

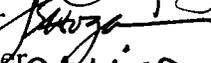


Council Agenda Report

**Item
4.A.**

Harry Barovsky
Honorary Mayor 2000-2001
In Memoriam

To: Mayor Hasse and the Honorable
Members of the City Council

Prepared by: Meredith T. Elguira, Associate Planner 
Reviewed by: Barry K. Hogan, Planning Director 
Approved by: Christi Hogin, Interim City Manager 

Date prepared: January 31, 2001 Meeting date: February 12, 2001

Subject: Housing Element Update

RECOMMENDED ACTION: Adopt the attached resolution approving Negative Declaration 00-014 and the updated Housing Element.

DISCUSSION: At the December 18, 2000 Planning Commission meeting, approval of a Negative Declaration and the updated Housing Element was recommended. Changes to the currently adopted Housing Element include statistical changes in demographics and future employment projections for the City, the surrounding communities, and Los Angeles County. The key parts of the updated Housing Element involve section 7.3 General Plan Consistency (summary of goals and policies affecting housing) and 7.6 Goals, Objectives, Policies and Implementation Measures.

State law requires each city to comprehensively update its Housing Element at least every five years to reflect the results of a periodic review. The deadline for adoption of the updated Housing Element was December 31, 2000. Comments from the State Department of Housing and Community Development (HCD) were not received until the close of December 28, 2000, the 45th and final day that HCD had to comment under state law. The City is obligated to respond to HCD comments and make changes to the updated Housing Element as it deems appropriate. Staff and HBA Parsons, the City's consultant, reviewed HCD's comments and has provided a response for each comment. The attached resolution contains

HCD's comments and the proposed response. Minor changes in the updated Housing Element are recommended as a result of HCD's comments.

Public Notice and Correspondence On November 2, 2000, Staff published a public hearing notice in the Malibu Surfside News for the December 11, 2000 City Council meeting. This item was continued from the December 11, 2000 meeting to January 22, 2001 and again continued to February 12, 2001 in order to allow staff to review and respond to HCD's comments.

Environmental Review Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal, and after reviewing the Initial Study has determined this project will not have a significant effect on the environment. Accordingly, a Negative Declaration has been prepared by Staff and recommended by the Planning Commission. Public comments on the Negative Declaration have been solicited within the required 30 days prior to the December 18, 2000 public hearing meeting. No comments have been received as of the date of this report.

STAFF FOLLOW UP: Upon adoption of the attached resolution Staff will make any changes required in the Planning Commission recommended Updated Housing Element and forward the Final Updated Housing Element to the State Department of Housing and Community Development for certification.

- ATTACHMENTS:**
1. City Council Resolution 01-002
 2. Response to HCD's comments
 3. Planning Commission Resolution
 4. Planning Commission Minutes
 5. Housing and Community Development Letter of December 28, 2000
 6. Proposed Negative Declaration and Initial Study

DOCUMENTS AVAILABLE:

1. Planning Commission Recommended Version as Amended by HCD Response to Comments City Council Resolution 01-002

RESOLUTION NO. 01-002

A RESOLUTION OF THE MALIBU CITY COUNCIL ADOPTING NEGATIVE DECLARATION 00-014 AND GENERAL PLAN HOUSING ELEMENT UPDATE APPROVING THE FOLLOWING AMENDMENTS TO THE GENERAL PLAN HOUSING ELEMENT: AMENDING RESOLUTION 97-042; UPDATING SECTION 7.1 (INTRODUCTION); SECTION 7.2 (HOUSING NEEDS); SECTION 7.6 (GOALS, OBJECTIVES, POLICIES, AND IMPLEMENTATION MEASURES); UPDATING APPENDIX A AND C; ADDING SECTIONS: 7.3 (GENERAL PLAN CONSISTENCY); 7.4 (EVALUATION OF THE PREVIOUS HOUSING ELEMENT); 7.5 (EFFORTS TO ACHIEVE PUBLIC PARTICIPATION); AND ADDING APPENIX D.

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. On July 12, 2000, an update of the General Plan Housing Element was initiated by the City Council.
- B. On December 18, 2000, the Planning Commission conducted a duly noticed public hearing, and heard all oral and written testimony and considered all relevant evidence and argument regarding the subject application and recommended to City Council adoption of Negative Declaration 00-014 and approval of the General Plan Housing Element Update.
- C. A public hearing was noticed on December 11, 2000, and was continued to the February 12, 2001, City Council Meeting.
- D. On February 12, 2001, the Malibu City Council conducted a duly noticed public hearing, and heard all oral and written testimony and considered all relevant evidence and argument regarding the Negative Declaration and General Plan Housing Element Update.

Section 2. Negative Declaration Findings. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council finds as follows:

- A. Negative Declaration No. 00-014 was prepared in conformance with the provisions of the CEQA and the Negative Declaration and Initial Study reflect the independent judgment of the City.
- B. Negative Declaration No. 00-014 was noticed and circulated in accordance with CEQA and the public comment period for this Negative Declaration expired on January 8, 2001.
- C. The City with regard to this Negative Declaration has received no written comments.
- D. Based on the Initial Study there is no substantial evidence that the proposed amendments will have significant environmental effect and no new environmental information has been brought forward during public hearings.

Section 3. Negative Declaration Recommendation. The City Council hereby approves and adopts Negative Declaration 00-014, finding that the proposed update to the General Plan Housing Element will not have an adverse impact on the environment.

Section 4. General Plan Housing Element Update Findings. Having heard all oral and written testimony and considered all relevant evidence and argument presented at the February 12, 2001 public hearing, the City Council in accordance with Section 9552 of the Malibu Municipal Code finds as follows:

- A. The proposed Housing Element update amendment is internally consistent and compatible with all elements of the General Plan.
- B. All of the policies and constraints identified in the elements of the General Plan are reflected in the restrictions and policies set forth in the Land Use Element. The restrictions and policies of the Land Use Element are the basis of the site inventory and programs of the Housing Element as well.
- C. On December 28, 2000, the City received comments from the Department of Housing and Community Development (HCD). The City revised the Housing Element to respond to HCD's comments. In specific response to HCD's comments, the City finds as follows:

1. Housing Needs, Resources and Constraints

HCD Comment: Include an inventory of land suitable for residential development including sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)).

Table 36 provides a summary of vacant land by zoning, however, the element does not identify sites that may be under-utilized and could be redeveloped to accommodate the regional housing needs allocation (RHNA). This could revise the land inventory to include sites with the potential for redevelopment and analyze the development potential of those sites.

City Response: Page 7.42, as revised, identifies potential redevelopment areas throughout the City:

Redevelopment Potential

In addition to the vacant land available to accommodate future residential housing for low-income households the City is also evaluating other lands suitable for redevelopment. The Civic Center and the Point Dume area have potential for mixed-use development. These areas could accommodate the 14 dwelling units that comprise the City's regional share of affordable housing.

One of the potential areas for mixed-use is the City's Civic Center site. The City's Civic Center site contains 43 acres and is currently 80 percent vacant. The site is zoned for Community Commercial, General Commercial, and Commercial Visitor Serving-1. Both Community and General Commercial zones allow mixed-use developments that could also accommodate future residential housing for low- and/or moderate-

income households. The second potential mixed-use site is the Point Dume property, which contains 31 acres.

HCD Comment: Additionally, Table 36 identifies the development potential on 100% of allowable densities, however this table is footnoted and states the actual yield is expected to only achieve 50% of the allowable density. The element should clarify whether sites identified are suitable for residential development, free of environmental constraints that generally limit the development potential of these sites. The City may want to consider identifying specific sites without environmental constraints that could be zoned at densities sufficient to accommodate the RHNA for low- and moderate- income households.

City Response: Page 7.41, footnote to Table 36, is revised to read:

* Yields are based on 100% of allowable density. Given topographical and safety concerns (geology, flood plain, etc.), actual yield is expected to be an average of 50% of allowable density, however each site is evaluated based on its specific characteristics. On relatively flat sites without other environmental constraints, achievable densities will be close to 100% of the allowed density under the Interim Zoning Ordinance (IZO) (see the following discussion on the Civic Center site and Point Dume). As an example, the MFBF site shown in Table 7-36 is located on a relatively unconstrained property with respect to achievable density under the IZO.

HCD Comment: Include an analysis of the City's land use controls, and permit processing procedures and timelines as potential or actual governmental constraints upon the maintenance, improvement, or development of housing for all income groups (Section 65583 (a) (4)).

City Response: Pages 7.50 - 7.56 of the Housing Element show zoning requirements in the City of Malibu and discuss potential constraints posed by those requirements.

HCD Comment: The Element should more fully describe the Interim Zoning Ordinance (IZO) and analyze it as potential constraints to the development of housing for all income groups. While the Element states that the IZO provides reasonable standards for development, the Element indicates the IZO requires four parking spaces per unit. The City should analyze the parking and other requirements of the IZO as a potential constraint, particularly for the development of housing for low- and moderate-income households.

City Response: Page 7.48 of the Housing Element discusses parking requirements as a potential constraint on affordable housing:

Parking Requirements

Another potential constraint to the production of affordable housing in multi-family zones is the City's requirement of four parking spaces per dwelling unit. The requirements for two covered and two non-covered parking spaces per unit could significantly reduce the development potential of a small multifamily-zoned sites when combined with setback,

yard, height, and other requirements. Given high land and development costs in Malibu, such a reduction in density would reduce feasibility of producing housing affordable to low- or moderate-income households. This potential constraint could be mitigated by permitting parking reductions or shared parking in mixed-use projects where site conditions and user characteristics warrant such reductions. Many communities allow parking reductions, for example, for senior housing projects, projects near public transit, or projects with smaller dwelling units (or fewer bedrooms) that are less likely to create parking problems.

HCD Comment: The analysis of permit procedure does not adequately describe and analyze discretionary review requirements and typical processing timelines for major residential development applications. The analysis should identify the processing timelines and Malibu, including the following zone changes, tract or parcel maps, conditional use permits, site plan reviews, and environmental impact assessments. The element should also specify the permit requirements and processing procedures for mixed-use projects in the general commercial zone.

City Response: Pages 7.57 and 7.58 of the Housing Element contain a description of and time frames for the permitting process:

The City of Malibu has prepared and distributed a Development Review Handbook that describes all the procedures and forms necessary for permit approval through the Planning Department. The handbook describes a process for approving development requests and has several components including the overall zoning clearance, which leads to an "Approval-in-Concept" for projects which conform to the Zoning Ordinance and four sub-procedures, which must be completed within the overall zoning clearance process. The four sub-procedures are: archaeology/cultural resources, biology, geology, including coastal geology, and environmental health (septic). The applicant must be "signed-off" by each of these four departments before any further processing can occur.

While the applicant is working with the four other departments, Planning Staff will review the project with the standards of the zoning ordinance (setbacks, height, floor area, etc). Development is subject to standards in the IZO, and is not unlike other cities except for a heightened review of environmental issues.

The City's processing time for various permits is consistent with the state's Permit Streamlining Act (PSA). The time necessary to review and process permits, therefore, does not present a delay to development nor create a government constraint. It is the intent of the General Plan to increase the degree of certainty in the development review process without reducing the level of protection afforded to significant environmental features within Malibu. Appendix A gives a comparison of development fees between the City of Malibu and Los Angeles County. Applications that meet the requirements permitted by right of the zoning code require only an administrative zone clearance or plot plan review. Staff can grant this without for a public hearing before the Planning Commission.

Discretionary review for certain modifications (such as an increase in the permitted height, up to 28 feet, or reduction of setback) can be granted by the Planning Director after appropriate notice has been mailed to affected property owners. Conditional use permits and other discretionary applications are reviewed by the Planning Commission after a duly noticed public hearing.

Currently, in addition to permit approval by the City, most projects also require a coastal development permit from the California Coastal Commission. This dual permit requirement can add expense and delay. The City is seeking certification of its local coastal program, which will significantly reduce the time and expense of obtaining permits. The City's procedures are typical of most cities. There is nothing unusual or onerous about the City's notice requirements and the process does not needlessly hinder development. Therefore, this process is not considered a constraint.

Once a decision is final, the applicant will be required to accept any conditions imposed on the project receiving an "Approval-in-Concept" and proceeding to Coastal Commission Review and Building Department Plan Check. Once certified, the City will issue coastal development permits as part of its planning review. This will significantly reduce the time and cost involved in obtaining necessary approvals to develop land in Malibu.

The timeline for permit processing varies with each individual project. For example, a simple addition to a house can be approved "over the counter" within 60 days or less. A new single-family residence could require six months to one year for approval, depending on design, location, environmental conditions, and other factors. The Building and Safety Department will depend on the corrections required by the plan checker which may take up to a month to process. An applicant must also obtain permits from the California Coastal Commission, which can occur concurrently with Building and Safety Department review. The Coastal Commission can also require six months to one year.

While the City's permit processing procedures and time frame do not represent an undue hardship in obtaining development approval, the combination of local and state required permit procedures can create delays that might adversely affect the financial feasibility of affordable housing. To address this problem, the City has sought opportunities to streamline and conduct concurrent reviews for projects requiring multiple permit approvals.

HCD Comment: In November of this year the voters of Malibu approved a growth control ordinance limiting the role of the City in approval of the development applications greater than 25,000 square feet. The element should analyze the effects of Measure P as a potential constraint to residential development and determine what programmatic efforts could be developed to mitigate this potential constraint.

City Response: The voters of Malibu did not pass Measure P, however Measure N was passed. Page 7.42 of the Housing Element describes the potential effects of Measure N:

Measure N

In November of 2000, Malibu voters approved a development ordinance (Ordinance 213) concerning real property located in the City. Listed as "Measure N" on the November ballot, the Ordinance amends Malibu Municipal Code Section 9.5.17 to require that developments of 30 acres in size or more in commercial or commercial/residential zones be approved by the Council and City voters. The City does not believe that Measure N will negatively impact Malibu's ability to accommodate its regional housing needs, particularly for low- or moderate-income households, because it is unlikely that any residential project, or mixed residential/commercial project, would individually exceed the 30-acre threshold.

2. Quantified Objectives

HCD Comment: The Housing Element shall contain a statement of the community's goals, quantified objectives and policies relative to the maintenance, improvement, and development of housing, by income level (Section 65583 (b)).

City Response: Page 7.98 of the Housing Element includes a Quantified Objective Table:

Quantified Objective Table 1998-2005

The City has established quantified objectives related to the programs and implementation measures described above. The following table summarizes the objectives for the period covered by the SCAG housing allocation plan. It addresses the City's responsibility for accommodating a share of the region's housing development between 1998 and 2005, assisting the construction of affordable housing and rehabilitating housing.

Table 1

Quantified Objectives
(January 1, 1998 - June 30, 2005)

	Very Low- Income	Low- Income	Moderate - Income	Above Moderate- Income	Total
Designate Sites to Meet the RHNA New Construction Need at a Minimum	2	2	2	8	14
Anticipated Units to Be Produced (Including Infill, Reuse, Second Units and Granny Flats)	6	21	28	70	125
Housing Rehabilitation	5	10	0	0	15

3. Programs

HCD Comment: Identify adequate sites which will be made available through appropriate zoning and development standards needed to facilitate and encourage the development of a variety of housing types for all income groups, including multifamily rental housing, factory-built housing, mobile homes, and emergency shelters and transitional housing. Where the inventory of sites does not identify adequate sites to accommodate the need for all household income groups pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households.

The element does not identify adequate sites with appropriate zoning and development standards to accommodate the City's lower and moderate-income housing needs. Given the high cost of land for the area, the current densities of six dwelling units (du) per acre for multi-family housing are insufficient to accommodate housing for lower or moderate-income households.

City Response: Page 7.41, Table 36 of the Housing Element, identifies adequate sites for development:

Table 36 tabulates existing and proposed land uses. The City has designated for residential development sufficient land to accommodate the 16 affordable housing units needed in the City by the year 2005.

