City of Malibu

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Sent via Email

May 27, 2026

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

RE: Local Coastal Program Amendment No. LCP-4-MAL-24-0045-2 (Housing Element Implementation) (Malibu LCPA No. 24-001)

Dear Ms. Gough:

This letter and its attachments provide the City of Malibu's response to Commission staff's incomplete determination, dated November 7, 2024, for the above-referenced Local Coastal Program (LCP) amendment implementing the certified 6th-Cycle 2021-2029 Housing Element (Ordinance No. 523, Attachment 1).[1] Although the amendments streamline the City's land-use review for qualifying housing projects, development on any of the affected sites still requires a Coastal Development Permit (CDP) and still must meet the objective coastal resource and hazard standards in Malibu's certified LCP. The City appreciates Commission staff's continued partnership on Malibu's recovery, including certification of the Disaster Rebuild LCP Amendment (Ordinance No. 524) on April 10, 2025. The City's work with Commission staff on disaster recovery has spanned much of the same period as this submittal, and the City values the Commission's responsiveness throughout.

CCC Comment 1 – HCD Coordination
The Coastal Act (§§ 30503 and 30510) and the Commission's regulations (CCR §§ 13515, 13519, 13552, and 13553) require that affected governmental agencies be provided maximum opportunities to participate in the amendment of any LCP. Here, the California Department of Housing and Community Development (HCD) has enforcement authority for housing element law and reviews these types of housing element required updates to ensure consistency with that law, and is therefore an affected governmental agency. If HCD has not had a chance to review, then they were not afforded the maximum opportunity to participate in this LCP amendment. It would also raise the question of whether a subsequent LCP amendment may be necessary in the event that HCD deems the proposed language inadequate to comply with state law (for example, the inclusion of subjective development

[1] Ordinance sections amended include LIP §§ 2.1, 3.3, 3.4.5, 3.6, 3.7, 3.11, 3.14, 6.7, 13.30, Appendix 1 Table B, and Malibu Municipal Code Title 17 corollaries.

standards). Therefore, please provide documentation demonstrating that HCD was provided a copy of the proposed LCP amendment and that HCD had an opportunity to review and provide comments on the LCP amendment. If comments were/are received, provide a copy of those comments. This request specifically pertains to HCD's input on the currently proposed LUP and LIP amendment. It does not pertain to HCD's certification of the City's Housing Element, although this summary may also be provided if deemed relevant by City staff.

City Response 1

The City worked closely with HCD throughout the 6th-Cycle Housing Element process. City staff and consultants met with HCD nine times during the certification process, and the City and HCD entered into a Stipulated Judgment on April 22, 2024 that set the schedule for adopting the Housing Element and the related Local Implementation Plan (LIP) and Malibu Municipal Code (MMC) amendments and transmitting them to HCD and the Coastal Commission.

Consistent with that schedule, the City sent the LIP and MMC amendment text to HCD on October 4, 2024 after first reading and again on October 18, 2024 after adoption. The amendment package was transmitted to Commission staff on October 18, 2024. HCD issued comment letters on the Housing Element on March 22, 2022, March 22, 2024, and June 21, 2024. The City addressed those comments by revising both the Housing Element and the implementing LIP and MMC amendments, including changes that reinforced objective standards, clarified by-right procedures, and updated implementation programs consistent with Gov. Code § 65583. During the October 4 and October 18 transmittals, HCD reviewed the implementing programs in the Housing Element, including the specific code amendments now embodied in Ordinance No. 523. HCD did not request changes to the implementing text and, on December 3, 2024, found the adopted 2021-2029 Housing Element in substantial compliance with State Housing Element Law (Gov. Code § 65580 et seq.). HCD's affirmative compliance determination, made with the implementing ordinance in hand, confirms that HCD had and exercised the opportunity to participate in this LCP amendment.

The Proposed Stipulated Judgment is provided as Attachment 2. Transmittal documentation showing that HCD received and had the opportunity to comment on the draft and adopted amendment text is provided as Attachment 3.

CCC Comment 2 – Objective Development Standards

A number of Housing Element law provisions and other state housing laws only allow local governments to impose objective development standards on certain housing development projects and prohibits local governments from requiring any discretionary review for qualifying housing development projects. Please clarify which housing types addressed in the City's amendment would require that.

a) *Clarify how the proposed IP amendment would streamline the CDP process for by- right housing projects. The amendment includes references to "a permit shall be approved" or "shall be approved by right", and references to the CDP chapter of the LIP; however, it is unclear how such applications would be processed to streamline the review process pursuant to state housing law and CDP requirements of the LCP.*

b) Sites in which multi-family and affordable housing projects, and/or special housing projects would be permitted have the potential to implicate coastal resources and coastal hazards. Please analyze the proposed amendment's potential impact on coastal resources (such as biological and scenic resources), as well as coastal hazard risks posed to and by qualifying housing development projects. This analysis should be based on any objective coastal resource protection and hazard minimization LCP policies and provisions. For any relevant LCP policies and provisions that are not objective, Commission staff suggest that the City propose new objective standards to protect coastal resources and mitigate coastal hazards that would be applicable to qualifying housing development projects permitted by the LCP amendment in order to harmonize the state housing laws with the Coastal Act.

City Response 2

The City's amendments are structured to harmonize State housing requirements with the Coastal Act by codifying and applying objective and quantifiable standards as required by state law and preserving the Coastal Act's CDP framework and coastal resource protections.

2a) By-Right Processing and CDP Requirements

Ordinance No. 523 makes specified uses "permitted by-right" for purposes of local land-use entitlement processing, but it does not eliminate the CDP requirement for "development" under PRC § 30106. Consistent with LIP § 2.1 (Definitions), the City's "By-Right Use" definition makes clear the scope of streamlining:

> *"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 [emphasis added].*

For qualifying "by-right" housing projects, the City will process the land-use entitlement ministerially and process the CDP in accordance with certified LCP LIP Chapter 13, including notice (LIP § 13.12); findings of consistency with Chapter 3 of the Coastal Act and the LCP (LIP § 13.9); and appeal rights, where applicable (LIP § 13.20).

Ordinance No. 523 codifies by-right eligibility and/or objective standards for, among other items:

- Affordable Housing Overlay (AHO) projects on the three mapped sites, including ministerial approval of subdivisions for Sites 1 and 2, if consistent with LIP Ch. 15 (Requirements for Land Divisions).[2]
- Emergency Shelters permitted by-right in the Commercial General (CG) and Institutional (I) zoning districts subject to quantitative standards (capacity, separation, onsite waiting and intake areas, management, etc.).[3]
- Low-Barrier Navigation Centers permitted by-right in the Community Commercial (CC) district where the AHO also applies, and in the CG district, with objective standards and administrative review.[4]
- Permanent Supportive Housing (by-right) allowed in Multi-Family (MF), Multi-Family Beachfront (MFBF), CG, and in CC zoning districts where the AHO applies, subject to objective standards and parking ratios.[5]

The amendments further convert and/or reinforce development standards as objective and measurable, including height, landscaping, impermeability, parking tables, and density bonus implementation consistent with Gov. Code § 65915. Projects limited to interior alterations that do not constitute "development" under PRC § 30106 and LIP § 2.1 will be processed accordingly.

2b) Coastal Resources and Scenic Analysis

The City's vacant multi-family sites inventory identifies 25 parcels zoned Multi-Family (MF) or Multi-Family Beachfront (MFBF), and includes the Affordable Housing Overlay Zone (AHO). Except for the two AHO sites (3 parcels total) and the City-owned La Paz site, the remaining 21 parcels are small infill lots expected to yield one (1) to two (2) units under existing maximum density in the LIP.[6] Beachfront multi-family parcels are further constrained by shoreline hazards, public view corridor protections, and height and siting standards. Each project will be processed with CDP review requiring coastal resource and hazard findings, and the California Environmental Quality Act (CEQA) applies as appropriate. The Vacant Multi-Family Sites Inventory is included as Attachment 4. There are four parcels (three sites) capable of accommodating the density necessary to support affordable housing development, designated under the AHO.

The City reviewed scenic views from designated public parks and established trails in the vicinity of the AHO sites and identified no public viewing point from which AHO development consistent with the ordinance and the LCP would impair scenic resources. Any future AHO project will require a visual analysis and CDP review under LIP § 6.7, against the LCP's scenic standards.

[2] See LIP § 3.4.5(G)(2)-(3); § 3.6(E).
[3] See LIP § 3.11.5(A)(2)-(5).
[4] See LIP § 3.11.5(B)(2)-(5).
[5] See LIP § 3.11.5(C).
[6] See LIP § 3.3(C)-(D) (MF and MFBF Zone density and lot standards); Vacant Multi-Family Sites Inventory, Attachment 4.

AHO Sites 1 and 2 are multi-family-zoned (MF) parcels inland of Pacific Coast Highway, flanked by The Pointe at Malibu (approximately 35 feet) to the west and Malibu Villas (approximately 38 feet) to the east.[7] The AHO 30-foot height limit is below both. The sites are situated within an established multi-family development pattern; existing residential buildings of comparable or greater height occupy the parcels immediately adjacent on either side, defining the visual character of this segment of the PCH corridor. Rising topography to the north further reduces visibility of the site from inland vantage points. Neighborhood context exhibits are provided in Attachment 5, Exhibits A and B.

AHO Site 3 is a 2.3-acre flag lot in the Community Commercial (CC) zone, with both the AHO and the Town Center Overlay.[8] The site sits behind Cross Creek Ranch, a 122,324-square-foot mixed-use property whose ten buildings reach 24 feet at the roofline (34 feet at architectural elements). Adjacent uses include vacant CC-zoned lots, the Malibu Library, and other civic uses. Site 3 is not included in the Housing Element Sites Inventory for RHNA compliance.

The 30-foot AHO height limit sits within the range of surrounding commercial and civic development. Site 3 has no PCH frontage; views toward the site from nearby public-accessible locations are partially screened by intervening Civic Center buildings and landscape. Rising topography to the north further reduces visibility of the site from inland vantage points. A neighborhood context exhibit for Site 3 is included as Exhibit C of Attachment 5.

OBJECTIVE COASTAL RESOURCE STANDARDS

Objective coastal resource and hazard standards remain applicable and enforceable. All residential development remains subject to Malibu's certified LCP standards protecting ESHA, wetlands, public views/access, and hazards. Importantly, these protections are largely implemented through objective, measurable criteria, including but not limited to:

- LIP § 4.4.2 (Biological Assessment) and § 4.7 (Development in ESHA and Buffers) require a biological assessment for sites within 200 feet of ESHA, restrict total disturbance to 10,000 square feet or 25 percent of the parcel, and require 90 percent native revegetation coverage within five years.
- LIP Chapter 9 (Hazards, §§ 9.2–9.4) require site-specific geotechnical and engineering reports, prohibit grading on slopes steeper than 3:1, and disallow protective shoreline devices that would substantially alter natural landforms.
- LIP Chapter 6 (Scenic, Visual, and Hillside Resources § 6.5) requires a 20 percent contiguous view-corridor (lineal frontage) along scenic roads.

