



Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

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Date prepared: August 8, 2024 Meeting date: August 19, 2024

Subject: 2021-2029 Housing Element and Code Amendments

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 24-59 (Attachment 1), determining the project exempt from the California Environmental Quality Act (CEQA), and recommending that the City Council adopt General Plan Amendment (GPA) No. 20-001 adopting the 2021-2029 Housing Element relative to the provision of housing for all income levels consistent with all applicable state housing element laws and adopt Local Coastal Program Amendment (LCPA) No. 24-001 to amend the Local Coastal Program Local Implementation Plan (LIP) and Land Use Plan (LUP), and Zoning Text Amendment (ZTA) No. 24-002 to amend Title 17 of the Malibu Municipal Code (MMC), as required to implement the goals, objectives, policies and implementation programs, as set forth in the 2021-2029 General Plan Housing Element.

DISCUSSION: This agenda report provides information to consider an amendment to the Malibu General Plan for the 2021-2029 Housing Element Update and related LCP and MMC amendments to implement mandatory programs in the 2021-2029 Housing Element.

2021-2029 Housing Element

The Housing Element Update includes analysis of the community's housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community. Every city and county in California is required by law to prepare a Housing Element update for the "6th housing element update cycle". The statutory deadline to adopt

a certified 2021-2029 (6th cycle) Housing Element for all jurisdictions in the Southern California Association of Governments (SCAG) region, including the City of Malibu, was October 15, 2021.

On August 23, 2021, the City Council held a study session of a draft of the 6th Cycle Housing Element and directed staff to transmit it to the California Department of Housing and Community Development (HCD) for review. HCD plays the critical role of reviewing every local government's housing element to determine whether it complies with state law and then submits written findings back to each local government. HCD's approval is required before a local government can adopt its housing element as part of its overall General Plan.

Following the initial review, the City received a comment letter from HCD (October 22, 2021) indicating that while the Revised Housing Element met many statutory requirements of State Housing Element law, revisions would be necessary to fully comply with State Housing Element law. The City subsequently submitted revised Housing Elements to HCD on January 10, 2022, February 7, 2024, and May 7, 2024. HCD issued comment letters (March 22, 2022, March 22, 2024, and June 21, 2024) for each of the submittals indicating further revisions would be needed to comply with State Housing Element law. Copies of the letters and other documents related to the history of the Housing Element adoption process can be found on the City's Housing Element webpage at <https://www.malibucity.org/housingelement>. City staff and the Housing Element consultant continued to work closely with HCD staff to address HCD comments. On July 19, 2024, a Revised Draft Housing Element, which HCD indicated met statutory requirements pending formal review, was circulated for the required seven-day public review period (July 19 – July 26th). On July 29, 2024, the revised Draft Housing Element was re-submitted to HCD and on July 31, 2024, the City received a letter from HCD stating that the Housing Element meets the statutory requirements of State Housing Element law (Attachment 2). Any changes to the Housing Element subsequent to the July 29, 2024 submittal would open up the possibility of HCD rescinding the letter and lead to further delays while HCD reviews the changes.

Regional Housing Needs Assessment (RHNA)

State law requires the Housing Element to address several issues including preservation of the existing housing stock, future housing needs of the community, resources and constraints affecting housing, and fair housing. One of the requirements of State Housing Element law is that each city must adopt land use plans and regulations that create sufficient opportunities for residential development to accommodate its assigned share of statewide housing need. The Regional Housing Needs Assessment (RHNA) is the process by which each city's need for additional housing is determined.

The City was assigned a RHNA of 79 units for the 2021-2029 Housing Element planning period. The 6th cycle RHNA allocation by income category for Malibu is shown in Table 1.

Table 1 - RHNA by Income Category				
Very Low ¹	Low	Moderate	Above Moderate	Total
28 ²	19	17	15	79

Source: SCAG 2021

Notes:

1 Includes the Extremely-Low-Income (ELI) Category

2 14 units are assumed to be ELI pursuant to Government Code §65583.a.1

After accounting for planned and approved projects and projected Accessory Dwelling Units (ADUs), the remaining RHNA units (30 lower-income and 16 moderate-income units) must be accommodated through adequate site planning. The site inventory capacity analysis found that existing land use designations can accommodate the RHNA on vacant and underutilized land (see Appendix B, *Residential land Inventory* in the Housing Element, for more information).

In 2013, the City amended the General Plan, LCP, and MMC to establish the Affordable Housing Overlay (AHO) District (LIP Section 3.4.5 and MMC Section 17.42.020(L)) allowing multi-family development at a minimum density of 20 units/acre and a maximum of 27 units/acre (which includes any density bonus) by-right when affordable housing is provided. The AHO zone was placed on three parcels on Pacific Coast Highway and one parcel in the Civic Center known as La Paz Lane. The three parcels on Pacific Coast Highway and projected ADUs will be utilized to meet the remaining lower and moderate income RHNA units. While the La Paz Lane site will not be needed to meet RHNA, the AHO zone will remain on the parcel until a decision is made on the use of the parcel as part of the on-going development of a master plan for future uses of vacant City-owned land. In addition, Government Code Section 65863 and Housing Program Objective 2.2.a. requires the City to monitor the development of properties identified to meet RHNA requirements and if the City approves a project on the AHO sites that would result in a loss of land available to accommodate the RHNA, the City will need to identify adequate sites to accommodate any shortfall and/or rezone additional sites to accommodate lower and moderate-income households within 180 days of approval of said development.

Affirmatively Furthering Fair Housing (AFFH)

All housing elements due on or after January 1, 2021 must include an assessment of fair housing. This is a new requirement that was instituted for all 6th cycle Housing Elements. Appendix F in the Housing Element provides that assessment for the City. The AFFH analysis identifies meaningful actions to address factors that contribute to fair housing issues in Malibu in Table F-13. The meaningful actions to address these fair housing issues are incorporated into programs and actions in Chapter 7.5 (*Housing Plan*). Based on community feedback and data analysis, it was determined that high-priority issues in the City are lack of affordable housing, fair housing enforcement and outreach, and segregation of low-income residents.

As noted in the AFFH analysis, the entire City is designated a highest resource, highest income, and racially concentrated area of affluence (RCAA). HCD's June 21, 2024 letter states the Housing Element must "include a significant suite of programs to facilitate housing mobility and promote housing choices and affordability throughout the City. These programs should not be limited to the Regional Housing Needs Allocation (RHNA) and, instead, target significant and meaningful change to promote housing choices and affordability throughout the City. Examples include promoting more housing choices and affordability in lower-density areas (e.g., missing middle housing types), identifying additional multifamily sites and increasing densities in multifamily zones, religious institutional sites, city-owned sites, enhancing accessory dwelling units (ADU), junior accessory dwelling units (JADU) or additional conversion of existing space, and home sharing strategies. Programs must have specific commitment, milestones, geographic targeting and metrics or numerical targets." To address this comment, Housing Programs were added to enhance housing mobility strategies as described in the Housing Plan and shown in Table F-13 in Appendix F AFFH.

Two examples of programs/objectives that were added to facilitate housing mobility and promote housing choices and affordability throughout the City are Objective 4.1.f., which would allow up to two JADUs per single-family lot. At least one JADU must be rent restricted to lower or moderate-income households. Allowing one additional rent restricted JADU will provide more rental opportunities which would promote more housing choices and affordability in lower-density areas. In addition, Objective 3.3.b promotes shared housing opportunities such as Affordable Living for the Aging (ALA), which connects senior homeowners with housemates seeking discounted rent in exchange for providing support to senior homeowners so they can remain in their home. Information on shared housing programs will be posted on the City's website, and the ALA and/or similar organizations would be invited to attend the City's senior resource fair as a vendor.

Chapter 7 - Housing Plan

An important part of the Housing Element is the Housing Plan (Section 7.5) because it describes the City's policies, programs, and objectives for the 2021-2029 planning period. This section has been updated to reflect current laws including fair housing requirements and includes commitments for specific actions through the end of the Housing Element planning period (2029). In addition to updating the code to meet current laws, the Housing Plan provides a variety of actions that will commit the City to be more proactive in providing information to the public on housing opportunities and services offered by outside agencies and the availability of the AHO sites for affordable housing. See Housing Program 5 for proactive actions the City will need to take.

A description of all required LCP and MMC amendments are discussed below in the LCP and MMC Amendments section of the staff report. These amendments include, among other amendments, updates to the City's Density Bonus Ordinance and Affordable Housing Overlay District, changes to the allowed location and development standards for emergency shelters, and changes to the permitted uses in most residential zones. As

noted below, two of the Housing Programs will be implemented through amendments undertaken in the future. In addition to these two Housing Programs, Objective 4.1.e requires the City to update the ADU ordinance in the MMC in compliance with State law within six months of receipt of comments from HCD or within six months from adoption of this Housing Element, whichever comes later. The City’s MMC ADU Ordinance was transmitted to HCD on February 1, 2024. To date, the City has not received comments from HCD on the ordinance. On March 19, 2024, the City received comments from the California Coastal Commission staff on the ADU ordinance, and additional information and analysis is required. <https://www.malibucity.org/ADU>. An amendment to the ADU ordinance would also be needed to implement Objective 4.1.f, which would allow one additional rent restricted (to lower or moderate-income household) Junior ADU. Staff’s goal is to work on any needed amendments to the LIP and MMC ADU ordinance concurrently.

Consequences for Non-Compliance

An important difference between the Housing Element and other elements of the General Plan is the extent of State oversight. Under California law, land use and development are generally within the authority of cities through the adoption of policies and regulations in General Plans, Local Coastal Programs, and municipal codes. However, State law establishes many specific limitations on city land use authority with regard to housing. The State legislature has also declared an adequate supply of housing to be a matter of statewide importance and has delegated authority to the HCD to review local government Housing Elements and issue opinions regarding their compliance with State Housing Element law. A finding of Housing Element compliance by HCD is referred to as “certification” of the Housing Element. Certification is important to enhance cities’ eligibility for grant funds and to support the legal validity of the City’s General Plan and land use regulations.

In addition, on May 19, 2023, the City received a “Letter of Inquiry” from HCD seeking a timeline for the City to adopt a compliant Housing Element and advising the City of the consequences of not obtaining a compliant Housing Element. On June 27, 2023, the City issued a schedule for completion of the Housing Element and on July 20, 2023, the City received a second “Letter of Inquiry” finding that the City had “failed to adopt a housing element that meets the requirements of State Housing Element Law and is therefore in violation of those statutes”. Copies of the Letters of Inquiry can be found at <https://www.malibucity.org/housingelement>. During this period, the City Council entered into a Stipulated Judgment¹ with HCD establishing deadlines for the City to adopt a compliant Housing Element.

The Stipulated Judgment includes deadlines to obtain certification as follows:

¹ <https://oag.ca.gov/news/press-releases/attorney-general-bonta-newsom-administration-reach-agreement-city-malibu>

- 1) No later than August 19, 2024, the Planning Commission must hold a public hearing to consider the Housing Element and code amendments;
- 2) No later than September 23, 2024, the City Council must hold a public hearing to re-adopt the Housing Element and hold first readings on the MMC and LCP amendments;
- 3) Prior to second reading of the MMC and LCP amendments, the adopted Housing Element and code amendments would need to be submitted to HCD by October 4, 2024;
- 4) On October 14, 2024, the City Council would need to conduct the second reading of, and adopt, the MMC and LCP amendments; and
- 5) By October 18, 2024, the City must submit the code amendments to HCD along with evidence that any required LCP amendments were transmitted to the California Coastal Commission for its review and certification.

To comply with these deadlines, the Planning Commission will need to make a recommendation to the City Council on the 2021-2029 Housing Element and related LCP and MMC amendments at its August 19, 2024 hearing.

LCP and MMC Amendments

The Housing Element programs and objectives that require amendments to the LCP and the MMC are listed and described below, along with the sections of the LUP, LIP, and MMC that are proposed for amendment. The relevant California Government Code (Govt. Code) Section or Health and Safety Code Section that the program and/or objective is meant to implement is also listed, if applicable. Often, the Government Code Section specifies the requirements the program and/or objective must meet. One program/objective requires an amendment to the LUP.

Two objectives that require LIP and MMC amendments have a timeframe of the end of 2025 to adopt these amendments. Therefore, staff will bring these amendments back for Planning Commission and City Council consideration at a later date. The two objectives are Objective 2.4.b. regarding large residential care facilities and Objective 4.3.b regarding Site Plan Review (SPR) findings.

The large (7 or more) residential care facilities amendment would, as required by HCD, allow large residential care facilities in residential zones with an administrative permit. Findings for approval of the permit would be based on objective standards that the City develops. The type of permit and objective findings will be developed as part of the future amendment. In addition, the provision allowing a “residential care facility for the elderly limited to operation by a nonprofit only” with a Conditional Use Permit (CUP) will need to be amended. That section will be updated in 2025 as part of the large residential care facility amendment.

The amendment to SPR findings is required by HCD to ensure approval certainty for proposed multi-family projects with heights over 18 feet. In order to ensure approval

certainty for multi-family projects, findings for approval must be objective. These findings will be developed as part of the future code amendment.

A summary of the draft LCP and MMC amendments are provided below.

Program 2.3 Replacement Housing, Objective 2.3.a.

Pursuant to AB 1397 (Adequate Sites) passed in 2017, the City will amend the LIP and MMC to require the replacement of existing residential units on nonvacant RHNA sites as a condition of project approval for development. Specifically, sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households are subject to this requirement. Those units shall be replaced with units affordable to the same or lower-income level as a condition of any development on the site. Replacement requirements shall also be consistent with those set forth in the State Density Bonus Law.

Amend the LIP and MMC to establish the replacement requirements pursuant to AB 1397.

Applicable Govt. Code Sections: 66300(d) and 65915(c)(3)

MMC Amendment:

Add subsection 17.42.020(L)(6) (Replacement Housing) to Section 17.42.020(L) (Affordable Housing Overlay District). The amendment applies to new affordable housing developments on sites in the Affordable Housing Overlay District that currently have residential uses, or within the past five years have had residential uses, that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low or very low income households. These new affordable housing development projects are required to replace affordable dwelling units meeting the conditions listed above with those affordable to the same or lower category of income level as part of a new project.

LIP Amendment:

Add subsection 3.4.5(F)(3) (Replacement Housing) to Section 3.4.5(F) (Affordable Housing Overlay District), similar to that for MMC Section 17.42.020(L)(6).

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.a.

Amend the LIP and MMC to allow transitional and supportive housing in all zones allowing residential uses, including the CC zone, as a regular residential use to be similarly permitted as other uses of the same housing type in the same zone. Amend the LIP and MMC to allow supportive housing by right (AB 2162).

Applicable Govt. Code Sections: 8698.4(c)(2), 65582(g) and (j), 65583, 65650, and 65651(a)

MMC Amendment

- Add transitional housing and supportive housing as permitted uses in all zoning districts where housing is allowed. These include Chapters 17.24 (Community Commercial - CC), 17.30 (Commercial General - CG), 17.34 (Institutional - I), and 17.39 (Malibu Estates Planned Development - PD) where they need to be allowed in the same manner as other residential uses in the same zone (either single-family or multiple family housing depending on what the zone allows). In the CC zone, supportive housing would only be allowed on the La Paz parcel (4458-022-908) which is in the Affordable Housing Overlay since that is the only housing permitted in the CC zone.

Transitional housing and supportive housing uses are currently permitted, and would remain permitted, in the Rural Residential (RR), Single Family (SF), Multiple-Family (MF), and Multifamily Beach Front (MFBF) zones, but transitional housing and supportive housing are now referenced separately (previously, they were combined as one item), and, in the MF and MFBF zones, a provision has been added to distinguish between supportive housing and the new use of permanent by right supportive housing, with a reference to a new Section 17.40.12(C) for permanent by right supportive housing provisions. The provisions in Section 17.40.12(C) implement the Govt. Code by allowing the use by right (no discretionary review) if it meets all the requirements stipulated in the Govt. Code. Such use must be allowed in all zoning districts that allow multi-family residential or mixed-use developments (MF, MFBF, CC, and CG).

- Update Title 17 Appendix 1 (Permitted Uses) Table) to add transitional housing and supportive housing as permitted uses in the RR, SF, MF, MFBF, CC, and CG, zoning districts.
- Update Section 17.02.060 Definitions to be consistent with the Govt. Code definition for supportive housing.
- Update Section 17.48.030(A) (Specific parking requirements) (Residential uses), to add transitional and supportive housing minimum parking space requirements the same as other uses of the same housing type in the same zone.

LIP Amendment:

- Update Section 2.1 (General Definitions) similar to that for MMC 17.02.060 for supportive housing and permanent supportive housing.
- Update Section 3.3(Q)(2) (Planned Development Zone (PD)) for Lots 1-5 to allow transitional housing and supportive housing similar to that for MMC Chapter 17.39.
- Add new Section 3.11.5(D) for by right permanent supportive housing required provisions, similar to that for MMC Section 17.40.12(C).
- Update Section 3.14.3 (Specific Parking Requirements) similar to that of MMC Section 17.48.030(A) for transitional housing, supportive housing, and by right permanent supportive housing.
- Update LIP Appendix 1 (Table B Permitted Uses) similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table) for transitional housing, supportive housing, and permanent supportive housing by right.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.c.

Revise the definition of emergency shelters, remove or increase the individual capacity limit, and remove the requirement of proximity to a transit stop and the requirement for adequate water supply and sewage disposal capabilities for emergency shelters to meet the requirements of AB 2339. Remove any requirements that are not required for other residential uses in the same zone. Amend LIP and MMC parking regulations for Homeless and Emergency Shelters and Navigation Centers to comply with Government Code Section 65583, subdivision (a)(4)(A).

Applicable Govt. Code Sections: 50801(e), 65583(a)(4)(A)

MMC Amendment:

- Portions of the existing text in Section 17.40.120 (Emergency shelters) have been updated to comply with current Govt. Code requirements. In particular, the maximum capacity limit for an emergency shelter has been increased from 25 to 55, based on a survey of the number of homeless individuals conducted in the City (2024 Greater Los Angeles Homeless Count – see Housing Constraints section of the Housing Element for more information). Section 17.40.120 has also been reorganized to become 17.40.120 (Special housing projects), with A. Emergency shelters (some changes), B. Low barrier navigation centers (new), C. By-right permanent supportive housing (new), and D. Single-room occupancy facilities (no changes). The reorganization is to better present provisions for various types of special housing, two of which are new categories, under an overall section addressing types of special housing. The new low barrier navigation centers

and by-right permanent supportive housing updates are addressed elsewhere in this report (Objectives 2.4.d. and 2.4.a., respectively).

- Update Section 17.02.060 (Definitions) to be consistent with the Govt. Code definition for emergency shelters.
- Update Section 17.48.030(A) (Specific parking requirements) (Residential uses), for emergency shelters to be consistent with Govt. Code.

LIP Amendment:

- Update Section 2.1 (General Definitions) similar to that for MMC Section 17.02.060 (Definitions) to be consistent with the Govt. Code definition for emergency shelters.
- Update Section 3.14.3 (Specific Parking Requirements), similar to that for MMC Section 17.48.030(A) (Specific parking requirements) (Residential uses) for emergency shelters to be consistent with Govt. Code.
- Update Section 3.11 (Development Standards for Special Uses) to create a new subsection 3.11.5 (Special Housing Projects), similar to that of MMC Section 17.40.120, including reorganization, revisions to provisions for emergency shelters, and addition of provisions for low barrier navigation centers (see Objective 2.4.d.) and by-right permanent supportive housing (see Objective 2.4.a.).

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.d.

Amend the LIP and MMC to comply with Government Code Section 65661 which requires a Low Barrier Navigation Center to be a use by-right in areas zoned for mixed-use and nonresidential zones permitting multifamily uses, provided specific requirements of the law are met.

Applicable Govt. Code Sections: 65660(a), 65661

MMC Amendment:

- Add low barrier navigation center as a permitted use in the following MMC Chapters: 17.24 (CC), 17.26 (CV-1), 17.28 (CV-2), and 17.30 (CG). Note that only the text in Section 17.24 (CC) is proposed to change, as Sections 17.26 (CV-1), 17.28 (CV-2), and 17.30 (CG) tier off each of the previous sections for permitted uses (i.e., they all allow the same permitted uses as the CC zone).
- Add new Section 17.40.120(B) for low barrier navigation center requirements and provisions.
- Add to Section 17.02.060 Definitions a definition for low barrier navigation center consistent with Govt. Code, and a definition for coordinated entry system, which is a requirement of a low barrier navigation center.