Table 36

Summary Potential Residential Units in the City of Malibu

Land Use Designation	Vacant Land		Mixed Use	
	Acres	Potential Number of Housing Units	Acres	Potential Number of housing Units
SF-M (2-4 du/acre)	133	544	NA	--
SF-L (1-2 du/acre)	109	218	NA	--
RR1 (1du/acre)	211	225	NA	--
RR2 (2 du/5 acres)	1,635	810	NA	--
RR5 (1 du/5 acres)	1,360	255	NA	--
RR10 (1 du/10 acres)	352	31	NA	--
RR20 (1 du/20 acres)	1,719	79	NA	--
MF (6 du/acre)	11	66	NA	--
MFBF (1,855 sq. ft./unit)	1	15	NA	--
MH (1 du/acre)	0	-	NA	--
Commercial (CG)	NA	-	34	136
Total	5,531	2,243	34	136

Sources: City of Malibu

* Yields are based on 100% of allowable density. Given topographical and safety concerns (geology, flood plain, etc.) Actual yield is expected to be an average of 50% of allowable density however each site is evaluated based on its specific characteristics. On relatively flat sites without other environmental constraints, achievable densities will be close to 100% of the allowed density under the IZO (see the following discussion on the Civic Center site and Point Dume). As an example, the MFBF site shown in Table 7-36 is located on relatively unconstrained property with respect to achievable density under the IZO.

HCD Comment: Implementation Measure 6 provides a 0.5 density bonus for residential portion of the mixed-use zone, the density bonus would permit development of five units per acre. Again, given the land and development costs for Malibu, this density does not facilitate the development of housing affordable to lower or moderate-income households.

City Response: Page 7.88, Measure 6 of the Housing Element addresses density bonuses to help facilitate the development of affordable housing:

Projects that provide deed-restricted very low-income, low-income or senior housing will also be permitted a density bonus up to .05 over the maximum intensity permitted within Commercial General zones for that portion of the project dedicated to commercial uses. This incentive is in addition to the 25% density bonus for the residential portion of a project allowed under H Implementation Measure 4. The amount of bonus density for the commercial uses shall be directly related to the amount and type of affordable units provided. A minimum of 30 years affordability shall be required to receive these incentives. Any developer who received approval to use these incentives shall be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued affordability.

HCD Comment: As a result, the element should include programs to provide sites with appropriate zoning and development standards needs to facilitate and encourage the development of low and moderate-income housing. Additionally, the program should provide sites with zoning that permits multi-family residential uses by right, including density and development standards that accommodate and facilitate the feasibility of housing for lower-income households.

City Response: In addition to Table 36 on page 7.41, page 7.42 and Appendix D identify vacant multi-family sites throughout the City.

Potential Multi-family Housing Sites

The City has identified 12 acres of the vacant multi-family land parcels throughout the City. All of these sites have the potential for development (Appendix D-attached).

HCD Comment: The element does not include an appropriate program to identify sites for the development of emergency shelters and transitional housing necessary to accommodate the City's homeless population. While Measure 9 of the element indicates the City will "make emergency shelters and transitional housing a permitted or conditionally permitted use where such projects would be compatible with the surrounding areas", the program does not identify in which zones these uses will be permitted, when the City will take action to permit them, or describe how the City's permitting process will encourage and facilitate the development of emergency shelters and transitional housing for the homeless.

City Response: Page 7.89, Measure 8 of the Goals, Policies, and Implementation Measures section identifies sites for development of emergency shelters:

In addition, the City will amend the IZO to designate specific commercial zones in which emergency shelters or transitional housing will be permitted and specify incentives that may be offered to allow to mitigate

the impacts of zoning standards on the feasibility of such uses. Incentives that will be considered by the City include, but are not limited to: direct financial assistance through the use of CDBG funds, a reduction in the open space requirements or parking standards (if these can be accomplished within the overall intent of the IZO), and waiver or reduction in permit fees.

Responsible Department: City Council
Funding source: General fund, CDBG
Timeframe: Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt by June 2002.
Objective: Not applicable

HCD Comment: Finally, the element provides no additional sites for the development of mobile home parks, which the City acknowledges has historically provided most of the community's affordable housing opportunities.

City Response: Page 7.89, Measure 9 of the Goals, Policies, and Implementation Measures section will designate additional sites for a mobile home park:

H Implementation Measure 9: Designate additional sites on which mobile home park will be permitted subject to development standards in the IZO.

Responsible Department: City Council
Funding source: General fund
Timeframe: Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt by June 2002.
Objective: Identify at least one additional site suitable for a mobile home park

HCD Comment: The element should include programs to assist in the development of adequate housing to meet the housing needs of low- and moderate-income households. The program section of the element has been modified with strikeouts and additions. However, in many cases, it does not appear that changes have yet been incorporated into the draft element. For example, the text under Measure 1 states that the revised text is more detailed, however, while the program has been revised to eliminate text does not add any information detailing what incentives the City will use to encourage low- and moderate-income residential development. As a result, the City should add or strengthen programs described in the element to facilitate the development of housing for low- and moderate-income households. This is particularly important because the draft element acknowledges the existing programs did not meet their stated objectives.

Appendix C: Incentives to Provide Affordable Housing appears to respond to a comment made in the Department's letter of 1997, whereby the City was asked to clarify how its various programs interact and

whether they conflict with density bonus law. Scenario A and B provide for a density bonus reduction in development standards, expedited permit processing and possible financial incentives from Malibu's Community Development Block Grant (CDBG) for infrastructure subsidies or a contribution from the City's housing trust fund. While Appendix C addresses how the City's programs may interact, it fails to demonstrate that these programs actually facilitate the development of affordable housing.

The housing element shall contain programs which address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing. Absent a complete constraint analysis as required in A.2., it is not possible to evaluate the adequacy of the City's program to mitigate governmental constraints.

City Response: The City of Malibu believes that these general comments regarding program adequacy have been addressed with the previously recommended revisions.

HCD Comment: Clarify the status of the City's equal housing opportunity program.

The element does not clarify whether the City is currently implementing a fair housing program or describe the status of the program. Measure 26 indicates the City will enter into an agreement with the Los Angeles County Housing or other appropriate agency to operate a Fair Housing Program. However, the implementation timeframe is current and ongoing. Measure 10 appears to indicate that the City refers complaints to the Los Angeles County Department of Community Development Corporation or the State Department of Fair Employment and Housing. The element should clarify whether the City is currently implementing a fair housing program and its status.

City Response: Page 7.91, Measure 10 and page 7.97 Measure 26 of the Goals, Policies and Implementation Measures state that there is an individual who addresses the Fair Housing complaints in the City:

H Implementation Measure 10: Continue to enforce the State's barrier-free policies and provide complaint referral services to the Los Angeles County Department of Community Development/Housing Authority or the California Department of Fair Employment and Housing, as appropriate. The City has designated an individual at City Hall to handle fair housing complaints, provide appropriate information regarding fair housing laws, and refer complaints to the County or DFEH, depending on the nature of the complaint.

H Implementation Measure 26: Enter into an agreement with Los Angeles County or other appropriate agencies such as the Westside Fair Housing Council to operate a Fair Housing Program encompassing investigation of discrimination complaints, research on housing discrimination related issues, and public information about the rights and responsibilities of land owners and tenants. Promote availability of the

program through the use of pamphlets and public bulletin board on community television (See Program 10).

4. Coastal Zone Localities

HCD Comment: Coastal communities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided. While the City has proposed Measure 23 to require the replacement of affordable units removed either by demolition or conversion, there is not an existing or proposed program to monitor the construction, demolition or conversion of housing. The City should develop a monitoring program to track the stock of affordable housing. Additionally, the City should determine how it will provide replacement housing for displaced low- and moderate-income residents.

City Response: Page 7.28 of the Housing Element confirms that none of the demolished housing units were occupied by households of low- or moderate-income:

Removal/Replacement of Housing in the Coastal Zone

Between 1996 and 1999, the City approved permits for the demolition of 93 residential dwelling units. Each dwelling unit was evaluated for income of the occupants. All 93 residential dwellings were single-family homes, and none were occupied by households of low- or moderate-income. The City was not required under state law (Section 65590 (b) of the California Government Code) to ensure that these units were replaced with housing affordable to low- or moderate-income households. According to City records, there are no other dwelling units scheduled for demolition or conversion that are occupied by low- or moderate-income.

HCD Comment: In addition to HCD's written comments, the City received a recommendation during a telephone conversation with the HCD reviewer (prior to issuance of the Department's letter) that the City should provide additional information regarding land costs and their impact on housing development costs. The following revision is suggested to address this verbal comment:

City Response: **Land Costs**

Land in the City ranges in cost per acre depending on the size of the lot, its location in the City, the availability of infrastructure, amount of slope, and environmental/geological constraint. A listing taken from the Los Angeles Times Real Estate section on January 8, 2001 had 113 listing for vacant land for sale. Lot prices (without dwelling units) range in general from approximately \$25,000 to \$6,250,000 per lot. The general price per acre ranges from \$6,875 to \$1,090,909. These prices are based on the number of existing land improvements on the lot. For example, listings range from \$40,000 for 6 acres of unimproved land to \$150,000 for 0.4 acres of vacant land with a potential permit for a 1,200 square foot single family home. The most important factor in determining the value of the land is its location. If all other factors are equal, the following is true:

- a) Beachfront property is the most expensive;
- b) Bluff/Ocean view property approximately 0.5 mile up from Pacific Coast Highway (far enough to be shielded from traffic generated noise, but easily accessible from the highway) is the next most expensive;
- d) Land cost per acre are less for properties which have the following characteristics (not necessarily limited to these):
 - 1. Farther distance from Pacific Coast Highway (difficult access);
 - 2. Lack of ocean views;
 - 3. Adjacent to Pacific Coast Highway, but on the landside.

5. Public Participation

HCD Comment: Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583 (c)(6)).

City Response: The Housing Element Update workshops and public hearings were publicized on the Malibu Surfside News and broadcasted on the local cable television station.

<u>Workshop</u>	<u>Date</u>
Planning Commission	October 16, 2000
City Council	November 27, 2000
<u>Public Hearing</u>	<u>Date</u>
Planning Commission	November 20, 2000
Planning Commission	December 4, 2000
	(continued to Dec. 18, 2000)
Planning Commission	December 18, 2000
City Council	December 11, 2000
	(continued to Jan. 22, 2001)
City Council	January 22, 2001
	(continued to Feb. 12, 2001)
City Council	February 12, 2001

Section 5. General Plan Update Approval. On the basis of the foregoing findings, the City Council hereby approves amendments to the General Plan Housing Element update as follows:

- a. Section 7.6 (Goals, Objectives, Policies, and Implementation Measures) is hereby amended in its entirety to read as follows:

H GOAL: ADEQUATE HOUSING FOR EXISTING AND PROJECTED NEEDS OF ALL ECONOMIC SEGMENTS OF THE COMMUNITY.

H OBJECTIVE 1.1: All residents, including those with special needs, have access to decent, safe, and sanitary housing that is available and affordable.

- H Policy 1.1.1:** Foster a mix of housing types.
- H Policy 1.1.2:** Encourage new housing to meet housing needs based on the ability to provide public services and within the limits of Malibu's environmental constraints.
- H Policy 1.1.3:** Identify adequate sites for 14 new housing units by the year 2005, 2 of which would be affordable to very low- income families, 2 of which would be affordable to low- income families, 2 of which would be affordable to moderate- income families and 8 of which would accommodate those families above the moderate- income level.
- H Policy 1.1.4:** Implement programs to respond facilitate and expedite the rebuilding of homes damaged or destroyed by natural disasters-
- H Policy 1.1.5:** Continue to cooperate with neighboring communities to implement regional solutions to homelessness.
- H Policy 1.1.6:** Continue to provide temporary emergency shelter in response to disasters.

To implement these policies the City will:

H Implementation Measure 1: Provide appropriate incentives to encourage the development of housing to meet low- and moderate-income needs. Such incentives may include density bonuses (see H Implementation Measure 4), permit fee waivers or deferrals, development agreements that serve as part of the public benefit justifying the agreement, and assistance in accessing state or federal funding. The City may also approve alternative standards for parking on a case-by-case basis if necessary to achieve a density necessary for the financial feasibility of low- or moderate-income housing.

Responsible Department:	Planning Department/City Manager
Funding source:	General fund
Timeframe:	2005
Objective:	6 units

H Implementation Measure 2: Evaluate all General Plan amendment requests for their potential impact on the availability of land at higher zoning density that could potentially accommodate affordable housing. The purpose of this evaluation is to maintain an adequate supply of higher density zoned land to meet low- and moderate-income housing needs.

Responsible Department:	Planning Department
Funding source:	Permit fees
Timeframe:	On-going
Objective:	No net loss of land zoned for multifamily use.

H Implementation Measure 3: Develop and maintain, and periodically update, a handbook for public distribution setting forth how to apply for housing development in the City and summarizing the basic development criteria for different zones.

Responsible Department:	Planning Department
Funding source:	General fund/permit fees
Timeframe:	Current and ongoing
Objective:	Not applicable

H Implementation Measure 4: Continue to implement a density bonus system, consistent with State law, in which density on a project site designated for multi-family uses may be increased. A density increase of 25 percent over the base density shall be allowed when the project provides at least one of the following: (a) 20 percent for low-income families, (b) 10 percent for very low-income families or (c) 50 percent for seniors. A minimum of 30-year affordability will be required to receive any incentive. Any developer who receives approval to use this incentive will be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued affordability. The City will encourage its use in areas where hazards such as flooding, fires, earthquakes and liquefaction do not pose unreasonable risks.

Incentives may include, but will not be limited to:

- (1) 20 percent reduction in setback requirements in addition to minor modification setback reduction, if applicable;
- (2) 20 percent reduction in ratio of vehicle parking spaces required for housing units;
- (2) Priority processing of planning approvals and building permits;
- (3) Direct financial aid, including CDBG funding, subsidization of infrastructure, or contribution from City's affordable housing trust fund; and
- (4) Expedited permit processing consisting of simultaneous review and processing of multiple permit approvals.

Responsible Department:	Planning Department
Funding source:	General fund/fees
Timeframe:	Current and ongoing
Objective:	5 units

H Implementation Measure 5: Permit residential care facilities for seniors and disabled individuals and similar innovative alternative living projects in commercial areas where such projects would be compatible with the surrounding uses.

Responsible Department:	City Council
Funding source:	General fund
Timeframe:	Current and ongoing
Objective:	5 units

H Implementation Measure 6: Continue to permit mixed-use structures and developments consisting of commercial uses and affordable residential units in commercial general (CG) zones. Floor area dedicated to very low-, low-, or moderate-income housing will be permitted a density bonus up to .05 over the maximum intensity permitted within commercial general zones. Projects that provided deed-restricted very low income, low income or senior housing will also be permitted a density bonus up to .05 over the maximum intensity permitted within Commercial General zones for that portion of the project dedicated to commercial uses. This incentive is in addition to the 25% density bonus for the residential portion of a project allowed under H Implementation Measure 4. The amount of bonus density for the commercial uses shall be directly related to the amount and type of affordable units provided. Any developer who receives approval to use these incentives shall be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued affordability.

Responsible Department: City Council
Funding source: General Fund
Timeframe: Current and ongoing
Objective: 20 units

H Implementation Measure 7: Expedite permit processing and waive fees where appropriate for homeowners seeking to rebuild their dwelling units damaged or destroyed by natural or other disasters.

Responsible Department: City Council/Building Department
Funding source: General Fund/FEMA/OES
Timeframe: Current and ongoing
Objective: Rebuilding of all damaged homes

H Implementation Measure 8: Use Bluffs Park and Point Dume Community Centers as a Red Cross Emergency shelters and open other municipal City buildings as needed and appropriate to provide displaced residents with temporary shelter after a disaster. Continue to allow emergency shelters and transitional housing, other than the smaller facilities already permitted in residential areas, as permitted or conditionally permitted use where such projects would be compatible with the surrounding uses. In addition, the City will amend the IZO to designate specific commercial zones in which emergency shelters or transitional housing will be permitted and specify incentives that may be offered to allow to mitigate the impacts of zoning standards on the feasibility of such uses. Incentives that will be considered by the City include, but are not limited to, direct financial assistance through the use of CDBG funds, a reduction in the opens space requirements or parking standards (if these can be accomplished within the overall intent of the IZO, and waiver or reduction in permit fees.

Responsible Department: City Council
Funding source: General Fund, CDBG
Timeframe: Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt by June 2002.
Objective: Not applicable

H Implementation Measure 9: Designate additional sites on which mobile home parks will be permitted subject to development standards in the IZO.