[7] Specifically, AHO Site 1 is 28517 Pacific Coast Highway (APN 4467-013-022) and adjacent lot (APN 4467-013-023), and Site 2 is 28401 Pacific Coast Highway (APN 4467-012-005).
[8] Site 3 is located at 23465 Civic Center Way (the "La Paz Site," formerly known as 3700 La Paz Lane).

Section 3(A) of Ordinance No. 523 includes express findings of conformity with Coastal Act Chapter 3, including public access and views (PRC §§ 30211, 30252) and hazard avoidance (§ 30253). The amendments do not rezone properties. Instead, they establish procedures and objective standards for housing on properties where development is already allowed under the certified LCP. Any project-specific scenic, ESHA, or hazard issues that fall outside the ordinance's objective standards will be addressed through CDP review and, where applicable, CDP conditions necessary to make required Coastal Act and LCP findings.

PHASE 2 LCP AMENDMENT IMPLEMENTATION

The City is preparing a Phase 2 LCP amendment to add any further objective standards necessary to protect scenic resources and minimize hazards for qualifying housing projects and to address the applicability of SB 423/SB 35 (Gov. Code § 65913.4), recognizing that the statute's very high fire hazard severity zone exclusion limits its operational reach within Malibu. Additionally, the Phase 2 LCP amendment would also implement the following Housing Programs:

- Program 2.4b - Allow residential care facilities for seven or more with administrative permit with objective findings (MMC).
- Program 3.5.a - Implement by-right approval without discretionary review for 20 percent affordability to lower-income households for parcels in Affordable Housing Overlay *[Effective with certification of Housing Element (work includes codifying concurrently with other needed objective standards)].*
- Program 4.3.b - For multi-family projects over 18 feet, revise Site Plan Review findings to establish objective findings.

Overall, Ordinance No. 523 and the forthcoming Phase 2 LCP amendment will bring the City's Local Coastal Program and zoning provisions into conformity with current state housing statutes and retain the City's authority to administer objective coastal resource standards through the CDP process.

CCC Comment 3 - Parking Requirements

Please clarify where AB 2097 would apply within the City and how the proposed amendment would ensure consistency with AB 2097. Please also provide an analysis of how the City arrived at the conclusion that the proposed parking requirement reductions for multi-family housing and supportive housing would not adversely impact coastal public access parking and the objective LCP provisions that such analysis is based on.

City Response 3

AB 2097's prohibition on minimum parking applies only within one-half mile of a statutorily defined "major transit stop."[9] As of this submittal, no locations within Malibu meet that definition. Attachment 6 (SCAG "High-Quality Transit Corridors

[9] AB 2097 is codified at Gov. Code § 65863.2; "major transit stop" is defined at PRC § 21064.3 and referenced in PRC § 21155.

in City of Malibu [Connect SoCal 2024 Plan Year 2050]" map) confirms the absence of qualifying major transit stops within City limits; accordingly, AB 2097 does not currently constrain Malibu's LCP parking standards.

The ordinance codifies objective parking ratios for residential and special housing uses in LIP § 3.14.3 and corresponding MMC § 17.48.030.[10] The proposed parking standards avoid adverse impacts to coastal public access by design and by application of objective LCP standards and CDP conditioning authority, for at least the following reasons:

1: Limited scale of infill development - The predominant opportunity set consists of small infill parcels likely yielding one (1) to two (2) units, an intensity insufficient to measurably displace coastal access parking.
2: Physical constraints limit off-site impacts - Many multi-family parcels (such as Rambla Pacifico Road) have no viable on-street parking due to substandard roadway widths; as a result, projects must provide on-site parking to meet practical demand and to support CDP findings.
3: No existing on-street parking along AHO frontage - AHO frontage along PCH currently provides no on-street parking. The AHO sites can accommodate on-site parking consistent with the ordinance and will be conditioned as necessary through the CDP. These sites are approximately 1,800 to 2,300 feet from the nearest vertical beach access at Paradise Cove Beach.
4: CDP conditions will protect coastal access - Through CDPs, the City will require code-compliant on-site parking and, where warranted, traffic/parking demand measures to protect coastal access consistent with PRC § 30252 and the City's certified access policies.

CCC Comment 4 - Public Participation

a) Please provide the names and addresses of known interested parties associated with the subject LCP Amendment, including all hearing participants and commenters, for purposes of noticing. The list provided did not include contact information. (CCR §13552)

b) Please clarify the public comments the City received specifically regarding the LCP Amendment and where we can find the City's responses to the comments. (CCR § 13552)

City Response 4

4a) Pursuant to 14 CCR § 13552, the City has compiled and provided the names and mailing addresses of known interested parties associated with the subject LCP Amendment, including hearing participants and commenters. This list is enclosed as Attachment 7A (provided in Excel format under separate cover) for Commission noticing.

[10] For example, one space per employee for emergency shelters; supportive housing parking per LIP § 3.14 unless within one-half mile of a public transit stop, then one space per employee.

4b) The City received public comment at duly noticed hearings on August 19, 2024 (Planning Commission) and September 23, 2024 (City Council) concerning the revised Housing Element and the associated LCP/MMC implementation measures. Comments generally raised issues regarding equitable siting of affordable housing, feasibility and design of AHO projects, funding mechanisms (including vouchers/subsidies), wildfire/evacuation and access constraints, use of City land, and process/standards. Two post-adoption letters requested rental information resources.

The certified Housing Element and Ordinance No. 523 respond through objective standards and by-right eligibility for AHO projects (Program 4.3), rental and affordable housing development subsidies (Programs 3.1 and 3.2), and promoting City-owned sites designated as surplus land for affordable housing (Program 2.1). A summary of public comments and the City's responses is included in Housing Element Appendix C, pages C-14 to C-17, enclosed as Attachment 7B and incorporated by reference into the ordinance findings.

SUMMARY

With the enclosed materials, the City respectfully requests that Commission staff deem the submittal complete and calendar the item for the earliest practicable Commission hearing. As reflected in Section 3 of Ordinance No. 523, the LIP amendments are in conformity with the certified Land Use Plan and the policies of Chapter 3 of the Coastal Act. The City remains available to confer promptly on any minor clarifications that would facilitate certification.

Please contact Patrick Achis, AICP, Senior Planner, at pachis@malibucity.org or (310) 456-2489, ext. 247, with any questions regarding this submittal.

Sincerely,

Yolanda Bundy

Yolanda Bundy, MS, PE, CBO, CFCO
Director of Community Development

Attachment 1: Ordinance No. 523 (Subject Amendment)
Attachment 2: Proposed Stipulated Judgment
Attachment 3: HCD Transmittals (First and Second Reading)
Attachment 4: Vacant Multi-Family Sites Inventory
Attachment 5: AHO Neighborhood Context
Attachment 6: High-Quality Transit Corridors in the City of Malibu [Connect SoCal 2024 Plan Year 2050]
Attachment 7: A: Contact Information for Hearing Participants and Commenters [Separate Cover]
B: Housing Element Appendix C (Public Participation Summary)

ORDINANCE NO. 523

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

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

SECTION 1. Recitals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Environmental Review.

The City Council hereby finds as follows:

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

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

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

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

SECTION 3. Local Coastal Program Amendment Findings.

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

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

SECTION 4. Zoning Text Amendment and Findings.

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

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

SECTION 5. Submittal to the California Coastal Commission.

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

SECTION 6. Effective Date.

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

SECTION 7. Severability.

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

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

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

DOUG STEWART, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

10/14/24

APPROVED AS TO FORM:

TREVOR RUSIN, Interim City Attorney

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

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

KELSEY PETTIJOHN, City Clerk
(seal)

Exhibit A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Affordability.

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

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

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

   a. The number of restricted units proposed.

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

   c. The proposed location of the restricted units.

   d. Amenities and services provided for the unit residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   d. Number of replacement units proposed;

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

   f. Proposed location of the replacement units;

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

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

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

G. Review and Approval.

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

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

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

H. Administration and Monitoring.

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

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

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

E. Height.

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

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

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

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

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

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

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

3.7.1 Residential Density Bonus

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

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

C. General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Construction and Integration of Affordable Units.

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Affordable Housing Agreement Requirements.

1. The agreement shall:

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

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

hereunder;

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

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

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

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

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

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

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

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

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

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

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

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

G. Density Bonus Law.

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

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

H. Affordable Housing Fund.

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

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

   a. Assistance to housing development corporations;

   b. Equity participation loans;

   c. Grants;

   d. Pre-home ownership co-investment;

   e. Predevelopment loan funds;

   f. Participation leases;

   g. Other public-private partnership arrangements;

   h. The acquisition of property and property rights;

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

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

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

l. Reasonable administrative charges or related expenses; and

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

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

3.11.5 Special Housing Projects

A. Emergency Shelters

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

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

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

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

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

   b. Facility Requirements.

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

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

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

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

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

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

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

(6) Child care facilities.

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

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

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

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

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

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

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

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

B. Low barrier navigation centers

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

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

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

4. Regulations.

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

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

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

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

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

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

C. By-right Permanent Supportive Housing

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

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

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

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

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

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

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

D. Single-Room Occupancy Facility Requirements

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

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

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

3. Laundry facilities must be provided onsite.

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

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

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

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

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

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

PARKING STANDARDS

Residential Units

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

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

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

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

1. Grading plan, if any grading is proposed.

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

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

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

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

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

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

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

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

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

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

D. Reviewing Authority.

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

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

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

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

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

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

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

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

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

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

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

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

F. Decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. Subject to Section 3.11.5.

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

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

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

26. Allowed pursuant to Section 3.11.5.

Exhibit B

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

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

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

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

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

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

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

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

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

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

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

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

17.08.020. Permitted uses.
The following uses and structures are permitted in the RR district:

A. One single-family residence per lot;

B. Small family day care;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (noncommercial),

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

3. Domestic animals, kept as pets or for personal use,

4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,

5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:

   a. The subject property is a minimum of 15,000 square feet in size,

   b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every 5,000 square feet of lot area,

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

6. Agricultural employee housing, crop related.

E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation:

1. The raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals, on a parcel having an area of not less than one acre and provided that not more than eight such animals per acre of the total ground area be kept or maintained in conjunction with such use,

2. The grazing of cattle, horses, sheep or goats on a parcel with an area of not less than five acres, including the supplemental feeding of such animals, provided:

a. That such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises,

b. That no buildings, structures, pens or corrals designed or intended to be used for the housing or concentrated feeding of such stock be used on the premises for such grazing other than racks for supplementary feeding, troughs for watering, or incidental fencing,

3. Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature, provided the subject parcel is a minimum of one acre in size,

4. The raising of hogs or pigs, provided:

a. That the animals are located not less than 150 feet from any highway and not less than 50 feet from the side or rear lines of any parcel,

b. That the animals shall not be fed any market refuse or similar imported ingredient or anything other than table refuse from meals consumed on the same parcel of land, or grain,

c. That no more than two weaned hogs or pigs are kept,

d. That the subject parcel is a minimum of one acre in size;

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

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

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

I. Private equestrian and/or hiking trails;

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

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

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

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

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

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

17.10.020 Permitted uses.
The following uses and structures are permitted in the SF district:

A. One single-family residence per lot;

B. Small family day care;

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (noncommercial),

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

3. Domestic animals,

4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,

5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:

   a. The subject property is a minimum of 15,000 square feet in size,

   b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every 5,000 square feet of lot area,

