

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 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 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.

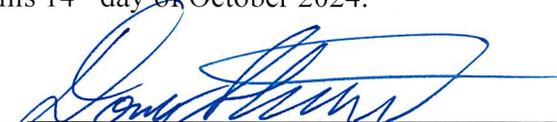
The Local Coastal Program Amendment and Zoning Text Amendment approved in this Ordinance shall become effective after certification by the California Coastal Commission of the Local Coastal Program Amendment.

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.

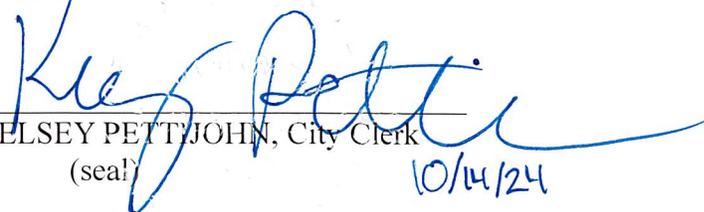
SECTION 9. The City Clerk shall certify the adoption of this Ordinance.

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



DOUG STEWART, Mayor

ATTEST:



KELSEY PETTJOHN, 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 (255) 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.
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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
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RESIDENTIAL																		
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments) – new or the expansion of over 500 sf of multifamily residential use																		
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
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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 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.

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.

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.