Responsible Department:	City Council
Funding source:	General fund
Timeframe:	Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt by June 2002.
Objective:	Identify at least one additional site suitable for a mobile home park.

H OBJECTIVE 2.1: Equal opportunity for all residents to live in housing of their choice.

H Policy 2.1.1: The City shall encourage a variety of types of housing, including housing for those with special needs such as the disabled, elderly, large families, and families with single heads of households.

H Policy 2.1.2: The City shall support the enforcement of existing prohibition of local, state, and federal housing anti-discrimination laws.

To implement these policies the City shall:

H Implementation Measure 10: Continue to enforce the State's barrier-free policies and provide complaint referral services to the Los Angeles County Department of Community Development/Housing Authority or the California Department of Fair Employment and Housing, as appropriate. The City has designated an individual at City Hall to handle fair housing complaints, provide appropriate information regarding fair housing laws, and refer complaints to the County or DFEH, depending on the nature of the complaint.

Responsible Department:	Building Department/Code Enforcement
Funding source:	Permit fees/seek additional revenue sources
Timeframe:	Current and on going
Objective:	Not applicable

H Implementation Measure 11: Continue to implement a streamlined permit process and building inspections to reduce the cost of building housing that accommodates those with special needs by providing one-stop service for ministerial permit approvals.

Responsible Department:	Building Department
Funding source:	Permit fees/seek additional revenue sources
Timeframe:	Current and ongoing
Objective:	Not applicable

H OBJECTIVE 3.1: Available affordable housing.

H Policy 3.1.1: The City shall promote the adaptation of existing structures to meet the City's affordable housing needs.

H Policy 3.1.2: The City shall permit affordable housing units in commercial general zones mixed-use projects as a means of meeting the City's affordable housing goals.

H Policy 3.1.3: The City shall regulate space rents in mobile home parks to conserve affordable housing.

H Policy 3.1.4: The City shall provide information to very low-, low-, and moderate- income families regarding affordable housing opportunities in or near Malibu.

To implement these policies the City shall:

H Implementation Measure 12: Monitor the supply of new housing provided as affordable to very low-, low-, or moderate- income persons, including but not limited to mobile homes and second units on existing residential lots.

Responsible Department:	Planning Department
Funding source:	General fund
Timeframe:	Current and On-going
Objective:	Not applicable

H Implementation Measure 13: Require new commercial and industrial developments, particularly those employing low- and moderate-income workers, to mitigate the impact of employment on housing demand in Malibu by either providing an adequate number of affordable housing units to meet the new demand for such housing created by the project or pay an in-lieu fee to be deposited into a Housing Trust Fund. The fee shall be used for programs that purchase or subsidize housing units or mobile home park spaces to make them available at an affordable price to very low-, low- and moderate-income families.

Responsible Department:	City Council
Funding source:	General fund
Timeframe:	Current and ongoing
Objective:	5 units

H Implementation Measure 14: Provide information and referral services that assist very low-, low-, and moderate- income, households, seniors, and disabled individuals in finding suitable housing at an affordable cost.

Responsible Department:	Planning Department
Funding source:	General Fund
Timeframe:	On going
Objective:	Not applicable

H Implementation Measure 15: Continue to encourage the adaptive reuse of commercial buildings for residential use by allowing increased floor area density in proportion to the number of new units that are deed restricted for very low-, low-, or moderate- income families. If necessary, decrease the minimum number of parking spaces required for each unit restricted for seniors and for studio and one-bedroom units that are unlikely to generate as much parking demand.

Responsible Department: City Council
Funding source: General Fund
Timeframe: Amend current Zoning Code provisions by January 2001 relating to residential reuse of commercial structures.
Objective: 3 units

H Implementation Measure 16: Establish a program to promote the expeditious processing of residential projects which qualify for a density bonus under the implementation of the Housing Element, Government Code Section 65915 as may be amended from time to time, or applicable to state law. The City will provide priority permit processing for residential projects containing housing affordable to low- or moderate-income residents and assist the applicant in expediting review by the Coastal Commission.

Responsible Department: City Council
Funding source: General Fund
Timeframe: Current and ongoing
Objective: Dependent on developer response

H Implementation Measure 17: Allow "granny flats," which are age-restricted second units, and second units for non-senior households consistent with Government Code Sections 65852.1 and 6585.2. and adjust the parking requirement for units restricted to serve senior citizens according to the requirements of state law. Allow reductions in the parking standards for other second units which are restricted for rent by very low, low and moderate-income families where the modification would not have a significant adverse impact on traffic and parking in the particular neighborhood where the modification is desired.

Responsible Department: City Council
Funding source: General fund
Timeframe: On going
Objective: 5 senior units, 5 non-senior units

H Implementation Measure 18: Develop an inclusionary housing program for multifamily development that requires new subdivisions projects of five or more units/lots to deed restrict 20% of new units for low- or moderate-income residents, depending on the financial characteristics of the project. The program shall include provisions such that, where it is unfeasible to provide the inclusionary units on-site, the developer may elect to provide the units off-site or pay a fee in lieu of constructing units. In-lieu fees shall be deposited into an affordable housing trust fund to be used to purchase existing units or mobile home spaces for use as affordable housing.

Responsible Department: City Council
Funding source: General Fund
Timeframe: Staff to propose program to City Council by June 2001. City Council to adopt program by September 2001.
Objective: 5 units

H Implementation Measure 19: Participate in Los Angeles County Community Development Commission (CDC) housing programs such as the Mortgage Credit Certificate Program for first time homebuyers. The City will undertake the following actions to implement this program:

- (1) Periodically meet with CDC representatives to confirm program availability in, and applicability to, Malibu.
- (2) Consult with CDC representative during the program development phase of new programs to assure that such programs are available in Malibu and/or address Malibu's unique circumstances.
- (3) Monitor the availability of new state and federal programs administered by the CDC and, as they become available, meet with CDC representatives to assure their applicability to, and availability in, Malibu.

Responsible Department: City Council
 Funding source: Community Development Commission/General Fund
 Timeframe: Current and Ongoing
 Objective: Not applicable

H OBJECTIVE 4.1: No net loss of affordable housing

H Policy 4.1.1: The City shall strive to maintain existing affordable housing stock.

H Policy 4.1.2: The City shall require property owners to replace affordable housing lost by redevelopment, particularly housing occupied by low- or moderate-income households.

To implement these policies the City shall:

H Implementation Measure 20: Maintain a mobile home park rent stabilization ordinance that regulates maximum allowable rents and limits rent increases.

Responsible Department: City Manager/City Council
 Funding source: General Fund/registration fees
 Timeframe: On going
 Objective: No net loss of units

H Implementation Measure 21: Pursuant to the provisions of Government Code Section 65863.7, require the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the park owners.

Responsible Department: City Council
 Funding source: General Fund
 Timeframe: On going
 Objective: Not applicable

H Implementation Measure 22: Establish a housing rehabilitation program and provide financial assistance and/or incentives to encourage rehabilitation of both owner-occupied and rental housing and the preservation of such housing as affordable to low- and moderate-income households. Examples of the financial assistance/incentive the City will explore are:

- (1) Direct financial assistance for rehabilitation (loans or grants)
- (2) Fee waivers or reductions
- (3) Relaxation of development standards to facilitate the rehabilitation

Responsible Department: City Council
 Funding source: General Fund
 Timeframe: City Staff to develop program guidelines and identify potential funding sources by December 2001. City Council to adopt program by March 2002. City to identify method of administration (City Staff, consultant, nonprofit agency, County agency, etc.) and begin implementing program by June 2002.
 Objective: 15 units rehabilitated

H Implementation Measure 23: In accordance with Government Code Section 65590, require the replacement of affordable units removed (either by demolition or conversion) from the coastal zone whenever feasible.

Responsible Department: City Council
 Funding source: General Fund
 Timeframe: Current and ongoing
 Objective: No net loss of units

H Implementation Measure 24: Establish a voluntary amnesty and legalization program for existing housing units in the City provided where:

- 1) the unit is "livable" and meets basic health and safety requirements;
- 2) the unit existed at the time of the City's incorporation; and
- 3) the unit is restricted for owner-occupancy or rental by very low-, low- or moderate-income persons at an affordable rate.

Responsible Department: City Council
 Funding source: General Fund
 Timeframe: Current and ongoing
 Objective: 5- 10 units

H OBJECTIVE 5.1: Housing needs addressed regionally.

H Policy 5.1.1: The City shall initiate cooperation among neighboring jurisdictions and other public agencies to pool resources to meet regional housing needs.

H Policy 5.1.2: The City shall work to assure that responses to the regional housing problems are fairly allocated among the affected jurisdictions in the region.

To implement these policies the City shall:

H Implementation Measure 25: Explore the possibility of cooperative agreements with agencies and other levels of government to provide emergency shelter. The objectives of the cooperative agreements will be to identify appropriate locations for emergency shelters that serve more than one community and establish a cost-sharing mechanism so that each participating community contributes a fair share to the operation of the shelter.

Responsible Department: City Manager/Council liaison to Westside Summit
Funding source: General Fund
Timeframe: Current and ongoing
Objective: Not applicable

H Implementation Measure 26: Enter into an agreement with Los Angeles County or other appropriate agencies such as the Westside Fair Housing Council to operate a Fair Housing Program encompassing investigation of discrimination complaints, research on housing discrimination related issues, and public information about the rights and responsibilities of land owners and tenants. Promote availability of the program through the use of pamphlets and public bulletin board on community television (See Program 10).

Responsible Department: City Attorney/Code Enforcement
Funding source: Seek sources
Timeframe: Current and ongoing
Objective: Not applicable

H Implementation Measure 27: Work with Southern California Association of Governments to encourage an appropriate fair share allocation of regional housing demands based on population need, existing supply/demand, ability to accommodate growth given the physical/environmental constraints and the jobs-to-housing ratio.

Responsible Department: City Manager/Council liaison to Westside Summit
Funding source: General fund
Timeframe: Current and ongoing
Objective: Not applicable

- b. Section 7.1, *Introduction* is hereby amended (see attachment).
- c. Section 7.2, *Housing Needs* is hereby amended (see attachment).
- d. Section 7.3, *General Plan Consistency* is hereby added to the updated Housing Element (see attachment).
- e. Section 7.4, *Evaluation of the Previous Housing Element* is hereby added to the updated Housing Element (see attachment).
- f. Section 7.5, *Efforts to Achieve Public Participation* is hereby added to the updated Housing Element (see attachment).
- g. Appendix A as amended (see attachment).

h. Appendix C as amended (see attachment).

i. Appendix D as added (see attachment).

Section 6. Adopt Housing Element Attachment 2 as amended to respond to HCD's comments.

Section 7. Certification of Adoption. The City Clerk shall certify the adoption of Resolution 01-002 and file a Notice of Determination with the Los Angeles County Clerk together with any appropriate fee or Certificate of fee exemption authorized by Fish and Game Code Section 711.2.

PASSED, APPROVED AND ADOPTED this 12th day of February, 2001.

Thomas J.D. Hasse, Mayor

ATTEST:

Virginia Bloom, City Clerk

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 01-02 was passed and adopted by the and adopted by the City Council of the City of Malibu at the regular meeting held on the 12th day of February, 2001, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Virginia Bloom, City Clerk

Response to the Review of the City of Malibu's Draft Housing Element

Below are recommended revisions to the Housing Element that would address comments from the California Department of Housing and Community Development (HCD) in its review of the draft Malibu Housing Element. The Department's comments are shown in italicized text, followed by the proposed changes to the draft Housing Element.

A. Housing Needs, Resources and Constraints

1. *Include an inventory of land suitable for residential development including sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.*

Table 36 provides a summary of vacant land by zoning, however, the element does not identify sites that may be under-utilized and could be redeveloped to accommodate the regional housing needs allocation (RHNA). This could revise the land inventory to include sites with the potential for redevelopment and analyze the development potential of those sites.

Page 7.42, as revised, identifies potential redevelopment areas throughout the City:

Redevelopment Potential

In addition to the vacant land available to accommodate future residential housing for low income groups the City is also evaluating other lands suitable for redevelopment potential. Two sites, the Civic Center site and Point Dume, have residential development potential as mixed-use properties. Either site could accommodate the 14 dwelling units that comprise the City's regional share of housing.

One of the potential areas for mixed-use is the City's Civic Center site. The City's Civic Center site contains 43 acres and is currently 80 percent underused. The site is zoned for Community Commercial, General Commercial, and Commercial Visitor Serving-1. Both Community and General Commercial zones allow mixed use developments that could also accommodate future residential housing for low- and/or moderate- income groups. The second potential mixed-use site is the Point Dume property, which contains 31 acres.

Additionally, Table 36 identifies the development potential on 100% of allowable densities, however this table is footnoted and states the actual yield is expected to only achieve 50% of the allowable density. The element should clarify whether sites identified are suitable for residential development, free of environmental constraints that generally limit the development potential of these sites. The City may want to consider identifying specific sites without environmental constraints that could be zoned at densities sufficient to accommodate the RHNA for low- and moderate- income households.

Page 7.41, footnote to Table 36, is revised to read:

* Yields are based on 100% of allowable density. Given topographical and safety concerns (geology, flood plain, etc.) Actual yield is expected to be an average of 50% of allowable density however each site is evaluated based on its specific characteristics. On relatively flat sites without other environmental constraints, achievable densities will be close to 100% of the allowed density under the IZO (see the following discussion on the Civic Center site and Point Dume). As an example, the MFBF site shown in Table 7-36 is located on relatively unconstrained property with respect to achievable density under the IZO.

2. *Include an analysis of the City's land use controls, and permit processing procedures and timelines as potential or actual governmental constraints upon the maintenance, improvement, or development of housing for all income groups.*

Pages 7.50- 7.56 of the Housing Element show zoning requirements in the City of Malibu and discuss potential constraints posed by those requirements (attached).

The element should more fully describe the Interim Zoning Ordinance (IZO) and analyze it as a potential constraint to the development of housing for all income groups. While the element states that the IZO provides reasonable standards for development, the element indicates the IZO requires four parking spaces per unit. The City should analyze the parking and other requirements of the IZO as a potential constraint, particularly for the development of housing for low- and moderate-income households.

Page 7.48 of the Housing Element discusses parking requirements as a potential constraint on affordable housing:

Parking Requirements

Another potential constraint to the production of affordable housing in multi-family zones is the City's requirement of four parking spaces per dwelling unit. The requirements for two covered and two non-covered parking spaces per unit could significantly reduce the development potential of a small multifamily-zoned sites when combined with set-back, yard, height, and other requirements. Given high land and development costs in Malibu, such a reduction in density would reduce feasibility of producing housing affordable to low- or moderate-income households. This potential constraint could be mitigated by permitting parking reductions or shared parking in mixed-use projects where site conditions and user characteristics warrant such reductions. Many communities allow for reduce parking, for example, for senior housing projects, projects near public transit, or projects with smaller dwelling units (or fewer bedrooms) that are less likely to create parking problems.

The analysis of permit procedures does not adequately describe and analyze discretionary review requirements and typical processing timelines for major residential development applications. The analysis should identify the processing timelines in Malibu, including the

following zone changes, tract or parcel maps, conditional use permits, site plan reviews, and environmental impact assessments. The element should also specify the permit requirements and processing procedures for mixed-use projects in the general commercial zone.

Pages 7.57 and 7.58 of the Housing Element contain a description of, and time frames for, the permitting process:

The City of Malibu has prepared and distributed a Development Review Handbook that describes all the procedures and forms necessary for permit approval through the planning department. The hand book describes a process for approving development requests and has several components, the overall zoning clearance, which leads to an "Approval-in-Concept" for projects which conform to the Zoning Ordinance, and four sub-procedure, which must be completed within the overall zoning clearance process. The four sub-procedures are: archaeology/cultural resources, biology, geology, including coastal geology, and environmental health (septic), applicant must be "signed-off" by each of these four department before any further processing can occur.

While the applicant is working with the four other departments, Planning Staff will review the project with the standards of the zoning ordinance (setbacks, height, floor area, etc.). Development is subject to standards in the IZO, which is not unlike other cities except for a heightened review of environmental issues.