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

6. Agricultural employee housing, crop related,

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

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

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

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

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

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

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

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

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

A. One single-family residence per lot;

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

C. Small family day care;

D. Residential care facilities, small;

E. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, detached garages, barns, pool houses, gazebos, storage sheds, guest units (750 square feet maximum) and greenhouses (noncommercial),

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

3. Domestic animals;

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

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

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

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

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

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

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

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

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

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

A. Horticultural related activities;

B. Utility facilities related to public projects;

C. Governmental facilities;

D. Nursery schools, day care facilities;

E. Churches, temples and other places of worship;

F. Lighted sports courts;

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

H. Parks and playgrounds;

I. Emergency communication and service facilities.

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

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

A. One single-family residence per lot;

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

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

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family and multifamily residences including, but not limited to, detached garages, pool houses, gazebos, storage sheds, guest units (750 square feet maximum),

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

3. Domestic animals;

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

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

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

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

I. Residential care facilities, small;

I. Affordable housing development projects; and

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

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

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

A. Utility facilities related to public projects;

B. Lighted sports courts;

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

D. Parks and playgrounds;

E. Emergency communication and service facilities.

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

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

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

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

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

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

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

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

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

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

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

B. Masonry supplies;

C. Sculptural and metal art activities.

D. Emergency shelters;

E. Single-room occupancy facilities.

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

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

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

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

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

B. Car washes and car washing;

C. Wastewater storage and hauling;

D. Communication facilities;

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

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

1. Automobile towing and storage,

2. Manufacturing, processing or treatment of products,

3. Research and development and testing facilities,

4. Wholesale, storage and distribution,

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

G. Movie theaters;

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

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

J. Mixed Use (commercial and residential)

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

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

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

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

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

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

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

F. Emergency shelters;

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

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

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

A. Public or private educational institutions;

B. Towing and automobile storage;

C. Maintenance yards;

D. Public utility facilities;

E. Libraries, museums;

F. Community centers;

G. Health care facilities;

H. Religious institutions;

J. Day care facilities, nursery schools;

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

K. Educational (nonprofit) activities;

L. Emergency communication and service facilities;

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

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

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

P. Charitable, philanthropic activities;

Q. Parks, beaches, and playgrounds;

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

S. Residential care facilities for the elderly.

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

17.39.020 Permitted uses.
Lot numbers are as identified on Malibu Coast Estate Planned Development Map 1. The following uses and structures are permitted:

A. Lot Nos. 1—5.

1. One single-family residence per lot.

2. Accessory uses (one second unit or guest house per lot, garages, swimming pools, spas, pool houses, cabanas, water features, gazebos, storage sheds, private non-illuminated sports courts, noncommercial greenhouses, gated driveways, workshops, gyms, home studios, home offices, and reasonably similar uses normally associated with a single-family residence, as determined by the planning director).

3. Domestic animals, kept as pets.

4. Landscaping.

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

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

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

5. Height.

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

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

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

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

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

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

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

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

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

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

17.40.120 Special housing projects.

A. Emergency shelters.

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

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

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

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

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

   b. Facility Requirements.

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

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

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

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

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

(2) Dining area;

(3) Laundry room;

(4) Recreation room;

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

(6) Child care facilities.

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

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

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

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

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

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

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

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

B. Low barrier navigation centers.

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

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

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

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

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

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

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

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

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

5. Reviewing Authority.

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

C. By-right permanent supportive housing.

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

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

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

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

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

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

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

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

D. Single-room occupancy facilities.

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

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

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

3. Laundry facilities must be provided onsite.

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

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

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

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

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

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

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

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

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

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

C. General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Construction and Integration of Affordable Units.

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

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

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

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

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

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

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

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

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

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

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

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

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

F. Density Bonus Law.

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

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

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

3. Standards.

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

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

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

iii. Have a minimum of 16 dwelling units.

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

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

b. Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Affordability.

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

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

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

i. Number of restricted units proposed;

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

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

iv. Number of replacement units proposed;

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

vi. Proposed location of the replacement units;

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

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

7. Administration and Monitoring.

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

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

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

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

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

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

17.63.010 Purpose and intent.

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

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

17.63.020 Applicability.

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

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

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

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

17.63.030 Application submittal.

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

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

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

3. Current actual use of the property;

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

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

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

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

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

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

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

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

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

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

17.63.040. Reviewing authority.

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

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

17.63.050. Findings.

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

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

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

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

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

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

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

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

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

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

17.63.060. Decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33. Allowed pursuant to Section 17.40.120(C).

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

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

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

37. Allowed pursuant to Section 17.140.120(B).

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

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA; CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, Petitioners and Plaintiffs, **v.** **CITY OF MALIBU; AND DOES 1-50,** Respondents and Defendants.	Case No. **[PROPOSED] STIPULATED FINAL JUDGMENT AND ORDER**

ATTACHMENT 2

Petitioners and Plaintiffs, PEOPLE OF THE STATE OF CALIFORNIA, acting by and through ROB BONTA, Attorney General of the State of California, and the CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, and Respondent and Defendant CITY OF MALIBU (individually "Party" and collectively, the "Parties"), having stipulated to the entry of this Final Judgment and Order ("Judgment") without the taking of proof and without trial or adjudication of any fact or law herein, and with all Parties having waived the right to appeal; and the Court having considered the pleadings and good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

PARTIES AND DESCRIPTION OF ACTION

1. Petitioners/Plaintiffs, the PEOPLE OF THE STATE OF CALIFORNIA, by and through its Attorney General, ROB BONTA, and the Department of Housing and Community Development ("HCD") (collectively, "the State") are charged with the enforcement of, among other things, the "Housing Element Law."

2. Respondent/Defendant CITY OF MALIBU is a political subdivision of the State of California ("City"). The City is a local governmental agency charged with regulating and controlling land use and development within the City's boundaries, including but not limited to complying with all applicable provisions of state law, such as the Housing Element Law.

3. The Housing Element Law required the City to adopt a housing element to the City's General Plan that substantially complied with the Housing Element Law's terms by October 15, 2021, for the 2021-2029 Planning Period (also known as the Sixth Cycle). (Gov. Code, § 65580 et seq.)[1]

4. The City began work on its housing element in 2020 when it hired and environmental consultant to prepare the element. The City submitted a draft Housing Element to HCD on August 25, 2021, however HCD determined that the draft Housing Element did not substantially comply with Housing Element Law. The City submitted a second draft Housing Element to HCD on January 21, 2022. HCD once again determined that the second draft Housing Element did not

[1] All statutory references are to the Government Code unless otherwise specified.

substantially comply with Housing Element Law. In February 2023, the City's environmental consultant unilaterally terminated his contract with the City because of his pending retirement. As of February 2023, the City's consultant had not completed work on the City's housing element. The Parties agree that the City failed to adopt a substantially compliant Housing Element by the October 15, 2021 deadline. While the City has not adopted a substantially compliant Housing Element by the deadline, the City has been contending with multiple outside factors including rebuilding housing stock following the Wolsey Fire and addressing staffing issues in the planning department during COVID-19. In light of the circumstances the City has faced, the City has worked diligently to get its housing element adopted and certified.

5. Any housing element adopted by the City must substantially comply with specific statutory requirements, including ensuring that the City's planning, programs, and ordinances do not unduly constrain or impede its obligation to meet its Regional Housing Needs Allocation ("RHNA").

6. This Judgment is entered to fully resolve the claims and allegations brought by the State. The State alleges that the City violated the Housing Element Law by failing to perform its statutory duty to timely adopt a legally compliant housing element to its General Plan, in substantial compliance with California laws governing a local jurisdiction's obligations to do so, for the 2021-2029 planning period. This Judgment is entered to fully resolve the claims and allegations made by the State.

7. The Parties agree, solely for purposes of entry of this Judgment, that this Court has jurisdiction of the subject matter hereof and over the Parties, venue is proper in this County, and this Court has jurisdiction to enter this Judgment.

8. This Judgment is made without trial or adjudication of any issue of fact or law. The Parties voluntarily enter into this Judgment in order to avoid the time, expense, and uncertainty of litigation.

9. The Parties agree to resolve all claims and allegations pertaining to this action through this Judgment.

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APPLICABILITY

10. All provisions of this Judgment shall be binding upon, and apply to the Parties, including their agents acting within the scope of their agency as well as its successors and assigns with respect to the conduct described in this Judgment.

11. The City has and will maintain the full power and authority to undertake the duties and obligations set forth in this Judgment.

12. The City shall use reasonable efforts to notify its City Councilmembers, elected officials, officers, directors, employees, and agents responsible for carrying out and effecting the terms of this Judgment and the requirements therein.

DEFINITIONS

The following definitions shall be used in construing the Judgment:

13. "Effective Date" means the date on which a copy of the Judgment, duly executed by the Parties, is approved by and becomes a Judgment/Order of the Court. Should certain terms below precede the Effective Date, the parties agree to be bound by those terms as conditions prior to entry of this Judgment.

14. "Signatory Date" means the date on which the last Party signs this Judgment.

15. "Zoning Ordinance Amendments" means and refers to amendments to the City's Zoning code that do not rezone any existing parcels and/or do not require the approval/certification of the California Coastal Commission to be effective.

16. " Zoning Changes" means and refers to amendments to the City's Zoning Code that rezone existing parcels, and/or changes that are required to be made to the City's Local Coastal Program, that require the approval/certification of the California Coastal Commission to be effective.

THE CITY'S OBLIGATIONS

17. Adoption of a Housing Element Revision Found to be Substantially Compliant by HCD. In the event no Zoning Changes are required in order to bring the housing element into substantial compliance with the Housing Element Law, the City shall adopt a Housing Element Revision no later than September 23, 2024, for the Sixth Cycle 2021-2029 planning period that

substantially complies with Housing Element Law, as determined in good faith by HCD in accordance with Section 65585. The City shall submit its adopted Housing Element to HCD for HCD's certification as set forth in Paragraph 19. The Parties acknowledge that HCD certification will not be final until after the City adopts its Housing Element as well as any necessary Zoning Ordinance Amendments and Zoning Changes; the City transmits the adopted documents to HCD and the California Coastal Commission (if required by law); and HCD finds the adopted Housing Element substantially compliant. The Parties will use best efforts to ensure that the City's Local Coastal Plan Amendments are expeditiously certified by the Coastal Commission. In the event that the Coastal Commission fails to certify the City's Local Coastal Plan Amendments consistent with the adopted Housing Element, the Parties shall continue to use best efforts to obtain Coastal Commission certification as expeditiously as possible, but the failure of the Coastal Commission to timely certify the City's Local Coastal Plan Amendments shall not be a basis to find either Party in default under this Judgment.

18. Milestones Already Completed for Adoption of Housing Element: During the course of the negotiation over this Judgment, the City has already completed the following milestones on its way to adopting a housing element:

a. On or about January 8, 2024, the City published its revised Draft Housing Element on the City's website for public review and comment.

b. On or about January 24, 2024, the City conducted public outreach to publicize the draft housing element soliciting written and verbal feedback from members of the public, and holding "Housing Element Office Hours" at City Hall and via Zoom, or other video conferencing software.

c. On or about January 24, 2024, the City Council held a duly noticed public meeting to consider the revised Draft Housing Element and provide direction on any changes to incorporate prior to submitting the revised Draft Housing Element to HCD.

d. The City submitted a revised Draft Housing Element to HCD for review prior to February 8, 2024.

