduction of the development standard would be contrary to state or federal law; or

d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

   a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

   b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

   c. The waiver or reduction of the development standard would be contrary to state or federal law; or

   d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.

5. Construction and Integration of Affordable Units.

a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
a
b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D. Procedures. The procedures for implementing this section shall be as follows:

1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.

2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.

3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.

4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.

E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.

2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

Q. Sections 17.42.020(L)(3), (4) and (5) shall be replaced in their entirety as follows:

3. Standards.

a. Density. Affordable housing developments in the AHO shall:

i. Have a minimum density of 20 units per net acre.

ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.

iii. Have a minimum of 16 dwelling units.

iv. For Sites 1 and 2, a minimum of 20% of all units shall be deed restricted ("restricted units") as ~~very-low or~~ lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section, and a minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

Table 1 – AHO District Sites		
Site Number	**APNs**	**Address**
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway
3	4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

b. Development

i. Site of Construction. Structures may be constructed on slopes flatter than 1½:1.

ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.

iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.

iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units. The restricted multifamily dwelling units required under this section:

i. May either be rental or for-sale dwellings;

ii. Shall have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;

iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;

iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;

v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;

vi. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

vii. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:

(1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.

(2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

(3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.

b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.

c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:

i. Number of restricted units proposed;

ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

v. Specific level of affordability for each of the restricted units; and

vi. Schedule for production of the restricted and market-rate units.

5. Review and Approval. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with Title 16 shall be approved by-right. Affordable housing on Site 3 shall be reviewed and approved as set forth in Chapter 17.62 of this title.

R. Section 17.42.020(L) shall be modified to add new subparts (6) and (7) as follows:

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.

   a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:

      i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;

      ii. Subject to any other form of rent or price control; or

      iii. Occupied by low- or very-low-income households.

   b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.

   c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.

   d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.

   e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.

   f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.

h. An application for a new affordable housing development where replacement units are required shall specify the following:

i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;

ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.

iv. Number of replacement units proposed;

v. Unit square footage and number of bedrooms of the replacement units;

vi. Proposed location of the replacement units;

vii. Amenities and services provided for the replacement unit residents; and

viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.

b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

S. Section 17.48.030(A) shall be replaced in its entirety as follows:

A. Residential Uses.	
Emergency shelters	One space per employee on the ~~largest~~ maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee.

	In addition, one off-street parking space for each outside employee shall be provided and maintained.
Low barrier navigation center	One space per employee on the maximum staff shift.
Multifamily units	For each efficiency or one-bedroom dwelling unit, one space. For each dwelling unit with two or more bedrooms, two spaces. Guest parking for each four units or fraction thereof, one space.
Single-family residence	Two enclosed spaces and two unenclosed spaces
Single-room occupancy	For two units, one space inclusive of guest parking. Resident manager parking, two spaces.
Small residential care facility	For each facility, two enclosed and two unenclosed spaces.
Supportive housing	Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 17.40.120(C)(4)(c) of this title.
Transitional housing	Parking shall be as required for other uses of the same housing type in the same zone.

T. Section 17.63 shall be replaced in its entirety as follows:

17.63.010 Purpose and intent.

This section sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

17.63.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing

opportunities. Requests related to deviation from the Building Code shall apply directly to the Environmental Sustainability Department.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

17.63.030 Application submittal.

A. Any person with a disability may file an application for a request for reasonable accommodation with the planning department, on a form approved by the planning director and shall contain the following information, accompanied by a fee established by resolution of the city council:

1. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;

2. The address of the property for which the request is being made;

3. Current actual use of the property;

4. The basis for the claim that the individual is considered disabled under the Acts;

5. The specific code provision, regulation, procedure or policy from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

6. The length of time the reasonable accommodation is necessary;

7. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

8. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;

9. A site plan or illustrative drawing showing the proposed accommodation; and

10. Any other information required to make the findings required by subsection 5 of this section consistent with the Acts.

B. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a discretionary approval (including, but not limited to: CDP, conditional use permit, site plan review, etc.), then the applicant shall file the application submittal information together with the application for discretionary approval for concurrent review.

C. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

D. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible.

17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation.

B. Applications for reasonable accommodation submitted for concurrent review with the CDP application shall be reviewed by the authority reviewing the CDP application.

17.63.050. Findings.

A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.

2. The reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.

3. The reasonable accommodation would not impose an undue financial or administrative burden on the city.

4. The reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.

5. The reasonable accommodation would not adversely impact coastal resources, including:

a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;

b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and

c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

17.63.060. Decision.

A. The director shall consider an application, and issue a written determination within 45 calendar days of the date of receipt of a completed application. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.

C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

D. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.

E. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.

F. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

U. The following subparts of Appendix 1 shall be replaced in their entirety as follows:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar development) – new or the expansion over 500 sf of existing multifamily residential use	•	•	P[30]	P[30]	•	•	•	•	P[31]	•	•	•	•	•	•	•
Small residential care facilities (serving 6 or less persons)	P	P	P	P		•	•	•	•	•	•	•	•	•	•	•
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CUP[38]	CUP[38]	CUP	CUP	CUP	•	•	•	CUP

Q. The following subparts of Appendix 1 shall be deleted in their entirety as follows:

Residential care facilities (serving 6 or fewer persons)	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•

New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments	•	•	•	CUP	•	•	•	•		•	•	•	•		•	•	•

R. The following shall be added as subparts to Appendix 1:

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Employee housing for 6 or fewer persons	P[32]	P[32]	P[32]	P[32]	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Supportive housing, by-right	•	•	P[33]	P[33]	•	•	•	•	P[36]	•	•	P[33]	•	•	•	•
Transitional housing	P[28]	P[28]	P[29]	P[29]	•	•	•	•	P[35]	•	•	P[29]	•	P[29]	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	P[34]	•	•	P[37]	•	•	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
Mixed use (commercial and residential)	•	•	•	•	•	•	•	•	•	•	•	CUP	•	•	•	•

S. The following Note 31 of Appendix 1 shall be replaced in its entirety as follows:

31. Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.

T. The following Notes 32, 33, 34, 35, 36, 37, and 38 shall be added to Appendix 1.

32. Employee housing for 6 or fewer persons is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.

33. Allowed pursuant to Section 17.40.120(C).

34. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and pursuant to Section 17.140.120(B).

35. Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

36. By-right permanent supportive housing is permitted pursuant to Section 17.40.120(C). Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

37. Allowed pursuant to Section 17.140.120(B).

38. Unless the use is an emergency shelter, low barrier navigation center, or by-right supportive housing, each of which is allowed by right pursuant to Section 17.40.120.

ContactType	ContactName
Interested Party	Kraig Hill, Maryann Hill Trust
Interested Party	Cindy Martin, Schmitz & Associates, Inc.
Interested Party	Amy Ablakat, Schmitz and Associates
Interested Party	BRIAN WRIGHT-BUSHMAN, RAND PASTER NELSON
Interested Party	MATT GELFAND, COUNSEL, CALIFORNIANS FOR HOMEOWNERSHIP
Interested Party	Paul Tantet
Interested Party	Ed Niles
Interested Party	Marissa Coughlin (deferred time to Ed Niles for speaking)
Interested Party	Luis Tena (deferred time to Ed Niles for speaking)