The City's processing time for various permits is consistent with the state's Permit Streamlining Act (PSA). The time necessary to review and process permits, therefore, does not present a delay to development nor create a government constraint. It is the intent of the General Plan to increase the degree of certainty in the development review process without reducing the level of protection afforded to significant environmental features within Malibu. Appendix A gives a comparison of development fees between The City of Malibu and Los Angeles County. Applications that meet the requirements permitted by right of the zoning code require only an administrative zone clearance or plot plan review. This can be granted by staff, without the need for a public hearing before the Planning Commission.

Discretionary review for certain modifications (such as an increase in the permitted height, up to 28 feet, or reduction of setback) can be granted by the Planning Director after appropriate notice to affected property owners. Conditional use permits and other discretionary applications are reviewed by the Planning Commission after a duly noticed public.

Currently, in addition to permit approval by the City, most projects also require a coastal development permit from the California Coastal Commission. This dual permit requirement can add expense and delay. The City intends to seek certification of its local coastal program, which is being developed in conjunction with this Plan. The City's procedures are typical of most cities. There is nothing unusual or onerous about the City's notice requirements and the process does not needlessly hinder development. Therefore, this

process is not considered a constraint. This dual permit requirement can add expense and delay.

Once a decision is final, the applicant will be required to accept any conditions imposed on the project applicant will then receive "Approval-in-Concept" and can proceed to this Coastal Commission Review and Building Department Plan Check. Once certified, the City will issue coastal development permits as part of its planning review. This will significantly reduce the time and cost involved in obtaining necessary approvals to develop land in Malibu.

The time line for each individual project varies step by step. For example, a simple addition to a house can be approved "over the counter" within 60 days or less. A new single family residence could require six months to one year for approval, depending on design, location, environmental conditions, and other factors. The Building and Safety Department will depend on the corrections required by the plan checker; this could take up to a month to process. These timelines reflect City permit processing times only. An applicant must also obtain permits from the California Coastal Commission, which can occur concurrently with Building and Safety Department review. The Coastal Commission can also require six months to one year.

While the City's permit processing procedures and time do not represent an undue hardship in obtaining development approval, the combination of local and state required permit procedures can create delays that might adversely affect the financial feasibility of affordable housing. To address this problem, the City has sought opportunities to streamline and conduct concurrent reviews for projects requiring multiple permit approvals.

In November of this year the voters of Malibu approved a growth control ordinance limiting the role of the City in approval of the development applications greater than 25,000 square feet. The element should analyze the effects of Measure P as a potential constraint to residential development and determine what programmatic efforts could be developed to mitigate this potential constraint.

Measure P was not passed by the voters of Malibu, however Measure N was passed. Page 7.42 of the Housing Element describes the potential effects of Measure N:

Measure N

In November of 2000, Malibu voters approved a development ordinance (Ordinance 213) concerning real property located in the City. Listed as "Measure N" on the November ballot, the Ordinance amends Malibu Municipal Code Section 9.5.17 to require that developments of 30 acres in size in or more in commercial or commercial/residential zones be approved by the Council and City voters. The City does not believe that Measure N will negative impact Malibu's ability to accommodate its regional housing

needs, particularly for low- or moderate-income households, because it is unlikely that any residential projects, or mixed residential/commercial projects, would individually exceed the 30-acre threshold.

B. Quantified Objectives

The Housing element shall contain a statement of the community's goals, quantified objectives and policies relative to the maintenance, improvement, and development of housing by income level(emphasis added). The element should contain overall quantified objectives for housing development rehabilitation, and conservation for each income group.

Page 7.98 of the Housing Element includes a Quantified Objective Table:

Quantified Objective Table 1998-2005

The City has established quantified objectives related to the programs and implementation measures described above. The following table summarizes the objectives for the period covered by the SCAG housing allocation plan. It addresses the City's responsibility for accommodating a share of the region's housing development between 1998 and 2005, assisting the construction of affordable housing and rehabilitating housing.

Table 1

Quantified Objectives
 (January 1, 1998 - June 30, 2005)

	Very Low- Income	Low- Income	Moderate - Income	Above Moderate- Income	Total
Designate Sites to Meet the RHNA New Construction Need at a Minimum	2	2	2	8	14
Anticipated Units to Be Produced (Including Infill, Reuse, Second Units and Granny Flats)	6	21	28	70	125
Housing Rehabilitation	5	10	0	0	15

C. Programs

1. Identify adequate sites which will be made available through appropriate zoning and development standard needed to facilitate and encourage the development of a variety of housing types for all income groups, including multi-family rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites does not identify adequate sites to accommodate the need for all household income groups pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very-low and low-moderate households.

a. The element does not identify adequate sites with appropriate zoning and development standards to accommodate the City's lower and moderate-income housing needs. Given the high cost of land for the area, the current densities of six dwelling units (du) per acre for multi-family housing are insufficient to accommodate housing for lower or moderate-income households.

Page 7.41, Table 36 of the Housing Element, identifies adequate sites for development:

Table 36 tabulates existing and proposed land uses. The City has designated for residential development sufficient land to accommodate the 16 affordable housing units needed in the City by the year 2005.

Table 36

Summary Potential Residential Units in the City of Malibu

Land Use Designation	Vacant Land		Mixed Use	
	Acres	Potential Number of Housing Units	Acres	Potential Number of housing Units
SF-M (2-4 du/acre)	133	544	NA	--
SF-L (1-2 du/acre)	109	218	NA	--
RR1 (1du/acre)	211	225	NA	--
RR2 (2 du/5 acres)	1,635	810	NA	--
RR5 (1 du/5 acres)	1,360	255	NA	--
RR10 (1 du/10 acres)	352	31	NA	--
RR20 (1 du/20 acres)	1,719	79	NA	--
MF (6 du/acre)	11	66	NA	--
MFBF (1,855 sq. ft./unit)	1	15	NA	--
MH (1 du/acre)	0	-	NA	--
Commercial (CG)	NA	-	34	136
Total	5,531	2,243	34	136

Sources: City of Malibu

* Yields are based on 100% of allowable density. Given topographical and safety concerns (geology, flood plain, etc.) Actual yield is expected to be an average of 50% of allowable density however each site is evaluated based on its specific characteristics. On relatively flat sites without other environmental constraints, achievable densities will be close to 100% of the allowed density under the IZO (see the following discussion on the Civic Center site and Point Dume). As an example, the MFBF site shown in Table 7-36 is located on relatively unconstrained property with respect to achievable density under the IZO.

Implementation Measure 6 provides a 0.5 density bonus for residential portion of the mixed-use zone, the density bonus would permit development of five units per acre. Again, given the land

and development costs for Malibu, this density does not facilitate the development of housing affordable to lower or moderate-income households.

Page 7.88, Measure 6 of the Housing Element addresses density bonuses to help facilitate the development of affordable housing:

Projects that provide deed-restricted very low income, low income or senior housing will also be permitted a density bonus up to .05 over the maximum intensity permitted within Commercial General zones for that portion of the project dedicated to commercial uses. This incentive is in addition to the 25% density bonus for the residential portion of a project allowed under H Implementation Measure 4. The amount of bonus density for the commercial uses shall be directly related to the amount and type of affordable units provided. A minimum of 30 years affordability shall be required to receive these incentives. Any developer who received approval to use these incentives shall be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued afford ability.

As a result, the element should include programs to provide sites with appropriate zoning and development standards needs to facilitate and encourage the development of low and moderate-income housing. Additionally, the program should provide sites with zoning that permits multi-family residential uses by right, including density and development standards that accommodate and facilitate the feasibility of housing for lower-income households.

In addition to Table 36 on page 7.41, page 7.42 and Appendix D identify vacant multi-family sites throughout the City.

Potential Multi-family Housing Sites

The City has identified 12 acres of the vacant multi-family land parcels throughout the City. All of these site have the potential for development (Appendix D-attached).

a. The element does not include an appropriate program to identify sites for the development of emergency shelters and transitional housing necessary to accommodate the City's homeless population. While Measure 9 of the element indicates the City will "make emergency shelters and transitional housing a permitted or conditionally permitted use where such projects would be compatible with the surrounding areas", the program does not identify in which zones these uses will be permitted, when the City will take action to permit them, or describe how the City's permitting process will encourage and facilitate the development of emergency shelters and transitional housing for the homeless.

Page 7.89, Measure 8 of the Goals, Policies, and Implementation Measures section identifies sites for development of emergency shelters:

In addition, the City will amend the IZO to designate specific commercial zones in which emergency shelters or transitional housing will be permitted and specify incentives which will mitigate the impacts of zoning standards on the feasibility of such uses. Incentives that will be considered by the City include, but are not limited to: direct financial assistance through the use of CDBG funds, a reduction in the open space requirements or parking standards (if these can be accomplished within the overall intent of the IZO, and waiver or reduction in permit fees.

Responsible Department:	City Council
Funding source:	General fund, CDBG
Timeframe:	Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt by June 2002.
Objective:	Not applicable

Finally, the element provides no additional sites for the development of mobilehome parks, which the City acknowledges has historically provided most of the community's affordable housing opportunities.

Page 7.89, Measure 9 of the Goals, Policies, and Implementation Measures section will designate additional sites for a mobilehomes park:

H Implementation Measure 9: Designate additional sites on which mobilehome park will be permitted subject to development standards in the IZO.

Responsible Department:	City Council
Funding source:	General fund
Timeframe:	Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt by June 2002.
Objective:	Identify at least one additional site suitable for a mobilehome park

2. The element should include programs to assist in the development of adequate housing to meet the housing needs of low- and moderate-income households. The program section of the element has been modified with strikeouts and additions. However, in many cases, it does not appear that changes have yet been incorporated into the draft element. For example, the text under Measure 1 states that the revised text is more detailed, however, while the program has been revised to eliminate text does not add any information detailing what incentives the City will use to encourage low- and moderate-income residential development.

As a result, the City should add or strengthen programs described in the element to facilitate the development of housing for low- and moderate-income households. This is particularly important because the draft element acknowledges the existing programs did not meet their stated objectives.

Appendix C: Incentives to Provide Affordable Housing appears to respond to a comment made in the Department's letter of 1997, whereby the City was asked to clarify how its various programs interact and whether they conflict with density bonus law. Scenario A and B provides for a density bonus reduction in development standards, expedited permit processing and possible financial incentives from Malibu's Community Development Block Grant (CDBG) for infrastructure subsidies or a contribution from the City's housing trust fund. While Appendix C addresses how the City's programs may interact it fails to demonstrate that these programs actually facilitate the development of affordable housing.

3. The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing. Absent a complete constraint analysis as required in A.2., it is not possible to evaluate the adequacy of the City's program to mitigate governmental constraints.

Parsons believes that these general comments regarding program adequacy have been addressed with the previously recommended revisions.

4. Clarify the status of the City's equal housing opportunity program.

The element does not clarify whether the City is currently implementing a fair housing program or describe the status of the program. Measure 26 indicates the City will enter into an agreement with the Los Angeles County Housing or other appropriate agency to operate a Fair Housing Program. However, the implementation timeframe is current and ongoing. Measure 10 appears to indicate that the City refers complaints to the Los Angeles County Department of Community Development Corporation or the State Department of Fair Employment and Housing. The element should clarify whether the City is currently implementing a fair housing program and its status.

Page 7.91, Measure 10 and page 7.97 Measure 26 of the Goals, Policies and Implementation Measures state that there is an individual who addresses the Fair Housing complaints in the City.

H Implementation Measure 10: Continue to enforce the State's barrier-free policies and provide complaint referral services to the Los Angeles County Department of Community Development/Housing Authority or the California Department of Fair Employment and Housing, as appropriate. The City has designated an individual at City Hall to handle fair housing complaints, provide appropriate information regarding fair housing laws, and refer complaints to the County or DFEH, depending on the nature of the complaint.

H Implementation Measure 26: Enter into an agreement with Los Angeles County or other appropriate agencies such as the Westside Fair Housing Council to operate a Fair Housing Program encompassing investigation of discrimination complaints, research on housing discrimination related issues, and public information about the rights and responsibilities of land owners and tenants. Promote availability of the program through

the use of pamphlets and public bulletin board on community television. (See Program 10.)

D. Coastal Zone Localities

Coastal communities shall document the number of low- and moderate-income units converted or demolished, and the number of replacement units provided. While the City has proposed Measure 23 to require the replacement of affordable units removed either by demolition or conversion, there is not an existing or proposed program to monitor the construction, demolition or conversion of housing. The City should develop a monitoring program to track the stock of affordable housing. Additionally, the City should determine how it will provide replacement housing for displaced low- and moderate-income residents.

Page 7.28 of the Housing Element confirms that none of the demolished housing units were occupied by households of low- or moderate-income.

Removal/Replacement of Housing in the Coastal Zone

Between 1996 and 1999, the City approved permits for the demolition of 93 residential dwelling units. Each dwelling unit was evaluated for income of the occupants. All 93 residential dwellings were single-family homes, and none were occupied by households of low- or moderate-income. The City was not required under state law (Section 65590 (b) of the California Government Code) to ensure that these units were replaced with housing affordable to low- or moderate-income households, therefore. According to City records, there are no other dwelling units scheduled for demolition or conversion that are occupied by low- or moderate-income.

In addition to HCD's written comments, the City received a recommendation during a telephone conversation with the HCD reviewer (prior to issuance of the Department's letter) that the City should provide additional information regarding land costs and their impact on housing development costs. The following revision is suggested to address this verbal comment:

Land Costs

Land in the City ranges in cost per acre depending on the size of the lot, its location in the City, the availability of infrastructure, amount of slope, and environmental/geological constraint. A listing taken from The LA Times Real Estate section on January 8th, 2001 had 113 listing for vacant land for sale. Lot prices (without dwelling units) range in general from approximately \$25,000 to \$6,250,000 per lot. The general price per acre ranges from \$6,875 to \$1,090,909. These prices are based on the number of existing land improvements on the lot. For example, listings range from \$40,000 for 6 acres of unimproved land to \$150,000 for 0.4 acres of vacant land with a potential permit for a 1,200 single family home. The most important factor in determining the value of the land is its location. – If all other factors are equal, the following is true:

- a) Beachfront property is the most expensive;
- b) Bluff/Ocean view property approximately ½ mile up from Pacific Coast Highway (far enough to be shielded from traffic generated noise, but easily accessible from the highway) is the next most expensive.
- c) Land cost per acre are less for properties which have the following characteristics (not necessarily limited to these):
 - 1. Farther distance from Pacific Coast Highway (difficult access);
 - 2. Lack of ocean views;
 - 3. Adjacent to Pacific Coast Highway, but on the land side.

RESOLUTION NO. 00-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING THAT THE CITY COUNCIL ADOPT NEGATIVE DECLARATION 00-014 AND APPROVE THE GENERAL PLAN HOUSING ELEMENT UPDATE.

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER, AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. December 18, 2000, the Planning Commission held a duly noticed public hearing on the General Plan Housing Element update.

Section 2. Negative Declaration Findings. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission finds as follows:

- A. Negative Declaration No. 00-014 was prepared in conformance with the provisions of the CEQA and the Negative Declaration and Initial Study reflect the independent judgment of the City.
- B. Negative Declaration No. 00-014 was noticed and circulated in accordance with CEQA.
- C. The City with regard to this Negative Declaration has received no written comments.
- D. Based on the Initial Study there is no substantial evidence that the proposed amendments will have significant environmental effect and no new environmental information has been brought forward during public hearings.

Section 3. Negative Declaration Recommendation. The Planning Commission hereby recommends that the City Council adopt Negative Declaration 00-014, finding that the proposed amendments to the General Plan Housing Element will not have a significant adverse impact on the environment.

Section 4. General Plan Housing Element Update. Having heard all oral and written testimony and considered all relevant evidence and argument presented at the December 18, 2000, public hearing, the Planning Commission in accordance with Section 9552 of the Malibu Municipal Code finds as follows:

A. In conformance with California Government Code Section 65580 the City of Malibu has comprehensively updated its General Plan Housing Element.

B. The proposed Housing Element update amendment is internally consistent and compatible with all elements of the General Plan and meets the requirements of state law.

Section 5. Planning Commission Recommendation: On December 18, 2000, the Planning Commission recommended that the City Council adopt the revisions to the General Plan Housing Element.

Section 6. Certification. The Planning Commission Secretary shall certify the adoption of this Resolution 00-044.

PASSED, APPROVED AND ADOPTED this 18th day of December 2000.