19. Milestones and/or Conditions to Ensure Adoption by September 23, 2024. The Parties agree that the City shall take the following required actions to complete and adopt its Sixth Cycle Housing Element Revision:

a. HCD shall return its formal written findings to the City no later than March 22, 2024. No later than March 29, 2024, City staff and HCD representatives will meet by video conference for at least one hour to review HCD's comments.

b. No later than April 29, 2024, the City will release a second revised Draft Housing Element for a 7-day public review. The City shall concurrently provide a courtesy copy of the second revised Draft Housing Element to HCD.

c. No later than May 20, 2024, the City will submit the second revised Draft Housing Element to HCD.

d. During HCD's review of the revised Draft Housing Element, City staff will commence work on implementing actions needed to effectuate the Housing Element, including General Plan Amendments, Zoning Ordinance Amendments and Zoning Changes.

e. HCD shall return its formal written findings to the City no later than July 5, 2024. No later than July 12, 2024, City staff and HCD representatives will meet by video conference for at least one hour to review HCD's comments. No later than July 19, 2024, City staff and HCD representatives will meet by video conference for at least one hour to review working drafts of the City's response to HCD's comments.

f. Throughout the process the City will comply with all applicable environmental laws.

g. No later than August 19, 2024, the City's Planning Commission will hold a duly noticed public hearing to consider the Sixth Cycle Housing Element.

h. No later than September 23, 2024, the City Council will hold a duly noticed public hearing to readopt the Sixth Cycle Housing Element and any associated

General Plan Amendments and to introduce the Zoning Ordinance Amendments Zoning Changes for their first reading.

i. No later than October 4, 2024, the City will submit the adopted Housing Element and copies of the to be adopted ordinances introducing the Zoning Ordinance Amendments and Local Coastal Plan Amendments to HCD.

j. No later than October 14, 2024, the City will conduct the second reading of, and adopt, the Zoning Ordinance Amendments and Zoning Changes.

k. No later than October 18, 2024, and consistent with Government Code section 65588(e)(4)(C)(iii) (which prohibits any finding of substantial compliance with Housing Element Law until the City completes all required rezoning), the City shall submit to HCD its adopted Zoning Ordinance Amendments and its adopted Zoning Changes with evidence that any required LCP Amendments were transmitted to the California Coastal Commission for its review and certification.

l. Each deadline in Paragraph 17 and this Paragraph 19 shall be extended pursuant to the terms of Paragraphs 21 & 22, below.

20. Sixth Cycle Housing Element Revision and the City's Public Participation Requirements. The City shall comply with all statutory requirements with regard to its public participation efforts including provisions to make a diligent effort to reach all economic segments of the community pursuant to Government Code section 65583(c)(9) and public noticing pursuant to Government Code section 65585(b)(1). The Parties agree that the public participation efforts described in Paragraphs 18 and 19 satisfy the City's statutory requirements regarding public participation. Nothing in this section precludes HCD from receiving and/or considering public comments as required pursuant to Government Code section 65585(c).

ADDITIONAL PROVISIONS

21. Technical Assistance from HCD. HCD shall provide the City with technical assistance with its Sixth Cycle Housing Element Revision as follows:

a. HCD staff will commit to at least 2.5 hours per month in technical assistance telephone calls with the City, with additional time provided as capacity permits.

In connection with these technical assistance telephone calls, the City agrees to make good faith, reasonable progress on the housing element revision process between these calls.

b. In order to ensure efficiency in the technical assistance provided by HCD during the housing element review process, the City agrees to make all revisions and edits to its housing element in track changes, or to devise some other method of highlighting all revisions and edits to the housing element, such that HCD can quickly identify and review the City's revisions and edits.

c. In order to allow the City to make timely and efficient revisions to its housing element in response to HCD comments, HCD agrees to provide its formal written findings in response to the City's revised and second revised draft Housing Element by March 22, 2024, and July 5, 2024, respectively. Each formal written findings letter will consist of a single set of consolidated comments that identify specific deficiencies in the City's draft housing element and that explains why these sections are deficient and what specific analysis or text HCD expects the City to provide to remedy the deficiency. HCD will provide the City with informal technical assistance, including sample language from other certified housing elements, as applicable, under separate cover from its formal written findings letters. Moreover, HCD agrees that each written findings letter shall be exhaustive at the time of their submission, meaning that it will not identify comments for the first time in subsequent reviews that it could have raised in earlier reviews but did not identify, for whatever reason. This provision does not preclude HCD from identifying new comments on subsequent reviews based on information not previously available to HCD in its prior review.

d. To the extent that HCD is unable to meet its specific deadlines set forth in Paragraphs 19 or 21, the deadlines for the City's performance in Paragraphs 17 and 19 shall be extended to account for delays attributable to HCD's failure to meet a specific deadline.

22. Agreed Upon Extension to Housing Element Timeline. In the event that HCD's formal findings as called for by Paragraph 19, subdivision (e) request that the City make further changes to the housing element before it can be certified by HCD and if the City has complied with all deadlines in Paragraph 19 prior to the deadline in subdivision (e), then the Parties may execute an amendment to this judgment extending the deadlines in Paragraph 19 subdivisions (g) thru (k) by 60 days.

23. Compliance with No Net Loss. The City shall maintain sites sufficient to accommodate its RHNA throughout the Sixth Cycle planning period consistent with Government Code section 65863.

24. Compliance with the Housing Accountability Act (HAA). The City shall comply with all provisions of the HAA, including but not limited to Government Code section 65589.5(d). The City acknowledges, for the benefit of third parties, that until it has adopted a housing element that is in substantial compliance with the Housing Element Law as set forth in Paragraphs 17 and 19, or upon a court's determination that the City is in substantial compliance, the City cannot make findings under Government Code section 65589.5(d)(1) or (d)(5), and it shall not deny a housing development project for very low-, low-, or moderate-income households, as defined under Government Code section 65589.5(h)(3), on the basis that the project is inconsistent with the City's zoning ordinance and general plan land use designation.

25. Compliance with Duty to Affirmatively Further Fair Housing. The City shall administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to take no action that is materially inconsistent with its obligation to affirmatively further fair housing, consistent with Government Code section 8899.50.

26. Compliance with Government Code section 65759. The Judgment will require the City to bring its Housing Element (a mandatory element of its general plan) into compliance with a court order under Article 14 of Chapter 3 of Division 1 of Title 7 of the California Government Code. Accordingly, as provided in Government Code Section 65759, CEQA shall not apply to the City's adoption of the Housing Element or any implementing actions (including, without limitation, amendments to other General Plan elements, amendments to the City's LCP and

certification of the same by the Coastal Commission, and amendments to the City's Zoning Ordinance or other Municipal Code provisions identified in the Housing Element); however, the City shall comply with the provisions of Government Code Section 65759.

ENFORCEMENT OF JUDGMENT AND REMEDIES

27. Remedies Upon Violation. Immediately upon the City's failure to comply with any of the terms of the Judgment, following notice and an opportunity to cure as provided in Paragraph 28, the State may file an order to show cause on an ex parte basis with the Court. Following a hearing on the matter and upon a finding by the Court that the City failed to comply with any of the terms in the Judgment, the Court shall elect any or all provision(s) set forth under Government Code section 65755, subdivision (a), as remedies for the City's violation(s). The Court's elected remedy may modify the remedies in Government Code section 65755 so as to ensure compliance with housing element law and to maximize the City's ability to meet its RHNA for the current cycle, with a particular emphasis on meeting its low- and very low-income RHNA. Should the City continue to fail to comply with any of the terms of the executed Agreement within a reasonable period following a court order pursuant to this paragraph, the State may then file a renewed order to show cause seeking any additional remedy under Government Code section 65755, and any other remedy available at law.

28. Statutory Penalty Pursuant to Government Code section 65585. In the event that the City does not adopt a Sixth Cycle Housing Element that HCD or the Court finds substantially complies with the law within 12 months of the Effective Date of this Judgment, the State may file an order to show cause on an ex parte basis with Court. After a status conference and upon a finding that the City failed to comply with this Judgment, the statutory penalties under Government Code section 65585(l)(1) shall apply. The parties agree that the terms of Government Code section 65585(m) shall apply here. The City agrees that nothing that has occurred before the Signatory Date shall constitute the sole basis for any claim for mitigation under subdivision (m) of Section 65585. Continued failure by the City to bring its Sixth Cycle Housing Element into substantial compliance with the Housing Element Law will entitle the State to pursue further penalties in accordance with subdivision (l) of Section 65585.

29. Opportunity to Cure. Prior to enforcing this Judgment, the State shall provide written notice identifying the terms with which the City has failed to comply. The State shall allow a reasonable time to cure of 15 business days after the City's receipt of written notice before seeking enforcement of the Judgment. To the extent the City must call a special session of its governing bodies (including the City Council) to timely cure any failure to comply with the Judgment, the City shall call such special session.

30. In the event the City disagrees with HCD's findings on a draft housing element, the City may adopt the draft housing element so long as it makes the findings, which would be subject to judicial review in any action brought by HCD (including an action to enforce this Judgment), required under Government Code section 65585(f)(2). Additionally, nothing in this Judgment shall be construed to preclude the City from seeking a judicial determination on whether the City's housing element substantially complies with the Housing Element Law in the event that HCD, pursuant to Government Code section 65585(h), does not find the adopted housing element substantially compliant with the Housing Element Law. If the City seeks a judicial determination on whether the City's housing element substantially complies with the Housing Element Law, the City may file a motion staying enforcement of this judgment. The State reserves the right to oppose such a request on any basis.

SATISFACTION OF JUDGMENT AND RELEASE

31. Execution of this Judgment shall constitute full and final resolution of all disputes related to this action.

32. Nothing in this Judgment shall be construed to limit the authority or ability of the Attorney General to assert its right to protect the interests of the State of California or the people of the State of California. This Judgment shall not bar the Attorney General or HCD from investigating and enforcing laws, regulations, or rules against the City for conduct not covered by this Judgment. Further, nothing in this Judgment precludes or affects the Attorney General's right to determine and ensure compliance with this Judgment or individual Petitioners' right to seek enforcement of this Judgement.

33. This Judgment shall be deemed satisfied once all obligations under the provisions of this Judgment are fulfilled. Once the City has adopted its certified housing element as well as any Zoning Ordinance Amendments or Zoning Changes, then the terms of this stipulated judgment will expire effective the date that HCD finds that the adopted housing element is in substantial compliance and that the City has made all necessary Zoning Ordinance Amendments or Zoning Changes whichever occurs last.

34. With the exception of the provisions on enforcement and remedies set forth in this Judgment, this Judgment releases and forever discharges any civil claim for damages, costs, attorneys' fees, or penalties of any kind against the City by HCD and the People related to the City's failure to timely adopt its updated housing element for the Sixth Cycle 2021-2029 Planning Period.

35. The Attorney General representing both the People and HCD in this action executes this release in his, her, or their official capacity and releases only claims belonging to the Attorney General and HCD.

36. The State shall bear their own fees and costs, and the City shall bear its own fees and costs with respect to any claims against the State.

37. This Judgment may be enforced only by the Parties hereto.

MISCELLANEOUS PROVISIONS

38. Nothing in this Judgment shall be construed as relieving the City of the obligation to comply with all local, state, and federal laws, regulations, or rules.

39. If any portion of this Judgment is held invalid by operation of law, the remaining terms of this Judgment shall not be affected and shall remain in full force and effect.

40. The terms of this Judgment shall be governed by the laws of the State of California.

41. This Judgment contains the complete agreement entered into by the Attorney General, HCD, and the City related to the conduct at issue. No promises, representations, or warranties other than those set forth in this Judgment have been made by the Attorney General, HCD, or by the City. This Judgment supersedes all prior communications, discussions, or understandings regarding the City's alleged conduct.

42. The Judgment may be modified by a stipulation of the Parties as approved by the Court, or by court proceedings resulting in a modified judgment of the Court.

43. Any failure by any party to this Judgment to insist upon the strict performance by any other party of any of the provisions of this Judgment shall not be deemed a waiver of any of the provisions of this Judgment, and such party, notwithstanding such failure, shall have the right thereafter to insist upon the specific performance of any and all of the provisions of this Judgment.

44. The use of headings in this Judgment is only for ease of reference, and the headings have no legal effect and are not to be considered part of this Judgment.

45. Jurisdiction is retained by the Court, under Code of Civil Procedure section 664.6, for the purpose of enabling any party to the Judgment to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Judgment for enforcement of compliance herewith, and for the punishment of violations hereof, if any.

46. The Parties agree and represent that any persons signing a stipulation for entry of this Judgment are authorized by proper authorities to execute such stipulation on their behalf.

47. This Judgment may be executed in counterparts, and a facsimile or digital signature in pdf format shall be deemed to be, and shall have the same force and effect as, an original signature.

48. All notices shall be provided in writing to the following via email and overnight mail.

For the City:

Trevor Rusin
Todd Leishman
Alexander M. Brand
Best Best & Krieger LLP
300 S. Grand Ave., 25th Floor
Los Angeles, CA 90071

For the State:

David Pai
California Department of Justice, Office of the Attorney General
1515 Clay Street, Fl. 20
Oakland, CA 94612

Any Party may update its designee or address by sending written notice to the other Party informing them of the change.

49. The Clerk is ordered to enter this Judgment forthwith.

APPROVAL BY COURT

APPROVED FOR FILING and SO ORDERED this _____ day of _____, 2023.

_____
Judge of the Superior Court

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

October 4, 2024

Sent via email to HousingElements@hcd.ca.gov

California Department of Housing and Community Development
c/o Land Use and Planning Unit
651 Bannon Street, Suite 400
Sacramento, CA 95811

Re: Adopted City of Malibu 6th cycle Revised Housing Element

To Whom It May Concern:

The City of Malibu is pleased to submit its revised 6th cycle Housing Element for your review. The revised Housing Element was adopted by the City Council on September 23, 2024.

Appendix C - Public Participation was revised to include the comments received before, during, and after the September 23, 2024 City Council meeting. The adopted Housing Element with the updated Appendix C was posted for public review for seven days from September 27, 2024 through October 3, 2024.

The executed Housing Element Resolution and approved Ordinance and Resolution related to the code amendments are also enclosed. Please contact Tyler Eaton, Senior Planner, at Teaton@malibucity.org or 310-456-2489, extension 273, if you have any questions.

Sincerely,

Maureen Tamari
Interim Planning Director

Enclosures:

Copy of Adopted 2021-2029 Malibu Housing Element (6th cycle) – Hard Copy sent USPS
Executed Resolution No. 24-48 - Housing Element Adoption
Resolution No. 24-49 - LCPA Land Use Plan Amendment
Ordinance No. 523 – Municipal Code and Local Coastal Program Amendments (LCPA)

cc: Honorable Members of the Malibu City Council
Steve McClary, City Manager
Trevor Rusin, Interim City Attorney
Kelsey Pettijohn, City Clerk

ATTACHMENT 3

From: Murad, Sayed@HCD
To: Patricia Salazar; jparkerbozylinski@gmail.com
Cc: Tyler Eaton; Maureen Tamuri; Lilly Rudolph; Emily Green; McDougall, Paul@HCD; Trevor Rusin; Boyadjian, Hilda@HCD; Alexander M. Brand; Todd.leishman@bbklaw.com
Subject: RE: City of Malibu: Housing Element
Date: Friday, October 18, 2024 10:37:51 AM
Attachments:

Received, thank you.

Best,
Sayed

***Sayed Murad** he/him*
Housing Policy Division | Housing Policy Analyst
Housing and Community Development
651 Bannon St| Sacramento, CA 95833
Work Cell: 916.776.7658

From: Patricia Salazar <psalazar@malibucity.org>
Sent: Friday, October 18, 2024 10:31 AM
To: Murad, Sayed@HCD <Sayed.Murad@hcd.ca.gov>; jparkerbozylinski@gmail.com
Cc: Tyler Eaton <teaton@malibucity.org>; Maureen Tamuri <mtamuri@malibucity.org>; Lilly Rudolph <lrudolph@rinconconsultants.com>; Emily Green <egreen@rinconconsultants.com>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Trevor Rusin <trevor.rusin@bbklaw.com>; Boyadjian, Hilda@HCD <Hilda.Boyadjian@hcd.ca.gov>; Alexander M. Brand <Alexander.Brand@bbklaw.com>; Todd.leishman@bbklaw.com
Subject: RE: City of Malibu: Housing Element

Good morning,

For your records, attached is the City's LCPA transmittal letter to the California Coastal Commission date-stamped 10/17/24.

Regards,

Patricia Salazar
Development and Operations Manager | Planning Department
Office: (310) 456-2489 ext. 245
23825 Stuart Ranch Road | Malibu, CA 90265
[malibucity.org] [instagram.com] [twitter.com] [youtube.com] [facebook.com]

From: Patricia Salazar
Sent: Friday, October 18, 2024 9:04 AM
To: Murad, Sayed@HCD <Sayed.Murad@hcd.ca.gov>; jparkerbozylinski@gmail.com
Cc: Tyler Eaton <teaton@malibucity.org>; Maureen Tamuri <mtamuri@malibucity.org>; Lilly Rudolph <lrudolph@rinconconsultants.com>; Emily Green <egreen@rinconconsultants.com>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Trevor Rusin <trevor.rusin@bbklaw.com>; Boyadjian, Hilda@HCD <Hilda.Boyadjian@hcd.ca.gov>
Subject: RE: City of Malibu: Housing Element

Good morning,

Attached is the email sent yesterday to the California Coastal Commission, c/o Gabriella Gough. We are waiting for her to confirm receipt.

If you need anything, please let me know.

Regards,

Patricia Salazar
Development and Operations Manager | Planning Department
Office: (310) 456-2489 ext. 245
23825 Stuart Ranch Road | Malibu, CA 90265
[malibucity.org] [instagram.com] [twitter.com] [youtube.com] [facebook.com]

From: Murad, Sayed@HCD <Sayed.Murad@hcd.ca.gov>
Sent: Friday, October 18, 2024 9:01 AM
To: Patricia Salazar <psalazar@malibucity.org>; jparkerbozylinski@gmail.com
Cc: Tyler Eaton <teaton@malibucity.org>; Maureen Tamuri <mtamuri@malibucity.org>; Lilly Rudolph <lrudolph@rinconconsultants.com>; Emily Green <egreen@rinconconsultants.com>; McDougall, Paul@HCD <Paul.McDougall@hcd.ca.gov>; Trevor Rusin <trevor.rusin@bbklaw.com>; Boyadjian, Hilda@HCD <Hilda.Boyadjian@hcd.ca.gov>
Subject: City of Malibu: Housing Element

Good morning,

I am reaching out as the primary reviewer for the City of Malibu's housing element. In the submission packet I see the adopted element, sites inventory, ordinance 523, and resolutions 24-48 and 24-49.

Could we also be provided with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification? A prompt response would be

appreciated.

Thank you,
Sayed

Sayed Murad (he/him)
Housing Policy Division | Housing Policy Analyst
Housing and Community Development
651 Bannon St| Sacramento, CA 95833
Work Cell: 916.776.7658

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

Received
OCT 17 2024
California Coastal Commission
South Central Coast District

October 17, 2024

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

VIA WEBLINK

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

Dear Ms. Gough:

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

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

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

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

Sincerely,

Patricia Salazar
Development and Operations Manager

Enclosures

APN	Address	Street	Parcel Size (acres)	Parcel Size (sq.ft.)	General Plan/ Zone	Notes
4467013022	28517	PACIFIC COAST HWY	5.12		MF/AHO	Affordable Housing Overlay
4467013023			0.74			Affordable Housing Overlay
4467012005	28401	PACIFIC COAST HWY	3.25		MF/AHO	Affordable Housing Overlay
44802908	3700	LA PAZ LANE				Affordable Housing Overlay Performing Arts Center- Under discussion
4450025041		LAS FLORES CANYON RD	0.1533	6,678	MF/MF	Palisades Fire Area
4459016001	25222	MALIBU RD	0.1476	6,429	MFBF/MFBF	
4459017005	25360	MALIBU RD	0.1810	7,884	MFBF/MFBF	Single Family Home Under Review
4450005041	20542	PACIFIC COAST HWY	0.1134	4,940	MFBF/MFBF	Palisades Fire Area
4451023022	21402	PACIFIC COAST HWY	0.1724	7,510	MF/MF	Palisades Fire Area
4451023023		PACIFIC COAST HWY	0.0872	3,798	MF/MF	Palisades Fire Area
4450003012	20222	PACIFIC COAST HWY	0.0660	2,879	MFBF/MFBF	Palisades Fire Area
4450007033	20742	PACIFIC COAST HWY	0.1336	5,820	MFBF/MFBF	
4451020002		RAMBLA PACIFICO	0.0325	1,416	MF/MF	No street parking/Palisades Fire Area
4451022002		RAMBLA PACIFICO	0.1859	8,098	MF/MF	No street parking/Palisades Fire Area
4451022022		RAMBLA PACIFICO	0.2011	8,760	MF/MF	No street parking/Palisades Fire Area
4451022024		RAMBLA PACIFICO	0.0812	3,537	MF/MF	No street parking/Palisades Fire Area
4451022028		RAMBLA PACIFICO	0.1005	4,378	MF/MF	No street parking/Palisades Fire Area
4451022063		RAMBLA PACIFICO	0.1157	5,040	MF/MF	No street parking/Palisades Fire Area
4451022023	3833	RAMBLA PACIFICO	0.1864	8,120	MF/MF	No street parking/Palisades Fire Area
4451022062	3859	RAMBLA PACIFICO	0.2313	10,075	MF/MF	No street parking/Palisades Fire Area
4451022061	3861	RAMBLA PACIFICO	0.4123	17,960	MF/MF	No street parking/Palisades Fire Area
4451022004	3863	RAMBLA PACIFICO	0.1574	6,856	MF/MF	No street parking/Palisades Fire Area
4451022003	3865	RAMBLA PACIFICO	0.1772	7,719	MF/MF	No street parking/Palisades Fire Area
4451021010		RAMBLA VISTA	1.0900	47,480	MF/MF	Palisades Fire Area
4451022019		RAMBLA VISTA	0.2952	12,859	MF/MF	Palisades Fire Area

Source: City of Malibu, 2025

Vacant Multi-Family Sites Inventory



Exhibit A - AHO Neighborhood Context

Sites 1 and 2, View Facing Northwest

Location: 28517 Pacific Coast Highway (APN 4467-013-022) and adjacent lot (APN 4467-013-023), 28401 Pacific Coast Highway (APN 4467-012-005)

Base Imagery: Google Earth Pro, 2024

Note: This exhibit is intended to illustrate general neighborhood context, scale, and visual compatibility for the Coastal Commission's review of the Affordable Housing Overlay (AHO) amendments in Ordinance No. 523. All information shown is approximate and compiled from publicly available aerial imagery and City GIS data. Parcel boundaries, building footprints, and height references are not survey data and are provided solely to depict relative relationships among existing development and the parcels within the AHO zone.