- Add to Section 17.48.030(A) (Specific parking requirements) (Residential uses) parking requirements for low barrier navigation centers.
- Add to Title 17 Appendix 1 (Permitted Uses Table) low barrier navigation center as a permitted use in the CC, CV-1, CV-2, and CG zoning districts.

LIP Amendment:

- Add new Section 3.11.5(B), similar to that of MMC 17.40.120(B), for low barrier navigation center requirements and provisions.
- Add to Section 2.1 (General Definitions), similar to that for MMC 17.02.060 Definitions, a definition for low barrier navigation center and coordinated entry system consistent with Govt. Code.
- Add to Section 3.14.3 (Specific Parking Requirements) parking requirements for a low barrier navigation center, similar to that for MMC Section 17.48.030(A).
- Add to LIP Appendix 1 (Table B Permitted Uses), similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table), low barrier navigation center as a permitted use in the CC and CG zoning districts.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.e.

Amend the LIP and MMC to comply with State Employee Housing Act, which stipulates that any employee housing for six or fewer persons should be treated as a single-family use.

Applicable CA Health and Safety Code Section: 17021.5(b)

MMC Amendment:

- Add employee housing for six or fewer persons as a permitted use in Chapters 17.08 (RR), 17.10 (SF), 17.12 (MF), 17.14 (MFBF) in the same manner as a single-family residence.
- Add to Title 17 Appendix 1 (Permitted Uses Table) employee housing for six or fewer persons as a permitted use in the RR, SF, MF, and MFBF zoning districts in the same manner as a single-family residence.

LIP Amendment:

- Add to LIP Appendix 1 (Table B Permitted Uses), similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table), employee housing for six or fewer persons as a permitted use in the RR, SF, MF, and MFBF zoning districts in the same manner as a single-family residence.

Program 2.4 Support Development of Variety of Housing Types, Objective 2.4.f.

Amend the parking requirements for studios/1-bedroom and 2 or more bedroom multi-family units to reduce the number required and remove the enclosure requirement.

Applicable Govt. Code Section: N/A

MMC Amendment:

- Update MMC Section 17.48.030(A) (Specific parking requirements) (Residential uses) for multi-family residential uses such that efficiency and one-bedroom units require one parking space and units with two or more bedrooms require two spaces; requirements for covered and enclosed spaces are removed; and the same parking requirements apply the same to market rate and affordable dwelling units. Provisions for guest parking are not changed.

LIP Amendment:

- Update Section 3.14.3 (Specific Parking Requirements), for multi-family residential uses such that efficiency and one-bedroom units require one parking space and units with two or more bedrooms require two spaces. Provisions for guest parking are not changed. (Note: Existing requirements do not stipulate covered or enclosed spaces, nor differentiate between market rate and affordable dwelling units).

Program 3.1 Facilitate the Development of New Housing for Extremely Low-, Very Low-, and Moderate-Income Households, Objective 3.1.e.

Amend the development standards of the Affordable Housing Overlay Zone as described in the MMC and LIP to include a maximum density independent of the state density bonus.

Applicable Govt. Code Section: 65583.2

MMC Amendment:

- Update Section 17.42.020(L) (Affordable Housing Overlay District) to clarify the density bonus provision.
- Update Section 17.42.020(L) Table 1 – AHO Districts Sites with new assessor’s parcel number for the La Paz site

LIP Amendment:

- Update Section 3.4.5(D) (Affordable Housing Overlay District Standards), similar to that of MMC Section 17.42.020(L).
- Update Section 3.4.5 Table 1 (AHO Districts Sites) with new assessor's parcel number for the La Paz site

Program 3.3 Housing for Persons with Special Needs, Objective 3.3.d.

Amend the MMC and the Local Implementation Plan (LIP) to remove the provision of review of a request for reasonable accommodation on the basis that may have a material effect on surrounding properties and ensure that requests for reasonable accommodation are reviewed only on the basis of objective findings, limited to review by the Planning Director. Additionally, clarify in the MMC and LIP that review and approval of reasonable accommodation requests are not contingent upon the findings of other discretionary decisions.

Applicable Govt. Code Sections: 12927(c)(1) and 12955, CA Fair Employment and Housing Act

MMC Amendment:

Update Chapter 17.63 (Housing Accessibility – Request for Reasonable Accommodation) to comply with requirements for persons with disabilities seeking equal access to housing under the Federal Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies, and procedures.

LIP Amendment:

Update Section 13.30 (Housing Accessibility – Request for Reasonable Accommodation), similar to that of MMC Chapter 17.63.

Program 3.4 Density Bonus, Objective 3.4.a.

Amend city density bonus regulations consistent with state law (Government Code Section 65915 et seq.).

Applicable Govt. Code Section: 65915

MMC Amendment:

Update Section 17.41.1.010 (Residential density bonus) to be consistent with Govt. Code provisions, including multiple legislative changes in recent years to state density bonus law. Due to the complexity and frequent amendments to state density

bonus law, many of the MMC provisions reference specific Govt. Code sections as opposed to enumerating each Govt. Code provision in the MMC.

LIP Amendment:

Update Section 3.7.1 (Residential Density Bonus), similar to that for MMC Section 17.41.1.010.

Program 3.5 By-Right Approval, Objective 3.5.a.

Program 3.5

Pursuant to Government Code Section 65583.2, reusing the following types of sites in the City's site inventory for lower income RHNA are subject to by-right approval without discretionary actions and exempt from CEQA and subject only to design review based on objective standards when a project includes 20 percent of the units affordable to lower-income households.

Reuse Sites (No Rezoning Required):

- *Vacant sites that were identified in the City's 4th and 5th cycles Housing Element as sites for lower income RHNA; and*
- *Nonvacant sites that were identified in the City's 5th cycle Housing Element as sites for lower income RHNA.*

The AHO parcels included in the Sites Inventory are subject to the by-right approval requirements of Government Code section 65583.2. The AHO designation on these parcels already allows by-right approval by the City with a certain threshold of units affordable to lower-income households. The City will modify its existing threshold requirements for by-right development approval without discretionary review on the AHO sites and replace requirements with 20 percent of units affordable to lower-income households. In addition, the AHO will be modified to allow projects involving subdivisions by right while complying with the MMC and LIP.

Objective 3.5.a.

Modify existing threshold requirements to implement the by-right approval requirement without discretionary review for 20 percent affordability to lower-income households for the AHO parcels in the Sites Inventory concurrent with re adoption of the Housing Element and pursue LIP amendment, if necessary, to be consistent with state law (Government Code Section 65583.2).

Applicable Govt. Code Section: 65583.2

MMC Amendment:

Update Section 17.42.020(L) (Affordable Housing Overlay District) for Sites 1 and 2 (RHNA site inventory) for by right approval of use and subdivisions if the required affordable units are provided, including providing objective development standards for affordable housing projects.

LIP Amendment:

Update Section 3.4.5 (Affordable Housing Overlay District), similar to that for MMC Section 17.42.020(L).

Program 4.2 Expedite the Project Review Process, Objective 4.3.a.

Remove the CUP requirement for multi-family development in the MF and MFBF zoning districts and allow multi-family development as a permitted use in those zoning districts.

Applicable Govt. Code Section: N/A

MMC Amendment:

- Update Chapter 17.12 (MF) to remove, “multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments” from Section 17.12.040 (Conditionally permitted uses) and add it to Section 17.12.020 (Permitted uses), along with “-new or the expansion of over 500 square feet of multiple-family residential use” to be consistent with Appendix 1 (Permitted Uses Table) and LIP Appendix 1 (Table B Permitted Uses). Such use continues to be allowed as a permitted use in Section 17.24.020 in the CC zoning district if an affordable housing development project.
- Update Chapter 17.14 (MFBF) to remove, “new, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments” from Section 17.14.040 (Conditionally permitted uses), and add it to Section 17.14.020 (Permitted uses).
- Update Title 17 Appendix 1 (Permitted Uses Table) to allow, “multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion over 500 sf of existing multifamily residential use” as a permitted use and remove the requirement for a CUP in the MF and MFBF zoning districts.

LIP Amendment:

- Update LIP Appendix 1 (Table B Permitted Uses Table), similar to that of MMC Title 17 Appendix 1 (Permitted Uses Table), making “multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion over 500 sf of existing multifamily residential use” a permitted use in the MF and MFBF zoning districts, and removing the requirement for a CUP.

Program 4.2. Expedite the Project Review Process, Objective 4.3.c.

Clarify that the impermeable coverage requirement does not apply to beachfront lots, including multi-family development.

Applicable Govt. Code Section: N/A

MMC Amendment:

Update Section 17.40.040(A)(11)(b) Residential development standards to exempt multi-family residential development beachfront lots from impermeable coverage maximum requirements. The MMC currently provides that other residential uses on beachfront lots are not required to comply with this impermeable coverage standard.

LIP Amendment:

Update 3.6 (Residential Development Standards) subsection E (Height), similar to that of MMC Section 17.040(A)(11)(b). The LIP currently provides that other residential uses on beachfront lots are not required to comply with this impermeable coverage standard.

Program 4.2. Expedite the Project Review Process, Objective 4.3.d.

For Affordable Housing Development in the AHO, as defined in LIP, allow a maximum height of 30 feet and remove the two-story limit to accommodate a density of 27 dwelling units/acre.

Applicable Govt. Code Section: N/A

MMC Amendment:

- Update Section 17.42.020(L) (Affordable Housing Overlay District) to allow affordable housing projects (multi-family residential) to exceed two stories but not exceed 30 feet in height.

- Update Section 17.40.040(A)(5)(a), (b), and (c) Residential development standards, height, to reference Section 17.42.020(L)(3)(b)(iii) for height standards (Affordable Housing Overlay District).

LIP Amendment:

- Update Section 3.4.5 (Affordable Housing Overlay District), similar to that of Section MMC 17.42.020(L) (Affordable Housing Overlay District), to allow affordable housing projects (multi-family residential) to exceed two stories but not exceed 30 feet in height.
- Update Section 3.6 (Residential Development Standards) subsection E. (Height), height, similar to that of MMC Section 17.40.040(A)(5)(a), (b), and (c) to reference LIP Section 3.4.5(D)(2)(c) for height standards (Affordable Housing Overlay District).

LUP Amendment:

Update Chapter 6 (Scenic and Visual Resources), Land Use Policy 6.7 regarding height of structures to allow a maximum height of 30 feet in the Affordable Housing Overlay Zone to accommodate an affordable housing project.

Program 4.2. Expedite the Project Review Process, Objective 4.3.e.

For multi-family development, allow alternatives to story poles, such as photo simulations, for development subject to story pole requirements under Chapter 6 of the LIP.

Applicable Govt. Code Section: N/A

MMC Amendment:

N/A

LIP Amendment:

Update Chapter 6 (Scenic, Visual, and Hillside Resource Protection Ordinance), Section 6.7 (Application Submittal Requirements), to allow for photo simulations and/or other visual impact analysis exhibits, in-lieu of story poles, for multi-family residential development view analysis.

Other

In addition to the proposed amendments to implement the Housing Element programs and objectives, the following items were identified during review of the LIP, LUP, and MMC,

and although are not directly related to the Housing Element programs and objectives, are proposed for amendment “as clean-up” items:

- Add definition of “by right use” to MMC Section 17.02.060 (Definitions) and LIP Section 2.1 General Definitions since the term is referenced in amendment text.
- Update definition of “lower income household” in MMC Section 17.02.060 Definitions and LIP Section 2.1 (General Definitions) to be consistent with Govt. Code.
- Update definition of “residential care facilities, small” to be consistent with Govt. Code in MMC Section 17.02.060 Definitions and LIP Section 2.1 (General Definitions).
- Separate “residential care facilities serving six or fewer persons” from “small family day care and residential care facilities serving six or fewer persons” in MMC Sections 17.08.020 (RR), 17.10.020 (RS), 17.12.020 (MF), and 17.14.020 (MFBF) Permitted uses because they are two different types of uses. List “residential care facilities, small” and “small family day care” separately as permitted uses in these zoning districts. (Note: the proposed definition of, “residential care facilities, small” in MMC Section 17.02.060 and the existing definition in LIP Section 2.1 includes six as the maximum number of persons served).
- Remove, “Residential care facilities (serving 6 or fewer persons)” from MMC Appendix 1 (Permitted Uses Table) and LIP Appendix 1 (Table B Permitted Uses), as it is duplicative of the existing, “Small residential care facilities (serving 6 or fewer persons).”
- Added “Mixed Use (commercial and residential)” to Section 17.30.030 Conditionally permitted uses (CG) and to MMC Appendix 1 (Permitted Use Table), to be consistent with LIP Appendix 1 (Table B Permitted Uses) and the City General Plan. Mixed use is currently conditionally allowed in the CG zoning district in the LIP and in the CG land use designation in the General Plan. It was inadvertently not included in MMC Section 17.30.030.
- Added, “Multifamily” before “Affordable housing development projects” in MMC Section 17.24.020 Permitted uses (CC) to clarify that the affordable housing shall apply to multi-family uses (and not single-family residential uses, since single-family residential uses are not allowed in the CC district) and added, “in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L))” to clarify that such use is only allowed in the CC district within the AHO.
- Add a parking requirement of two enclosed and two unenclosed parking spaces for a single-family residence to MMC Section 17.48.030. (Specific parking requirements) and LIP 3.14.3. (Specific Parking Requirements). A parking space requirement for a single-family residence was inadvertently removed from prior LIP and MMC amendments. The requirement for two enclosed and unenclosed spaces for a single-family residence is consistent with LIP Section 3.3(Q)(4)(a)(vi) for the PD district and MMC 17.39.040(A)(6)(A) for the PD district.

ENVIRONMENTAL REVIEW: The proposed 2021-2029 Housing Element Update is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document which does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City's General Plan, it can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

Pursuant to Public Resources Code Section 21080.9, California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application includes amendments to the LCP, which must be certified by the California Coastal Commission (CCC) before it takes effect. The LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Title 17 Zoning Ordinance. In order to prevent inconsistency between the LCP and the City's Zoning Ordinance, if the LCP amendment is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of the exempt activity, they are subject to the same CEQA exemption.

NEXT STEPS: After Planning Commission reviews and makes a recommendation to the City Council, a public hearing will be conducted by the City Council to consider the adoption of the 2021-2029 Housing Element and related LCP and MMC code amendments. After adoption, Housing Elements will be submitted to HCD for certification.

ATTACHMENTS:

1. Planning Commission Resolution No. 24-59 with Attachment A (2021-2029 Housing Element)
2. HCD Compliance Letter, dated July 31, 2024
3. LCP and MMC Redlines
4. Notice of Public Hearing

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 24-59

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT NO. 20-001 ADOPTING THE 2021-2029 HOUSING ELEMENT RELATIVE TO THE PROVISION OF HOUSING FOR ALL INCOME LEVELS CONSISTENT WITH ALL APPLICABLE STATE HOUSING ELEMENT LAWS AND ADOPT LOCAL COASTAL PROGRAM AMENDMENT NO. 24-001 TO AMEND THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN AND LAND USE PLAN , AND ZONING TEXT AMENDMENT NO. 24-002 TO AMEND TITLE 17 OF THE MALIBU MUNICIPAL CODE, AS REQUIRED TO IMPLEMENT THE GOALS, OBJECTIVES, POLICIES AND IMPLEMENTATION PROGRAMS, AS SET FORTH IN THE 2021-2029 GENERAL PLAN HOUSING ELEMENT

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

SECTION 1. Recitals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

X. On July 25, 2024, a Notice of Public Hearing and Notice of Availability of Local Coastal Program (LCP) Documents was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties.

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

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

AA. On August 19, 2024, the Planning Commission held a duly noticed public hearing on the General Plan amendment, Local Coastal Program amendment, and Zoning Text amendment, and at that hearing the Planning Commission reviewed and considered the comments of the HCD, the draft Housing Element as revised to address HCD comments, the amendments to the Local Coastal Program LIP and LUP and Title 17 of the MMC as required to implement the goals, objectives, policies and implementation programs as set forth in the Housing Element, CEQA findings, the staff report, public testimony, and other information in the record. Public notice of the hearing was provided to interested parties; regional, state and federal agencies; and local libraries and media.

SECTION 2. Environmental Review.

The proposed 2021-2029 Housing Element Update is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document that does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City's General Plan, it can therefore be seen with certainty that there

is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

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

SECTION 3. General Plan Amendment Housing Element.

The revised 2021-2029 Housing Element Update is provided in Exhibit A. GPA No. 20-001 constitutes a complete deletion of the existing text in the General Plan Housing Element and replacement of it with new text.

SECTION 4 General Plan Amendment Findings.

A. The Housing Element is part of the City's General Plan, which sets forth guiding policies for future development. The requirement for each city to adopt a General Plan is contained in California Government Code Section 65300 *et seq.*, which also lays out specific requirements for each element. The Housing Element provides an overarching statement of City policies and programs to maintain and improve existing housing, and also accommodate the City's assigned share of the region's future housing needs. Among the requirements in California Government Code Section 65580 *et seq.* for Housing Elements are the following:

1. Ensure adequate sites for new housing for persons of all income levels;
2. Encourage and facilitate the development of affordable housing;
3. Conserve and improve the existing affordable housing stock;
4. Analyze and remove governmental constraints on new housing development;
5. Promote equal housing opportunities;
6. Preserve assisted housing; and
7. Affirmatively further fair housing.

The 2021-2029 Housing Element meets each of the aforementioned requirements and, therefore, would be consistent with State law.

B. The 2021-2029 Housing Element is consistent with the goals and policies of the General Plan and all its elements, including General Plan LU Objective 1.1: Development that does not degrade

the environment, and LU Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment.

SECTION 5. Local Coastal Program Amendment.

LCPA No. 24-001 includes the following amendments to the LIP and LUP portions of the LCP:

A. Amend Policy 6.7 in the LUP Chapter 6 (Scenic and Visual Resources), C. (Land Use Policies), 2 (New Development), as follows:

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

B. Amend existing definitions and add the following definitions to LIP Section 2.1 (General Definitions) as follows:

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

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

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

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

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

PERMANENT SUPPORTIVE HOUSING – means the same as “SUPPORTIVE HOUSING.”

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

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

C. Add subsections v. and vi. to LIP Section 3.3 (Zoning Districts), Q (Planned Development (PD) Zone), as follows:

Q. Planned Development (PD) Zone

1. Purpose

The PD District is intended to provide for a mix of residential and recreational development, consistent with the PD Land Use Designation in Chapter 5 (Section C.2) of the Land Use Plan consisting of five single-family residences and 1.74 acres of recreational area located east of Malibu Bluffs Park and south of Pacific Coast Highway. The PD District consists of the land designated as Assessor Parcel Numbers (APNs) 4458-018-019, 4458-018-002, and 4458-018-018, known as Malibu Coast Estate, and formerly known as the “Crummer Trust” parcel.

2. Permitted Uses

The uses and structures permitted in Malibu Coast Estate are as follows. Lot numbers are as identified on the “Malibu Coast Estate Planned Development Map” of this LIP.

- a. Lot Nos. 1-5
 - i. One single-family residence per lot.
 - ii. Accessory uses (one second unit or guest house per lot, garages, swimming pools, spas, pool houses, cabanas, water features, gazebos, storage sheds, private non-illuminated sports courts, noncommercial greenhouses, gated driveways, workshops, gyms, home studios, home offices, and reasonably similar uses normally associated with a single-family residence, as determined by the Planning Director).
 - iii. Domestic animals, kept as pets.
 - iv. Landscaping.
 - v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
 - vi. Supportive housing permitted in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

D. Amend LIP Section 3.4.5 (Affordable Housing Overlay District) as follows:

3.4.5. Affordable Housing Overlay District

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

B. Description of Area Subject to LIP Section 3.4.5.

Table 1 – AHO District Sites		
Site Number	APNs	Address
1	4467-013-022 and 4467-013-023	28517 Pacific Coast Highway and adjacent vacant lot
2	4467-012-005	28401 Pacific Coast Highway

Table 1 – AHO District Sites		
Site Number	APNs	Address
3	4458-022-023 and 4458-022-024 4458-022-908	A 2.3 acre portion of 23465 Civic Center Way (La Paz Site and formerly known as 3700 La Paz Lane)

C. Permitted Uses.

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

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

1. Density. Affordable housing developments in the AHO shall:
 - a. Have a minimum density of twenty (20) units per net acre.
 - b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area ~~including the, exclusive of any~~ additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.
 - c. Have a minimum of sixteen (16) dwelling units.
 - d. For Sites 1 and 2, ~~all units in excess of the permitted base density of 6 dwelling units per acre, shall be affordable to lower and moderate income households as set forth in Subsection F below. A~~ a minimum of ~~twenty~~ fifty percent (50~~20~~%) of all units ~~in excess of the 6 dwellings units per acre shall be deed restricted ("restricted units") as very low or lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, exclusive of a manager's unit(s) or units, shall be affordable to lower and moderate income households as set forth in Subsection F-E below, and~~ ~~A~~ a minimum of fifty percent (50%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

~~E2. Development Standards.~~

- ~~1a. Site of Construction.~~ Structures may be constructed on slopes flatter than 1½:1.
- b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments, unless specifically modified by standards detailed in this section 3.4.5.
- c. Structures may exceed two stories in height but shall not exceed 30 feet in height.

