

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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December 3, 2024

Steve McClary, City Manager  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265

Dear Steve McClary:

**RE: City of Malibu's 6<sup>th</sup> Cycle (2021-2029) Adopted Housing Element**

Thank you for submitting the City of Malibu's (City) housing element that was adopted September 23, 2024 and received for review on October 4, 2024. The California Department of Housing and Community Development (HCD) also received Resolution Numbers 24-48 and 24-49 and Ordinance 523. In addition, pursuant to Government Code section 65585, subdivision (c), HCD considered public comments from Amy Ablakat, Jae Flora-Katz, Californians for Homeownership, and Rand Paster Nelson. Pursuant to Government Code section 65585, HCD is reporting the results of its review.

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Gov. Code, § 65580 et seq.) as of the date of this letter. The adopted element was found to be substantially the same as the revised draft element that HCD's July 31, 2024 review determined met statutory requirements. Further, this finding is based on, among other requirements, Program 3.5 (By-Right Approval) immediately taking effect upon adoption of the housing element and adoption of Ordinance 523 containing various zoning amendments, including implementation of Program 3.5. Finally, this finding of substantial compliance does not affect any other obligation set forth in the stipulated judgment between the City and HCD. HCD reserves its right to enforce any and all rights and remedies provided in the stipulated judgment.

Additionally, the City must continue timely and effective implementation of all programs including but not limited to the following:

- Program 1.4: Preservation of Mobile Home Parks
- Program 2.1: Adequate Sites
- Program 2.2: Monitoring No Net Loss
- Program 2.4: Development of Variety of Housing Types
- Program 3.1: Facilitate Affordable Housing Development
- Program 3.2: Affordable Housing Development Incentives
- Program 3.3: Housing for Persons with Special Needs
- Program 3.4: Density Bonus

- Program 3.5: By-Right Approval
- Program 4.1: Support Development of Accessory Dwelling Units
- Program 4.2: Expedite the Project Review Process
- Program 4.3: Remove Regulatory Constraints to Housing Development
- Program 5.1: Affirmatively Furthering Fair Housing and Fair Housing Services
- Program 5.2: Fair Housing Community Outreach

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400. Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

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>.

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 Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program, 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 now meets housing element requirements for these and other funding sources.

HCD appreciates the hard work and dedication the housing element update team provided throughout the housing element review and update process. HCD wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Sayed Murad, of our staff, at [sayed.murad@hcd.ca.gov](mailto:sayed.murad@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager