

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
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VENTURA, CA 93001  
(805) 585-1800



January 10, 2014

City of Malibu Planning Division  
Attention: Richard Mollica  
23825 Stuart Ranch Road  
Malibu, CA 90265

**Subject:** *Local Coastal Program Amendment No. LCP-4-MAL-13-0241-1 (Housing Update - Malibu LCP Amendment No. 12-002)*

Dear Mr. Mollica,

On December 30, 2013, our office received the City's proposed amendment to the Local Implementation Plan (LIP) portion of its certified Local Coastal Program (LCP) to: 1) update density bonus provisions for affordable housing to comply with State density bonus law; 2) create a new "Affordable Housing Overlay" (AHO) District with specific development standards to accommodate the City's required housing needs allocation pursuant to the State's Housing Element Law (the AHO is proposed to apply to three properties within the City); 3) add procedures related to reasonable accommodation for persons with disabilities; 4) update housing-related zoning ordinance provisions including those related to permitted uses and development standards to accommodate higher density, affordable multi-family residential development, emergency shelters, single-room occupancies, small and large residential care facilities, transitional and supportive housing, and agricultural employee housing; and 5) update and add housing-related definitions.

Staff has reviewed the materials submitted for the subject LCP amendment request and we have found that there is additional information that is required for our analysis of this request. Please provide the following information:

1. **Consistency Analysis.** The consistency analysis provided in the subject amendment request submittal is not detailed or comprehensive enough in analyzing the LIP amendment's consistency with the LUP and with all other provisions of the LIP. Please submit a consistency analysis of the proposed amendment and its relationship to, and effect on, the other sections of the certified LCP consistent with Section 13552(c) of the Commission's regulations. Address how the changes are consistent with, and adequate to carry out, the policies of the LUP. In addition, please address the following specific issues in the analysis:
  - a. The submittal indicates that the proposed AHO designation would apply to three properties within the City, one of those properties is a 2.3 acre portion of APNs 4458-022-023 and -024 within the Civic Center area. In the existing certified LIP, this 2.3 acre site is designated as "La Paz Site Parcel C" within the Town Center Overlay District (TCO) zoning designation, with specific development standards and permitted uses. Permitted uses at the site are limited to commercial type uses, as well as public recreation and community center facilities. Residential use is prohibited. Further, Section 3.4.3(D) of the LIP regarding the TCO District indicates that La Paz

Site Parcel C is to be conveyed to the City of Malibu as a public benefit pursuant to the La Paz Development Agreement for the purpose of a City Hall or municipal use in order to increase the allowable Floor to Area Ratio (FAR) for the remainder of the TCO District parcels from 0.15 to 0.20. In addition, the underlying land use designation of the site in the certified Land Use Plan (LUP) is Community Commercial (CC). The TCO District in the LIP is consistent with the underlying CC designation, but contains greater specificity in permitted uses and regulations in order to carry out the La Paz Development Agreement.

However, the proposed AHO designation for this site, which allows affordable housing development and establishes specific development standards and regulations, appears to be in conflict with the existing certified TCO District zoning designation for the site and inconsistent with the underlying LUP Community Commercial land use designation. Please address the relationship and consistency between the existing overlay and the proposed overlay, as well as consistency between the proposed overlay and underlying CC land use designation in your consistency analysis.