ATTACHMENT 5



Exhibit B - AHO Neighborhood Context

Sites 1 and 2, View Facing Southeast

Location: 28517 Pacific Coast Highway (APN 4467-013-022) and adjacent lot (APN 4467-013-023), 28401 Pacific Coast Highway (APN 4467-012-005)

Base Imagery: Google Earth Pro, 2024

Note: This exhibit is intended to illustrate general neighborhood context, scale, and visual compatibility for the Coastal Commission's review of the Affordable Housing Overlay (AHO) amendments in Ordinance No. 523. All information shown is approximate and compiled from publicly available aerial imagery and City GIS data. Parcel boundaries, building footprints, and height references are not survey data and are provided solely to depict relative relationships among existing development and the parcels within the AHO zone.



Exhibit C - AHO Neighborhood Context

Site 3, View Facing North

Location: Portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

Base Imagery: Google Earth Pro, 2024

Note: This exhibit is intended to illustrate general neighborhood context, scale, and visual compatibility for the Coastal Commission's review of the Affordable Housing Overlay (AHO) amendments in Ordinance No. 523. All information shown is approximate and compiled from publicly available aerial imagery and City GIS data. Parcel boundaries, building footprints, and height references are not survey data and are provided solely to depict relative relationships among existing development and the parcels within the AHO zone.



Service Layer Credits: World Topographic Map: County of Los Angeles, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, World Hillshade: Esri, CGIAR, USGS

High Quality Transit Corridors in City of Malibu [Connect SoCal 2024 Plan Year 2050]

High Quality Transit Corridors (HQTCs)

Note: HQTCs included in this Data/Map Book are based on the 2050 plan year transit network of Connect SoCal 2024 and are considered draft until the completion of Connect SoCal 2024. Further explanation of the methodology for identifying HQTCs is included in the Connect SoCal 2024 Transit Technical Report Appendix. Please note that SCAG updates HQTCs with the adoption of a new RTP/SCS, once every four years. However, transit planning studies may be completed by transit agencies on a more frequent basis than the RTP/SCS is updated by SCAG. This data is intended for planning purposes only, and SCAG shall incur no responsibility or liability as to the completeness, currentness, or accuracy of this information. SCAG assumes no responsibility arising from use of this information by individuals, businesses, or other public entities. Users should consult with the appropriate transit provider(s) to obtain the latest information on transit routes, stop locations, and service intervals before making determinations regarding CEQA exemption or streamlining.

Data Source: County Transportation Commissions, SCAG | Data Version: Connect SoCal 2024 Plan Year 2050 | Map Created: 9/27/2023

Disclaimer: This map was created as a part of SCAG Data/Map Books to solicit feedback from local jurisdictions during Connect SoCal 2024 Local Data Exchange (LDX) process. SCAG shall not be liable for any user's misuse or misrepresentation of this map. For the details regarding the data sources, methodologies and contents of this map, please refer to the SCAG Data/Map Book or contact LIST@scag.ca.gov.

Appendix C – Public Participation Summary

Summary of Public Participation

The Housing Element must reflect the values and preferences of the community. Accordingly, community participation is an important component of the development of this Housing Element. Government Code Section 65583(c)(8) states that the local government must make "a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element." This process not only includes community members, but also participation from local agencies and housing groups, community organizations, and housing sponsors. This update to the Housing Element has provided residents and other interested parties with numerous opportunities for review and comment on this document and on City housing policies and programs. The City of Malibu solicited input from stakeholders and community members through public meetings. To inform the community about the Housing Element update, the City contacted more than 260 residents, stakeholders, and organizations that serve special needs households and renters, provide affordable housing, and offer fair housing services.

The most common issues raised during the Housing Element update process included the following:

- Insufficient affordable housing for lower-income persons who work in Malibu
- Effect of short-term rentals on the supply of housing
- High cost of development in Malibu
- Concern about housing development given environmental constraints, including the high risk of fire hazard, environmentally sensitive habitat areas, geological hazards, flood hazards, water supply constraints, lack of a communitywide wastewater system, limited roadway access, and sea level rise

These issues are addressed, to the extent feasible, in the policies and programs described in the Housing Plan.

Public Noticing

- To reach the largest and broadest spectrum of community members and stakeholders, the City utilized the following notification methods throughout the duration of the Housing Element update process: Early in the process the City created a website dedicated to the 2021 Housing Element update, and a Housing Element FAQ was prepared and posted on the website along with meeting notices and other housing reference information. Public notices of all Housing Element meetings and public hearings were published in The Malibu Times in advance of each meeting, as well as posted on the City's website. Meeting notices were also posted on bulletin boards at City Hall and the Library.
- The City utilized social media such as Facebook, Instagram, Twitter/X, and Next Door to advertise the Housing Element and public workshops.

- Malibu City TV, a government access channel was used to broadcast City Council and Planning Commission hearings, as well as provide notices of events such as workshops.
- The City maintains an interested party email and mailing list for those who have requested regular updates about the Housing Element update and notices for public workshops and public hearings.
- The City mailed postcards to all residents that included a URL to the Housing Element update website and invitations to attend the June 23, 2021 public workshop, July 21, 2021 Planning Commission study session, August 23, 2021 City Council study session, January 17, 2024 City Council Session, as well as Planning Commission and City Council adoption hearings.
- Throughout the Housing Element update process, the City encouraged organizations that serve low-income groups and persons with special needs to participate in all Housing Element update meetings through direct mail or e-mail notices. The notification list included the following local and regional non-profit housing providers, housing advocates, and fair housing organizations.

In 2023 and 2024, the City updated the notification list for the Housing Element to include additional relevant organizations. Identified contacts at the following organizations received notification of the revised Housing Element:

- Abode Communities
- Abundant Housing LA
- AMCAL Multi-Housing, Inc.
- Affordable Living for the Aging
- Building Industry Association
- California Housing Partnership
- Habitat for Humanity
- Housing Rights Center
- Jamboree Housing Corp
- Legal Aid Foundation of LA
- LINC Housing
- Los Angeles County Development Authority
- Meta Housing
- National CORE℠ and Hope Through Housing Foundation
- SoCal Association of Non-Profit Housing
- SoCal Housing Dev. Corp
- The People Concern
- Thomas Saffron and Associates
- Upward Bound House
- Malibu Community Assistance Resource Team (CART)

Project Website

To facilitate the distribution and gathering of information, a project website dedicated to the Housing Element update was created. The project website provided detailed background information on the Housing Element, answers to frequently asked questions, links to upcoming and past event materials, links to articles and videos on the general plan topics, including the Housing Element. Educational materials included an introduction, informational flyers, and frequently asked questions specifically on the

housing element (https://www.malibucity.org/370/Housing-Element-Update). Project materials associated with the Housing Element update were regularly posted on the project website, including documents available for public review, information for upcoming events, and virtual workshop PowerPoint presentations and video recordings.

Community Outreach

The City conducted the following outreach events to solicit public comments on the Housing Element.

Virtual Workshop

A virtual public workshop was conducted on June 23, 2021 to provide an overview of the Housing Element and solicit public comments regarding housing needs in the community. An in-person workshop was not an option at the time due to COVID-19 protocols. The Housing Element update team introduced the Housing Element goals and requirements to the community, educated the community on housing element requirements, and increased public understanding of the decision-making process and importance of public participation.

The following themes emerged from comments received:

- Residents asked about using accessory dwelling units (ADUs) to meet the City's Regional Housing Needs Allocation (RHNA) including the potential to place income limits, or deed restrictions on ADUs, monitoring the affordability of ADUs, the potential to for ADUs to accommodate different family sizes, and whether ADUs that are used for family members or employees can accommodate the RHNA.
- Attendees expressed concern that the population of permanent residents is shrinking, while the City continues to permit second units and short-term rentals. Residents requested limits on the number of short-term rentals and to focus the City's housing development for permanent residents.
- Residents were concerned about potential penalties that the City would incur for not complying with State Housing Element law, including the possibility of enacting a streamlined permit process.
- Attendees expressed that regulatory and environmental constraints, such as California Coastal Commission regulations, wildfire risks, lack of evacuation routes, lack of sewer service, and effluent controls, limit the City's ability to meet the RHNA.
- Attendees expressed a desire to build more affordable housing and to be more inclusive to a variety of income levels, persons with disabilities and marginalized communities such as seniors, veterans and people experiencing homelessness.
- Landlord harassment and tenant discrimination is occurring with the city. Students are particularly targeted, as they are not always educated on tenants' rights.

The City categorized this feedback and the Housing Element was tailored to accommodate those themes as follows:

Need for ADUs to provide affordable housing options.

How addressed:

- The latest revision of the Housing Element added additional analysis of current zoning regulations for ADUs and identified potential constraints to ADU development.
- To support the production of ADUs, the City strengthened its ADU program during the latest revision to the Housing Element and added new program objectives. Housing Program 4.1.a was added to the Housing Plan, which directs the City to pursue mechanisms to facilitate the construction of ADUs, such as pre-approved standards for ADU foundation plans and expanding or extending fee waivers for ADU development beyond state law. The City will also create an ADU Amnesty Program that allows property owners who have unpermitted ADUs on their property to bring them up to code and get them permitted without facing any penalties or fines. These actions will promote ADU development by streamlining ADU permitting and reducing financial barriers.

Need for regulation on short-term rentals to support housing options for permanent residents.

How addressed:

- The Housing Element analyzed the City's regulations regarding short-term rentals. The City is currently working on a short-term rental ordinance that balances the need for overnight accommodations and the availability of long-term rental housing.

Need for a streamlined permitting process for affordable housing.

How addressed:

- The latest revision of the Housing Element added additional analysis of the permitting process for single-family and multi-family development in Malibu as well as the permit and environmental review time for development applications.
- To support the production of affordable housing, the City strengthened and added programs for streamlining the City's permitting process and for promoting affordable housing development under Housing Program 3.4, which directs the City to amend density bonus regulations in conformance with current state law and continue to monitor up and coming density bonus legislation. In addition, the City will inform housing developers about the City's density bonus program during pre-development conferences, inquiries, and with applications and emphasize development potential. The City will also provide technical assistance to developers on how to use the Density Bonus incentives and maintain information on density bonus incentives on the City's website.
- During the latest revision to the Housing Element, the City added programs and objectives to expedite project review, including Housing Program 4.2.a, which directs the City to continue Pre-Design Review for project applicants to serve as a cost-effective alternative to a first submittal, and to evaluate major costs or issues with the proposed development; Housing Program 4.2.b, which directs the City to identify new or improved data and technology solutions to support faster development project review and greater access to housing and land use information; and 4.2.c, which directs the City to develop written procedures for SB 35 Streamlined Ministerial Approval Process.