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

- a. May either be rental or for-sale dwellings;
- b. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units;~~ Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;
- c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;
- d. ~~The construction materials and practices shall be comparable to those used for the market rate units;~~ The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;
- e. ~~The exterior grounds shall be landscaped and well-maintained; and~~ May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;
- f. ~~The units shall be disbursed throughout the project site and not clustered in a single location.~~ Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:
 - i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and
 - ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and

- g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:
- i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.
 - ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.
 - iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

F.E. Affordability.

1. Rental ~~u~~Units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.2 of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.
2. For-sale or ~~O~~owner-~~O~~occupied ~~U~~units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to ~~levels~~ affordable levels according to Section 3.4.5(D)(1)(d) lower income households and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.
3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:
 - a. The number of restricted units proposed.

- b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.
- c. The proposed location of the restricted units.
- d. Amenities and services provided for the unit residents.
- e. Specific level of affordability for each of the restricted units.
- f. Schedule for production of the restricted and market-rate units.

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

- 1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:
 - a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;
 - b. Subject to any other form of rent or price control; or
 - c. Occupied by low- or very-low-income households.
- 2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.
- 3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.
- 4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.
- 5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.
- 6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is

sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).
8. An application for a new affordable housing development where replacement units are required shall specify the following:
 - a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;
 - b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;
 - c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.
 - d. Number of replacement units proposed;
 - e. Unit square footage and number of bedrooms of the replacement units;
 - f. Proposed location of the replacement units;
 - g. Amenities and services provided for the replacement unit residents; and
 - h. Specific level of affordability for each of the replacement units.

G. Review and Approval.

1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.
2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.
3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.
2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

E. Amend LIP Section 3.6 (Residential Development Standards) as follows:

3.6 RESIDENTIAL DEVELOPMENT STANDARDS

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

- A. Every residence shall have a roof constructed with roofing material in compliance with rating as specified by Title 15 of the Malibu Municipal Code;
- B. Every residence shall have an exterior siding of brick, wood, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited;
- C. Except as specifically provided herein, every single-family residence shall be not less than twenty (20) feet in width. A single-family residence need only be a minimum of eighteen (18) feet wide when it is to be located on a lot or parcel of land less than twenty-six (26) feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than twenty (20) feet wide, but not less than twelve (12) feet, if the floor area, exclusive of appurtenant structures, is at least nine hundred (900) square feet and the side or sides oriented toward a public street, highway or parkway have a dimension to width;
- D. The minimum floor area of a residential unit shall be as follows:
 1. For a single-family residence, not less than eight hundred (800) square feet, exclusive of any appurtenant structures.
 2. For each multifamily dwelling unit, not less than three hundred (300) square feet, exclusive of any appurtenant structures.

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), ~~e~~Every residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.
2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).
3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), ~~f~~For new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

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

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

1. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.
2. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.

3. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.
 4. For the purposes of calculating yards, slopes equal to a greater than 1:1 shall not be included in the lot dimensions.
 5. Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.
 6. Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.
 - a. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.
 - b. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.
 - c. Permitted development located within or adjacent to parklands that adversely impact those areas may include open space or conservation restrictions or easements over parkland buffer in order to protect resources.
 7. Setbacks shall also be in compliance with Article VIII of the Malibu Municipal Code (Building Code).
- G. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:
1. Front. 20 feet maximum or the average of the two immediate neighbors, whichever is less.
 2. Side. 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum, except as required for view corridors under Section 6.5(E)(2) of the Malibu LIP.

3. Rear. Setbacks for infill development are determined by the stringline rule. Separate setback standards apply to dwellings and decks, as indicated below. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible.
 - a. Dwellings. For a dwelling, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast dwelling. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast dwelling.
 - b. Decks and patios. For a deck or patio, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast deck or patio. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast deck or patio.
 - c. All infill development shall be set back a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. The location of the mean high tide shall be determined in consultation with the State Lands Commission.
4. Stringline modification. Where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development, the applicant may apply for a minor modification pursuant to LIP Section 13.27.1(B)(3). Alternatively, the applicant may apply for a variance pursuant to LIP Section 13.26.
5. Accessory structures. No accessory structure (including, without limitation, a gazebo, cabana) may project seaward of the dwelling stringline.
6. Swimming pools and spas. Pools and spas may project seaward of the dwelling stringline, but in no case may they project seaward of the deck stringline.
7. Stairways. Stairways from decks to the beach may not project seaward of the deck stringline.
8. Fences. Fences, shall not project seaward of the structure stringline, with the exception of any required safety railing around decks that is a maximum of 42 inches in height, and fencing constructed of transparent material such as plexiglass.
9. Shoreline protective devices. A shoreline protective device shall be permitted only if the Planning Manager and the Building Official determine that the device is necessary to protect an existing structure as defined in paragraphs L. and M. of

Section 10.4 of the LIP or an existing or new sewage disposal system. A shoreline protective device shall be located as far landward as possible, consistent with the provisions of Chapter 10 of the Malibu LIP.

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

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

I. Single Family.

1. Use of permeable surfaces is encouraged, especially for driveways. However, including the primary structure, impermeable surfaces are permitted for residential lot areas (excluding slopes equal to or greater than 1:1), up to 1/4 acre at 45%; for lot areas greater than 1/4 acre but a 1/2 acre or less, at 35% and for lots greater than 1/2 acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this Paragraph.
2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

F. Amend LIP Section 3.7 (Affordable Housing), subsection 3.7.1 (Residential Density Bonus), as follows:

3.7 AFFORDABLE HOUSING

3.7.1 Residential Density Bonus

A. Purpose and Intent. The purpose of this section is to implement ~~the incentive program provided in the State 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. ~~in any residential district through approval by the city council (after recommendation from the planning commission) of a CDP. In order to qualify for a density bonus or other financial incentives or equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~

- ~~1. At least ten (10) percent of the total units of a housing development for persons and families of lower income;~~
- ~~2. At least five (5) percent of the total units of a housing development for very low income households;~~
- ~~3. A senior citizen housing development; or~~
- ~~4. At least ten (10) percent of the units in a common interest subdivision for persons and families of moderate income.~~

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

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

- ~~1. Determination of unit count. When determining percentage of housing units which are to be affordable, the density bonus units shall not be included.~~
- ~~2. Minimum project size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~
- ~~3. Previous density bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~
- ~~4. Dispersal of affordable units. “Affordable” or “density bonus” units shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.~~

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

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

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

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

~~D. — Procedures for Approval.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~6. For any housing development where the City approves a density bonus, prior to issuing~~

~~the coastal development permit, the owner must record an affordable housing agreement~~

2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:
 - a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.
 - b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;
 - c. The waiver or reduction of the development standard would be contrary to state or federal law; or
 - d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.
3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:
 - a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
 - b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon

public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;

- c. The waiver or reduction of the development standard would be contrary to state or federal law; or
 - d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.
4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.
5. Construction and Integration of Affordable Units.
- a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.
 - b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.
6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:
- a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
 - b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

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

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

- 1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development, such as a coastal development permit. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.
 - 4.2. Notification to Developer. The City shall, within ninety (90) days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.
 - 3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 3.7.1(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.
 - 4. ~~3.7.2 Affordable Housing Agreement. An applicant that chooses any option for satisfying the affordability requirements of this chapter shall enter into an affordable housing agreement ("agreement") with the City. The agreement shall be executed in a recordable form prior to the issuance of a CDP and building permit for any portion of a project including affordable units, subject to the requirements of this chapter. For any housing development where the City approves a density bonus, including any incentive or concession, or waiver or reduction in standards, prior to issuing the coastal development permit, the owner must record an affordable housing agreement pursuant to Section 3.7.1(F).~~
- E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c).
- 1. ~~Low and Very Low Income Households. An applicant providing low and very low income units in accordance with this chapter must continue to restrict those units to low or very low income households for a minimum of fifty five (55) years or longer term under another regulatory agreement from the date of initial occupancy.~~

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- ~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household and the sale price must be affordable to moderate income households and household and the sale price must be affordable to moderate income households.~~
- ~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~

F. Affordable Housing Agreement Requirements.

A.1. The agreement shall:

- a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;
- b. Identify the type, size and location of each affordable housing unit required hereunder;
- c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;
- d. Identify limits on income, rent, and sales price of affordable units;
- e. Identify the term of the agreement, which would then define the term of affordability of the required units;
- f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;
- g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;
- h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;
- i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;

- j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;
- k. Include provisions for the enforcement and penalties for violation of the agreement; and
- l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

~~B.~~

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

~~C.~~

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

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.
2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

~~3.7.3 — Affordable Housing Fund~~

H. Affordable Housing Fund.

~~A. — Fund Revenues.~~

~~B. — Purpose and Limitations.~~

1. Fund Revenues. The fund shall receive all in-lieu fees paid ~~under Section 3.7.1(E)(2)~~ and may also receive moneys from other sources.
2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:
 - a. Assistance to housing development corporations;
 - b. Equity participation loans;
 - c. Grants;
 - d. Pre-home ownership co-investment;
 - e. Predevelopment loan funds;
 - f. Participation leases;
 - g. Other public-private partnership arrangements;
 - h. The acquisition of property and property rights;
 - i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;
 - j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;
 - k. Other costs associated with the construction or financing of affordable housing;
 - l. Reasonable administrative charges or related expenses; and
 - m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

G. Amend LIP Section 3.11 (Development Standards For Special Uses) as follows:

3.11. DEVELOPMENT STANDARDS FOR SPECIAL USES

3.11.5 ~~Emergency Shelter Requirements~~ Special Housing Projects

A. Emergency Shelters

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

~~B.~~

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

3. Permitted Use. Emergency shelter uses that comply with the standards in Section 3.11.5 shall be a permitted use established by-right, if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case

4. Regulations. An emergency shelter is ~~allowed subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, consistent with the LCP and~~ subject to the following standards in each case. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

~~C.~~

1. ~~Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

~~2.~~

- a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty-five~~ twenty-five (25) individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.

~~3.~~

- b. Facility Requirements.

- i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.
- ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).
- iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to

collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

- iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:
 - (1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;
 - (2) Dining area;
 - (3) Laundry room;
 - (4) Recreation room;
 - (5) Support services (e.g. training, counseling, etc.); and
 - (6) Child care facilities.
- v. Management. A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.
- vi. Proximity to Other Shelters. No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.
- vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).
- viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.
 - (1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.
 - (2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

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

~~D. Reviewing Authority.~~

- ~~1. Coastal Development Permit applications for emergency shelters shall be reviewed by the appropriate decision-making authority in accordance with Section 13.7.~~
- ~~5. Reviewing Authority. A coastal development permit application is required for emergency shelters, unless determined to be exempt, consistent with the LCP, pursuant to LIP Section 13.4, and shall be reviewed by the appropriate decision-making authority in accordance with LIP Section 13.7. Applications for emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.~~

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.
2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.
3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B) (4) shall be permitted uses established by-right.
4. Regulations.
 - a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
 - c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
 - e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

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

C. By-right Permanent Supportive Housing

1. Purpose. The purpose of this section is to provide standards for by-right permanent supportive housing. By-right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(D)(2) and (4). Permanent supportive housing that does not comply with the provisions of this section shall be subject to the standards, requirements, and review process for residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.
2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).
3. Permitted Use. By-right permanent supportive housing uses that comply with the standards in sections 3.11.5(C)(4) shall be established by-right.
4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:
 - a. All provisions of Government Code section 65651(a).
 - b. Unless specifically modified by standards detailed in this section, the supportive housing development is consistent with all objective standards that apply to other multi-family residential use within the same zoning district.
 - c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP Section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.

~~3.11.6 Single-Room Occupancy Facility Requirements~~

D. Single-Room Occupancy Facility Requirements

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

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.
2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.
3. Laundry facilities must be provided onsite.
4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.
5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.
6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.
7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.
8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

H. Amend LIP Section 3.14. (Parking Standards), subsection 3 (Specific Parking Requirements), Residential Units, as follows:

Emergency shelters	One parking space per 10 adult beds, plus 1 One parking space per employee on the largest <u>maximum staff</u> shift.
Large residential care facility	One space for every two beds and 1 space for every employee

In addition, 1 off-street parking space for each outside employee shall be provided and maintained.

Low barrier navigation center

One parking space per employee on the maximum staff shift.

~~Multi-family units
(market rate)~~

~~For each efficiency dwelling unit, 2 spaces which shall be either enclosed or covered~~

~~For each one-bedroom or two-bedrooms unit, 3 spaces, two both of which shall be enclosed~~

~~For each additional bedroom above two, 1 space which shall be enclosed or covered~~

~~Guest parking for each 4 units or fraction thereof, 1 space~~

Multi-family units
(affordable)

For each efficiency or one-bedroom dwelling unit, 1 space.

For each dwelling unit with two or more bedrooms - bedroom or three-unit, 2 ½ spaces, ~~inclusive of guest parking~~

~~For each four-bedroom or larger unit, 2 ½ spaces~~

Guest parking for each 4 units or fraction thereof, 1 space.

Single-family residence

Two enclosed spaces and two unenclosed spaces

Single-room occupancy

For two units, 1 space (inclusive of guest parking).

In addition, 2 spaces for the resident manager.

Small residential care facility

2 enclosed and 2 unenclosed spaces.

Supportive housing

Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(D)(4)(c).

Transitional housing

Parking shall be as required for other uses of the same housing type in the same zone.

I. Amend LIP Section 6.7 (Application Submittal Requirements) as follows:

- A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:
1. Grading plan, if any grading is proposed.
 2. Cross sections of the project site showing the proposed grading and structures.
 3. Line of sight analysis showing the view of the project site from public viewing areas.
 4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.
 5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.
 6. An analysis of the potential impacts of the proposed development on the identified public views.
 7. Project alternatives designed to avoid and minimize impacts to visual resources.
 8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.
 9. Applications for land divisions shall include a grading plan, drainage/polluted runoff control plan, landscape plan, conceptual fuel modification plan (based on anticipated location of future structures), line of sight analysis showing the view of the project site from public viewing areas, and landscaping plans for any proposed slopes. These plans shall depict the proposed building pad or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel. If deemed necessary the visual analysis shall include the placement of story poles and stakes to indicate the location and extent of building pads and grading necessary to develop the site.

J. Amend LIP Section 13.30 (Housing Accessibility – Request For Reasonable Accommodation) as follows:

13.30 HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

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

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

B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
3. A person with a disability is a person who has a physical or mental impairment that substantially limits ~~or substantially limits~~ one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

C. Application Submittal.

1. Any person with a disability may file an application for a request for reasonable accommodation with the Planning Department, on a form approved by the Planning Director and shall contain the following information, accompanied by a fee established by resolution of the City Council:
 - a. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;
 - b. The address of the property for which the request is being made;
 - c. Current actual use of the property;
 - d. The basis for the claim that the individual is considered disabled under the Acts;

- e. The specific code provision, regulation, procedure or policy of the LCP from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;
 - f. The length of time the reasonable accommodation is necessary;
 - g. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;
 - h. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;
 - i. A site plan or illustrative drawing showing the proposed accommodation; and
 - j. Any other information required to make the findings required by subsection (F)(5) of this section consistent with the Acts.
2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a CDP, then the applicant shall file the application submittal information together with the application for the CDP for concurrent review.
 3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.
 4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation. ~~The Director may, in his/her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~
2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

- E. Findings. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:
1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.
 2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.
 3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the City.
 4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of the LCP.
 5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources, including:
 - a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;
 - b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and
 - c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.
 6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.
- F. Decision.
1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be considering the application and inviting written comments on the requested accommodation.
 - ~~3. Upon referral from the Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The Commission shall issue a written determination within forty five (45) calendar days after such public meeting.~~
 3. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.
 4. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.
 5. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.
 6. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
 7. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.
- G. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.
- H. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection E of this section.
- I. Appeals. The process set forth in Section 13.20 shall apply, as supplemented by the following:

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
 2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.
 3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.
 4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.
- J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.
- K. Discontinuance. Unless the review authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty (180) consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the Director determines that:
1. The modification is physically integrated into a structure and cannot easily be removed or altered to comply with Chapter 3 of the Local Implementation Plan;
 2. Its removal would constitute an unreasonable financial burden; and
 3. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business.
 - a. The Director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date

of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

K. Amend LIP Appendix 1 (Table B Permitted Uses) as follows:

KEY TO TABLE: (In addition to a coastal development permit, MCUP, CUP, LFDC, & WTF permits are required pursuant to the Malibu Municipal Code where shown in this table).																
P	Permitted use															
MCUP	Requires the approval of a minor Conditional Use Permit by the Director															
CUP	Requires the approval of a Conditional Use Permit															
A	Permitted only as an accessory use to an otherwise permitted use															
LFDC	Requires the approval of a Large Family Day Care permit															
WTF	Requires the approval of a Wireless Telecommunications Facility															
•	Not permitted (Prohibited)															
USE	R R	SF	M F	MFB F	MH R	CR	BP O	CN	CC	CV- 1	C V- 2	CG	OS	I	PR F	RV P
RESIDENTIAL																
Multifamily residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments ⁴⁸) – <u>new or the expansion of over 500 sf of multifamily residential use</u>			<u>CUPP</u> ₁₉	<u>CUPP</u> ₁₉					p ²⁰							
<u>Residential care facilities (serving 6 or fewer persons)</u>	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
<u>Employee housing for 6 or fewer persons</u>	<u>p²¹</u>	<u>p²¹</u>	<u>p²¹</u>	<u>p²¹</u>	•	•	•	•	•	•	•	•	•	•	•	•
Large residential care		•	•		•	•	•	•		•		CUP	•		•	•

facilities (serving 7 or more persons)																	
Small residential care facilities (serving 6 or fewer <u>less</u> persons)	P	P	P	P	•	•	•	•	•	•	•	•	•	•	•	•	•
Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•	
<u>Supportive housing</u>	<u>p¹⁷</u>	<u>p¹⁷</u>	<u>p¹⁸</u>	<u>p¹⁸</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>p²⁴</u>	•	•	<u>p¹⁸</u>	<u>•</u>	<u>$\frac{P^1}{8}$</u>	<u>•</u>	<u>•</u>	
<u>Supportive housing, by- right</u>			<u>p²²</u>	<u>p²²</u>					<u>p²⁵</u>	•	•	<u>p²²</u>					
<u>Transitional housing</u>	<u>p¹⁷</u>	<u>p¹⁷</u>	<u>p¹⁸</u>	<u>p¹⁸</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>p²⁴</u>	•	•	<u>p¹⁸</u>	<u>•</u>	<u>$\frac{P^1}{8}$</u>	<u>•</u>	<u>•</u>	
<u>Low barrier navigation center</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>p²³</u>	•	•	<u>p²⁶</u>	<u>•</u>	<u>•</u>	<u>•</u>	<u>•</u>	

Notes:

17. Transitional and supportive housing is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.
18. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses.
19. Multi-family development associated with an affordable housing development project is permitted by right.
20. Multi-family development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (APNs 4458-022-023 and 4458-022-024 ~~4458-022-908~~ only), in compliance with Section 3.4.5.
21. Employee housing for 6 or fewer persons is permitted in the same manner as one single family residence and is subject to all the restrictions that apply to single family residential uses.
22. Subject to Section 3.11.5.
23. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.

24. Transitional and supportive housing is permitted in the same manner as a multi-family residential use and is subject to all the restrictions that apply to multi-family residential uses. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District.
25. Allowed only on APN 4458-022-908 in the Affordable Housing Overlay (AHO) District, and subject to Section 3.11.5.
26. Allowed pursuant to Section 3.11.5.