- b. Several changes are proposed to the Permitted Use Table (Table B) of the LIP. Some of the changes propose permitting certain uses that are currently prohibited within particular zone districts. The proposed changes to Table B (Permitted Use Table) of the LIP include changing the Multi-Family Residential use in the CC zone designation from prohibited to permitted (if associated with an affordable housing development project). While this change may have been intended to address the conflict discussed above, our staff notes that, as proposed, the change would also apply to all other CC designated properties within the City. The proposed changes to Table B also include permitting agricultural housing (a residential use) in the Commercial Recreation (CR) zone, where residential uses are currently prohibited in the LCP. Please address these Permitted Use Table changes in the consistency analysis.
  - c. According to Permitted Use Table (Table B) of the LIP, and the description of the Commercial General (CG) land use designation in Chapter 5 of the LUP, mixed use development (commercial and residential) is permitted only in the CG land use and zoning designation. Within the proposed Affordable Housing Overlay District portion of the amendment request (proposed LIP Section 3.4.4(D)(1)(e)), it is stated that mixed use development may be allowed in the CC zoning district. But Table B indicates that "mixed use" development is prohibited in the CC zone district. Please clarify this discrepancy.
2. **Impacts Analysis.** Pursuant to Sections 13552(d)/13511(a) of the Commission's Administrative Regulations, please provide an analysis of potential adverse individual and cumulative impacts on coastal resources and public access of the proposed LCP amendment changes and the potentially allowable development proposed. The potential impacts to coastal resources (e.g., visual resources, recreation, public access, environmentally sensitive habitat, water quality, etc.) must be identified and analyzed in the amendment submittal. In addition, please address the following specific issues in the analysis:
- a. As discussed previously, the subject amendment to Table B (Permitted Use Table) of the LIP includes changing the Multi-Family Residential use in the CC zone

designation from prohibited to permitted (if associated with an affordable housing development project). This change would permit multi-family residential use (if associated with an affordable housing project) in all CC designated properties within the City, not just the ones subject to the proposed overlay. Although these CC designated properties are not specifically designated for a visitor-serving commercial use, the potential conversion of the land available for new commercial development to residential development within the City's Coastal Zone would still result in potential adverse impacts to visitor serving and recreational resource opportunities. Please submit an inventory of the properties affected by the proposed land use changes and provide an analysis of the effects to visitor serving and recreational resource opportunities that would result from the potential conversion of all CC designated properties to residential use, including but not limited to the "La Paz Site Parcel C".

- b. In addition, the proposed changes to Table B also include permitting agricultural housing (a residential use) in the Commercial Recreation (CR) zone, where residential uses are currently prohibited in the LCP. Although the City's specific visitor-serving commercial zone designations are not implicated in the amendment request, the proposed changes to the CC and CR designations discussed above could result in the potential conversion of land zoned for Commercial Recreation to a lower priority land use (residential and mixed-use) and the potential loss of the land available for new commercial development in the City's Coastal Zone, which would result in impacts to visitor serving and recreational resource opportunities. Please inventory the properties affected by the proposed land use changes and analyze the potential individual and cumulative impacts to visitor serving and recreational resource opportunities that would result from the potential conversion of CR designated properties to residential use.
- c. For the multi-family residential (MF) zoned properties that are included in the proposed AHO District, please address how the higher density of residential development proposed would be achieved in consideration of the standards of the LCP and site resource constraints. Please submit an analysis of the potential development envelope on these sites, including the site containing wetland areas.
- d. Further, one of the proposed changes to the Permitted Use Table (Table B) of the LIP adds a footnote to the conditionally permitted multi-family residential use in the multi-family residential zones that states "multi-family development associated with an affordable housing development project is permitted by right." Please clarify what is meant by "permitted by right." How does it relate to the CDP and CUP processes?
- e. The proposed amendment defines "agricultural employee housing" as any living quarters or accommodations of any type specifically for agricultural employees. The Permitted Use Table (Table B) of the LIP includes a proposed change to add agricultural employee housing as a use and to permit it in residential (RR), multi-family (MF/MFBF), and commercial recreation (CR) zone designations. However, the definition for this type of housing is too general and it is unclear what such a use consists of. Moreover, as proposed, the amendment includes no requirements, limitations, or development standards for this type of development (including, but not limited to, size, height, number of residential structures allowed on a property, etc.). Thus, it is unclear how this new type of use would be implemented, what adverse

impacts to coastal resources may occur, or how this change to the zoning ordinance will be adequate to implement the policies and provision of the LUP. Please clarify and provide an analysis of the potential impacts to coastal resources that may occur from the implementation of this new provision.

Thank you for your time and attention to this matter. Once we receive the noted information, we can analyze the proposed LCP amendment and schedule the matter for hearing. Should you have any questions, please contact me at (805) 585-1800. We look forward to receiving the requested materials and moving forward with our review of this amendment application at your earliest convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deanna Christensen".

Deanna Christensen  
Coastal Program Analyst