Edward Lipnick, Chair

ATTEST:

Barry K. Hogan, Planning Commission Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 00-044 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 18th day of December 2000, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Barry K. Hogan, Planning Commission Secretary

City of Malibu
Minutes
Planning Commission Meeting
Hughes Research Laboratories
December 4, 2000
6:30 P.M.

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CALL TO
ORDER

Chair Lipnick called the Planning Commission meeting to order at 6:35 p.m.

ROLL CALL The following people were recorded in attendance by the Recording Secretary:

COMMISSIONERS:

PRESENT: Commissioners Richard Carrigan; David Fox; Andrew Stern; Ted Vaill; and Edward Lipnick, Chair

STAFF PRESENT:

Barry Hogan, Planning Director; Meredith Elguira, Associate Planner; Florencio Signo, Assistant Planner; and Lisa Pope, Recording Secretary

FLAG
SALUTE

Commissioner Stern led the pledge of allegiance.

AMENDMENTS OR ADDITIONS
TO AGENDA

Planning Director Hogan explained that sufficient description was not included on the agenda for Items 9-15, and only Items 7 and 8 could be heard this evening.

Chair Lipnick indicated the items would be continued to December 18. He asked if any applicants would prefer to have their matter heard in January rather than December 18. No applicant responded.

MOTION

Commissioner Carrigan moved and Commissioner Stern seconded a motion to approve the agenda, with Items 9-15 continued to December 18, 2000. The motion carried unanimously.

CONSENT CALENDAR

None.

PUBLIC COMMENTS

None.

COMMISSION/STAFF
COMMENTS

Vice Chair Stern requested additional information on the concerns expressed by Mr. Povah on Item No. 9. He asked for clarification on a coastal bluff in relationship to Item No. 12.

Commissioner Fox suggested story poles be installed for any cases when there was a claim of view impairment.

Commissioner Vaill noted that he was absent from the last meeting due to a pre-planned trip. He apologized that the Commission was not able to address the items to be continued to December 18, 2000.

1 Commissioner Carrigan suggested story poles be installed for the Zumirez property.
2

3 Chair Lipnick indicated there were corrections and typographical errors on Items 14 and 15
4 that need to be amended. He requested the staff report for Item 13 be sent to the City
5 Attorney for review.
6

7 Commissioner Carrigan questioned whether the City employees involved in the case on Item
8 13 should be present at the next meeting to address questions. Planning Director Hogan
9 stated the issue of grandfathering had been researched and resolved and it would not be
10 necessary to have the Building Official present, but the matter would be reviewed and
11 determination made on whether staff should attend. He also indicated that the staff report
12 would be sent to the City Attorney for review.

13 **PUBLIC HEARINGS**

14 **ITEM 7**

CONTINUED HOUSING ELEMENT UPDATE

15 Staff reference: Meredith Elguira, Associate Planner, ext. 227

16 Staff Recommendation: It is recommended that the Planning Commission recommend that
17 the City Council adopt Negative Declaration 00-014 and approve the attached Resolution 00-
18 044 amending the General Plan's Housing Element.

19 Associate Planner Elguira presented the staff report.

20 Commissioner Stern suggested corrections found by the Commission be provided to staff.

21 Chair Lipnick asked why the Commission was not provided with the resolution and negative
22 declaration.

23 Planning Director Hogan suggested delaying the item to allow staff to obtain the necessary
24 material.

25 **CONSENSUS** By consensus, the Commission suspended the matter.
26

27 **ITEM 8**

**CONTINUED PLOT PLAN REVIEW NO. 99-249, SITE PLAN REVIEW NO. 99-093, MINOR
28 MODIFICATION NO. 99-041, AND VARIANCE NO. 00-039**

29 Staff reference: Flor Signo, Assistant Planner, ext. 236

30 Staff Recommendation: It is recommended that the Planning Commission deny the proposed
31 project and adopt the attached Resolutions 00-045A-E.

32 Assistant Planner Signo presented the staff report. He indicated the applicant had revised
33 the plans, moving the house and lowering the structure height, which would still block views
34 of the Santa Monica Mountains but would allow the view of the Pacific Ocean to be visible.

35 Commissioner Vaill asked which mountain view was being blocked. Assistant Planner Signo
36 explained that the view of the mountain down from the house would be blocked.

37 Chair Lipnick requested discussion of the findings for the variance. Assistant Planner Signo
38 explained that the house was moved closer to the mountain which required a variance. He
39 indicated the house was moved to provide the adjacent neighbor the ability to retain their
40 view of the Pacific Ocean.

41 John Kilbane, architect representing the applicant, explained the revisions to the design of
42 the project in an attempt to accommodate the concerns expressed by the neighbors. He
43 stated the views were opened enough so that the Simpson's had withdrawn their opposition.
44 He stated they were willing to consider additional reductions, reduce the pitch of the roof and
45 reduce the pad elevation of the structure to further accommodate concerns expressed by the
46 neighbors. He requested the Commission approve the project despite the staff
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ATTACHMENT 4

1 recommendation for disapproval based on improper determination of primary view by
2 Planning staff. He explained that the proposed retaining wall was added in order to improve
3 the views of the neighbors. He stated there was a precedent for the Commission to approve
4 the variance for the retaining wall based on a previous approval by the Commission. He
5 challenged the Commission and staff to provide a definition of mountain view. He stated it
6 would be a hardship if the house was limited to one-story.

7
8 Commissioner Stern asked what a minimum impact was. Mr. Kilbane discussed the impact
9 on mountain views. He stated the difference between a one-story and two-story home would
10 be 1'8", which was negligible. He discussed the provision allowing the homeowner to
11 construct a 6-foot high fence along the property line. He stated if a fence was installed at the
12 property line, the view issues would be moot. He stated they had proposed to give the
13 neighbors a 20-foot easement to help mitigate view blockage, but had not received a
14 response. Commissioner Stern asked if the pad had been created. Mr. Kilbane explained
15 that when the pad was created, the Interim Zoning Ordinance did not exist and it was
16 anticipated that a two-story home would be built on the lot.

17 Commissioner Vaill asked if the applicant agreed to plant foliage on the 20-foot easement
18 and maintain such foliage to retain the Orr view. Mr. Kilbane explained that they had agreed
19 to plant foliage to mask the height of the structure and maintain the landscaping at a height
20 that would not affect the views.

21 Commissioner Fox asked if the planting height restriction would run with the land. Mr.
22 Kilbane stated it would be a recorded easement, with a covenant regarding landscaping.

23 Douglas Simpson, adjacent property owner, explained their original opposition to the
24 proposed project. He stated the revisions proposed by the architect mitigated the view
25 impact and therefore they had withdrawn their opposition. He discussed night lighting and
26 indicated the architect had agreed to changes in the nature of the lighting, which made them
27 optimistic that the impact on his property would be reduced.

28
29 Leo E. Orr II, adjacent property owner, explained that they had purchased their property for
30 the spectacular views. He stated the proposed development effected their ocean and
31 mountain views. He stated the revisions eliminated the impact on their ocean view but would
32 still effect their mountain view. He expressed opposition to the project based on the fact that
33 he would like to make sure the modifications to the plans would allow for preservation of their
34 views.

35 Marion Orr expressed concern about the structure height and indicated she was unclear on
36 the effect of the proposed project. She discussed view obstruction.

37 Commissioner Carrigan stated he visited the site and spoke with Mr. and Mrs. Orr regarding
38 primary view impairment. He stated the issue before the Planning Commission was whether
39 the project, as proposed, interfered the Orr's primary view. He commended Mr. Kilbane for
40 his efforts to mitigate the view impacts. He stated there was no doubt that the project would
41 impact the views. He stated the Planning Commission had continually indicated that there
42 should be no primary view impacts. He stated it was unreasonable and inappropriate for the
43 Orr's to lose their view due the second story on the structure.

44 Commissioner Vaill stated he visited the property and spoke with Mr. Kilbane. He discussed
45 his personal experience with deprivation of his ocean view. He stated he did not regard the
46 impact to be of a mountain but rather a hill, which he did not consider a primary view. He
47 discussed Mr. Kilbane's generosity in revising the project. He urged the Commission to
48 support the proposed project.

49
50 Chair Lipnick stated he believed there was a view impact caused by the project. He stated
51 the bulk and mass of the house would amplify the view blockage. He stated second stories
52 were discretionary, not an automatic right. He explained that it was necessary to make

1 findings for granting a variance, which he could not make because a house could be built on
2 the lot without a variance. He indicated he would support the staff recommendation. He
3 disclosed that he had meet with Mr. Kilbane and with the Orr's.
4

5 Commissioner Stern disclosed that he had spoken without Mrs. Orr and Mr. Kilbane. He
6 discussed the Commission's previous positions on view blockage. He echoed the comments
7 of Commissioner Carrigan and Chair Lipnick.
8

9 Commissioner Fox disclosed that he visited the site with Mr. Kilbane and spoke with Mr.
10 Simpson and Mrs. Orr. He stated he was leaning with the majority of the Commission and
11 would vote to deny the appeal.

12 **MOTION**

13 Chair Lipnick moved and Commissioner Carrigan seconded a motion to adopt Resolution
14 Nos. 00-45A-E, adding a finding to Resolution No. 00-45E that the definition of special
15 circumstances could not be meet. The question was called and the motion carried 4-1,
16 Commissioner Vaill dissenting.

17 **ITEM 7**
18 **(CONTINUED)**

19 **CONTINUED HOUSING ELEMENT UPDATE**

20 Planning Director Hogan indicated the negative declaration information was not available and
21 therefore recommended continuation to December 18, 2000. He indicated the response for
22 HCD may be available at that time.

23 Commissioner Carrigan suggested a special meeting to take care of the matter prior to the
24 end of the year. Planning Director Hogan explained that a special meeting might be
25 appropriate if HCD's comments were available prior to December 13.

26 Commissioner Vaill asked about the deadline for adoption. Planning Director Hogan
27 explained the State mandate for Housing Element updates. Commissioner Vaill discussed
28 the use of 1990 Census data. Planning Director Hogan stated it would be appropriate to
29 conduct workshops for possible revisions once the 2000 Census data was available but 1990
30 Census data was all that was available.

31 Commissioner Stern asked why Birdview Drive, Malibu Road, and the condos across from
32 Paradise Cove were not included in Section 7.38 - Duplex, Triplex Units. Associate Planner
33 Elguira stated those should be included. He questioned the average price per acre indicated
34 in Section 7.61. He stated he thought bluff properties were the second most valuable for
35 Section 7.62 - Property Values. Associate Planner Elguira stated the information was
36 presented by local Realtors. Commissioner Stern indicated the Element should indicate
37 there were 3 elementary schools in Malibu.

38 Commissioner Fox stated he felt the consultant took for granted that the Commission would
39 "rubber stamp" it. He stated the Commission took the task of review very seriously.

40 Chair Lipnick stated there were still blanks in Section 7.6 - Goals and Objectives. He asked
41 if the numbers would be provided. He indicated reluctance to approve a negative declaration
42 and resolution that were not provided to the Commission.

43 Associate Planner Elguira suggested the Commission provide their comments and concerns
44 prior to the next meeting, so that they could be included in the draft.
45

46 **MOTION**

47 Chair Lipnick moved and Commissioner Carrigan seconded a motion to continue the item
48 to December 18, 2000. The motion carried unanimously.

49 **PUBLIC HEARINGS**

50 **ITEM 9**

51 **PLOT PLAN REVIEW 98-041, SITE PLAN REVIEW 98-015, AND MINOR MODIFICATION**
52 **NO. 98-003**

ATTACHMENT 4

City of Malibu
Minutes
Planning Commission Meeting
Hughes Research Laboratories
December 18, 2000
6:30 P.M.

CALL TO
ORDER

Chair Lipnick called the Planning Commission meeting to order at 6:37 p.m.

ROLL CALL The following people were recorded in attendance by the Recording Secretary:

COMMISSIONERS:

PRESENT: Commissioners Richard Carrigan; Andrew Stern; Ted Vaill; and Edward Lipnick, Chair

ABSENT: Commissioner David Fox

STAFF PRESENT:

Barry Hogan, Planning Director; Meredith Elguira, Associate Planner; Florencio Signo, Assistant Planner; Andrew Ho, Assistant Planner; Glenn Michitsch, Associate Planner and Lisa Pope, Recording Secretary

FLAG
SALUTE

Assistant Planner Ho led the pledge of allegiance.

AMENDMENTS OR ADDITIONS
TO AGENDA

The Commission reordered the agenda to move Items 9 and 13 moved to follow Item 6 to continue the items to January 16, 2000.

MOTION

Commissioner Carrigan moved and Commissioner Stern seconded a motion to approve the agenda. The motion carried 4-0, Commissioner Fox absent.

CONSENT CALENDAR

ITEM 4a APPROVAL OF MINUTES: November 20, 2000

MOTION

Chair Lipnick moved and Commissioner Stern seconded a motion to approve the minutes of November 20, 2000. The motion carried 4-0, Commissioner Fox absent.

ITEM 4b

APPROVAL OF RESOLUTIONS: Resolutions 45 A-E

MOTION

Commissioner Stern moved and Commissioner Carrigan seconded a motion to adopt Resolution Nos. 00-45 A-E. The motion carried 4-0, Commissioner Fox absent.

PUBLIC COMMENTS

Norm Haynie discussed a project that had been graded prior to City Incorporation but stopped once the City incorporated. He stated the property was re-zoned residential upon incorporation. He questioned whether it would be necessary to file for a variance to return the slope to the natural grade. He stated it would be a hardship to require a variance. He asked if a variance was required when the natural grade had already been disturbed.

1 COMMISSION/STAFF
2 COMMENTS
3

4 Planning Director Hogan wished the Commission Happy Holidays and a Happy New Year.

5 Commissioner Stern wished everyone a happy holiday season.
6

7 Commissioner Carrigan echoed Commissioner Stern's comments.
8

9 Commissioner Vaill wished the staff Happy Holiday's.
10

11 Chair Lipnick wished staff Happy Holidays. He wished Commissioner Fox a speedy recovery. He
12 announced that the next meeting of the Commission would be on Tuesday, January 16, 2000.
13

14 PUBLIC HEARINGS

15 ITEM 9. PLOT PLAN REVIEW 98-041, SITE PLAN REVIEW 98-015, AND MINOR MODIFICATION
16 NO. 98-003 - Appeal of the Planning Director's decision to approve a single-family residence
17 APPELLANTS: Mindy Sheps and Thom Panunzio
18 OWNER: Agnes Itzhaki
19 LOCATION: 5900 Zumirez Drive
20 GROSS ACREAGE: 1.47 (64,218 sq. ft.)
21 CASE PLANNER: Meredith Elguira, Associate Planner, ext. 227
22 (melguira@ci.malibu.ca.us)
23 Staff Recommendation: It is recommended that the Planning Commission continue the item
24 to the January 2, 2001 meeting.