Section 6. Local Coastal Program Amendment Findings

Pursuant to LIP Section 19.6 Required Findings, before approval of any LCP Amendment, the City Council must make the finding that such amendment meets the requirements of and is in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act. The Planning Commission recommends, based on evidence in the whole record, that the City Council find the LIP and LUP Amendments in conformity with the LCP and the policies of Chapter 3 of the California Coastal Act as follows:

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

SECTION 7. Malibu Municipal Code Amendment

ZTA No. 24-022 includes the following amendments to Title 17 of the MMC:

- A. Amend existing definitions and add new definitions to MMC Section 17.02.060 (Definitions), as follows:**

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

“Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in

Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

“Emergency shelter” means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. and is operated by a government agency or private nonprofit organization.

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

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

“Permanent supportive housing” means the same as “Supportive housing.”

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

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

B. Amend MMC Chapter 17.08 (RR Rural Residential District), subsection 17.08.020 (Permitted uses), as follows:

17.08.020 Permitted uses.

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

- A. One single-family residence per lot;
- B. Small family day care ~~and residential care facilities serving six or fewer persons;~~
- C. Residential care facilities, small;
- D. Accessory uses and structures as follows:
 - 1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (noncommercial),
 - 2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,
 - 3. Domestic animals, kept as pets or for personal use,
 - 4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,
 - 5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:
 - a. The subject property is a minimum of 15,000 square feet in size,
 - b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every 5,000 square feet of lot area,
 - c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;
 - 6. Agricultural employee housing, crop related.
- E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation:
 - 1. The raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals, on a parcel having an area of not less than one acre and

provided that not more than eight such animals per acre of the total ground area be kept or maintained in conjunction with such use,

2. The grazing of cattle, horses, sheep or goats on a parcel with an area of not less than five acres, including the supplemental feeding of such animals, provided:
 - a. That such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises,
 - b. That no buildings, structures, pens or corrals designed or intended to be used for the housing or concentrated feeding of such stock be used on the premises for such grazing other than racks for supplementary feeding, troughs for watering, or incidental fencing,
 3. Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature, provided the subject parcel is a minimum of one acre in size,
 4. The raising of hogs or pigs, provided:
 - a. That the animals are located not less than 150 feet from any highway and not less than 50 feet from the side or rear lines of any parcel,
 - b. That the animals shall not be fed any market refuse or similar imported ingredient or anything other than table refuse from meals consumed on the same parcel of land, or grain,
 - c. That no more than two weaned hogs or pigs are kept,
 - d. That the subject parcel is a minimum of one acre in size;
- F. Manufactured homes, pursuant to Government Code Section 65852.3;
- G. Second units, pursuant to Government Code Section 65852.2;
- H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;
- I. Private equestrian and/or hiking trails;
- J. Greenhouses on a lot or parcel of land having an area of at least one acre;
- K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);:

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

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

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

C. Amend MMC Chapter 17.10 (SF Single Family Density Residential District), subsection 17.10.020 (Permitted uses), as follows:

17.10.020 Permitted uses.

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

A. One single-family residence per lot;

B. Small family day care ~~and residential care facilities serving six or fewer persons;~~

C. Residential care facilities, small;

D. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (noncommercial),
2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and noncommercial corrals,
3. Domestic animals,
4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,
5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:
 - a. The subject property is a minimum of 15,000 square feet in size,
 - b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every 5,000 square feet of lot area,

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

6. Agricultural employee housing, crop related,

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

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

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

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

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

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

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

D. Amend MMC Chapter 17.12 (MF Multiple-Family Residential District), subsection 17.12.020 (Permitted uses) and subsection 17.12.040 (Conditionally permitted uses), as follows:

17.12.020 Permitted uses.

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

A. One single-family residence per lot;

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

C. Small family day care ~~and residential care facilities serving six or fewer persons;~~

D. Residential care facilities, small;

E. Accessory uses and structures as follows:

1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, detached garages, barns, pool houses, gazebos, storage sheds, guest units (750 square feet maximum) and greenhouses (noncommercial),
 2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,
 3. Domestic animals;
- F. Manufactured homes, pursuant to Government Code Section 65852.3;
- G. Second units, pursuant to Government Code Section 65852.2;
- H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;
- I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);;
- J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;;
- K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;
- L. Affordable housing development projects; and
- M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

17.12.040. Conditionally permitted uses.

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

- ~~A. Multiple family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~
- A. Horticultural related activities;
- B. Utility facilities related to public projects;
- C. Governmental facilities;
- D. Nursery schools, day care facilities;

- E. Churches, temples and other places of worship;
 - F. Lighted sports courts;
 - G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;
 - H. Parks and playgrounds;
 - I. Emergency communication and service facilities.
- E. Amend MMC Chapter 17.14 (MFBF Multifamily Beach Front District), subsection 17.14.020 (Permitted uses) and subsection 17.12.040 (Conditionally permitted uses), as follows:**

17.14.020 Permitted uses.

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

- A. One single-family residence per lot;
- B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;
- C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;
- D. Accessory uses and structures as follows:
 - 1. Accessory buildings customarily ancillary to single-family and multifamily residences including, but not limited to, detached garages, pool houses, gazebos, storage sheds, guest units (750 square feet maximum),
 - 2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,
 - 3. Domestic animals;
- E. Manufactured homes, pursuant to Government Code Section 65852.3;
- E. Second units, pursuant to Government Code Section 65852.2.;
- F. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses.;

- G. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall meet the criteria in Section 17.40.120(C) of this title;
- H. ~~Small r~~Residential care facilities, small; ~~involving six or fewer persons~~
- I. Affordable housing development projects;
- J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

§ 17.14.040. Conditionally permitted uses.

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

- ~~A. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~
 - A. Utility facilities related to public projects;
 - B. Lighted sports courts;
 - C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;
 - D. Parks and playgrounds;
 - E. Emergency communication and service facilities.
- F. Amend MMC Chapter 17.24. (CC Community Commercial District), subsection 17.24.020 (Permitted uses), as follows:**

17.24.020 Permitted uses.

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

- A. All permitted uses and activities set forth in Section 17.22.020 (CN District);
- B. Medical, dental and physical therapy clinics and health clubs and dance studios;
- C. Multifamily Affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L));
- D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO;

- E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;
 - F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.
- G. Amend MMC Chapter 17.30 (CG Community General District), Section 17.30.020 (Permitted uses) and Section 17.30.030 (Conditionally permitted uses), as follows:**

17.30.020 Permitted uses.

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

- A. All permitted uses set forth in Section 17.28.020 (CV-2 district);
- B. Masonry supplies;
- C. Sculptural and metal art activities.
- D. Emergency shelters;
- E. Single-room occupancy facilities.
- F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;
- G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;
- H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

17.30.030. Conditionally permitted uses.

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

- A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;
- B. Car washes and car washing;

- C. Wastewater storage and hauling;
- D. Communication facilities;
- E. Cultural and artistic uses, such as museums, galleries, performing arts studios;
- F. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:
 - 1. Automobile towing and storage,
 - 2. Manufacturing, processing or treatment of products,
 - 3. Research and development and testing facilities,
 - 4. Wholesale, storage and distribution,
 - 5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;
- G. Movie theaters;
- H. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.
- I. Large residential care facilities involving seven or more persons.
- J. Mixed Use (commercial and residential)

H. Amend MMC Chapter 17.34 (I Institutional District), subsection 17.34.020 (Permitted uses) and subsection 17.34.030 (Conditionally permitted) uses, as follows:

§ 17.34.020 Permitted uses.

The following uses are permitted in the I district:

- A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;
- B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;
- C. Government facilities including police and fire stations and government offices;
- D. Equestrian and hiking trails (public and private);

- E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel);
- G. Emergency shelters;
- H. Transitional and supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses; and
- I. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

§ 17.34.030. Conditionally permitted uses.

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

- A. Public or private educational institutions;
- B. Towing and automobile storage;
- C. Maintenance yards;
- D. Public utility facilities;
- E. Libraries, museums;
- F. Community centers;
- G. Health care facilities;
- H. Religious institutions;
- I. Day care facilities, nursery schools;
- J. Accessory uses when part of an educational or nonprofit use (noncommercial), including animal husbandry with related facilities and activities, agriculture provided no retail sale from the premises, green-houses, and similar uses;
- K. Educational (nonprofit) activities;
- L. Emergency communication and service facilities;
- M. Farmers' markets operated by a nonprofit charitable organization;

- N. Sports field lighting of the main sports field at Malibu High School (pursuant to the provisions of Malibu Local Coastal Program Local Implementation Plan Sections 4.6.2 and 6.5(G));
 - O. Helipad sites (public agency use only and not for private use);
 - P. Charitable, philanthropic activities;
 - Q. Parks, beaches, and playgrounds;
 - R. Recreation facilities adjacent to a residentially-zoned parcel when located within a side or rear yard (such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses);
 - S. Residential care facilities for the elderly (~~limited to operation by a nonprofit only~~).
- I. Amend MMC Chapter 17.39 (Malibu Coast Estate Planned Development (PD) District), subsection 17.39.020 (Permitted uses), as follows:**

17.39.020 Permitted uses.

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

- A. Lot Nos. 1—5.
 - 1. One single-family residence per lot.
 - 2. Accessory uses (one second unit or guest house per lot, garages, swimming pools, spas, pool houses, cabanas, water features, gazebos, storage sheds, private non-illuminated sports courts, noncommercial greenhouses, gated driveways, workshops, gyms, home studios, home offices, and reasonably similar uses normally associated with a single-family residence, as determined by the planning director).
 - 3. Domestic animals, kept as pets.
 - 4. Landscaping.
 - 5. 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.

J. Amend MMC Section 17.40.040 (Residential development standards), subsections (A)(5) and (A)(11), as follows:

5. Height.

- a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.
- b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), ~~f~~For new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

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

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

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

- a. Single-family. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.
- b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25%

requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

K. Amend MMC Section 17.40.120 (Emergency shelters), as follows:

§ 17.40.120 ~~Emergency shelters. Special housing projects.~~

A. Emergency shelters. Purpose. The purpose of this section is to provide development standards for emergency shelters in the city of Malibu.

1. Purpose. The purpose of this section is to provide standards for emergency shelters.
2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.
3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.
4. Regulations. An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards. An emergency shelter is an allowed use, subject to the issuance of an administrative plan review (per Section 17.62.030 of this title) if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case:

~~Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

- ~~1. a. Size Limit. The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per 125 square feet of floor area, whichever is less. In no case shall occupancy exceed 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.~~
- ~~2. b. Facility Requirements.~~
 - i. Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.

- i. Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.
- ii. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.
- iii. Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

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

~~D. Reviewing Authority.~~

~~1. Applications for emergency shelters shall be reviewed by the director or designee, if no approval is sought other than the request for use of an existing facility. If the proposed use meets the requirements of this Section and is consistent with the applicable sections of Chapter 17.40, the director shall issue a permit.~~

~~2. Applications for the emergency shelter use submitted for concurrent review with another discretionary land use application (e.g., a coastal development permit to construct the facility) shall be reviewed by the authority reviewing the discretionary land use application.~~

~~17.40.130 B.~~

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.
2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district where the Affordable Housing Overlay (AHO) also applies, and Commercial General (CG) zoning district.
3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.
4. Regulations. A low barrier navigation center shall meet the following requirements:
 - a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.

- b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
- c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

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

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial), and 17.30 (CG Commercial General) of this title.
2. Applicability. The provisions of this section are applicable in the Multiple Family Residential (MF), Multifamily Beach Front (MFBF), Community Commercial (CC), Commercial General (CG),
3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.
4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:
 - a. All provisions of Government Code section 65651(a).
 - b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.

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

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

D. 17.40.130 Single-room occupancy facilities.

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

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

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

~~C.~~ 3. Laundry facilities must be provided onsite.

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

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

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

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

~~H.~~ 8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the 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.

L. Amend MMC Section 17.41.1 (Affordable Housing), subsection 17.41.1.010 (Residential density bonus), as follows:

~~B.~~

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

- ~~1. At least 10% of the total units of a housing development for persons and families of lower income;~~
- ~~2. At least five percent of the total units of a housing development for persons and families of lower income;~~
- ~~3. A senior housing development; or~~
- ~~4. At least 10% of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of 35% shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

~~C.~~

~~D. General Provisions. for Density Bonuses and Incentives/Concessions. As required by Government Code Section 65915, the city of Malibu shall consider a density bonus and provide incentives or concessions for a housing development that shall be subject to the following provisions:~~

- ~~1. Determination of Unit Count. When determining the percentage of housing units which are to be affordable, the density bonus units shall not be included.~~
- ~~2. Minimum Project Size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~
- ~~3. Previous Density Bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~

- ~~4. Dispersal of Affordable Units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project shall not differ in appearance from other units in the development.~~
- ~~5. Regulatory Incentives. In accordance with Government Code Section 65915, in addition to a density bonus the city shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost"~~
 - ~~a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.~~
 - ~~b. Approval of mixed use development in conjunction with a multifamily residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.~~
 - ~~c. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions.~~

~~D.~~

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

- ~~1. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.~~
- ~~2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~
 - ~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~
 - ~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~
 - ~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1 of this title; and~~
 - ~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

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

- a. For the purposes of calculating the density bonus, the “maximum allowable residential density” shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.
 - b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
 - c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.
2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:
- a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.
 - b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;
 - c. The waiver or reduction of the development standard would be contrary to state or federal law; or
 - d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.
3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any

incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

- a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
 - b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;
 - c. The waiver or reduction of the development standard would be contrary to state or federal law; or
 - d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.
4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.
5. Construction and Integration of Affordable Units.
- a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.
 - b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.

6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:
- a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
a
 - b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or
 - c. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or
 - d. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

D.

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

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

1.

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

~~2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

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

- ~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~
- ~~e. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1. of this title; and~~
- ~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

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

~~3.~~

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

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

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

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

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

F. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915. The requirements of Government Code section 65915, and any amendments thereto, shall prevail over any conflicting provision of this code.
2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915. Any changes to Government Code section 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein.

M. Amend MMC Section 17.42.020(L) (Affordable Housing Overlay District) as follows:

L. Affordable Housing Overlay District.

3. ~~Standards. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply, unless specifically modified by standards detailed in subsection L. The following special specific regulations shall apply to the AHO sites identified in Table 1 below.~~
 - a. Density. Affordable housing developments in the AHO shall:
 - i. Have a minimum density of 20 units per net acre.
 - ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, ~~including~~ exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.
 - iii. Have a minimum of 16 dwelling units.
 - iv. For Sites 1 and 2, a minimum of 20% of all units in excess of the permitted base density of six dwelling units per acre, shall be affordable to lower and moderate income households as set forth in subsection 5 of this section. A minimum of 50% of all units in excess of the six units per acre shall be deed restricted ("restricted units") as very low or lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section, and a A-minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

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

3. ~~Development Standards.~~

b. Development

- i. Site of Construction. Structures may be constructed on slopes flatter than $1\frac{1}{2}$ 4/2:1.
- ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.
- iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.
- iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.

c. Restricted Units General Guidelines. The ~~lower income~~ restricted multifamily dwelling units required under this section:

- i. May either be rental or for-sale dwellings;
- ii. Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to nonrestricted units have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;
- iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common

open space, landscaping, parking, storage, and other facilities in the development;

- iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;
- v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;
- ~~vi. The construction materials and practices shall be comparable to those used for the market rate units;~~
- ~~vii. The exterior grounds shall be landscaped and well maintained; and~~
 - ~~viii. The units shall be disbursed throughout the project site and not clustered in a single location;~~
- v. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and
- vi. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:
 - (1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.
 - (2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.

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

4. Affordability.

- a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.
- b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than 55 years.
- c. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:
 - i. Number of restricted units proposed;
 - ii. Unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units;
 - iii. Proposed location of the restricted units;
 - iv. Amenities and services provided for the unit residents;
 - v. Specific level of affordability for each of the restricted units; and
 - vi. Schedule for production of the restricted and market-rate units.

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

6. Replacement Housing. The following requirements shall apply to Sites 1 and 2.
 - a. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:
 - i. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;
 - ii. Subject to any other form of rent or price control; or
 - iii. Occupied by low- or very-low-income households.
 - b. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.
 - c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.
 - d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.
 - e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.
 - f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.

- g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.
- h. An application for a new affordable housing development where replacement units are required shall specify the following:
 - i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;
 - ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;
 - iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.
 - iv. Number of replacement units proposed;
 - v. Unit square footage and number of bedrooms of the replacement units;
 - vi. Proposed location of the replacement units;
 - vii. Amenities and services provided for the replacement unit residents; and
 - viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

- a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.
- b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted housing unit cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

N. Amend MMC Section 17.48.030 (Specific parking requirements) subsection A (Residential uses), as follows:

Parking Standards	
A. Residential Uses.	
Emergency shelters	For each 10 adult beds, one space plus one One additional space per employee on the largest maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee. In addition, one off-street parking space for each outside employee shall be provided and maintained.
<u>Low barrier navigation center</u>	<u>One space per employee on the maximum staff shift.</u>
Multifamily units	For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.
Multifamily units	For each efficiency or one-bedroom dwelling unit, (affordable) one space. For each dwelling unit with two-bedroom or three- or more bedrooms unit, two spaces, one of which shall be either enclosed or covered inclusive of guest parking. For each four-bedroom or larger unit, two and one-half spaces. Guest parking for each four units or fraction thereof, one space.
<u>Single-family residence</u>	<u>Two enclosed spaces and two unenclosed spaces</u>
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.
<u>Supportive housing</u>	<u>Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive</u>

	<u>housing parking shall be as required in Section 17.40.120(C)(4)(c) of this title.</u>
<u>Transitional housing</u>	<u>Parking shall be as required for other uses of the same housing type in the same zone.</u>

O. Amend MMC Chapter 17.63 (Housing Accessibility – Request For Reasonable Accommodation) as follows:

17.63.020. Applicability.

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

§ 17.63.040. Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation. ~~The director may, in his or her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

§ 17.63.050. Findings.

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

1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.
2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.
3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the city.
4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.
5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources, including:

- a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;
- b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and
- c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

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

- ~~1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in subsection A above.~~
- ~~2. The request for reasonable accommodation is necessary to make housing available to a person with a disability as defined in subsection A above.~~
- ~~3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.~~
- ~~4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.~~
- ~~5. The requested reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat area, public access and/or public views, and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation shall be included to address significant impacts.~~
- ~~6. The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat area, public access and/or public views.~~

§ 17.63.060. Decision.

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

- B. At least 10 calendar days before issuing a written determination on the application, the director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the city will be considering the application and inviting written comments on the requested accommodation.
- ~~C. Upon referral from the director, the planning commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The commission shall issue a written determination within 45 calendar days after such public meeting.~~
- C. Notice of planning commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.
- D. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the director, to any person having provided written or verbal comment on the application.
- E. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection H of this section.
- F. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- G. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.
- H. The review and approval of a reasonable accommodations request is not contingent upon the findings of other discretionary actions, including those required for review of a discretionary land use approval processed concurrently with a reasonable accommodations request.

Single Room Occupancy Facility	•	•	•	•	•	•	•	•	•	•	•	P	•	•	•	•
Employee housing for 6 or fewer persons	<u>P³²</u>	<u>P³²</u>	<u>P³²</u>	<u>P³²</u>	•	•	•	•	•	•	•	•	•	•	•	•
Supportive housing	<u>P²⁸</u>	<u>P²⁸</u>	<u>P²⁹</u>	<u>P²⁹</u>	•	•	•	•	<u>P³⁵</u>	•	•	<u>P²⁹</u>	•	$\frac{P^2}{9}$	•	•
Supportive housing, by-right	•	•	<u>P³³</u>	<u>P³³</u>	•	•	•	•	<u>P³⁶</u>	•	•	<u>P³³</u>	•	•	•	•
Transitional housing	<u>P²⁸</u>	<u>P²⁸</u>	<u>P²⁹</u>	<u>P²⁹</u>	•	•	•	•	<u>P³⁵</u>	•	•	<u>P²⁹</u>	•	$\frac{P^2}{9}$	•	•
Low barrier navigation center	•	•	•	•	•	•	•	•	<u>P³⁴</u>	•	•	<u>P³⁷</u>	•	•	•	•
New or the expansion over 500 sf of multifamily residential use including duplexes, condominiums, stock cooperatives, apartments and other similar developments	•	•	•	CUP	•	•	•	•	•	•	•	•	•	•	•	•
Any permitted use involving new construction or expansion over 500 sf	•	•	•	•	•	•	•	CU <u>P³⁸</u>	CU <u>P³⁸</u>	CU P	CU P	CUP	•	•	•	CU P

Notes:

²⁸ Transitional and supportive housing is permitted in the same manner as one single-family residence and is subject to all the restrictions that apply to single family residential uses.