Need to balance regulatory and environmental constraints with the need for more affordable housing.

How addressed:

- During the latest revision to the Housing Element, revised development assumptions for the sites identified for affordable housing took into consideration a previous environmental study of these sites. The study documented wetlands on the sites of 28401 and 28517 Pacific Coast Highway. The development assumptions for these sites exclude protected wetland areas plus a buffer. Additionally, these sites were selected based on zoning for allowable densities and proximity to transit and services.

- The Housing Element analyzed the City's General Plan, Local Implementation Plan, and Zoning Ordinance and identified regulatory and environmental constraints to affordable housing development in the city.

Support for transit-oriented development and increasing density in areas with existing services.

How addressed:

- The latest revision to the Housing Element includes the development of a full AFFH analysis, which analyzed access to public transit throughout the city, which determined that the eastern area of the city has greater transit access than the western area. Overall, transit access was identified as low which few jobs accessible by transit. Revisions to the Site Inventory identified sites for multi-family housing development were selected based on zoning for allowable densities and proximity to transit and services.
- To support transit-oriented development, the City added Housing Program 3.2, which directs the City provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services, subject to funding availability.

Need increased resources and housing options for people experiencing homelessness and other marginalized communities.

How addressed:

- The revised Housing Element includes an analysis of the City's compliance with AB 2339 to ensure compliance with state law for emergency shelters and that the City's zoning regulations for emergency shelters is adequate to accommodate the number of identified homeless residents in the city. The assessment identified that the City's Zoning Ordinance does not comply with AB 2339, which the City addressed by adding Housing Program 2.4.c.
- To address housing needs for lower-income and special housing needs groups, the City added and strengthened several programs and objectives designed to expand resources and opportunities during the latest revisions to the Housing Element. Housing Program 3.1 directs the City to prioritize contacting qualified housing developers to identify affordable housing development opportunities that serve the needs of special needs populations, including seniors, homeless, female-headed households, large families, low-income, and/or persons with disabilities. Additionally, Housing Program 3.1 promotes the Housing Choice Voucher (HCV) program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.

Need for increased access and services for education on housing rights and resources to reduce displacement.

How addressed:

- Housing Program 1.1 directs the City to disseminate information to residents about code enforcement and amnesty information.

- Housing Program 1.5 was amended and strengthened during the latest revision. The program directs the City to monitor future affordable housing units that could potentially convert to market-rate units, including rent-restricted ADUs and JADUs.
- Housing Program 5.1 was amended and strengthened during the latest revision. The program directs the City to promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling and mediation. The City will advertise available fair housing services.
- Housing Program 5.2 was amended and strengthened during the latest revision. The program directs the City to provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.
- Housing Program 1.4 was amended and strengthened during the latest revision. The program directs the City to conserve existing mobile home parks by ensuring compliance with state regulations in the event of a park conversion and mailing information to all mobile home park tenants to increase awareness of the Mobilehome Rent Park Control Ordinance.

Input from Public Review and Public Meetings

The initial Draft 6th Cycle Housing Element was available for public review in June 2021. The City received comment letters via email from two individuals and organizations.

Public meetings to review the draft Housing Element were conducted by the Planning Commission on July 22, 2021 and City Council on August 23, 2021. The presentations consisted of an introduction to the housing element, explanation of the RHNA, and an overview of the draft Housing Element.

After receiving comments on the draft Housing Element from the California Housing and Community Development Department (HCD), a revised draft Housing Element was reviewed at a Planning Commission public hearing on November 15, 2021 and adopted by the City Council at a public hearing on January 10, 2022.

The Housing Element was revised to incorporate public comment prior to resubmittal to HCD on January 21, 2022. Specifically, the Housing Element was amended as follows:

- Additional analysis was incorporated regarding special housing needs populations and regulatory controls.
- Additional analysis regarding the environmental and infrastructure constraints was incorporated into the Sites Inventory.
- Revised housing programs to update the City's compliance with state laws, affirmatively furthering fair housing, and ADU promotion.

During the initial Housing Element public review draft, the City received two written comments. One from an individual resident on June 21, 2021, and one from Abundant Housing LA (AHLA) on November 30, 2020. The individual resident expressed concerns about the affordability and supply of housing in Malibu. They recommended several

actions the City can take, including streamlining the permitting process for ADUs, prioritizing rebuilding after the Woosley fire, incentivizing construction, creating a property owners registry for low-income units, establishing rent controls, and conversion of single-family homes into multi-family buildings. AHLA expressed concerns related to the predominance of single-family housing in Malibu and requested the City to increase residential densities by rezoning areas designated by the California Tax Credit Allocation Committee (TCAC) as high opportunity areas. AHLA also requested the City to develop a quantitative methodology to plan for additional housing growth in areas with access to transit, jobs, schools, and low environmental pollution burden.

The City acknowledges the desire for higher density housing but must contend with the significant environmental constraints that exist throughout the city, including high fire hazards, environmentally sensitive habitat areas, geological problems, the lack of a community wastewater system, limited access for emergency vehicles, and state laws and Coastal Commission policies that limit residential development in areas with such constraints. These constraints are further described in Chapter 7.3, *Constraints*. To increase density in residential zones, the City adopted an ADU ordinance in ~~December 2023~~ January 2024.

As described in Appendix B, *Residential Land Inventory*, the City has identified adequate sites to fully accommodate the RHNA allocation for the planning period. The site capacity methodology considered ~~fair housing concerns, as well as access to resources and~~ environmental constraints. The ~~AHO~~ sites are located along the Pacific Coast Highway and have access to public transit.

The Housing Element was subsequently revised to address HCD comments included in its March 22, 2022 letter. The revised Housing Element was posted on the City's website on January 8, 2024 and was made available for public comment between January 16, 2024 and January 24, 2024.

City staff offered office hours during the public review period to answer questions by appointment during the following times: January 16, 2024 from 3:00 PM to 5:00 PM, and January 18, 2024 from 10:00 AM to 12:00 PM.

A public meeting in the form of a City Council study session was held on January 17, 2024. The presentation consisted of an overview of major updates to the Housing Element and next steps. During the public review period and at the City Council study session, the City received comments from nine individuals through emails, verbal comments, and phone calls.

The City received two emails during the revised Housing Element public review period in January 2024. The commentors expressed a desire for resources and quality housing for special needs populations, expressed that using housing vouchers within the city is challenging, and requested the City be more proactive in bringing affordable housing to the area. As described above, the City has included programs in the Housing Plan to provide for special needs populations, encourage affordable housing development, and promote the HCV Program.

The City also received four phone calls during the January 16-24, 2024 public review period. The callers expressed a desire to live in Malibu and are seeking affordable housing. However, there are difficulties finding units that allow for housing vouchers, as

well as units that accommodate low-income individuals with disabilities. The callers emphasized the need for housing for disabled and other vulnerable populations.

Shortly before and during the January 16-24, 2024 public review period, the City was contacted by two property owners interested in developing affordable housing for low- and moderate-income households. While these sites are not included in the Sites Inventory and do not have an AHO designation, these inquiries demonstrate that there is interest in developing affordable multi-family housing in the city.

Following the preliminary review by HCD, the Housing Element was revised and the City published the Revised 2021-2029 Housing Element on March 13, 2024 for public review. The City received eight comment letters during the March 13 to March 20, 2024 public review period. One of the comments received notified the City of the failure of a website link on a device, and another comment advertised business services to the City. The other comments regarded expanding the ADU and mobile home programs, adding incentives for owners to rent to low-income residents and special needs populations, expanding the mobile home program, services for the homeless population, requests for additional density, and reducing short-term rentals.

In addition to those eight comment letters, four comment letters were sent directly to HCD, including one in November 2022, two in January 2024, and one in March 2024. One of the comments received provided a complaint regarding a home manufacturer in Malibu. Two other comment letters supported the City's compliance with state law regarding the City's ADU ordinance, Site Inventory, and Housing Element update; and supported housing for lower- and moderate-income households and affirmatively furthering fair housing opportunities. One comment letter desired an analysis of the City's compliance with the Permit Streamlining Act.

Following receipt of comments by HCD dated March 22, 2024, the Housing Element was revised, and the City published the Revised 2021-2029 Housing Element for a seven-day public review period from April 29, 2024 to May 6, 2024. One public comment was received on May 3, 2024, requesting information on renting affordable housing that is developed in Malibu. Following receipt of comments by HCD dated June 21, 2024, the Housing Element was revised, and the City published a revised draft for a seven-day public review period from July 19, 2024 to July 26. No public comments were received during this public review period.

The following themes emerged from comments received during public review and at the public meetings:

- Residents would like to see the City to be held accountable for implementing programs identified in the Housing Element, particularly relating to programs for building affordable housing for seniors, teachers, and firefighters.
- There is a discrepancy between the amount of housing that is available for high-income residents and the limited housing that is available for low-income residents. There is a large housing gap for those in need of housing.
- When new residential development replaces former buildings, existing residents are displaced and do not return.

- It is very difficult for a voucher holder to locate housing in Malibu. There are very few voucher program units. Residents requested more information provided to landlords to prevent discrimination based on income source and disability.
- ADUs are not adding to the housing stock, but are used to increase home values for wealthy residents.
- Residents would like the City to expand their ADU program and provide incentives to property owners that rent to low-income renters.
- Concern for housing for special needs populations, such as foster children and families, residents with disabilities, and other vulnerable groups.
- Incentivize hiring special needs populations, and more services for people with special needs to help find permanent housing.
- Concern with losing open space with increased residential density.
- Suggestions to include HOME funds in the City's funding availability.
- Expand opportunities for mobile homes as a form of affordable housing.
- Rezone to allow for more housing.
- Create safe parking sites for people who live in their cars.
- Allow for housing on the former Malibu Golf Course.
- Suggestions for enforcing mandatory inspections and nuisance laws, providing tax breaks for long-term rentals as an incentive, and limiting short-term super hosts.
- Support for the City to support higher density projects and to coordinate meetings with developers.
- Request to include an analysis of the City's compliance with state streamlining laws, including California Environmental Quality Act (CEQA) streamlining.
- Concerns that the Affordable Housing Overlay (AHO) zone has a maximum density of 20 units per acre, rather than the minimum density required by state law. Additionally, there were concerns that the height limits of 18 feet constrains development, and the Multifamily Beach Front District density assumptions are inaccurate and cannot accommodate the planned density.

In response to the comments received during public review and at public meetings, the Housing Plan was amended according to the following themes:

Need for affordable housing options.

How addressed:

- During the latest revision to the Housing Element, the City strengthened objectives to support affordable housing opportunities. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group. Housing Program 3.3 also directs the City to support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices, and to provide funding to the City's Outreach Team and Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County.

Need for income source discrimination prevention.