25 MOTION Chair Lipnick moved and Commissioner Stern seconded a motion to continue the item to
26 January 16, 2000. The motion carried 4-0, Commissioner Fox absent.
27

28 ITEM 13. PLOT PLAN REVIEW NO. 00-037 AND VARIANCE NO. 00-009 - Consideration for the
29 after-the-fact approval of a 1,280 square foot horse corral
30 APPLICANT: Kenneth Aslan
31 OWNER: Hilda Aslan
32 LOCATION: 27120 Sea Vista Drive
33 GROSS ACREAGE: 33,928 sq. ft.
34 CASE PLANNER: Glenn Michitsch, Associate Planner, ext. 250
(gmichitsch@ci.malibu.ca.us)
35 Staff Recommendation: It is recommended that the Planning Commission deny the proposed
36 project and adopt the attached proposed Resolution 00-051.
37

38 MOTION Chair Lipnick moved and Commissioner Stern seconded a motion to continue the item to
39 January 16, 2000. The motion carried 4-0, Commissioner Fox absent.
40

41 CONTINUED PUBLIC HEARINGS

42 ITEM 7. HOUSING ELEMENT UPDATE
43 CASE PLANNER: Meredith Elguira, Associate Planner, ext. 227
44 (melguira@ci.malibu.ca.us)
45 Staff Recommendation: It is recommended that the Planning Commission recommend that
46 the City Council adopt Negative Declaration 00-014 and approve the attached Resolution
47 00-044 amending the General Plan's Housing Element.
48 Associate Planner Elguira presented the staff report and reviewed the revisions to the Draft
49 Housing Element.
50

51 MOTION Commissioner Vaill moved and Commissioner Carrigan seconded a motion to adopt
52 Resolution No. 00-44. The question was called and the motion carried 4-0, Commissioner

ATTACHMENT 4

1 Fox absent.

2
3 PUBLIC HEARINGS

4
5 ITEM 8. LEFT INTENTIONALLY BLANK TO PRESERVE NUMBERING SEQUENCE OF 12/4/00
6 PLANNING COMMISSION MEETING

7 Items 10 and 11 were heard concurrently.

8
9 ITEM 10. PLOT PLAN REVIEW NO. 00-119, SITE PLAN REVIEW NO. 00-052, AND VARIANCE NO.
10 00-030 - Consideration to allow the construction of a new two-story 4,445 square foot
11 single-family residence including an attached garage
12 APPLICANT: Gary Shuman
13 OWNER: Bluewater Builder, Inc.
14 LOCATION: 6164 Galahad Drive
15 GROSS ACREAGE: 1.00 (43,558 sq. ft.)
16 CASE PLANNER: Andrew Ho, Assistant Planner, ext. 258 (aho@ci.malibu.ca.us)
17 Staff Recommendation: It is recommended that the Planning Commission approve the
18 proposed project and adopt the attached proposed Resolutions 00-050A-C.

19 ITEM 11. PLOT PLAN REVIEW NO. 00-138, SITE PLAN REVIEW NO. 00-057, VARIANCE NO. 00-034
20 AND NO. 00-035 - Consideration to allow the construction of a new two-story 4,445 square
21 foot single-family residence including an attached garage
22 APPLICANT: Gary Shuman
23 OWNER: Bluewater Builder, Inc.
24 LOCATION: 6167 Galahad Drive
25 GROSS ACREAGE: 1.00 (43,558 sq. ft.)
26 CASE PLANNER: Andrew Ho, Assistant Planner, ext. 258 (aho@ci.malibu.ca.us)
27 Staff Recommendation: It is recommended that the Planning Commission approve the
28 proposed project and adopt the attached proposed Resolutions 00-049A.

29 Assistant Planner Ho presented the staff report. He displayed photographs of the project site.

30
31 Commissioner Stern asked about the Fire Department requirement for vegetation removal.
32 Planning Director Hogan explained the removal and thinning of vegetation.

33
34 Assistant Planner Ho stated the two projects were identical in square footage. He explained
35 that the siting of the homes were slightly different.

36
37 Commissioner Vaill asked if the projects would exceed 18-feet in height when viewed from
38 street level. Assistant Planner Ho explained that the projects would be 18-feet above street
39 grade. Commissioner Vaill asked what types of geological studies were conducted for the
40 project. Assistant Planner Ho stated the City Geologist and City Biologist had reviewed and
41 approved the location for the proposed projects.

42 Commissioner Stern indicated Section 3.F, LU Policy 2.3.2 of the resolution should read "....
43 does not exceed 18-feet from street grade."

44
45 Commissioner Vaill asked if there was any opposition to the project. Assistant Planner Ho
46 stated a resident had expressed concern which had been rectified following a meeting with
47 staff.

48
49 Chair Lipnick questioned the impact to public views. Assistant Planner Ho stated the public
50 impact was reviewed from Galahad and Pacific Coast Highway. Chair Lipnick stated he did
51 not see evidence of the project minimizing the visual impact of hillside development.
52 Assistant Planner Ho stated the project could be conditioned to add landscaping to minimize
the visual impact. Chair Lipnick stated applicants usually could not build unless a variance

1 was approved for slopes greater than 2½ : 1. Assistant Planner Ho explained that
2 construction on 2½ : 1 slopes was unavoidable. Chair Lipnick stated it was difficult to review
3 the project without a grading plan. Planning Director Hogan directed the Commission to the
4 section of the staff report containing the grading plans. He stated the staff had not conducted
5 an analysis of what type of home could be built without a variance but could if the Commission
6 so directed.

7
8 Commissioner Vaill asked what was meant by the statement that locating the house closer to
9 Galahad Drive would create a better design scenario for the residence in terms of emergency
10 access. Assistant Planner Ho explained that less grading would be required, and the Police
11 and Fire Department would have easier access. Commissioner Vaill asked if it would be
12 possible to build a house with a 65-foot setback. Assistant Planner Ho indicated the City
13 Biologist and Geologist had request that the home not be built within 100-feet from the ESHA
14 but development is possible.

15 Associate Planner Michitsch reviewed the slope analysis for the project.

16 Gary Shuman, applicant, stated he had considered public views when designing the projects.
17 He explained the height of the structures from street grade. He stated the request for
18 reduction of setbacks would minimize the grading. He explained that the homes would be 37-
19 feet from the edge of the street. He indicated other homes on Galahad were closer to the
20 street side. He stated the City Geologist had requested the septic system be located at the
21 street. He stated the structure height would not exceed 26-feet. He stated the footprint would
22 be increased if the structure was reduced to 18-feet. He stated the homes would not impact
23 any blue water views. He explained the pile and grade beam foundation that would be used
24 due to the slope of the property.

25 In response to Commissioner Stern, Associate Planner Michitsch explained why a variance
26 was not required for the 8-foot retaining wall due to it being part of the structure. He stated
27 the size of the house was 3,800 square feet, excluding the garage.

28 Chair Lipnick asked the height of the house from the rear elevation. Mr. Shuman stated the
29 first floor to top of the ridge would be 24 and 23-feet respectively. Chair Lipnick stated the
30 home would appear to be 34-feet from top to bottom.

31
32 Norm Haynie stated he was not associated with the owner of the property. He stated the total
33 height of homes had been discussed by the Commission previously. He indicated the
34 discussion led to the determination that a total height of 35-feet should be allowed under the
35 hillside management ordinance. He stated Mr. Niles had a project approved with a total height
36 of 42-feet. He stated the concept had always been that it was better to step a home down a
37 hill.

38 Commissioner Stern disclosed that he visited the site and met with Mr. Shuman and viewed
39 the site from Zumirez with Chair Lipnick.

40
41 Commissioner Carrigan stated he visited the site and spoke with the applicant. He read three
42 purposes from the Interim Zoning Ordinance regarding view impact. He expressed concern
43 that if the two houses were approved, other similar applications would follow. He stated a two-
44 story, 4,500 square foot house was too large for the site. He stated he did not believe the
45 project protected public views. He stated he did not believe there was any impairment of
46 private views. He stated the project was inconsistent with the General Plan, specifically
47 LUP1.4.2.

48 Commissioner Vaill stated he visited the property but did not meet with the developer. He
49 stated he felt the project should be approved. He stated he did not find major view impacts
50 from any location. He stated he would not base his opinion on the potential for other
51 development. He stated he did not see a reason to oppose staff's recommendation.

ATTACHMENT 4

APPENDIX

City of Malibu

The following changes would bring Malibu's housing element into compliance with Article 10.6 of the Government Code. Following each recommended change or addition, we refer to the applicable provision of the Government Code. Where particular program examples or data sources are listed, these suggestions are for your information only. We recognize that the City may choose other means of complying with the law.

A. Housing Needs, Resources and Constraints

1. *Include an inventory of land suitable for residential development including sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)).*

Table 36 provides a summary of vacant land by zoning type, however, the element does not identify sites that may be under-utilized and could be redeveloped to accommodate the regional housing needs allocation (RHNA). The City could revise the land inventory to include sites with the potential for redevelopment and analyze the development potential of those sites.

Additionally, Table 36 identifies the development potential based on 100% of allowable densities, however this table is footnoted and states the actual yield is expected to only achieve 50% of the allowable density. The element should clarify whether sites identified are suitable for residential development, free of environmental constraints that generally limit the development potential of these sites. The City may want to consider identifying specific sites without environmental constraints that could be zoned at densities sufficient to accommodate the RHNA for low- and moderate-income households.

2. *Include an analysis of the City's land use controls, and permit processing procedures and timelines as potential or actual governmental constraints upon the maintenance, improvement, or development of housing for all income groups (Section 65583 (a)(4)).*

The element should more fully describe the Interim Zoning Ordinance (IZO) and analyze it as a potential constraint to the development of housing for all income groups. While the element states that the IZO provides reasonable standards for development, the element indicates the IZO requires four parking spaces per unit. The City should analyze the parking and other requirements of the IZO as a potential constraint, particularly for the development of housing for low- and moderate-income households.

The analysis of permit processing procedures does not adequately describe and analyze discretionary review requirements and typical processing timelines for major residential development applications. The analysis should identify the processing timelines and review procedures for each of the major types of residential development permits in Malibu, including the following: zone changes, tract or parcel maps, conditional use permits, site plan reviews, and environmental impact assessments. The element should also specify the permit requirements and processing procedures for mixed-use projects in the general commercial zone.

In November of this year the voters of Malibu approved a growth control ordinance limiting the role of the City in approval of development applications greater than 25,000 square feet. The element should analyze the effects of Measure P as a potential constraint to residential development and determine what programmatic efforts could be developed to mitigate this potential constraint.

B. Quantified Objectives

The housing element shall contain a statement of the community's goals, quantified objectives and policies relative to the maintenance, improvement, and development of housing, by income level (emphasis added) (Section 65583(b)).

The element should contain overall quantified objectives for housing development, rehabilitation, and conservation for each income group. This requirement could be addressed by using a matrix like the sample provided.

Income Levels	Construction	Rehabilitation	Conservation
Very Low			
Low			
Moderate			
Above Moderate			
Total			

These objectives may include private activity as well as City planned activity. For example, the construction objective might include developments which require only City review and approval, as well as units to be developed as a result of the City's housing program.

C. Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards needed to facilitate and encourage the development of a variety of housing types for all income groups, including multifamily rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites does not identify adequate sites to accommodate the need for all household income groups pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households. (Section 65583(c)(1)).*
 - a. The element does not identify adequate sites with appropriate zoning and development standards to accommodate the City's lower and moderate-income housing needs. Given the high cost of land for the area, the current densities of six dwelling units (du) per acre for multi-family housing are insufficient to accommodate housing for lower or moderate-income households.

Implementation Measure 6 provides a .05 density bonus to commercial development in addition to the 25% state law density bonus for residential portion of the mixed-use development, in the General Commercial Zone. At a density of 4 du/acre in the mixed-use zone, the density bonus would permit development of five units per acre. Again, given the land and development costs for Malibu, this density does not facilitate the development of housing affordable to lower or moderate-income households.

As a result, the element should include programs to provide sites with appropriate zoning and development standards needed to facilitate and encourage the development of low and moderate-income housing. Additionally, the program should provide sites with zoning that permits multifamily residential uses by right, including density and development standards that accommodate and facilitate the feasibility of housing for lower-income households.

- b. The element does not include an appropriate program to identify sites for the development of emergency shelters and transitional housing necessary to accommodate the City's homeless population. While Measure 9 of the element indicates the City will "make emergency shelters and transitional housing a permitted or conditionally permitted use where such projects would be compatible with the surrounding areas", the program does not identify in which zones these uses will be permitted, when the City will take action to permit them, or describe how the City's permitting process will encourage and facilitate the development of emergency shelter and transitional housing for the homeless.

Finally, the element provides no additional sites for the development of mobilehome parks, which the City acknowledges has historically provided most of the community's affordable housing opportunities.

2. *The element should include programs to assist in the development of adequate housing to meet the housing needs of low- and moderate-income households (Section 65583 (c)(2)).*

The program section of the element has been modified with strikeouts and additions. However, in many cases, it does not appear that changes have yet been incorporated into the draft element. For example, the text under Measure 1 states that the revised text is more detailed, however, while the program has been revised to eliminate text it does not add any information detailing what incentives the City will use to encourage low- and moderate-income residential development.

As a result, the City should add or strengthen programs described in the element to facilitate the development of housing for low- and moderate-income households. This is particularly important because the draft element acknowledges the existing programs did not meet their stated objectives.

Appendix C: Incentives to Provide Affordable Housing appears to respond to a comment made in the Department's letter of 1997, whereby the City was asked to clarify how its various programs interact and whether they conflict with density bonus law. Scenario A and B provides for a density bonus, reduction in development standards, expedited permit processing and possible financial incentives from Malibu's Community Development Block Grant (CDBG) for infrastructure subsidies or a contribution from the City's housing trust fund. While Appendix C addresses how the City's programs may interact, it fails to demonstrate that these programs actually facilitate the development of affordable housing

3. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing (Section 65583(c)(3))*

Absent a complete constraint analysis as required in A.2., it is not possible to evaluate the adequacy of the City's programs to mitigate governmental constraints.

ATTACHMENT 5

4. *Clarify the status of the City's equal housing opportunity program (Section 65583 (c)(5)).*

The element does not clarify whether the City is currently implementing a fair housing program or describe the status of the program. Measure 26 indicates the City will enter into an agreement with the Los Angeles County Housing or other appropriate agency to operate a Fair Housing Program. However, the implementation timeframe is current and ongoing. Measure 10 appears to indicate that the City refers complaints to the Los Angeles County Department of Community Development Corporation or the State Department of Fair Employment and Housing. The element should clarify whether the City is currently implementing a fair housing program and its status.

D. Coastal Zone Localities

Coastal communities shall document the number of low-and moderate-income units converted or demolished, and the number of replacement units provided. (Section 65590).

The element indicates the City approved demolition permits for 93 units between 1996 and 1999, however, the City cannot verify whether any of the units were affordable to low- or moderate-income households. In accordance with this section of the law, the City should monitor and record the number of residential units approved for construction and include the number of replacements housing units affordable to low- and moderate-income households within the Coastal Zone or within three miles of it. The element should also list the existing residential dwelling units occupied by low- and moderate-income households or within three miles of the zone's boundary scheduled for conversion or demolition.

While the City has proposed Measure 23 to require the replacement of affordable units removed either by demolition or conversion, there is not an existing or proposed program to monitor the construction, demolition or conversion of housing. The City should develop a monitoring program to track the stock of affordable housing, demolition permits, and petitions for conversion of existing residential dwelling units. Additionally, the City should determine how it will provide replacement housing for displaced low- and moderate-income residents.

E. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)(6)).

The City should describe its outreach activities to encourage the participation of all economic segments of the community in developing the housing element. We note that the planning

commission conducted a workshop to explain the update process and key issues to be considered in this element, however it is not clear how the City attempted to engage all segments of the population in the development of this draft.

During the period between this draft element and the adoption of the final housing element, the City should involve lower-income organizations and individuals in the development of the final element. The adopted element should reflect the City's efforts to include all segments of the population in its development.

CITY OF MALIBU

ENVIRONMENTAL CHECKLIST

1. Project Title: *General Plan Amendment No. 00-*
2. Lead Agency Name and Address: *City of Malibu
23555 Civic Center Way
Malibu, CA 90265*
3. Contact Person and Phone Number: *Meredith Elguira
(310) 456-2489 ext. 227*
4. Project Location: *City of Malibu*
5. Project Sponsor's Name and Address: *City of Malibu
23555 Civic Center Way
Malibu, CA 90265*
6. General Plan Designation: *City-wide; all residential and some commercial.*
7. Zoning: *Residential and some Commercial Zones*
8. Description of the Project: *The 2000 Housing Element update is a comprehensive statement by the City of Malibu of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The purpose of the Housing Element is to identify current and projected housing needs and set forth goals, policies, and programs that address those needs. The Housing Element has been prepared to meet the requirements of State law and local housing objectives.*
9. Surrounding Land Uses and Setting: *This is an amendment to the General Plan that is City-wide in application.*
10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement): *None*



In Memoriam
Harry Barosky
Honorary Mayor
2000

PLANNING DEPARTMENT

City of Malibu

23555 Civic Center Way, Malibu, California 90265

310.456.2489 extension 245 Fax 310.456.3365

www.ci.malibu.ca.us

NOTICE OF DETERMINATION

To: County Clerk
County of Los Angeles

From: City of Malibu
23555 Civic Center Way
Malibu, CA 90265

Subject: *Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code*

Project Title: Negative Declaration No. 00-014 for 2000 Housing Element Update.