²⁹ Transitional and supportive housing is permitted in the same manner as a multifamily residential use and is subject to all the restrictions that apply to multifamily residential uses.

³⁰ Multifamily development associated with an affordable housing development project is permitted by right.

³¹ Multifamily development is only permitted in the CC zone if it is associated with an affordable housing development project within the Affordable Housing Overlay (~~APNs 4458-022-023 and 4458-022-024~~ APN 4458-022-908 only), in compliance with Section 3.4.5 of the LIP.

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

³³ Allowed pursuant to Section 17.40.120(C).

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

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

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

³⁷ Allowed pursuant to Section 17.140.120(B).

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

SECTION 8. Malibu Municipal Code Amendment Findings.

MMC Section 17.74.040(C) states that before approval of any zoning text amendment, the City Council must make the finding that such amendment is consistent with the general plan as adopted. The Planning Commission recommends, based on evidence in the whole record, that the City Council make the finding as follows:

- A. The proposed amendment implements the programs of the City of Malibu Housing Element 2021-2029, which is consistent with the City of Malibu General Plan as identified in Section 4 of this resolution; and
- B. The amendment is consistent with the following General Plan objective and policies in the Land Use Element: LU Objective 1.1: Development that Does Not Degrade the Environment, LUP Policy 1.1.1: The City shall protect the natural environment by regulating design and permitting only land uses compatible with the natural environment, and LUP Policy 1.14: The City shall preserve the City's rural residential character, as the amendments do not require re-zoning and only identify regulations and standards for housing on properties for which development is currently allowed.

SECTION 9. Planning Commission Action.

Pursuant to MMC Section 17.74.030, the Planning Commission hereby recommends that the City Council adopt GPA No. 20-001, LCPA No. 24-001, and ZTA No. 24-002, adopting the 2021-2029 Housing Element and the General Plan and amending the Land Use Plan and Local Implementation Plan of the Local Coastal Program.

SECTION 10. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 19th day of August 2024.

JOHN G. MAZZA, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-59 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 19th day of August 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

REBECCA EVANS, Recording Secretary

EXHIBIT A

2021-2029 Housing Element

https://malibucity.org/DocumentCenter/View/34409/City-of-Malibu-2021-2029-Housing-Element_July-29-2024

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

651 Bannon Street, Suite 400
Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



July 31, 2024

Richard Mollica, Director
Planning Department
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Dear Richard Mollica:

RE: City of Malibu's 6th Cycle (2021-2029) Revised Draft Housing Element

Thank you for submitting the City of Malibu's (City) revised draft housing element received for review on July 30, 2024. The revised draft was posted and made available to the public for seven days prior to review. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the revised draft housing element meets the statutory requirements of State Housing Element Law (Gov. Code, § 65580 et seq.). However, the housing element cannot be found in substantial compliance until the City has completed necessary rezones as described below. The housing element will comply with State Housing Element Law when the rezoning is complete and the element is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that did not adopt a compliant housing element within one year from the statutory deadline (October 15, 2021) cannot be found in compliance until rezones to make prior identified sites available or accommodate a shortfall of sites are completed pursuant to Government Code section 65583, subdivision (c)(1)(A) and Government Code section 65583.2, subdivision (c). As the City did not adopt a compliant housing element by October 15, 2022 and the necessary rezones are not complete, HCD cannot find the element in compliance. The element can be found in compliance when Program 3.5 (By-Right Approval) is complete. Upon completion of rezones, the City should submit appropriate documentation (e.g., resolution, ordinance) for HCD's review. HCD will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

As a reminder, the City's 6th cycle housing element was due October 15, 2021. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD

encourages the City to expeditiously adopt, rezone and submit to HCD to regain housing element compliance.

For your information, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory and submit an electronic version of the sites inventory. While the City has submitted an electronic version of the sites inventory, if changes occur, any future re-adopted versions of the element must also submit the electronic version of the sites inventory.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities programs, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the housing element update team provided throughout the housing element review and update process. HCD looks forward to working with the City through adoption and rezoning. If you have any questions or need additional technical assistance, please contact Sayed Murad of our staff, at Sayed.Murad@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

**City of Malibu
Housing Element Implementation
Local Coastal Program (LCP) Amendments**

August 7, 2024

LAND USE PLAN (LUP) AMENDMENT

CHAPTER 6 – SCENIC AND VISUAL RESOURCES

C. Land Use Policies

2. New Development

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

LOCAL IMPLEMENTATION PLAN (LIP) AMENDMENTS

CHAPTER 2—DEFINITIONS

2.1. GENERAL DEFINITIONS

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

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

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

LOW BARRIER NAVIGATION CENTER – is a Housing First, low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health

services, shelter, and housing. “Low barrier” includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy (as provided in Government Code §65660(a), as the same may be amended from time to time).

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

PERMANENT SUPPORTIVE HOUSING – means the same as “SUPPORTIVE HOUSING.”

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

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

3.3. ZONING DISTRICTS

Q. Planned Development (PD) Zone

1. Purpose

The PD District is intended to provide for a mix of residential and recreational development, consistent with the PD Land Use Designation in Chapter 5 (Section C.2) of the Land Use Plan consisting of five single-family residences and 1.74 acres of recreational area located east of Malibu Bluffs Park and south of Pacific Coast Highway. The PD District consists of the land designated as Assessor Parcel Numbers (APNs) 4458-018-019, 4458-018-002, and 4458-018-018, known as Malibu Coast Estate, and formerly known as the “Crummer Trust” parcel.

2. Permitted Uses

The uses and structures permitted in Malibu Coast Estate are as follows. Lot numbers are as identified on the “Malibu Coast Estate Planned Development Map” of this LIP.

a. Lot Nos. 1-5

- i. One single-family residence per lot.
 - ii. Accessory uses (one second unit or guest house per lot, garages, swimming pools, spas, pool houses, cabanas, water features, gazebos, storage sheds, private non-illuminated sports courts, noncommercial greenhouses, gated driveways, workshops, gyms, home studios, home offices, and reasonably similar uses normally associated with a single-family residence, as determined by the Planning Director).
 - iii. Domestic animals, kept as pets.
 - iv. Landscaping.
 - v. Transitional housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
 - vi. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.
- b. Lot No. 6
- i. Uses and structures maintained by either the owners of Lots 1-5 or the homeowners' association formed to serve the residential development within Malibu Coast Estate, including a guard house, private access road, gates (including entry gates), fencing, visitor parking, landscaping guardhouse parking, community utilities, informational and directional signage, private open space, lighting and wastewater treatment facilities serving uses within Malibu Coast Estate.
- c. Lot No. 7
- i. Parks and public open space, excluding community centers.
 - ii. Active and passive public recreational facilities, such as ball fields, skate parks, picnic areas, playgrounds, walkways, restrooms, scoreboard, sport court fencing, parking lots, and reasonably similar uses as determined by the planning director. Night lighting of recreational facilities shall be prohibited, except for the minimum lighting necessary for public safety.
 - iii. Onsite wastewater treatment facilities

3.4.5. Affordable Housing Overlay District

- A. Purpose and Applicability. The Affordable Housing Overlay (AHO) District is intended to identify sites within the City where affordable housing developments may be established and maintained in compliance with this section. In addition to (and not as a limitation of) uses allowed within the underlying zoning district and any other applicable overlay, each property within the AHO District may be developed with an Affordable Housing Development, subject to the provisions set forth below. All requirements for the Malibu LIP that are not inconsistent with the criteria listed below shall remain in effect for those parcels in the Affordable Housing Overlay.
- B. Description of Area Subject to LIP Section 3.4.5.

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

C. Permitted Uses.

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

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

1. Density. Affordable housing developments in the AHO shall:
 - a. Have a minimum density of twenty (20) units per net acre.
 - b. Have a maximum density of one dwelling unit per 1,613 square feet of lot area ~~including the~~ exclusive of any additional density bonus pursuant to Section 3.7.1 of the Malibu LIP.
 - c. Have a minimum of sixteen (16) dwelling units.
 - d. For Sites 1 and 2, ~~all units in excess of the permitted base density of 6 dwelling units per acre, shall be affordable to lower and moderate income households as set forth in Subsection F below. A~~ a minimum of ~~twenty~~ twenty ~~percent~~ percent (5020%) of all units ~~in excess of the 6 dwellings units per acre~~ shall be deed restricted ("restricted units") as ~~very low or lower~~ very low or lower-income multi-family dwelling units. For Site 3, eighty percent (80%) of the units within an affordable housing development, ~~exclusive of a manager's unit(s) or units,~~ shall be affordable to lower and moderate income households as set forth in Subsection ~~F~~ E below, ~~and~~ and ~~A~~ A ~~a~~ a minimum of ~~twenty~~ twenty ~~percent~~ percent (5020%) of the affordable units shall be deed restricted ("restricted units") as very-low or low-income multi-family dwelling units.

~~E2.~~ Development Standards.

- ~~1a.~~ ~~Site of Construction.~~ Structures may be constructed on slopes flatter than 1½:1.
 - b. The Residential Development Standards contained in Section 3.6 of the LIP, as well as all other applicable LCP provisions, shall apply to affordable housing developments unless specifically modified by standards detailed in this section 3.4.5.
 - c. Structures may exceed two stories in height but shall not exceed 30 feet in height.
- ~~2. General Guidelines. The lower-income multi-family dwelling units required under this Section:~~
3. ~~Restricted Units. The lower-income~~ restricted multi-family dwelling units required under this Section:
 - a. May either be rental or for-sale dwellings;
 - b. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to non-restricted units;~~ Shall have the same exterior appearance and quality of construction as that of market-rate units in the same housing development project;
 - c. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;
 - d. ~~The construction materials and practices shall be comparable to those used for the market rate units.~~ The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same housing development project;
 - e. ~~The exterior grounds shall be landscaped and well maintained; and~~ May be comprised of up to thirty-three percent (33%) less square footage than market rate units of the same bedroom count;
 - f. ~~The units shall be disbursed throughout the project site and not clustered in a single location.~~ Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that:
 - i. No more than fifty (50) percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure; and
 - ii. No more than twenty (20) percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and
 - g. Shall be made available for occupancy concurrently with the market-rate units of the affordable housing development as follows:

- i. In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the restricted units.
- ii. In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing restricted units.
- iii. In the event the City approves a phased project, the restricted units shall be provided proportionally within each phase of the affordable housing development.

FF. Affordability.

1. Rental ~~u~~Units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into with the City and record an Affordable Housing Agreement per Section 3.7.2 of the Malibu LIP for a period of not less than fifty-five (55) years that includes the provisions and terms for meeting the requirements of this Section.
2. For-sale or ~~O~~owner-~~O~~ccupied ~~U~~units. Prior to the issuance of any building permit for an ~~A~~affordable ~~H~~housing ~~D~~development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County Recorder a covenant in a form approved by the City restricting future sale prices to ~~levels~~ affordable levels according to Section 3.4.5(D)(1)(d) lower income households and including procedures for verifying and maintaining compliance with income eligibility requirements for a period of not less than fifty-five (55) years.
3. Housing Plan. An application for approval of an affordable housing development shall include an Affordable Housing Plan describing how the development will comply with the provisions of this Section. No application for approval of an affordable housing development shall be deemed complete unless the Affordable Housing Plan is in conformance with this Section. An Affordable Housing Plan shall include a written description and project plans indicating each of the following:
 - a. The number of restricted units proposed.
 - b. The unit square footage and number of bedrooms for market-rate and restricted units and whether they are ownership or rental units.
 - c. The proposed location of the restricted units.
 - d. Amenities and services provided for the unit residents.

- e. Specific level of affordability for each of the restricted units.
- f. Schedule for production of the restricted and market-rate units.

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

1. A new affordable housing development on a site where affordable dwelling units exist and are proposed for demolition, or previously existed within five years prior to the property owner's application for a new affordable housing development, shall replace such units ("replacement units") with those affordable to the same or lower category of income level if, within five years prior to the property owner's application for a new affordable housing development, the affordable units were:
 - a. Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low- or very-low-income;
 - b. Subject to any other form of rent or price control; or
 - c. Occupied by low- or very-low-income households.
2. The replacement units shall be provided in addition to the requirements for providing restricted units pursuant to this Section.
3. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.
4. The replacement units shall have at least the same number of bedrooms as the affordable units removed.
5. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.
6. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.
7. The replacement units shall comply with the provisions of Section 3.4.5(D)(1), Section 3.4.5(D)(2), and Section 3.4.5(E).
8. An application for a new affordable housing development where replacement units are required shall specify the following:
 - a. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;
 - b. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;

- c. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.
- d. Number of replacement units proposed;
- e. Unit square footage and number of bedrooms of the replacement units;
- f. Proposed location of the replacement units;
- g. Amenities and services provided for the replacement unit residents; and
- h. Specific level of affordability for each of the replacement units.

G. Review and Approval.

- 1. Affordable housing on Sites 1 and 2 that qualifies under, and is consistent with the provisions of, this Section and that provides at least 20 percent of the total dwelling units to households qualifying as lower-income, shall be approved by the city as a by-right use.
- 2. Subdivisions of land associated with affordable housing projects on Sites 1 and 2 that are consistent with LIP Chapter 15 shall be approved by-right.
- 3. Review and approval of affordable housing on Site 3 shall be as set forth in LIP Chapter 13.

H. Administration and Monitoring.

- 1. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.
- 2. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household income, restricted unit housing cost, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

3.6 RESIDENTIAL DEVELOPMENT STANDARDS

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

- A. Every residence shall have a roof constructed with roofing material in compliance with rating as specified by Title 15 of the Malibu Municipal Code;
- B. Every residence shall have an exterior siding of brick, wood, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited;

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

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

1. For a single-family residence, not less than eight hundred (800) square feet, exclusive of any appurtenant structures.
2. For each multifamily dwelling unit, not less than three hundred (300) square feet, exclusive of any appurtenant structures.

E. Height.

1. Non-beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), eEvery residence and every other building or structure associated with residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.
2. Notwithstanding any provision of this section, the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c).
3. Beachfront lots. Except as provided for projects in the affordable housing overlay district pursuant to Section 3.4.5(D)(2)(c), fFor new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof including solid rooftop, parapet and deck walls, and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed Civil Engineer, based upon a Comprehensive Wave Action Report, and 24 feet for a flat roof and 28 feet for pitched roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the centerline of the road shall not exceed half of the total length (front to rear) of the structure. Open railings for rooftop decks on structures with a flat roof may extend 25 feet in height.

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

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

1. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.
 2. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater.
 3. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.
 4. For the purposes of calculating yards, slopes equal to a greater than 1:1 shall not be included in the lot dimensions.
 5. Modifications to required yards/setbacks standards shall be permitted where necessary to avoid or minimize impacts to sensitive resources.
 6. Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.
 - a. New development, including, but not limited to, vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted in required park buffer areas, except that habitat restoration and invasive plant eradication may be permitted if designed to protect and enhance habitat values.
 - b. Variances or modifications to park buffer standards shall not be granted except where there is no other feasible alternative for siting the primary structure. In such cases, one primary structure shall be the only permitted development on the site, and the structure shall be restricted in size and designed to maximize the buffer standard to the maximum extent feasible.
 - c. Permitted development located within or adjacent to parklands that adversely impact those areas may include open space or conservation restrictions or easements over parkland buffer in order to protect resources.
 7. Setbacks shall also be in compliance with Article VIII of the Malibu Municipal Code (Building Code).
- G. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:
1. Front. 20 feet maximum or the average of the two immediate neighbors, whichever is less.
 2. Side. 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum, except as required for view corridors under Section 6.5(E)(2) of the Malibu LIP.

3. Rear. Setbacks for infill development are determined by the stringline rule. Separate setback standards apply to dwellings and decks, as indicated below. The stringline method shall apply only to infill development and where it will not result in development which would require a shoreline protection structure at any time during the life of the project, except when necessary to protect a new septic system and there is no feasible alternative that would allow residential development on the parcel. Septic systems shall be located as far landward as feasible.
 - a. Dwellings. For a dwelling, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast dwelling. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast dwelling.
 - b. Decks and patios. For a deck or patio, new construction shall not extend seaward of a stringline drawn from a point on the closest upcoast and downcoast deck or patio. The stringline point shall be located on the nearest adjacent corner of the upcoast and downcoast deck or patio.
 - c. All infill development shall be set back a minimum of 10 feet landward from the most landward surveyed mean high tide line on the parcel. The location of the mean high tide shall be determined in consultation with the State Lands Commission.
4. Stringline modification. Where the application of the stringline rule results in a stringline substantially inconsistent with adjacent development, the applicant may apply for a minor modification pursuant to LIP Section 13.27.1(B)(3). Alternatively, the applicant may apply for a variance pursuant to LIP Section 13.26.
5. Accessory structures. No accessory structure (including, without limitation, a gazebo, cabana) may project seaward of the dwelling stringline.
6. Swimming pools and spas. Pools and spas may project seaward of the dwelling stringline, but in no case may they project seaward of the deck stringline.
7. Stairways. Stairways from decks to the beach may not project seaward of the deck stringline.
8. Fences. Fences, shall not project seaward of the structure stringline, with the exception of any required safety railing around decks that is a maximum of 42 inches in height, and fencing constructed of transparent material such as plexiglass.
9. Shoreline protective devices. A shoreline protective device shall be permitted only if the Planning Manager and the Building Official determine that the device is necessary to protect an existing structure as defined in paragraphs L. and M. of Section 10.4 of the LIP or an existing or new sewage disposal system. A shoreline protective device shall be located as far landward as possible, consistent with the provisions of Chapter 10 of the Malibu LIP.
10. Bluffs. Setbacks shall be consistent with the requirements of Chapter 10 of the Malibu LIP.

- H. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed 2 acres, except where otherwise restricted by provisions of the ESHA Overlay Chapter (Chapter 4), Scenic and Visual Resources Chapter (Chapter 6), or Grading Chapter (Chapter 8) of the Malibu LIP.
- I. Single Family.
1. Use of permeable surfaces is encouraged, especially for driveways. However, including the primary structure, impermeable surfaces are permitted for residential lot areas (excluding slopes equal to or greater than 1:1), up to 1/4 acre at 45%; for lot areas greater than 1/4 acre but a 1/2 acre or less, at 35% and for lots greater than 1/2 acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this Paragraph.
 2. Multi-family. 25% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required 5 foot landscape buffer around the perimeter of parking areas pursuant to Section 3.12.5(E)(1) of the Malibu LIP shall count toward the 25% requirement. An additional 5% of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this Paragraph.

3.7 AFFORDABLE HOUSING

3.7.1 Residential Density Bonus

- A. Purpose and Intent. The purpose of this section is to implement ~~the incentive program provided in the State 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 et seq. are implemented in a manner that is consistent with the policies of Chapter 3 of the Coastal Act and is most protective of coastal resources.
- B. Eligibility. A density bonus may be granted to an eligible housing development, as defined in Government Code section 65915(i), pursuant to Government Code section 65915 et seq. . ~~in any residential district through approval by the city council (after recommendation from the planning commission) of a CDP. In order to qualify for a density bonus or other financial incentives or equivalent value as specified in Government Code Section 65915 the developer of a housing development project shall agree to construct one of the following:~~
1. ~~At least ten (10) percent of the total units of a housing development for persons and families of lower income;~~
 2. ~~At least five (5) percent of the total units of a housing development for very low income households;~~
 3. ~~A senior citizen housing development; or~~

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

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

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

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

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

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

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

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

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

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

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

~~D. Procedures for Approval.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

d. If, however, the City determines that the means for accommodating the density

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

- 5e. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code Section 30200 et seq., including, but not limited to, public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.
- ~~6. For any housing development where the City approves a density bonus, prior to issuing the coastal development permit, the owner must record an affordable housing agreement~~
2. Incentives/Concessions. The city shall grant the applicant the number of incentives and concessions required by Government Code Section 65915(d). The city shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the following written findings based upon substantial evidence:
- a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of Section 65915.
 - b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;
 - c. The waiver or reduction of the development standard would be contrary to state or federal law; or
 - d. The proposed project, with the requested incentive(s) or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.
3. Waiver or Reduction of Standards. Except as restricted by Government Code section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The city shall approve a waiver or reduction of a development standard, unless it finds that:

- a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
 - b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;
 - c. The waiver or reduction of the development standard would be contrary to state or federal law; or
 - d. The proposed project, with the requested waiver(s) and/ reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.
4. Parking Reduction. The applicant may request, and the city shall grant, a reduction in parking requirements in accordance with Government Code section 65915(p), as that section may be amended from time to time.
5. Construction and Integration of Affordable Units.
 - a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.
 - b. Location and Dispersal of Affordable Units. The affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units, if any, in each building of the development project, and the affordable and market rate units shall have the same exterior appearance and quality of construction as that of the market rate units in the same housing development project.
6. Replacement Housing Requirement. Pursuant to Government Code section 65915(c)(3), as it may be amended from time to time, the applicant shall be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:
 - a. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low-income; or
 - b. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low-income have been vacated or demolished in the five-year period preceding the application; or

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

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

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

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

~~1.~~

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

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

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

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

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

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

~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the~~

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

F. Affordable Housing Agreement Requirements.

A.