How addressed:

- Housing Program 3.1 was amended and strengthened during the latest revision. The program directs the City to promote the HCV program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.
- Housing Program 5.1 was amended and strengthened during the latest revision. The program directs the City to promote the services of HRC to provide fair housing and tenant/landlord services, including fair housing counseling and education and tenant/landlord counseling and mediation, and to provide informative materials on fair housing resources with ADU applications. The City will advertise available fair housing services.

Need increased resources and housing options for special needs populations.

How addressed:

- Housing Program 1.2 directs the City to provide technical housing rebuild assistance to lost or damaged homes as needed, prioritizing low- or moderate-income households and/or special housing needs households.
- Under Housing Program 1.3, the City will provide housing rehabilitation assistance to lower-income, elderly, and/or disabled households. Providing financial assistance for home repairs to at risk households will reduce displacement risk caused by substandard housing conditions.
- During the latest revision to the Housing Element, the City also strengthened objectives to support affordable housing opportunities. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance to developers for affordable housing projects that provide units that serve the needs of at least one special needs group. Housing Program 3.3 also directs the City to support services that meet the needs of City residents, especially extremely low-income households and special housing needs populations, that support mobility options and housing choices, and to provide funding to the City's Outreach Team and Housing Navigator to coordinate with landlords and shelter facilities throughout Los Angeles County.

- During the latest revision to the Housing Element, the City added Housing Program 3.3 to promote awareness of the City's exemption on the Utility Use Tax for senior households (MMC Chapter 3.28), which will reduce housing cost burden for that population. The City will also support services that meet the needs of City residents, including an annual senior resources fair, Dial-A-Ride services, and information on how to access assisted living housing.
- During the latest revision to the Housing Element, the City strengthened Housing Program 3.4, which directs the City to promote the use of density bonuses to facilitate production of affordable and senior housing.
- During the latest revision to the Housing Element, the City strengthened Housing Program 5.2, which directs the City to require the project developers of affordable housing projects or projects with affordable units to implement an Affirmative Fair Marketing Plan to outreach to a diverse population. The Housing Program also directs the City to Provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility.

Stakeholder Interviews

On April 19, 2024, the City contacted organizations with local knowledge of the housing needs of special needs populations to arrange one-on-one interviews. The following organizations were contacted:

- Malibu C.A.R.T.
- The People Concern
- Esperance Center
- Catholic Charities of Los Angeles, Inc.
- Salvation Army - California South
- Lutheran Social Services of Southern California (LSSSC)
- St. Joseph Center

The People Concern and Malibu C.A.R.T. responded to interview requests. The People Concern operates throughout Los Angeles County and provides services to people experiencing homelessness, including outreach, interim housing, mental and medical health care, substance abuse services, domestic violence services, life skills and wellness programs, and permanent supportive housing. Malibu C.A.R.T. (Community Assistance Resource Team) operates in Malibu and connects people experiencing homelessness to services. The organizations were encouraged to provide input on the housing needs, conditions, and services for special needs populations, and input on the challenges and opportunities with their work. Both organizations primarily serve residents in the city experiencing homelessness. The following discussion summarizes the input received during the interviews:

- Existing services and resources in Malibu:

- The Labor Exchange, a program supported by the City, assists housed day laborers with connections to prospective hires and provides English as a Second Language classes.
- The Veteran Peer Access Network, operated through the Department of Mental Health outreach program, is an effective partnership for The People Concern, offering an alternative for veterans who may be reluctant to seek assistance from Veterans Affairs (VA) services.
- The City's Public Safety Department and the Sheriff's Department maintain a respectful separation between law enforcement responsibilities and assistance for social services. The Sheriff's Department prioritizes fire prevention and ensuring that unhoused residents are removed from fire-prone areas such as the canyons.
- Malibu benefits from a close-knit community with a high degree of collaboration between public safety and law enforcement officers, lifeguards, library staff, and community volunteers. This high degree of collaboration benefits response times, service accessibility, and information sharing for assisting unhoused residents.
- The City has an agreement with Turning Point for three interim housing beds in Santa Monica.

- Housing and services challenges in Malibu:
  - Malibu's expansive area and topographic isolation from the rest of the region creates logistical challenges for providing accessible social services for unhoused and lower-income residents, requiring long vehicle or bus trips for basic needs.
  - Recruiting employees for jobs in the city, particularly for lower- and moderate-income jobs, is challenging due to high cost of living and long commutes, especially via public transit. Lower-income workers, particularly those who work temporary jobs such as construction, sometimes sleep in their vehicles on the street to avoid commuting. Middle-income public employees, such as police and teachers, experience high turnover due to the lack of affordable housing options.
  - Wraparound services, including mental health, substance abuse, medical care, and transportation services, are needed for lower-income residents.
  - The high cost of land in Malibu makes establishing interim housing difficult.
- Suggestions for collaboration, resources, and opportunities:
  - There is potential for collaboration with the County to build emergency shelters on County property in Malibu near services and transit.
  - Potential solutions for interim or emergency housing could include repurposing existing City facilities or enacting zoning changes to allow this type of housing.
  - The City's website can provide information on available housing resources for residents, particularly seniors, public employees, and local employees.
- Trends and characteristics among the unhoused population:
  - Veterans comprise a small portion of the unhoused residents.

- There are several long-term homeless individuals who have resided in the city for decades and their circumstances and needs vary by person.
- The unhoused population includes families, couples, and the elderly. There has been an observed increase in unhoused older individuals and female residents in recent years.
- Substance use has shifted in recent years from alcohol to methamphetamine and fentanyl, leading to behavioral challenges such as psychosis and disruptive behavior. These behavioral challenges can make it difficult for service providers to establish and maintain care.
- Some individuals were previously housed in Malibu but became homeless, particularly following events like the Woolsey Fire. Residents who were living on someone else's property in a guest home or trailer were more likely to be impacted by housing needs. Despite emergency housing vouchers being available after the fire, they were not utilized by all affected individuals.
- Most unhoused residents in Malibu did not previously have housing in the city; most arrived in the city for various reasons after becoming homeless.
- Homeless individuals are frequently found in locations like the library and Legacy Park.

The Housing Plan was updated to incorporate this feedback into the program actions. Housing Program 3.3 directs the City to prioritize Affordable Housing Trust Fund assistance for affordable housing projects that provide units that serve the needs of special needs groups, such as seniors and lower-income employees. Housing Program 3.3 also directs the City to Implement the City's Homelessness Task Force and provide funding to conduct outreach and coordinate with landlords and shelter facilities throughout Los Angeles County and ensure there are sufficient beds available to Malibu residents experiencing homelessness.

Public Hearings

The Planning Commission held a duly noticed public hearing to consider the 6th cycle Housing Element on August 19, 2024. At the hearing, the Planning Commission recommended that the City Council readopt the Housing Element. Three people provided public comment and one comment letter was submitted ahead of the hearing. The comments covered the following points:

- The City should support the distribution of affordable housing throughout the city.
- Residential care facilities should not be allowed in residential areas.
- The City should conduct an analysis of the AHO sites to determine potential units by bedroom type and potential development costs, although this action does not need to be done as part of the Housing Element.
- General support for the Housing Element.
- Request that the City consider funding subsidized rentals via a transient occupancy tax.

The City Council held a duly noticed public hearing for readoption of the Housing Element introduced the Zoning Ordinance Amendments Zoning Changes for the first reading on September 23, 2024 and readopted the Housing Element. Five comment letters were submitted to the City Council regarding the Housing Element and one person provided public comment during the hearing. One comment letter was submitted to HCD on September 24, 2024. The following points were raised:

- The City should include a subsidy structure for affordable housing in the Housing Element.
- A property owner requested to add 6453 Sycamore Meadows Drive to the Sites Inventory.
- The Housing Element must provide adequate justification for unit counts and affordability levels for sites in the Sites Inventory.
- The Housing Element should select sites based on expressed interest in development and add those sites to the AHO.
- The Housing Element should recognize that the city is in a Very High Fire Hazard Severity Zone and increased density may be a safety concern for evacuation. Additionally, there are few suitable locations for higher-density housing due to environmental constraints and limited parking/single egress to Pacific Coast Highway.
- The City should consider a public/private partnership for using a portion of City-owned land for subsidized housing.
- The Housing Element should consider counting informal rentals to satisfy housing for very low- and low-income residents.
- Comments related to changes made to the MMC and development standards.

The Housing Element addresses these comments which are reiterated as follows:

Support for rental subsidies

The Housing Element contains two actions in Programs 3.1 and 3.2 that support rental subsidies and providing subsidies for the development of affordable housing:

- **3.1.d.** Promote the Housing Choice Voucher program to landlords (including ADU owners) and residents with the goal of increasing the number of vouchers used.
- **3.2.a.** Subject to funding availability, provide development subsidy for affordable housing units with an effort to locate such housing near transit and essential services.

AHO site appropriateness and feasibility of affordable housing development

The AHO sites are adequately zoned and physically able to support the number of units proposed, as discussed in Appendix B. Programs 3.1, 3.2, and 4.3 were added to the 6th cycle Housing Element to promote affordable housing on the AHO sites, which include the following actions:

- Outreach to developers about opportunities on the AHO sites
- Creation of a webpage on the City's website with information about incentives and programs
- Identify grant funding and providing subsidies for affordable housing
- By-right approval requirement threshold changed to 20 percent affordable as opposed to 50 percent
- Increase the maximum height to 30 feet and remove the two-story limit for AHO sites

Concerns regarding additional density

The entire city is in a Very High Fire Hazard Severity Zone. The City's RHNA was adopted by the Southern California Association of Governments (SCAG) in 2021 and reduced the previous RHNA from 441 units in the 5th cycle to 79 units in the 6th cycle. The AHO was adopted by the City in 2013 to provide adequate sites for the 5th cycle RHNA. Potential environmental impacts of the adoption of the AHO were analyzed in the 2008-2014 Housing Element Update Environmental Impact Report (EIR), including impacts to transportation and traffic. The 6th cycle Housing Element does not designate a change in allowable density on any sites.

Desire to count informal rentals towards the RHNA

The Housing Element was prepared according to California Government Code section 65583.1 and the guidelines set forth by HCD.[1]

Desire to make City-owned sites available for affordable housing

Program 2.1 in the Housing Plan directs the City to promote publicly owned sites that have been designated surplus land, conduct community outreach for development of these sites, and facilitate development via a land lease agreement.

Post-Adoption Public Review

The Housing Element was made available for public review from September 27 to October 3, 2024. Two comment letters were received during public review. One commenter expressed interest in rental housing in the city and updates on the progress of the Housing Element. Another commenter inquired whether the City planned to create

[1] HCD. 2020. Housing Element Site Inventory Guidebook. https://www.hcd.ca.gov/community-development/housing-element/docs/sites_inventory_memo_final06102020.pdf

a webpage on housing resources for lower and moderate-income households. Housing Element Program 5.2 directs the City to provide information and referral services that direct families and individuals to financial resources for housing rental or purchase, locating suitable housing in areas of opportunity, and obtaining housing with special needs facilities such as disabled-accessible units to enhance housing choices and mobility. As part of this program, the City will create a Housing Resources page on the City's website to disseminate informational materials to residents on affordable housing and financial resources.