<u>State Clearinghouse Number</u> (if submitted to Clearinghouse)	<u>City of Malibu</u> Lead Agency	<u>310-456-2489, extension 243</u> Area Code/Telephone/Extension
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City Contact Person: Drew D. Purvis, Senior Planner

This is to advise that the City of Malibu has approved the above described project and has made the following determinations regarding the attached described project(s).

1. The project [will/will not] have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.


Signature (Public Agency)

SENIOR PLANNER
Title

12 / 09 / 00
Date

Date received for filing and posting at OPR:

City of Malibu - Planning Department
Notice of Determination

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below (X) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Signature 

Date 12/08/00

Printed Name Drew D. Purvis, Senior Planner



EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
 - 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
 - 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
 - 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
 - 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
-
- 1) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 2) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 3) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 4) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

Discussion: A substantial adverse effect to visual resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

The General Plan (pages 1-27 through 1-30) and General Plan EIR (pages IV-228 through IV-238) discuss the aesthetic resources of the City and identify the potentially significant impact of development in the foothill areas. However, no impacts to scenic highways are anticipated. Since some new housing units may be constructed on residentially zoned hillside property, these units may be visible in a primarily undeveloped area. The Open Space Element (page 2-19 and 2-20) of the General Plan seeks to preserve and enhance scenic vistas and highways by reducing impacts to an insignificant level. Therefore, zoning of hillside property implements lot size limitations and structural development limitations to ensure that visible hillside properties are sparsely developed to maintain the natural character and limit disturbance within viewsheds. In addition, the General Plan EIR mitigation measure requires that new development in aesthetically sensitive areas must demonstrate that the project complies with the General Plan prior to approval by the Planning Director.

New dwelling units would not result in substantial light or glare as they would be scattered throughout the City, would not be designed with excessive lighting, and would be subject to City standards and design regulations and Uniform Building Code Standards. Although hillside development would occur on previously undeveloped land, the parcels would generally be more than one acre each and developed to hide units within the natural terrain formation, so that light accumulation and visibility would not occur as discussed above and in the Open Space Element.

2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion:

No new dwelling unit construction would occur on lands zoned for agricultural use, nor would they result in the conversion of existing farmland. Agricultural production as discussed on page 1-13 of the General Plan and page IV-18 of the General Plan EIR is practiced in only a minute fraction of land within the City.

3. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

All potential impacts to air quality were thoroughly analyzed in the General Plan and General Plan EIR (Pages IV-39 through 50). The mitigation measures listed on page IV-49 of the General Plan EIR require construction practices to comply with listed regulations to reduce air quality impacts. CON Goal 1, require the development and implementation of air quality policies within the General Plan Air Quality Element. SCAG and the South Coast Air Basin prepared an Air Quality Management Plan in 1987 in accordance with the Southern California Air Quality Management District to address local air issues (General Plan 3-3 and 3-4). All housing construction must adhere to these guidelines.

4. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: A project will have a significant impact on biological resources if the project substantially interferes with the movement of any resident migratory fish or wildlife species, substantially diminishes habitat for fish, wildlife, or plants, or substantially affects a rare or endangered species of animal, plant, or the habitat of the species.

Development of 14 additional housing units will generally occur on sites that have already been developed or disturbed. The City's development permit process will require site specific analysis of impacts and mitigation measures. In addition, the General Plan Conservation Element identifies sensitive habitat areas so that future development does not disturb these resources. Development in these areas is restricted or limited to protect these resources. Biological resources were thoroughly described in the General Plan EIR on pages IV-60 through IV-109. The mitigation measures require all new development to consult with the appropriate governing agencies to determine impacts on biological resources and mitigate as required. Section 3.2.9 - Protection of Sensitive Habitat areas lists what resources are to be protected and to what extent development should be limited so as not to cause adverse impacts. Conservation Element Policies 1.1.1 through 1.1.10, 1.2.1 through 1.2.9, and 1.3.1 through 1.3.13 preserve and protect biological resources from adverse development impacts.

5. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Discussion: A substantial adverse change in the significance of an historical resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (Section 15064.5 (D)(1), CEQA Guidelines).

All potential impacts to cultural resources were thoroughly analyzed in the General Plan (3-61 through 3-64) and General Plan EIR (IV-249 through IV-255) and no additional impacts are anticipated. The City shall identify, designate, protect and preserve areas, sites or structures of historic, cultural paleontological and/or archeological significance. The City shall avoid the destruction or alteration of cultural resources and encourage preservation of designated cultural resources (3-78 and 3-79). In addition, development in accordance with City and State regulations listed in impacts N-1, N-2, and N-3 on page IV-255 of the General Plan EIR, will not impact cultural and historic resources.

6. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
(ii) Strong seismic ground shaking?			X	
(iii) Seismic-related ground failure, including liquefaction?			X	
(iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or			X	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				
d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			X	

Discussion:

The City's General Plan (pages 5-2 to 5-29) and General Plan EIR (pages IV 1-38) thoroughly discuss potential impacts resulting from incapable soils, seismic ground failure, and other geologic impacts that may endanger residents or the environment. The area is susceptible to ground shaking, seismic-related ground failure, landslides, erosion, liquefaction, and subsidence. Mitigation measures listed on pages 5-36 through 5-42 of the General Plan on pages IV 23-38 of the General Plan EIR reduce geologic hazards by requiring all structures to be built or rehabilitated within Uniform Building Code parameters. Also, all developments must be evaluated and designed according to specific site features to reduce geologic hazard susceptibility. The General Plan document also discusses geologic safety issues on pages 5-2 through 5-29. In addition to the mitigation measures in the General Plan Goals and policies 5-42 through 5-47 require the regulation of hillside development to reduce erosion potential. New developments must have site-specific mitigation measures established before they may be approved.

7. HAZARDS AND HAZARDOUS MATERIALS. Would the project?

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion:

The City's General Plan Safety and Health Element (pages 5-4 to 5-47) thoroughly discusses potential impacts resulting from hazards and hazardous material that may endanger residents or the environment. The City will prepare a comprehensive plan for recovery from all levels of emergency situations as discussed in S Objective 2.1 through S Implementation Measure 113 (Pages 5-42 through 5-47).

8. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?				X
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion:

The City's Conservation Element contains goals, objectives, policies, and implementation measures to protect groundwater resources. All potential impacts to water quality were thoroughly analyzed in the General Plan and General Plan EIR and no additional impacts are anticipated (pages 3-6 through 3-16 of the General Plan and pages IV-51 through IV-59). In addition, Goal Statement CON-1, Objective 1.1 of the General Plan (page 3-69) through Implementation Measure 84 (page 3-80) mitigate water quality degradation and maintain water supply at adequate levels.

9. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community?				X
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion

Future impacts to land use are fully discussed in the General Plan (pages 1-16 through 1-20) and General Plan EIR (pages IV-136 through IV-163). New dwelling units would be created in zoned residential areas or would be created through the conversion of existing buildings. Therefore the project would not divide an established community or conflict with habitat conservation plans, or other land use regulations. The General Plan EIR states that no significant impacts are anticipated.

10. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

According to the General Plan there are no significant major oil or gas fields in the City of Malibu, and no permits for mining have been authorized in the past twenty years. The mitigation measures associated with minerals on page IV-166 of the General Plan EIR state that if mineral resources are found, an overlay zone will be enacted to restrict development to low impact uses such as low-density residential. Therefore, no mineral resources would be impacted with implementation of this mitigation measure.

11. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion:

Noise levels were thoroughly discussed in the General Plan EIR on pages IV-110 through IV-135. The associated mitigation measures require new construction to comply with the Noise Element,, Noise Ordinance, and Building Code, and are subject to individual project review. A community noise survey was conducted on July 16, 1992 (page 6-6) to document the existing noise environment within the City of Malibu. Some short-term construction noise would be generated, but, as noted in the General Plan, construction noise is limited between low impact hours during the weekdays and on Saturdays. Therefore, noise generated by construction would result in a less than significant impact.

In addition, Goal Statement N, Objective 1.1 of the General Plan (page 6-27) and implementation of Measure 10 (page 6-28) mitigate acceptable noise levels.

12. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:

Impacts to population and housing are thoroughly discussed in the General Plan (7-1 through 7-78) and General Plan EIR (pages IV-168 through IV-. The project is based, in part, on the projection of the Southern California Association of Governments (SCAG) in its Regional Housing Needs Allocation 1999, that 14 new residential units will be needed in the City during the period 1999 to 2005. The Housing Element update proposes various housing programs to assist in providing housing for low- and moderate-income households. Therefore, the project would not result in displacement of existing residents, but would facilitate adequate housing for the City residents and are considered less than significant in the General Plan EIR.

13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X

Discussion:

All potential impacts to public services, including fire protection, medical aid, police protection, schools, parks, solid waste disposal, maintenance of public facilities, and other governmental services were thoroughly analyzed in the General Plan (3-69 through 3-83) and General Plan EIR (IV-197 through IV-212) and no additional impacts are anticipated that are not mitigable through the fire and police protection mitigation measures presented on page IV-212. The project would result in the creation 14 new units, however, this would not significantly impact the ability of the City's public services to meet the demands of the public.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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14. RECREATION.				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

Discussion:

All potential impacts to recreation were thoroughly analyzed in the open-space section of the General Plan (2-1 through 2-18) and General Plan EIR (IV-239 through IV-248) and no additional impacts are anticipated. The General Plan addresses this future need of the City by requiring the development of new parks and mini-parks, the provision of a variety of recreational activities, and the development of small parks and plazas in urban commercial areas and open space in new residential developments. These needs are addressed in the goals statements, policies, and implementation measures on pages 2-19 through 2-35.

15. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion:

All potential impacts to transportation and circulation were thoroughly analyzed in the General Plan (pages 4.1 through 4-20) and General Plan EIR (pages IV-184 through IV-196). Goal 1 through Implementation Measure 47 ensure that existing problems are fixed through infrastructure and planning and that future developments are in accordance with the objectives established by the City. These goals include operating at a Level of Service C or D during peak periods, maintaining traffic safety in residential areas, promoting public transportation and safe alternatives to motorized transportation, and reduce traffic during peak hours to maintain circulation and reduction of air pollutants and noise (General Plan pages 4-21 through 4-27).

16. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Have sufficient water supplies available to serve the project from				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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existing entitlements and resources, or are new or expanded entitlements needed?				
d) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
e) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
f) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Discussion:

The General Plan EIR thoroughly discusses public utilities on pages IV-213 through IV-227. Mitigation measures presented in this section require that General Plan policies be implemented on a project-by-project basis, and are subject to approval by the City Engineer.

Water line extensions would need to be created to reach units if they are built in previously undeveloped areas. However, the General Plan seeks to maintain water supplies provided by the Metropolitan Water District of Southern California and local wells through their policies listed in the Conservation Element of the General Plan. They also offer water conservation suggestions to their residents to help maintain the local water supply (CON Goal 4: Water Conserved). Policies 4.1.1 through 4.1.7 (3-81 - 3-82) seek to maintain the quality and quantity of the water supply through implementation measures 93-100. In addition, C Objective 2.2 of the Circulation and Infrastructure Element ensures adequate water storage for emergencies.

Only portions of the City are served by a sewer system, with the remainder on septic systems. The Malibu Wastewater Management Study recommends programs to ensure adequate supply and treatment of wastewater is available in the City. Infrastructure Implementation Measure 34 requires sewer and wastewater systems to process waste on site or at a neighborhood treatment plant (4-25). The addition of the new dwelling units would not cause the provider to yield inadequate capacities, nor would it place significant demand on the wastewater system.

Conservation Element Goal 5 requires solid waste reduction and increased recycling in the City, including a 50 percent waste reduction level. Policies 5.1.1, 5.1.2, and 5.1.3 encourage waste reduction (3-83). Implementation Measures 101 through 107 provide means to meet this goal. Although the landfill is scheduled to reach capacity by 2015, the addition of 14 dwelling units would not result in significant capacity impacts to landfills.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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LIST OF MITIGATIONS:

None

MITIGATION MONITORING:

CITY OF MALIBU

**GENERAL PLAN
HOUSING ELEMENT 2001**

PLANNING COMMISSION RECOMMENDED VERSION
AS AMENDED BY HCD RESPONSE TO COMMENTS

JANUARY 15, 2001

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7.1 Introduction

The Housing Element of the General Plan is a comprehensive statement by the City of Malibu of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The policies contained in this Element are an expression of the statewide housing goal of "attaining decent housing and a suitable living environment for every California family," as well as a reflection of the unique concerns of the community. The purpose of the Housing Element is to establish specific goals, policies and objectives relative to the provision of housing, and to adopt an action plan toward this end. In addition, the Element identifies and analyzes housing needs, and resources and constraints to meeting these needs.

The Malibu Housing Element is based on five strategic goals: 1) assuring adequate housing opportunities for current and future residents, 2) assuring equal housing opportunities, 3) creating additional affordable housing opportunities, 4) no net loss of affordable housing, and 5) addressing housing needs regionally.

In accordance with State law, the Housing Element is to be consistent and compatible with other General Plan Elements. Additionally, Housing Elements are to provide clear policy and direction for making decisions that pertain to zoning, subdivision approval, housing allocations, and capital improvements. State law (Government Code Sections 65580 through 65589) mandates the contents of the housing element. By law, the Housing Element must contain:

1. An assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs;
2. A statement of the community's goals, quantified objectives, and policies relevant to the maintenance, improvement and development of housing; and
3. A program that sets forth a five-year schedule of actions that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element.

The housing program must also identify adequate residential sites available for a variety of housing types for all income levels; assist in developing adequate housing to meet the needs of low- and moderate-income households; address governmental constraints to housing maintenance, improvement, and development; conserve and improve the condition of the existing affordable housing stock; and promote housing opportunities for all persons.

7.2 Housing Needs Assessment

Population Characteristics

Population

The City of Malibu was incorporated approximately one year after the 1990 Census, conducted in April of 1990. At the time of the Census, the areas comprising Malibu were not reported on separately by the Census Bureau as “census designated places (CDP),” with the exception of the Point Dume CDP. The four census tracts that comprise the City of Malibu (8004.01, 8004.02, 8005.01, and 8005.02) also include extensive areas outside the City limits, as do most of the census block groups within each of these tracts. As a result, Census information by tract or block group may not accurately reflect the characteristics of the geographic area that comprises the City.

The 1990 census tracts were created by the subdivision of 1980 census tracts 8004 and 8005, which included the area now comprising the City of Malibu. To obtain estimates of the number of dwelling units and population, the Los Angeles County Department of Regional Planning overlaid the City boundary upon the 1990 Census tract and block boundaries. Block level data was used to isolate housing counts between the City and unincorporated areas. To determine demographic trends, the percentage of dwelling units and population located within Malibu was used as the base percentage for all other statistics. Table 1 shows each census tract’s population for the City and unincorporated areas.

Table 1

1990 Population

Census Tract	City	Unincorporated	Total	Percent
8004.01	597	2,201	2,798	21.3%
8004.02	7,125	1,000	8,125	87.7%
8005.01	1,410	2,245	3,655	38.6%
8005.02	1,984	807	2,791	71.1%
Total	11,116	6,253	17,369	64.0%

Sources: 1990 U.S. Census Tracts.

According to the California Department of Finance, the population growth rate in Malibu between 1992 (the first year after incorporation) and January 1, 2000 was nine percent, increasing from 12,164 to 13,324. This was similar to Los Angeles County’s growth rate of eight percent. In 1993,

two years after incorporation, the rate of growth dropped four percent but picked back up in 1995 to one percent. The population of the City of Malibu is growing, but at a rate of about two percent annually. The data suggests that the growth rate is rising slightly, but will likely remain near two percent as the City reaches build out.

Households

Between 1992 and January 1, 2000, the number of persons living in households increased from 12,062 to 13,222, or nine percent. During this same time the number of persons in households in the County increased from 8,942,706 to 9,709,283, or eight percent.

The Southern California Association of Governments (SCAG) Regional Growth Forecast (Table 2) predicts that, by 2020, the total number of households is expected to grow to 9,730. Household formation has been about the same as population growth, indicating that the average household size has increased (from 2.387 to 2.525 according to the California Department of Finance). According to the SCAG projections, the City of Malibu will see a 29 percent increase in population and a 32 percent increase in the number of households by 2020.