1. The agreement shall:

- a. Provide a description of the project, how the affordable housing requirements will be met by the applicant, and whether the affordable units will be rented or owner-occupied;
- b. Identify the type, size and location of each affordable housing unit required hereunder;
- c. Identify the incentive(s) and/or concession(s) provided by the City (if any) for a density bonus;
- d. Identify limits on income, rent, and sales price of affordable units;
- e. Identify the term of the agreement, which would then define the term of affordability of the required units;
- f. Require that the affordable housing units be constructed and completed by the applicant as specified in this chapter and in accordance with state law;
- g. Require that each affordable housing unit be kept available only to members of the identified income group at the maximum affordable rent during the term of the agreement;
- h. Describe procedures for tenant selection and the process for qualifying prospective households for income eligibility;
- i. Identify provisions and/or documents for resale restrictions, deeds of trust, rights of first refusal for owner-occupied units, or restrictions for rental units;
- j. Include performance guarantees (e.g., a cash deposit, bond, or letter of credit) as required by the City;
- k. Include provisions for the enforcement and penalties for violation of the agreement; and
- l. Identify the means by which such continued availability shall be secured and enforced and the procedures under which the affordable housing units shall be leased and shall contain such other terms and provisions, the City may require.

B.

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

C.

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

G. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements of Government Code section 65915 et seq. The requirements of Government Code section 65915 et seq., and any amendments thereto, shall prevail over any conflicting provision of this code.
2. Interpretation. The provisions of this section shall be interpreted to implement and be consistent with the requirements of Government Code section 65915 et seq. Any changes to Government Code section 65915 et seq. shall be deemed to supersede and govern over any conflicting provisions contained herein.

3.7.3 — Affordable Housing Fund

H. Affordable Housing Fund.

A. Fund Revenues.

B. Purpose and Limitations.

1. Fund Revenues. The fund shall receive all in-lieu fees paid under ~~Section 3.7.1(E)(2)~~ and may also receive moneys from other sources.
2. Purpose and Limitations. Affordable housing fund moneys shall be used in compliance with the general plan housing element and this chapter to construct, rehabilitate, or subsidize affordable housing or assist other governmental entities, private organizations, or individuals to provide or preserve affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing. Allowed uses of fund moneys include:
 - a. Assistance to housing development corporations;
 - b. Equity participation loans;
 - c. Grants;

- d. Pre-home ownership co-investment;
- e. Predevelopment loan funds;
- f. Participation leases;
- g. Other public-private partnership arrangements;
- h. The acquisition of property and property rights;
- i. Construction of affordable housing including costs associated with planning, administration, and design, as well as actual building or installation;
- j. Cost of rehabilitation and maintenance of existing affordable housing when needed to preserve units that are at risk of going to a market rate or at risk deterioration;
- k. Other costs associated with the construction or financing of affordable housing;
- l. Reasonable administrative charges or related expenses; and
- m. Reasonable consultant and legal expenses related to the establishment and/or administration of the fund.

3.11. DEVELOPMENT STANDARDS FOR SPECIAL USES

3.11.5 ~~Emergency Shelter Requirements~~ Special Housing Projects

A. Emergency Shelters

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

B.

2. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.
3. Permitted Use. Emergency shelter uses that comply with the standards in section 3.11.5 (A)(4) shall be a permitted use established by-right, if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case

C.

4. Regulations. An emergency shelter is ~~allowed~~ subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, consistent with the LCP and subject to the following standards in each case. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.

1. ~~Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the~~

~~City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

- a. **Size Limit.** The maximum number of individuals permitted to be served (eating, showering or sleeping) nightly shall not exceed the total number of beds provided within the shelter or one person per one hundred twenty-five (125) square feet of floor area, whichever is less. In no case shall occupancy exceed ~~twenty-five~~ 255 individuals at any one time. Total square footage of a new facility shall comply with the maximum square footage limit set forth for the underlying zoning district.
- b. **Facility Requirements.**
 - i. Each occupant shall be provided a minimum of fifty (50) square feet of personal living space, not including space for common areas.
 - ii. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).
 - iii. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.
 - iv. The shelter may provide one or more of the following specific facilities and services onsite, including but not limited to:
 - (1) Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;
 - (2) Dining area;
 - (3) Laundry room;
 - (4) Recreation room;
 - (5) Support services (e.g. training, counseling, etc.); and
 - (6) Child care facilities.
 - v. **Management.** A shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.
 - vi. **Proximity to Other Shelters.** No emergency shelter shall be located closer than three hundred (300) feet from another emergency shelter. The three hundred (300) foot separation shall be measured from the nearest points of the property lines on which the shelters are located.

- vii. Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any twelve (12)-month period (Section 50801 of the Health and Safety Code).
- viii. Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.
 - (1) Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.
 - (2) Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.
 - (3) Off-Street Parking. Parking shall be provided, in accordance with Section 3.14.3 of the Local Coastal Program.

~~D.~~

5. Reviewing Authority.

- ~~1. Coastal Development Permit applications for emergency shelters shall be reviewed by the appropriate decision making authority in accordance with Section 13.7. A coastal development permit application is required for emergency shelters, unless determined to be exempt, consistent with the LCP, pursuant to LIP Section 13.4, and shall be reviewed by the appropriate decision making authority in accordance with LIP Section 13.7. Applications for a emergency shelter use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.~~

B. Low barrier navigation centers

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.
2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) district.
3. Permitted Use. Low barrier navigation center uses that comply with the standards in section 3.11.5(B)(2) and (4) shall be permitted use established by-right.
4. Regulations.
 - a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
 - c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

- d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
 - e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.
4. Review Process. Applications for low barrier navigation centers shall be reviewed by the director or designee. If the proposed use meets the requirements of this section, the director shall issue a permit.

C. By-right permanent supportive housing.

1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. By right permanent supportive housing is that supportive housing meeting the criteria of Section 3.5.11(C)(2) and (4). Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in LIP Section 3.6 Residential Development Standards, Section 3.5 General Regulations/Development Standards, Section 3.12 Landscaping and Fuel Modification, Section 3.14 Parking Regulations, and all other applicable sections of the LIP.
2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (LIP section 3.4.5) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).
3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.
4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:
 - a. All provisions of Government Code section 65651(a).
 - b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.
 - c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in LIP section 3.14, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.
5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. Single-Room Occupancy Facility Requirements

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

1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.
2. Size / Occupancy. Minimum size of one hundred fifty (150) square feet and maximum size of four hundred (400) square feet per SRO unit. Occupancy is a maximum of two individuals.
3. Laundry facilities must be provided onsite.
4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.
5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.
6. Management. The SRO facility must provide twenty-four (24) hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the City. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.
7. Off-street Parking. Parking shall be provided in accordance with Section 3.14.3 of the Local Implementation Plan.
8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

3.14.3 Specific Parking Requirements

Parking shall be provided in accordance with the list of uses under this section. Where the standards result in a fraction, the next larger whole number shall be the number of spaces required. For additions to existing developments, the increased parking requirement shall be based only on the addition. A minimum of two spaces shall be provided for any use or development regardless of the size or scope of the use or development. The minimum size for a residential parking space shall be 18 feet long by 10 feet wide. If the specific use is not listed in the following table, the parking requirements listed in each zone district shall apply:

PARKING STANDARDS

Residential Units

Emergency shelters

~~One parking space per 10 adult beds, plus 1~~
One parking space per employee on the largest maximum staff shift.

Large residential care facility

One space for every two beds and 1 space for every employee.
In addition, 1 off-street parking space for each outside employee shall be provided and maintained.

Low barrier navigation center

One parking space per employee on the maximum staff shift.

Multi-family units
(market rate)

~~For each efficiency dwelling unit, 2 spaces which shall be either enclosed or covered~~

~~For each one-bedroom or two-bedrooms unit, 3 spaces, two both of which shall be enclosed~~

~~For each additional bedroom above two, 1 space which shall be enclosed or covered~~

~~Guest parking for each 4 units or fraction thereof, 1 space~~

Multi-family units
(affordable)

For each efficiency or one-bedroom dwelling unit, 1 space.

For each dwelling unit with two or more bedrooms -bedroom or three-bedrooms unit, 2 ½ spaces, inclusive of guest parking

~~For each four-bedroom or larger unit, 2 ½ spaces~~

~~Guest parking for each 4 units or fraction thereof, 1 space.~~

Single-family residence

Two enclosed spaces and two unenclosed spaces

Single-room occupancy

For two units, 1 space (inclusive of guest parking).
In addition, 2 spaces for the resident manager.

Small residential care facility

2 enclosed and 2 unenclosed spaces.

Supportive housing

Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 3.11.5(C)(3)(j).

Transitional housing

Parking shall be as required for other uses of the same housing type in the same zone.

6.7 APPLICATION SUBMITTAL REQUIREMENTS

- A. Applications for new development in scenic areas visible from public viewing areas, public trails, beaches, or scenic roads shall include a visual analysis that includes:
1. Grading plan, if any grading is proposed.
 2. Cross sections of the project site showing the proposed grading and structures.
 3. Line of sight analysis showing the view of the project site from public viewing areas.
 4. Photos of the project site from public viewing areas and/or scenic roads, with story poles placed on the site to indicate the proposed location and maximum height of all structures and stakes placed on the site to indicate the extent of all proposed grading for all proposed single-family residential and non-residential developments.
 5. For multi-family residential development, in lieu of story poles, photosimulations and visual impact analysis exhibits depicting the potential impacts of a proposed multi-family residential development on the identified public views, may be provided at the discretion of the Director.
 6. An analysis of the potential impacts of the proposed development on the identified public views.
 7. Project alternatives designed to avoid and minimize impacts to visual resources.
 8. Mitigation measures necessary to minimize or mitigate residual impacts that cannot be avoided through project siting and design alternatives.
 9. Applications for land divisions shall include a grading plan, drainage/polluted runoff control plan, landscape plan, conceptual fuel modification plan (based on anticipated location of future structures), line of sight analysis showing the view of the project site from public viewing areas, and landscaping plans for any proposed slopes. These plans shall depict the proposed building pad or building area (if future structures will be built to the slope) and access road/driveway to each proposed parcel. If deemed necessary the visual analysis shall include the placement of story poles and stakes to indicate the location and extent of building pads and grading necessary to develop the site.

13.30 HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

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

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

- B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability, his/her representative or any property owner, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
3. A person with a disability is a person who has a physical or mental impairment that substantially limits or substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section shall only apply to those persons who are defined as disabled under the Acts.

- C. Application Submittal.

1. Any person with a disability may file an application for a request for reasonable accommodation with the Planning Department, on a form approved by the Planning Director and shall contain the following information, accompanied by a fee established by resolution of the City Council:
 - a. Applicant's and/or property owner's name, mailing address, daytime phone number and email address;
 - b. The address of the property for which the request is being made;
 - c. Current actual use of the property;
 - d. The basis for the claim that the individual is considered disabled under the Acts;
 - e. The specific code provision, regulation, procedure or policy of the LCP from which reasonable accommodation is being requested including an explanation of how application of the existing code provision, regulation, procedure or policy precludes reasonable accommodation;

- f. The length of time the reasonable accommodation is necessary;
 - g. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;
 - h. A determination of whether or not the request would result in adverse impacts to wetlands, environmentally sensitive habitat area, public access, public views and/or other coastal resources;
 - i. A site plan or illustrative drawing showing the proposed accommodation; and
 - j. Any other information required to make the findings required by subsection (F)(5) of this section consistent with the Acts.
2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a CDP, then the applicant shall file the application submittal information together with the application for the CDP for concurrent review.
 3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.
 4. If an individual needs assistance in making the request for reasonable accommodation, the City shall provide assistance to ensure that the process is accessible.

D. Reviewing Authority.

1. Applications for reasonable accommodation shall be reviewed by the Director or his/her designee, if no approval is sought other than the request for reasonable accommodation. ~~The Director may, in his/her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~
2. Applications for reasonable accommodation submitted for concurrent review with a CDP application shall be reviewed by the authority reviewing the CDP application.

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

1. The housing, which is the subject of the request, will be occupied by a person with disability as defined in subsection (B)(3) above.
2. The ~~approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in subsection (B)(3) above.

3. The ~~approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the City.
4. The ~~approved~~ reasonable accommodation would not require a fundamental alteration in the nature of the LCP.
5. The ~~approved~~ reasonable accommodation would not adversely impact coastal resources, including:
 - a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;
 - b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and
 - c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodations request that would be more protective of coastal resources.
6. The project that is the subject of the approved reasonable accommodation conforms to the applicable provisions of the LCP and the applicable provisions of this section, with the exception of the provision(s) for which the reasonable accommodation is granted.

F. Decision.

1. The Director shall consider an application, and issue a written determination within forty-five (45) calendar days of the date of receipt of a completed application. If necessary, to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.
2. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and all abutting property owners and occupants and those immediately across the street that the City will be considering the application and inviting written comments on the requested accommodation.
3. ~~Upon referral from the Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The Commission shall issue a written determination within forty five (45) calendar days after such public meeting.~~
4. Notice of Planning Commission meeting to review and act on the application, if submitted for concurrent review with a CDP application, shall be made in writing, ten (10) calendar days prior to the meeting and mailed to the applicant and all abutting property owners and occupants as well as those immediately across the street.

5. The review authority's written decision shall set forth the findings, any conditions or approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Director, to any person having provided written or verbal comment on the application.
6. The written decision of the reviewing authority shall be final unless appealed in the manner set forth in subsection (F)(8) below.
7. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
8. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required.

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

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

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

1. The Planning Commission or the City Council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety (90) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
2. The City shall provide notice of an appeal hearing to the applicant, adjacent property owners and any other person requesting notification at least ten (10) calendar days prior to the hearing. The appeal authority shall announce its findings within thirty (30) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's action shall be final.
3. If an individual needs assistance in filing an appeal on an adverse decision, the City shall provide assistance to ensure that the appeals process is accessible.
4. Nothing in this procedure shall preclude an aggrieved individual from seeking other state or federal remedy available.

I. J. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the City of a pending appeal. Extensions of time

sought by applicants shall not be considered delay on the part of the City, shall not constitute failure by the City to provide for prompt decisions on applications and shall not be a violation of any required [time period set forth in this section.

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

City of Malibu
Housing Element 2021-2029 (6th Cycle) Implementation
Malibu Municipal Code (MMC) Amendments, Title 17 Zoning

August 7, 2024

Chapter 17.02. INTRODUCTORY PROVISIONS AND DEFINITIONS

17.02.060 Definitions.

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

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

“Emergency shelter” means housing with minimal supportive services for homeless persons, which is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay, and is operated by a government agency or private nonprofit organization.

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

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

“Permanent supportive housing” means the same as “Supportive housing.”

“Residential care facility, small” means a family home, group care facility, or similar facility for six or less persons that is maintained and operated to provide 24-hour nonmedical residential care for six or less adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual.

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

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

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

Chapter 17.08 RR RURAL RESIDENTIAL DISTRICT

§ 17.08.020. Permitted uses.

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

- A. One single-family residence per lot;
- B. ~~Small family day care and residential care facilities serving six or fewer persons;~~
- C. Residential care facilities, small;
- D. Accessory uses and structures as follows:
 - 1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units seven hundred fifty (750 square feet maximum), detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (noncommercial),
 - 2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,
 - 3. Domestic animals, kept as pets or for personal use,
 - 4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,
 - 5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:
 - a. The subject property is a minimum of 15,000 square feet in size,
 - b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every 5,000 square feet of lot area,

- c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;
- 6. Agricultural employee housing, crop related.
- E. The following agricultural uses; provided, that all buildings or structures used in conjunction therewith shall be located not less than 50 feet from any street or highway or any building used for human habitation:
 - 1. The raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals, on a parcel having an area of not less than one acre and provided that not more than eight such animals per acre of the total ground area be kept or maintained in conjunction with such use,
 - 2. The grazing of cattle, horses, sheep or goats on a parcel with an area of not less than five acres, including the supplemental feeding of such animals, provided:
 - a. That such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises,
 - b. That no buildings, structures, pens or corrals designed or intended to be used for the housing or concentrated feeding of such stock be used on the premises for such grazing other than racks for supplementary feeding, troughs for watering, or incidental fencing,
 - 3. Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature, provided the subject parcel is a minimum of one acre in size,
 - 4. The raising of hogs or pigs, provided:
 - a. That the animals are located not less than 150 feet from any highway and not less than 50 feet from the side or rear lines of any parcel,
 - b. That the animals shall not be fed any market refuse or similar imported ingredient or anything other than table refuse from meals consumed on the same parcel of land, or grain,
 - c. That no more than two weaned hogs or pigs are kept,
 - d. That the subject parcel is a minimum of one acre in size;
- F. Manufactured homes, pursuant to Government Code Section 65852.3;
- G. Second units, pursuant to Government Code Section 65852.2;
- H. Large family day care facilities (serving seven to 12 persons), subject to the provisions of Section 17.66.110;
- I. Private equestrian and/or hiking trails;

- J. Greenhouses on a lot or parcel of land having an area of at least one acre;
- K. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);
- L. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;
- M. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and
- N. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.10 SF SINGLE FAMILY DENSITY RESIDENTIAL DISTRICT

§ 17.10.010. Purpose.

The SF district will serve the majority of the city's single-family residential parcels. The intent of the district is to enhance the rural characteristics of the community by maintaining low density residential development in a manner which respects surrounding property owners and the natural environment.

§ 17.10.020. Permitted uses.

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

- A. One single-family residence per lot;
- B. Small family day care ~~and residential care facilities serving six or fewer persons;~~
- C. Residential care facilities, small;
- D. Accessory uses and structures as follows:
 1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, guest units 900 square feet maximum, detached garages, barns, pool houses, gazebos, storage sheds, and greenhouses (noncommercial),
 2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and noncommercial corrals,
 3. Domestic animals,
 4. Raising of crops including, but not limited to, field, trees, bush, berry row and nursery stock, provided there is no retail sale from the premises,
 5. Raising of horses, sheep, goats, donkeys, mules and other equine cattle for personal use by residents on the premises, subject to the following conditions:
 - a. The subject property is a minimum of 15,000 square feet in size,

- b. The maximum number of animals listed above does not exceed one animal (over six months of age) for every 5,000 square feet of lot area,
 - c. The animals shall be maintained in an area a minimum of 50 feet from any building used for human habitation;
6. Agricultural employee housing, crop related,
- E. Manufactured homes, pursuant to Government Code Section 65852.3;
 - F. Second units, pursuant to Government Code Section 65852.2;
 - G. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;
 - H. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);
 - I. Transitional ~~and supportive~~ housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses;
 - J. Supportive housing permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and
 - K. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.12 MF MULTIPLE-FAMILY RESIDENTIAL DISTRICT

§ 17.12.010. Purpose.

The MF district consists of existing multifamily development in the city and is intended to provide for a variety of residential opportunities ranging from single-family to multiple-family and residential uses at a moderate density range.

§ 17.12.020. Permitted uses.

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

- A. One single-family residence per lot;
- B. Multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments – new or the expansion of over 500 square feet of multiple-family residential use;
- C. Small family day care ~~and residential care facilities serving six or fewer persons;~~
- D. Residential care facilities, small;
- E. Accessory uses and structures as follows:
 1. Accessory buildings customarily ancillary to single-family residences including, but not limited to, detached garages, barns, pool houses, gazebos, storage sheds, guest units (750 square feet maximum) and greenhouses (noncommercial),

- 2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts, and corrals,
- 3. Domestic animals;
- F. Manufactured homes, pursuant to Government Code Section 65852.3;
- G. Second units, pursuant to Government Code Section 65852.2;
- H. Large family day care facilities (serving seven to 12 persons), subject to Section 17.66.110;
- I. Temporary placement of mobilehomes and trailers subject to the conditions of Section 17.40.040(A)(18);
- J. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;
- K. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(D) of this title;
- L. Affordable housing development projects; and
- M. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses.

§ 17.12.040. **Conditionally permitted uses.**

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

- ~~A. Multiple family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~
- A. Horticultural related activities;
- B. Utility facilities related to public projects;
- C. Governmental facilities;
- D. Nursery schools, day care facilities;
- E. Churches, temples and other places of worship;
- F. Lighted sports courts;
- G. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;
- H. Parks and playgrounds;
- I. Emergency communication and service facilities.

Chapter 17.14 MFBF MULTIFAMILY BEACH FRONT DISTRICT

§ 17.14.020. Permitted uses.

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

- A. One single-family residence per lot;
- B. New, or the expansion over 500 square feet of, multiple-family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;
- C. Expansion up to 500 square feet of existing multifamily buildings provided the expansion conforms to the provisions of Chapter 17.40;
- D. Accessory uses and structures as follows:
 - 1. Accessory buildings customarily ancillary to single-family and multifamily residences including, but not limited to, detached garages, pool houses, gazebos, storage sheds, guest units (750 square feet maximum),
 - 2. Recreational structures including, but not limited to, pools, spas, nonilluminated sports courts,
 - 3. Domestic animals;
- E. Manufactured homes, pursuant to Government Code Section 65852.3;
- F. Second units, pursuant to Government Code Section 65852.2;
- G. Transitional ~~and supportive~~ housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;
- H. Supportive housing permitted in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential, except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;
- I. ~~Small r~~Residential care facilities, small; ~~involving six or fewer persons~~
- J. Affordable housing development projects;
- J. Employee housing for six or fewer persons permitted in the same manner as a single-family residence and subject to all the restrictions that apply to single-family residential uses; and

§ 17.14.030. Uses subject to director's review.

The following uses and structures may be permitted subject to obtaining a minor conditional use permit:

- A. Mobilehome used as a residence during construction, subject to Section 17.40.040(A) (18);
- B. Home occupations, subject to Section 17.40.040(A)(19).

§ 17.14.040. **Conditionally permitted uses.**

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

- ~~A. New, or the expansion over 500 square feet of, multiple family residential uses, including duplexes, condominiums, stock cooperatives, apartments and other similar developments;~~
- A. Utility facilities related to public projects;
- B. Lighted sports courts;
- C. Neighborhood recreation facilities for use by surrounding residents and operated by a nonprofit corporation or neighborhood association for noncommercial purposes;
- D. Parks and playgrounds;
- E. Emergency communication and service facilities.

Chapter 17.24. CC COMMUNITY COMMERCIAL DISTRICT

§ 17.24.020. **Permitted uses.**

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

- A. All permitted uses and activities set forth in Section 17.22.020 (CN District);
- B. Medical, dental and physical therapy clinics and health clubs and dance studios;
- C. Multifamily Affordable housing development projects in the Affordable Housing Overlay Zone (AHO)(Section 17.42.020(L));
- D. Transitional housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO;
- E. Supportive housing permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses in the AHO, except that by-right permanent supportive housing shall be consistent with Section 17.40.120 (C) of this title;
- F. Low barrier navigation center permitted in the Affordable Housing Overlay District (AHO)(Section 17.42.020(L)) and consistent with Section 17.40.120(B) of this title.

Chapter 17.30 CG COMMERCIAL GENERAL DISTRICT

§ 17.30.020. **Permitted uses.**

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

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

- C. Sculptural and metal art activities.
- D. Emergency shelters;
- E. Single-room occupancy facilities.
- F. Transitional housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses;
- G. Supportive housing permitted in conjunction with a mixed use project or single-room occupancy facility in the same manner as a multifamily residence and subject to all the restrictions that apply to multifamily residential uses except that by-right permanent supportive housing shall be consistent with Section 17.40.120(C) of this title;
- H. Low barrier navigation center permitted consistent with Section 17.40.120(B) of this title.

§ 17.30.030. Conditionally permitted uses.

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

- A. All conditionally permitted uses set forth in Section 17.28.030 (CV-2 district), excluding overnight accommodations;
- B. Car washes and car washing;
- J. Wastewater storage and hauling;
- K. Communication facilities;
- L. Cultural and artistic uses, such as museums, galleries, performing arts studios;
- M. Light industrial uses which are not obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, waste or other methods. These uses shall include the following:
 - 1. Automobile towing and storage,
 - 2. Manufacturing, processing or treatment of products,
 - 3. Research and development and testing facilities,
 - 4. Wholesale, storage and distribution,
 - 5. Other uses determined by the planning director to be of a similar nature and not more objectionable than the uses listed above;
- N. Movie theaters;
- O. Neighborhood-serving construction services shall be located on a parcel that is at least five acres in net lot area.
- P. Large residential care facilities involving seven or more persons.

Q. Mixed Use (commercial and residential)

Chapter 17.34 I INSTITUTIONAL DISTRICT

§ 17.34.020. **Permitted uses.**

The following uses are permitted in the I district:

- A. One single-family residence in conjunction with an institutional use and consistent with the provisions of Chapter 17.08;
- B. Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46 and Section 17.62.040) that comply with the most restrictive design standards set forth in Section 17.96.070;
- C. Government facilities including police and fire stations and government offices;
- D. Equestrian and hiking trails (public and private);
- E. Recreation facilities such as swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts, and similar uses (subject to provisions of Section 17.34.030 when a facility is located within a side or rear yard adjacent to a residentially-zoned parcel);
- G. Emergency shelters;
- H. Transitional and supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses;
- I. Supportive housing permitted in conjunction with an institutional use in the same manner as single-family residences and subject to all the restrictions that apply to single-family residential uses.

Chapter 17.39. MALIBU COAST ESTATE PLANNED DEVELOPMENT (PD) DISTRICT

§ 17.39.020. **Permitted uses.**

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

- A. Lot Nos. 1—5.
 - 1. One single-family residence per lot.
 - 2. Accessory uses (one second unit or guest house per lot, garages, swimming pools, spas, pool houses, cabanas, water features, gazebos, storage sheds, private non-illuminated sports courts, noncommercial greenhouses, gated driveways, workshops, gyms, home studios, home offices, and reasonably similar uses normally associated with a single-family residence, as determined by the planning director).
 - 3. Domestic animals, kept as pets.
 - 4. Landscaping.

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

§ 17.40.040 Residential development standards.

- A. All residential development shall be subject to the following development standards:
1. Every residence shall have a roof constructed with roofing material in compliance with a rating as specified by Section 1603 (Fire Zone 4) of Title 26 (Los Angeles Building Code) of this code (see Chapter 15.04).
 2. Every residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material, except that reflective, glossy, polished and/or roll-formed type metal siding is prohibited.
 3. Except as specifically provided by this chapter, every single-family residence shall be not less than 20 feet in width. A single-family residence need only be a minimum of 18 feet wide when it is to be located on a lot or parcel of land less than 26 feet in width. In order to allow for flexibility and creativity of design, a single-family residence may be less than 20 feet wide, but not less than 12 feet, if the floor area, exclusive of appurtenant structures, is at least 900 square feet and the side or sides oriented toward a public street, highway or parkway have a dimension of at least 20 feet. Additions to single-family residences are not restricted as to width.
 4. The minimum floor area of a residential unit shall be as follow:
 - a. For a single-family residence, not less than 800 square feet, exclusive of any appurtenant structures.
 - b. For each multifamily dwelling unit, not less than 300 square feet, exclusive of any appurtenant structures.
 5. Height.
 - a. Except for beachfront lots, and except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.
 - b. Except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii), For new construction on a beachfront lot, no residence or structure, including satellite dish antenna, shall exceed 24 feet for flat roof and 28 feet for pitched roof, as measured from the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, and 24 feet for a flat roof and 28 feet for pitched

roof as measured from center line of the road on the land side. Building height shall be apportioned such that the portion of the building which height is measured from the center line of the road shall not exceed half of the total length (front to rear) of the structure.

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

- c. Notwithstanding any provision of this section, the director may issue a development permit, pursuant to the site plan review process of this title, to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs. In no event shall the maximum number of stories above grade be greater than two, except as provided for projects in the affordable housing overlay district pursuant to Section 17.42.020(L)(3)(b)(iii).
6. Non-Beachfront Yards/Setbacks. The following yard/setback requirements apply to all lots, except beachfront lots:
 - a. Front yard setbacks shall be at least 20% of the total depth of the lot, or 65 feet, whichever is less.
 - b. Side yard setbacks shall be cumulatively at least 25% of the total width of the lot but, on no event, shall a single side yard setback be less than 10% of the width of the lot or five feet, whichever is greater.
 - c. Rear yard setbacks shall be at least 15% of the lot depth or 15 feet whichever is greater.
 - d. For the purpose of calculating yards, slopes equal to or greater than 1:1 shall not be included in the lot dimensions.
 - e. All structures must be set back at least 25 feet from the top of a 45 degree angle (1:1 slope) starting at the toe of an inland bluff or coastal bluff. For slopes greater than 45 degrees setback shall be 25 feet horizontal as measured from the top of the slope at the end of the 45 degree line commencing at the base of the slope. For the purposes of this section, an inland or coastal bluff is a topographic-feature not primarily composed of sand and at least 25 feet from top to toe with a slope of 1:1 or greater.
 - f. Notwithstanding any provision of this section, where feasible, all structures shall be set back a minimum of 100 feet from an environmentally sensitive habitat area and other designated environmentally sensitive areas and a minimum of 100 feet from park natural vegetation. For the purposes of this section, "park natural vegetation" means native vegetation comprised of plan species identified as indigenous in the 1986 Edition of Flora of the Santa Monica Mountains (Raven, Thompson and Prigge).
 7. Beachfront Yards/Setbacks. Notwithstanding the above requirements, the following yard requirements apply to beachfront lots:
 - a. Front. Twenty feet maximum or the average of the two immediate neighbors, whichever is less.

- b. Side. Ten percent of lot width on each side, with a three feet minimum and five feet maximum.
- c. Rear. Setbacks are determined by the stringline rule. Separate setback standards apply to dwellings, decks, accessory structures, and shoreline protective devices, as indicated below:
 - 1. Dwellings and Decks. For a dwelling or deck, new construction shall not extend seaward of a stringline drawn by the following procedure:
 - a. General Rule. The stringline shall be drawn from a point on the closest upcoast and downcoast property with the same type of structure (dwelling or deck). The stringline point shall be located as follows: first, the predominant seaward projection of the structure on the upcoast and downcoast property shall be identified; second, the corner of the predominant seaward projection which is closest to the subject property shall be located, and shall constitute the stringline point. Predominant seaward projection shall be calculated using the formula in subsection (b).
 - b. Predominant Seaward Projection. The “predominant seaward projection” shall be that portion of a structure closest to the ocean, which has a width (i.e., the dimension which is on a plane parallel to the ocean front) at least 30% of the maximum width of the structure.
 - 2. Stringline Determination. After an application is determined to be complete and a preliminary stringline determination is made, the planning manager/director shall notify in writing the owners and residents of all beachfront property within 500 linear feet of the proposed stringline determination and in no event less than 10 developed properties. Not sooner than 21 days after the resident and owners are notified nor later than 30 days after the notification, the planning manager/director will consider all comments submitted in writing and orally. These deadlines are directory and no decision shall be subject to invalidation solely on the ground that it was made after the deadline. Thereafter, the planning manager/director shall approve, deny, or modify the preliminary stringline determination and issue a written decision.
 - 3. Stringline Modification. Where the application of the general rule results in a stringline substantially inconsistent with the adjacent development, the applicant may apply for a stringline modification pursuant to Section 17.72.100(C).
 - 4. Accessory Structures. No accessory structure (including, without limitation, a gazebo, pool, cabana) may project seaward of the deck stringline. Accessory structures may be permitted seaward of the dwelling stringline, provided that ocean views from adjacent developed properties are maintained to the maximum reasonable extent, as determined by the planning manager/director.
 - 5. Shoreline Protective Devices. A shoreline protective device including sea walls, bulkheads or other similar devices shall be subject to site plan review approval pursuant to Section 17.62.040(A)(10). A shoreline protective device shall not extend seaward of a stringline drawn between the nearest corners of the closest

existing shoreline protective device(s), as determined by the planning manager/director.

d. Bluff.

- i. Beachfront Bluffs. Consistent with the stringline rule, structures may extend over a bluff which is 10 feet or less in height, from toe to top, as established by average beach profile and having underlying geology composed mostly of sand and/or naturally or artificially deposited fill materials.
- ii. Shoreline Bluffs. Structures on non-infill lots shall not extend over a bluff which is greater than 10 feet but less than 25 feet and all structures shall be set back to comply with the requirements of Title 26 (Los Angeles Building Code) for foundations adjacent to descending slopes. Structures on infill lots on shoreline bluffs shall conform to the stringline rule.

8. Ridgelines.

1. Primary Ridgelines.

- a. A primary ridgeline shall be defined as follows: a hill, ridge or promontory which drops on either side of the top of this landform feature, and includes at least one of the following conditions:
 - i. Forms a distinct part of the skyline when viewed from a public street or highway; or
 - ii. Is seen as a distinct and prominent edge against a backdrop of land at least 500 feet behind it when viewed from a public street and contains an average slope of at least 3:1.

2. Secondary Ridgelines.

- a. A secondary ridgeline is defined as hills, ridges, and promontories other than primary ridgelines, but on which the elevation drops more than 10 feet in 100 feet horizontally on either side of the top of this landform feature.
- b. Any structures proposed on secondary ridgelines shall be subject to the planning director's review. If the structure projects above the top of the secondary ridgeline, as viewed from a public or private street, the planning director may impose conditions to minimize potential scenic impacts based on such factors as the prominence of the site and structure, the severity of visual impact to public view, and the existing development pattern in the surrounding area. These conditions would be based on the following secondary ridgeline development criteria:
 - i. Proposed structures are encouraged to be maintained at a low profile to mitigate visual impacts of the secondary ridgeline.
 - ii. The proposed design of the structure, including grading of the site should incorporate development techniques which sensitively conform to the natural terrain, including such measures as split level designs or second stores which

are stepped back as viewed from the downhill side of the property, reduced building pads and roof pitches which parallel existing slopes.

3. Grading or berms which alter the natural contours of, or change the elevation of the crest of the ridgeline in order to create a pad shall be avoided.
 4. Berms, contour or landform grading, and landscaping should be used, when necessary, to soften the visual impacts to secondary ridgelines created by structures and grading.
 - c. Ridgetop development is particularly susceptible to wildfire hazard. In addition to the criteria to reduce visual impact, the planning director shall evaluate all ridgeline development on slopes of at least 3:1 to incorporate adequate setbacks to address potential fire hazard concerns.
9. Grading. Notwithstanding any other provisions of this code, grading (total cut and fill) is limited to 1,000 cubic yards as follows:
- a. Maximum Quantity. In conjunction with any grading, so that the maximum is not greater than 1,000 cubic yards (exclusive of remedial grading) cut and fill may be allocated as follows: (i) balanced cut and fill up to 1,000 cubic yards; or (ii) export of no more than 1,000 cubic yards; or (iii) import of no more than 500 cubic yards, where additional grading on site does not exceed 500 cubic yards in conjunction with any landform alteration so that the maximum is no greater than 1,000 cubic yards; or (iv) any combination of the above that does not exceed 1,000 cubic yards per lot for single-family residential development or per acre of multi-family residential development.
 - b. Maximum height cut or fill: six feet in height for any one wall, or 12 feet for any combination of walls, where a minimum three foot separation exists between walls, except single cuts up to 12 feet in height which are an integral part of the structure are permitted.
 - c. Maximum grade cut or fill: 3:1 for areas created for development of structures and open yard areas. Transition slopes may not exceed 2:1 and shall not exceed the maximum height permitted for cuts and fills.
 - d. Criteria. Grading plans shall be submitted for approval with building plans. No grading permits shall be issued until a building permit is approved. Contour grading shall be used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.
 - e. Remedial Grading. Notwithstanding the limitations of this subsection, the director may permit remedial grading pursuant to site plan review, Section 17.62.040. For the purposes of this section, "remedial grading" is defined as grading recommended by a full site geotechnical report approved by the director and city geologist, except that no such remedial grading will be allowed when it could be avoided by changing the position or location of the proposed development.

- f. Exceptions. Excavation for foundations and other understructure excavation and incremental excavation for basements and safety purposes shall be excluded from grading limitations.
10. Development Area. Except for an affordable housing development within the AHO Overlay, every residential development shall be contained within a convex-shaped enclosure that shall not exceed two acres.
1. Impermeable Coverage. Use of permeable surfaces is encouraged, especially for driveways.
- a. Including the single-family residence, impermeable surfaces are permitted for lot areas (excluding slopes equal to or greater than 1:1), up to one-quarter acre at 45%, for lot areas greater than one-quarter acre but a one-half acre or less, at 35% and for lots greater than one-half acre at 30% up to a maximum of 25,000 square feet. Beachfront lots shall not be subject to this subsection.
 - b. Multifamily. Twenty-five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to landscaping. "Green or living walls" shall not be considered landscaping for the purpose of this paragraph. The required five foot landscape buffer around the perimeter of parking areas shall count toward the 25% requirement. An additional five percent of the lot area (excluding slopes equal to or greater than 1:1 and street easements) shall be devoted to permeable surfaces. Beachfront lots shall not be subject to this subsection.

§ 17.40.120 ~~Emergency shelters.~~ Special housing projects.

~~A. Emergency shelters. Purpose. The purpose of this section is to provide development standards for emergency shelters in the city of Malibu.~~

- 1. Purpose. The purpose of this section is to provide standards for emergency shelters.
- 2. B. Applicability. The provisions of this section are applicable in the Commercial General (CG) and Institutional (I) zoning districts.
- 3. Permitted Use. Emergency shelter uses that comply with the standards in Section 17.40.120(A)(4) shall be established by-right.
- 4. C. Regulations. An emergency shelter is an allowed use, subject to the issuance of an administrative plan review (per Section 17.62.030 of this title) if the facility already exists or subject to a coastal development permit, unless determined to be exempt pursuant to Section 13.4, if the new facility is proposed, subject to the following standards in each case: An emergency shelter shall comply with all of the following standards. An application for an emergency shelter shall include a written operations plan with exhibits indicating compliance with all of the standards.
 - ~~1. Location. Emergency shelters shall be permitted only where adequate water supply and sewage disposal capabilities are available onsite as determined by the City Department of Environmental Sustainability, and shelters shall be located no further than 2,000 feet from a public transit stop.~~

2. ~~a.~~ 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.
3. ~~b.~~ b. Facility Requirements.
- ~~i.~~ i. ~~a.~~ Each occupant shall be provided a minimum of 50 square feet of personal living space, not including space for common areas.
 - ~~ii.~~ ii. ~~b.~~ Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).
 - ~~iii.~~ iii. ~~c.~~ Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.
 - ~~iv.~~ iv. ~~d.~~ The shelter may provide one or more of the following specific facilities and services onsite, including, but not limited to:
 - (1) ~~i.~~ Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;
 - (2) ~~ii.~~ Dining area;
 - (3) ~~iii.~~ Laundry room;
 - (4) ~~iv.~~ Recreation room;
 - (5) ~~v.~~ Support services (e.g. training, counseling, etc.); and
 - (6) ~~vi.~~ Child care facilities.
- c. ~~4.~~ Management. At a minimum, a shelter shall have an onsite management office, with at least one employee present at all times during which the shelter is in operation and is occupied by at least one resident.
- d. ~~5.~~ Proximity to Other Shelters. No emergency shelter shall be located within 300 feet of another emergency shelter. The 300 foot separation shall be measured from the nearest points of the property lines on which the shelters are located.
- e. ~~6.~~ Length of Stay. Individual occupancy in an emergency shelter is limited to six months in any 12 month period (Section 50801 of the Health and Safety Code).

- f. ~~7.~~ Onsite Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor onsite waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.
 - ~~i.~~ ~~a.~~ Staging for drop-off, intake and pick-up should take place inside a building, at a rear or side entrance, or inner courtyard.
 - ~~ii.~~ ~~b.~~ Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.
 - ~~iii.~~ ~~8.~~ Off-Street Parking. Parking shall be provided, in accordance with Section 17.48.030 of this title.

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

~~D. Reviewing Authority.~~

~~1. Applications for emergency shelters shall be reviewed by the director or designee, if no approval is sought other than the request for use of an existing facility. If the proposed use meets the requirements of this Section and is consistent with the applicable sections of Chapter 17.40, the director shall issue a permit.~~

~~2. Applications for the emergency shelter use submitted for concurrent review with another discretionary land use application (e.g., a coastal development permit to construct the facility) shall be reviewed by the authority reviewing the discretionary land use application.~~

B. Low barrier navigation centers.

1. Purpose. The purpose of this section is to provide standards for low barrier navigation centers.
2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) zoning district only where the Affordable Housing Overlay (AHO) also applies, and in the Commercial General (CG) zoning district.
3. Permitted Use. Low barrier navigation center uses that comply with the standards in Section 17.40.120(B)(4) shall be a permitted use established by-right.
4. Regulations. A low barrier navigation center shall meet the following requirements:
 - a. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - b. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
 - c. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

- d. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- e. Unless specifically modified by standards detailed in this Section, a low barrier navigation center shall be consistent with all objective standards that apply to other multi-family residential uses within the same zoning district.

5. Reviewing Authority.

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

C. By-right permanent supportive housing.

- 1. Purpose. The purpose of this Section is to provide standards for by-right permanent supportive housing. Permanent supportive housing that does not comply with the provisions of this Section shall be subject to the standards, requirements and review process for other multi-family residential uses in Chapters 17.12 (MF Multiple Family Residential), 17.14 (MFBF Multifamily Beach Front), 17.24 (CC Community Commercial) along with Section 17.42.020(L) Affordable Housing Overlay, and 17.30 (CG Commercial General) of this title.
- 2. Applicability. The provisions of this section are applicable in the Community Commercial (CC) district only where the AHO (Section 17.42.020(L)) also applies, and the following districts: Multiple Family Residential (MF), Multifamily Beach Front (MFBF), and Commercial General (CG).
- 3. Permitted Use. Permanent supportive housing uses that comply with the standards in Section 17.40.120(C)(4) shall be a permitted use established by-right.
- 4. Regulations. By-right permanent supportive housing shall satisfy each of the following requirements:
 - a. All provisions of Government Code section 65651(a).
 - b. Unless specifically modified by standards detailed in this Section, the supportive housing development is consistent with all objective standards that apply to multi-family residential use within the same zoning district.
 - c. Parking spaces are provided for the supportive housing consistent with the standards that apply to multi-family residential use in Section 17.48.030(A) of this title, unless the development is within one-half mile of a public transit stop, in which case one parking space shall be required for each employee on the maximum staff shift.
- 5. Reviewing Authority. Applications for a by-right permanent supportive housing use shall be reviewed by the director or designee. If the proposed use meets the requirements of this Section, the director shall issue a permit.

D. ~~17.40.130~~ Single-room occupancy facilities.

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

- A. 1. SRO units shall be for the purposes of providing affordable housing and shall not serve the purpose of recreational or travel needs.
- B. 2. Size / Occupancy. Minimum size of 150 square feet and maximum size of 400 square feet per SRO unit. Occupancy is a maximum of two individuals.
- C. 3. Laundry facilities must be provided onsite.
- D. 4. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor of the facility.
- E. 5. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. If a kitchen is not provided, at least one common full kitchen shall be provided per floor of the facility.
- F. 6. Management. The SRO facility must provide 24 hour onsite management. The applicant shall provide a copy of the proposed rules governing the SRO facility to the city. The management will be solely responsible for the enforcement of all rules that are reviewed and approved by the reviewing authority.
- G. 7. Off-street Parking. Parking shall be provided in accordance with Section 17.48.030.
- H. 8. Facilities must provide a storage area for refuse and recyclables that is enclosed by a six-foot high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the numb of bins that are required to provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

Chapter 17.41.1 AFFORDABLE HOUSING

§ 17.41.1.010. Residential density bonus.

~~B.~~

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

- ~~1. At least 10% of the total units of a housing development for persons and families of lower income;~~

- ~~2. At least five percent of the total units of a housing development for persons and families of lower income;~~
- ~~3. A senior housing development; or~~
- ~~4. At least 10% of the units in a common interest subdivision for persons and families of moderate income.~~

~~Only one density bonus up to a maximum of 35% shall be granted to each project regardless of the number of preceding qualifying commitments made by the developer.~~

~~C.~~

~~D. General Provisions for Density Bonuses and Incentives/Concessions. As required by Government Code Section 65915, the city of Malibu shall consider a density bonus and provide incentives or concessions for a housing development that shall be subject to the following provisions:~~

- ~~1. Determination of Unit Count. When determining the percentage of housing units which are to be affordable, the density bonus units shall not be included.~~
- ~~2. Minimum Project Size. A project must contain at least five dwelling units in order to be considered for a density bonus.~~
- ~~3. Previous Density Bonuses. The density bonus provision shall not apply to any parcel or project area which has previously been granted increased density through a general plan amendment, zone change or other permit to facilitate affordable housing.~~
- ~~4. Dispersal of Affordable Units. "Affordable" or "density bonus" units shall be generally dispersed throughout a development project shall not differ in appearance from other units in the development.~~
- ~~5. Regulatory Incentives. In accordance with Government Code Section 65915, in addition to a density bonus the city shall grant at least one of the following regulatory concessions and/or incentives to ensure that the residential project will be developed at a reduced cost"~~
 - ~~a. A reduction in the site development standards or a modification of zoning code requirements including, but not limited to, reduced minimum lot size or dimensions; or reduced minimum setbacks.~~
 - ~~b. Approval of mixed use development in conjunction with a multifamily residential project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed project will be located.~~
 - ~~c. Other regulatory incentives or concessions proposed by the developer or the city which result in identifiable cost reductions.~~

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

- ~~1. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.~~

~~2. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:~~

- ~~a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;~~
- ~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~
- ~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1 of this title; and~~
- ~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~

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

- a. For the purposes of calculating the density bonus, the “maximum allowable residential density” shall be the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the greatest number of units allowed by the specific zoning range, specific plan, or land use element of the general plan.
- b. Except as otherwise required by Government Code section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
- c. A density bonus application consistent with this section shall be granted pursuant to Government Code section 65915 unless the city finds that the project cannot feasibly be accommodated on the site in a manner that conforms to the California Coastal Act.

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

- a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k) of section 65915 to provide for affordable housing costs as defined in section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c) of section 65915.
- b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and/or on any real property that is listed in the California Register of Historical

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

- c. The waiver or reduction of the development standard would be contrary to state or federal law; or
- d. The proposed project, with the requested incentive(s) and/or concession(s), cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

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

- a. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
- b. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon public health and or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households;
- c. The waiver or reduction of the development standard would be contrary to state or federal law; or
- d. The proposed project, with the requested waiver(s) and/or reduction(s) of development standards, cannot feasibly be accommodated on the site in a manner that conforms with the California Coastal Act.

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

5. Construction and Integration of Affordable Units.

- a. Construction of Affordable Units. For any development project that is granted a density bonus or other benefit pursuant to this section, the affordable units that

qualify the project as eligible for a density bonus shall be constructed concurrently with or prior to the construction of any market rate units.

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

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

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

D.—

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

- 1. Application and Review. An application for a density bonus shall be filed and processed concurrently with any other land use application(s) for the housing development. The reviewing authority for a density bonus shall be the city council after recommendation from the planning commission.
- 2. Notification to Developer. The city shall, within 90 days of receipt of a written proposal to utilize a density bonus for affordable housing, notify the developer in writing of the procedures governing these provisions.
- 3. Required Findings. In addition to the findings required for use permits generally, all of the following findings shall be made by the city council in approving any use permit granting a density bonus:
 - a. The number of units is compatible with the existing and planned infrastructure and service facilities serving the site;

- ~~b. The developer has demonstrated that the adjustment of standards is necessary to make the project economically feasible;~~
 - ~~c. The proposed increased density is consistent with Section 30604(f) of the California Coastal Act, Government Code Section 65915 and Chapter 17.41.1. of this title; and~~
 - ~~d. The proposed project is compatible with the goals and policies of the general plan and purpose and intent of this code.~~
3. Documentation. The application for a density bonus shall clearly indicate the number of units pursuant to Section 17.41.1.010(C)(1)(a) allowed by the city's general plan and zoning regulations, the number of density bonus units requested, the number of affordable units that will be included in the proposed project, and the location of the affordable units. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios, to the satisfaction of the planning director.
4. Affordable Housing Agreement. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives or concessions, or waivers or reductions, have been given, the developer shall submit documentation in accordance with Section 17.41.1.020 of this chapter.
- E. Required Terms for Continued Availability of Affordable Units. The eligible housing development shall comply with Government Code section 65915(c)(1).
- ~~1. Low and very low income households. An applicant providing low and very low income units in accordance with this chapter must continue to restrict those units to low or very low income households for a minimum of 55 years or longer term under another agreement from the date of initial occupancy.~~
 - ~~2. Moderate Income Households. In the case of a housing development providing moderate income units, the initial occupant of the unit must be a moderate income household.~~
 - ~~a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy and its proportionate share of appreciation; which shall be used within five years for any of the purposes described in subsection (e) of Section 33334.2 of the California Health and Safety Code that promote home ownership. Any recaptured funds shall be deposited into a housing trust account to be used in accordance with subsection (e) of Section 33334.2 of the California Health and Safety Code.~~
- F. Density Bonus Law.
- 1. Compliance. The applicant shall comply with all requirements of Government Code section 65915 et seq. The requirements of Government Code section 65915 et seq. and any amendments thereto, shall prevail over any conflicting provision of this code.

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

Chapter 17.42 OVERLAY DISTRICTS

§ 17.42.020. Purpose and intent.

L. Affordable Housing Overlay District.

3. ~~Standards. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply, unless specifically modified by standards detailed in subsection L. The following special specific regulations shall apply to the AHO sites identified in Table 1 below:~~

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

- i. Have a minimum density of 20 units per net acre.
- ii. Have a maximum density of one dwelling unit per 1,613 square feet of lot area, including exclusive of any ~~the~~ additional density bonus pursuant to Section 17.41.1.010 of this title.
- iii. Have a minimum of 16 dwelling units.
- iv. For Sites 1 and 2, a minimum of 20% of ~~all units in excess of the permitted base density of six dwelling units per acre, shall be affordable to lower and moderate income households as set forth in subsection 5 of this section. A minimum of 50% of all units in excess of the six units per acre shall be deed restricted ("restricted units") as very low or lower-income multifamily dwelling units. For Site 3, 80% of the units within an affordable housing development, exclusive of a manager's unit(s), shall be affordable to lower and moderate income households as set forth in subsection 5 of this section, and a~~ A minimum of 50% of the affordable units shall be deed restricted ("restricted units") as very low or low-income multifamily dwelling units.

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

Table 1 – AHO District Sites		
Site Number	APNs	Address
		formerly known as 3700 La Paz Lane)

4. b. Development Standards.
- i. Site of Construction. Structures may be constructed on slopes flatter than 1½/4/2:1.
 - ii. Hillside Development. Properties within this overlay district are exempt from the hillside development standards of Section 17.40.040(A)(20) of this title.
 - iii. Height. Development may exceed two stories in height but shall not exceed 30 feet in height.
 - iv. Applicable Code Provisions. The residential development standards contained in Section 17.40.040 of this title, as well as all other applicable municipal code provisions, shall apply to affordable housing development, unless specifically modified by standards detailed in this section.
- c. Restricted Units General Guidelines. The ~~lower income~~ restricted multifamily dwelling units required under this section:
- i. May either be rental or for-sale dwellings;
 - ii. ~~Shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to nonrestricted units~~ have the same exterior appearance and quality of construction as that of the market rate units in the same affordable housing development project;
 - iii. Shall have the same amenities as the market-rate units in the same housing development project, including the same access to and enjoyment of common open space, landscaping, parking, storage, and other facilities in the development;
 - iv. The unit mix based on bedroom count shall be proportional to the unit mix based on bedroom count provided for the market-rate units in the same affordable housing development project;
 - v. May be comprised of up to 33% less square footage than market rate units of the same bedroom count;
 - vi. ~~The construction materials and practices shall be comparable to those used for the market rate units;~~
 - vii. ~~The exterior grounds shall be landscaped and well maintained; and~~

- viii. ~~The units shall be disbursed throughout the project site and not clustered in a single location;~~
- ix. Shall be dispersed throughout the affordable housing development on each floor and section of the building(s) and throughout the site such that no more than 50 percent of the proposed restricted units are consolidated into one structure in developments with more than one multi-unit structure, and no more than 20 percent of the proposed restricted units in a single multi-unit structure are located adjacent to each other or stacked on consecutive floors unless it is unavoidable due to the required unit mix and distribution; and
- x. Shall be made available for occupancy concurrently with the market rate units of the affordable housing development as follows:
 - (1) In ownership projects, the City may not issue building permits for more than fifty (50) percent of the market-rate units until it has issued building permits for all of the deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate units until it has issued final inspections or certificates of occupancy for all of the deed restricted units.
 - (2) In rental projects, the City may not issue building permits for more than fifty (50) percent of the market-rate buildings until it has issued building permits for all buildings containing deed restricted units, and the City may not approve any final inspections or certificates of occupancy for more than seventy-five (75) percent of the market-rate buildings until it has issued final inspections or certificates of occupancy for all of the buildings containing deed restricted units.
 - (3) In the event the City approves a phased project, the deed restricted units shall be provided proportionally within each phase of the affordable housing development.

4. Affordability.

- a. Rental Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record an affordable housing agreement per Section 17.41.1.020 of this title for a period of not less than 55 years that includes the provisions and terms for meeting the requirements of this section. The Affordable Housing Agreement shall be completed by the developer on a form acceptable to the City and submitted with an application for the affordable housing development.
- b. For-Sale or Owner-Occupied Units. Prior to the issuance of any building permit for an affordable housing development in the AHO, the property owner shall enter into and record in the office of the Los Angeles County recorder a covenant in a form approved by the city restricting future sale prices to households with incomes as required in Section 17.42.020(3)(a)(iv) and including procedures for verifying and

maintaining compliance with income eligibility requirements for a period of not less than 55 years.

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

i. Number of restricted units proposed;

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

iii. Proposed location of the restricted units;

iv. Amenities and services provided for the unit residents;

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

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

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

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

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

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

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

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

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

- c. The replacement units shall be provided on at least a one-for-one basis for those affordable units removed.
- d. The replacement units shall have at least the same number of bedrooms as the affordable units removed.
- e. Affordable dwelling units that make a project eligible under state density bonus law may be counted towards the replacement units.
- f. The replacement units shall be available for occupancy at the same time as the new affordable housing development, or at least three years from the date the affordable units were demolished as a result of the new affordable housing development, whichever is sooner. The city may require the posting of a bond and/or the recordation of a covenant against the site of the new affordable housing development to ensure compliance.
- g. The replacement units shall comply with the provisions of Section 17.41.1.020 and Sections 17.42.020(L)(3)(a)(i), 17.42.020(L)(3)(a)(ii), 17.42.020(L)(3)(a)(iii), 17.42.020(L)(3)(b), and 17.42.020(L)(5) of this title.
- h. An application for a new affordable housing development where replacement units are required shall specify the following:
 - i. Number of affordable dwelling units demolished or proposed to be demolished, including number of bedrooms and size in square feet;
 - ii. Documentation of the current rents and income of all replacement tenants, and any tenants evicted in the prior 12 months, for existing affordable units;
 - iii. Documentation of the rents and income of all prior tenants of affordable units that were demolished prior to the application for a new affordable housing development, as feasibly available.
 - iv. Number of replacement units proposed;
 - v. Unit square footage and number of bedrooms of the replacement units;
 - vi. Proposed location of the replacement units;
 - vii. Amenities and services provided for the replacement unit residents; and
 - viii. Specific level of affordability for each of the replacement units.

7. Administration and Monitoring.

- a. The city council, by resolution, may establish fees for the ongoing administration and monitoring of the restricted units, which fees may be updated periodically, as required.
- b. The city council, by resolution, may adopt procedures for implementing this Section, including documents that establish standards for determining household

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

§ 17.48.030. Specific parking requirements.

Parking Standards	
A. Residential Uses.	
Emergency shelters	For each 10 adult beds, one space plus one One additional space per employee on the largest maximum staff shift.
Large residential care facility	For every two beds, one space and one space for every employee. In addition, one off-street parking space for each outside employee shall be provided and maintained.
<u>Low barrier navigation center</u>	<u>One space per employee on the maximum staff shift.</u>
Multifamily units	For each efficiency dwelling unit, two spaces which (market rate) shall be either enclosed or covered. For each one-bedroom or two-bedroom unit, three spaces, two of which shall be enclosed. For each additional bedroom above two, one space which shall be enclosed or covered. Guest parking for each four units or fraction thereof, one space.
Multifamily units	For each efficiency or one-bedroom dwelling unit, (affordable) one space. For each <u>dwelling unit with two-bedroom or three- or more bedrooms unit</u> , two spaces, one of which shall be either enclosed or covered inclusive of guest parking. For each four-bedroom or larger unit, two and one-half spaces. Guest parking for each four units or fraction thereof, one space.
<u>Single-family residence</u>	<u>Two enclosed spaces and two unenclosed spaces.</u>
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.
<u>Supportive housing</u>	<u>Parking shall be as required for other uses of the same housing type in the same zone, except that by-right permanent supportive housing parking shall be as required in Section 17.40.120(C)(3)(j) of this title.</u>
<u>Transitional housing</u>	<u>Parking shall be as required for other uses of the same housing type in the same zone.</u>

Chapter 17.63

HOUSING ACCESSIBILITY—REQUEST FOR REASONABLE ACCOMMODATION

§ 17.63.020. Applicability.

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

§ 17.63.040. Reviewing authority.

- A. Applications for reasonable accommodation shall be reviewed by the director or designee, if no approval is sought other than the request for reasonable accommodation. ~~The director may, in his or her discretion, refer applications that may have had a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the Planning Commission for a decision.~~

§ 17.63.050. Findings.

- A. A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall make all of the following findings in compliance with the Acts:
1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in Section 17.63.020(C) of this chapter.
 2. ~~The approved~~ reasonable accommodation is necessary to make the specific housing available to a person with a disability as defined in Section 17.63.020(C) of this chapter.
 3. ~~The approved~~ reasonable accommodation would not impose an undue financial or administrative burden on the city.
 4. ~~The approved~~ reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to, land use and zoning.
 5. ~~The approved~~ reasonable accommodation would not adversely impact coastal resources, including:
 - a. Would not conflict with any easements required for public access through, or public use of a portion of the property that the project is located on;
 - b. Would not adversely impact wetlands, environmentally sensitive habitat area, and/or public views; and
 - c. There is no feasible alternative that would accomplish the same purpose of the reasonable accommodation request that would be more protective of coastal resources.

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

- ~~1. The housing, which is the subject of the request, will be occupied by a person with a disability as defined in subsection A above.~~
- ~~2. The request for reasonable accommodation is necessary to make housing available to a person with a disability as defined in subsection A above.~~
- ~~3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the city.~~
- ~~4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including, but not limited to land use and zoning.~~
- ~~5. The requested reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat area, public access and/or public views, and, if it does have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation shall be included to address significant impacts.~~
- ~~6. The feasible alternative to be implemented is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat area, public access and/or public views.~~

§ 17.63.060. Decision.

~~C.~~ Upon referral from the director, the planning commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The commission shall issue a written determination within 45 calendar days after such public meeting.

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

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

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
PLANNING COMMISSION**

**NOTICE OF AVAILABILITY
OF LCP AMENDMENT MATERIALS**

The Malibu Planning Commission will hold a public hearing on **MONDAY, August 19, 2024, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA** and via teleconference on the projects identified below.

HOUSING ELEMENT

General Plan Amendment No. 20-001, Local Coastal Program Amendment No. 24-001, and Zoning Text Amendment No. 24-002 – The proposed project involves a General Plan Amendment to adopt the 2021-2029 Housing Element Sixth Cycle update. The Housing Element includes an analysis of the community’s housing needs, opportunities and constraints, as well as policies and programs to facilitate the construction, rehabilitation, and preservation of housing for all economic segments of the community.

The proposed project includes corresponding amendments to the Local Coastal Program and Malibu Municipal Code including amendments to the following sections: definitions, permitted uses, residential development standards, density bonus, Affordable Housing Overlay, development standards for special uses, parking standards and reasonable accommodation.

APPLICANT: City of Malibu
LOCATION: Citywide
APPLICATION FILED: November 15, 2021
CASE PLANNER: Joyce Parker-Bozylinski, Contract Planner
jparkerbozylinski@gmail.com

California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, because the Housing Element would involve adoption of a policy document which does not, in and of itself, include any proposed development, and would not require rezoning or facilitate development beyond what is currently allowed in the City’s General Plan, it can therefore be seen with certainty that there is no possibility that the adoption of the 2021-2029 Housing Element update would have a significant effect on the environment.

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

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents can be reviewed by any interested person on the City's website at malibucity.org/housingelement and at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

Richard Mollica, Planning Director

Publish Date: July 25, 2024