Table 2

The City of Malibu SCAG Projections

	Population	Percent Change	Households	Percent Change
1994	18,008	--	6,661	
2000	19,438	7%	6,704	<1%
2005	20,811	7%	7,157	6%
2010	22,343	7%	7,995	10%
2015	23,657	6%	8,753	9%
2020	25,440	7%	9,730	10%

Sources: SCAG Projections.

At the time of the 1990 Census, 4,147 of 6,500 total households (64 percent) were family households comprised of related individuals. About two-thirds of all households (63 percent) consisted of one or two individuals. The large number of non-family households further illustrates the reasons for the smaller average household size in Malibu. Table 3 compares average household sizes in Malibu, neighboring cities, the region, and the state.

Table 3

Average Household Sizes (2000)

	Malibu	Arcadia	Pasadena	Los Angeles	L.A. County	California
Average Household Size	2.5	2.8	2.7	3	3.1	2.9

Source: California Department of Finance

Of the 4,147 families reported living in the Malibu area in 1990, over three-fourths (86 percent) were married-couple families, nine percent were single-female families and five percent were single-male families.

Ethnicity

Malibu is not as ethnically diverse a community as other cities in Los Angeles County or as the state as a whole. While persons of Hispanic origin comprise over one-third of the countywide population and over one-fourth of the statewide population, such individuals comprise less than ten percent of the City's population. Similarly, Blacks, persons of Asian origin, and other minority groups that represent large segments of the countywide and statewide populations comprise five percent or less each of the city's population. Table 4 compares ethnicity on a citywide, countywide, and statewide basis.

Table 4

Comparison of Race by City, County, and State Population

	City	County	State
White	87%	69%	69%
Black	2%	17%	17%
Asian/Pacific Islander	4%	10%	10%
Other	<1%	13%	13%
Hispanic	7%	25%	25%

Source: 1990 U.S. Census Bureau.

Age

Table 5 compares the age distribution as reported by the Census Bureau in 1990. Persons 65 years and older made up the smallest percentage (11 percent) of people in the City. Persons between the ages of 30-49 made up the highest percentage (34 percent) of people followed by persons 18-29 (22 percent). The County had about the same percentages of young adults between the ages of 18-29 (30 percent) and a lower percentage of adults between the ages of 50-64 (12 percent). The smallest percentage of persons was 65 years and over (11 percent).

Table 5

Age Distribution (percent)

	Malibu	Arcadia	Pasadena	Los Angeles	L.A. County	California
0-17	15%	22%	22%	25%	26%	26%
18-64	74%	62%	65%	65%	64%	63%
65+	11%	16%	13%	10%	10%	11%

Source: 1990 U.S. Census Bureau.

Household Type and Composition

The characteristics of the City's household population can be further evaluated by examining household size, composition, age, and other relevant factors. Of the 6,500 households in the Malibu area in 1990, Table 6 shows that the highest percentage of households were two-person households (38 percent), similar to that of the County (28 percent). Countywide, the percentages of single-person and three-person households were the same as in Malibu, while the percentage of households with four or more persons was lower in Malibu than countywide. This distribution of households by size is consistent with the assumption that the City houses more young to middle-aged small families and adults without children but few large families. The lower proportion of older adults in the city than countywide is also a factor in the household distribution, as older adults tend to comprise mostly single-person or two-person households.

Table 6**Number of Persons in Household**

# of Persons	City	County
1 Person	25%	25%
2 Persons	38%	28%
3 Persons	16%	16%
4 Persons	13%	14%
5 Persons	6%	8%
6 Persons	1%	4%
7+ Persons	1%	5%

Source: 1990 U.S. Census Bureau.

In addition to the number of people per household, there are different types of households based on gender and marital status. The 1990 Census reported that over half (55 percent) of all households in the City were married-couple households, a substantially higher percentage than countywide (Table 7). The percent of the population within each household type reported in Table 8 varies in the City and countywide. Most people lived within family households, although there were higher percentages of spouses and householders in family households in the City than in the county, suggesting more single-parent households countywide. Countywide, family households had slightly higher percentages of children than in the City.

Table 7**Household Composition by Type (1990)**

	City	County
Couples w/Children	21%	26%
Single Parents	4%	9%
Families, No Children	39%	33%
Non-Family HH	36%	32%

Source: 1990 U.S. Census Bureau.

Table 8**Household Composition by Type (1990)**

Household Type	Number of Households		% of People	
	City	County	City	County
In Family Households				
Householder	4,147	2,036,104	24%	23%
Spouse	3,583	1,491,209	21%	17%
Born to and Adopted Children	3,040	2,646,242	17%	30%
Step Children	79	117,279	<1%	1%
Grandchildren	50	183,169	<1%	2%
Other relatives	414	659,887	2%	7%
Non-relatives	882	313,917	5%	4%
In Non-Family Households				
Male Householder living alone	839	328,640	5%	7%
Male Householder not living alone	453	133,473	3%	2%
Female Householder living alone	791	413,849	5%	5%
Female Householder not living alone	270	82,277	2%	1%
Non-relatives	987	291,904	6%	3%
In Group Quarters				
Institutionalized persons	358	93,343	2%	1%
Other persons in group quarters	1,526	71,872	9%	1%

Source: 1990 U.S. Census Bureau.

Because Census information used for Malibu comprises a larger area, the statistics used to characterize Malibu may not completely reflect household composition. According to the 1990 Census, about nine percent of City residents lived in-group quarters. This percentage undoubtedly reflects student housing at Pepperdine University, which is just outside the Malibu City limits but within one of the census tracts comprising the City.

Income Characteristics

According to the 1990 Census, the median household income in Malibu was \$81,805. This was above the county median of \$34,965. However, residents of Malibu had a wide range of incomes, as shown in Table 9. In 1989, about five percent of the population had incomes below the poverty level. Which is low compared to neighboring cities in the region. Of the individuals in households with incomes below the poverty level, three percent were senior citizens, seven percent were adults between the ages of 18-64, and three percent were children under the age of 17.

In evaluating income levels, four standard measures are often used: "very low-income," "low-income," "moderate-income," and "above moderate-income." These income levels are expressed as a percentage of the area median income (the midpoint at which half of all households earn more and half earn less) and are usually adjusted for household size. Thus, a "low-income" household of four has a higher income than a "low-income household of two. The percentages of median income for each income level are shown below:

INCOME DEFINITIONS

- "Very low-income" = 50 percent or less of the Los Angeles County median income.
- "Low-income" = 51 percent to 80 percent of the Los Angeles County median income.
- "Moderate-income" = 81 percent to 120 percent of the Los Angeles County median income.
- "Above Moderate-Income" = 121 percent or more of the Los Angeles County median income.

Table 9

1989 Household Income

Income	Number of Households
Less than \$5,000	149
\$5,000 - \$9,999	172
\$10,000 - \$12,499	89
\$12,500 - \$14,999	103
\$15,000 - \$17,499	153
\$17,500 - \$19,999	85
\$20,000 - \$22,499	182
\$22,500 - \$24,999	62
\$25,000 - \$27,499	131
\$27,500 - \$29,999	119
\$30,000 - \$32,499	125
\$32,500 - \$34,999	111
\$35,000 - \$37,499	171
\$37,500 - \$39,999	71
\$40,000 - \$42,499	147
\$42,500 - \$44,999	88
\$45,000 - \$47,499	112
\$47,500 - \$49,999	37
\$50,000 - \$54,999	203
\$55,000 - \$59,999	172
\$60,000 - \$74,999	565
\$75,000 - \$99,999	759
\$100,000 - \$124,999	740
\$125,000 - \$149,999	353
\$150,000 or more	1,601

Source: 1990 U.S. Census Bureau.

In a normally distributed population (that is, one not skewed to either end of the income scale), approximately 40 percent of the population will have incomes within the very low- and low-income ranges, about 20 percent within the moderate-income range, and about 40 percent in the above moderate-income range. Malibu has a larger relative percentage of above moderate-income households and a smaller percentage of low-income households in relation to the countywide income distribution. Table 10 shows the number of residents in each income group in 1990. Three-fourth

(71 percent) of Malibu residents had above moderate-incomes in 1990, while less than one-fourth (17 percent) had very low- or low-incomes. Although there has been no update of a citywide census since 1990, economic trends, such as rising home prices, suggest that households who have moved to Malibu since 1990 have higher average incomes than current residents. If the 2000 Census confirms this hypothesis, then the gap between countywide incomes and incomes among Malibu residents has widened further.

Table 10

1989 Household Income per Income Category

Income Category	Income Range	# of Households (approximately)
Very Low Income	\$0-\$17,483	666
Low Income	\$17,484-\$27,972	460
Moderate Income	\$27,973-\$41,958	744
Above Moderate Income	\$41,959+	4,630
Median Income: \$34,965		

Source: 1990 U.S. Census Bureau.

Low-income limits for households in 2000 are shown in Table 11. An income below \$29,200 for a single person was considered low-income according to Housing Urban Development. An income of \$55,000 for an eight-person household was also considered low-income. The median income level for a four-person household was approximately \$52,100.

Table 11

Income Limits (2000)

Household Size	Extremely Low Income (30% of Median)	Very Low Income (50% of Median)	Low Income (80% of Median)
1 Person	\$10,950	\$18,250	\$29,200
2 Persons	\$12,500	\$20,850	\$33,350
3 Persons	\$14,050	\$23,450	\$37,500
4 Persons	\$15,650	\$26,050	\$41,700
5 Persons	\$16,900	\$28,150	\$45,000
6 Persons	\$18,150	\$30,200	\$48,350
7 Persons	\$19,400	\$32,300	\$51,700
8 Persons	\$20,650	\$34,400	\$55,000

Source: HUD 2000 Income Guidelines.

Poverty

The poverty rate is a federally defined level of income for minimum subsistence. The dollar threshold for poverty is adjusted for household size and composition. Table 12 provides 1999 poverty thresholds for several types of households.

Table 12

Poverty Thresholds (1999)

Single Person 65+	\$7,990	Two Adults, One Child	\$13,410
Single Person Under 65	\$8,667	One Adult, Three Children	\$16,954
Two Persons 65+	\$10,070	Two Adults, Two Children	\$16,895
Two Persons Under 65	\$11,156	One Adult, Four Children	\$19,578
One Adult, Two Children	\$13,423	Two Adults, Three Children	\$19,882

Source: 1990 U. S. Census Bureau.

According to the 1990 Census data, approximately six percent of the City's population had incomes below the federally defined poverty level. Groups most likely to have poverty level incomes are families with children (particularly single mothers) and the elderly. Of those below the poverty level, Native American were the highest group (35 percent) and Hispanics were the second highest (21 percent). The ethnic composition of people below the poverty level is not similar to the ethnic composition of the City as a whole, as higher proportions of Blacks, Hispanics, and Native Americans are impoverished. The highest number of impoverished Whites, Blacks, Asian/Pacific Islanders and Others were adults age 18-64. Female householders represent three percent of the families below the poverty level.

By comparison, 15 percent of the County's population was below the poverty level. About 40 percent of the impoverished were White, compared to a total White population of 57 percent. Asian/Pacific Islanders and Native Americans comprised about the same percentages of impoverished individuals as their representation in the total population (ten percent and less than one percent respectively). Although Blacks comprised 11 percent of the total population, they represented 16 percent of the impoverished. Likewise, other ethnicities represented 21 percent of the total population, but 34 percent of all impoverished persons in the County.

Census data for the State revealed that approximately 18 percent of the total population was below the poverty level. Nearly two-thirds of those below the poverty level (64 percent) were White, 17 percent Other, 11 percent Black, seven percent Asian/Pacific Islander, and one percent Native American. Blacks and Others in the State represented a higher percentage of people below the poverty level than Whites and Asian/Pacific Islanders. Table 13

Table 13**Poverty Rates**

Group	Above Poverty Level	Below Poverty Level	Poverty Rate
Elderly	2,172	61	3%
Non-Elderly	12,507	822	6%
Single Mother Families	247	7	3%
Non-Single Mother Families	2,007	51	3%
Children	2,203	74	3%
Adults	10,304	748	7%
Black	172	13	7%
Asian/Pacific Islander	488	45	8%
Hispanic	741	194	21%
Native American	28	15	35%
Other	140	16	10%
White	13,851	794	5%
Total Population*	14,679	883	6%

Source: 1990 U.S. Census Bureau.

* Of the 17,369 persons living in Malibu, 15,562 of these persons were counted for the poverty level.

Employment Trends

The Southern California Association of Governments (SCAG) periodically provides employment reports and projections for cities and counties within its jurisdictions. The SCAG calculations used provide employment projections based on 1990 Census information. Since Malibu wasn't incorporated at the time of the 1990 Census, SCAG was not able to provide employment projections specifically for the City. However, SCAG was able to make projections based on the four 1990 census tracts that comprise the City. SCAG's Employment Projections indicated an employment increase from 8,953 in 1994 to 10,259 in 2000 or 13 percent. Over the next 20 years employment in Malibu will increase from 10,259 in 2000 to 11,382 in 2020, a rate of three percent annually.

The 1990 Census data shows that most residents were employed in managerial and professional specialty occupations (44 percent of employed residents). Other common occupations included sales occupations (16 percent) and administrative support (14 percent).

According to the State Employment Development Department's (EDD) 1995-2002 projections for Los Angeles County, the largest occupations in the County are general management, general office clerks, and retail sales. Approximately 330,440 people were employed in these occupations in 1995, with a projected growth in 2002 to 362,140. The fastest growing occupations in the County between 1995 and 2002 are expected to be textile workers (72 percent growth), manicurists (66 percent), and data processors (55 percent). These countywide trends may not have great applicability to the City of Malibu, the employment base of which is more dependent on retail, lodging, and service businesses for local residents and visitors to beach areas. Conversely, most of Malibu's employed residents are adult professionals who do not work in local businesses.

In analyzing employment between the City and County, it is important to examine educational attainment levels, disabilities within the population, and numbers of persons receiving public assistance. Table 14 shows that over three-fourths of the adults (83 percent) in the City attained additional education after high school, well above the County's 49 percent. Less than one-tenth (five percent) of the adults in Malibu had less than a high school education, compared to approximately 30 percent of adults throughout the county. The unemployment rate for Malibu is not available however; it is safe to assume that with the highly educated population and the high income level that there is in fact a low unemployment rate.

Table 14**Educational Attainment**

Education Level	City Population	% of Population	County Population	% of Population
Less than 9 th Grade	182	1%	853,988	16%
9 th to 12 th Grade – No Diploma	601	4%	788,825	14%
High School Graduate (or GED)	1,783	12%	1,134,608	21%
Some College – No Degree	4,685	32%	1,077,427	20%
Associate Degree	909	6%	402,932	7%
Bachelor's Degree	3,605	25%	793,556	14%
Graduate or Professional Degree	2,928	20%	429,886	8%

Source: 1990 U.S. Census Bureau: Educational Attainment for persons 18 years and over.

Few Malibu residents received public assistance in 1990 and were not part of the labor force. In the City of Malibu, 134 households (2 percent) received public assistance in 1989, according to the 1990 Census. Comparatively, 294,826 households (10 percent) in the County received public assistance in 1989.

Regional Housing Needs Assessment

The State Housing Law requires SCAG to identify existing and future housing needs for the region every five years. The 1998 Regional Housing Needs Assessments (RHNA) identifies each jurisdiction's existing housing need, as of January 1, 1998, and future housing need for the January 1, 1998 to June 30, 2005 period.

Existing need is evaluated based on overpayment by lower income households (SCAG has used the figure 30 percent or more of income) and the need to raise vacancy rates in the jurisdiction to a level at which the market would operate freely.

SCAG's methodology used to determine future need took into consideration the growth in number of households expected, the need to achieve ideal vacancy rates, and compensation for anticipated demolition. Then an "avoidance of impactation" adjustment was done. This is done to avoid further concentration of low-income units in jurisdictions that have more than the regional average.

The City must use the numbers allocated under the RHNA to identify measures (policies and ordinances) that are consistent with meeting these new construction goals. They are not meant to be a quota for development. In other words, the City must make it possible for units to be built but is not obligated to build any of the units.

According to the RHNA, the City of Malibu has a total housing construction need of 14 units and an annual need of two units. Malibu's 1998-2005 planning period allocation is shown in Table 15. Since Malibu's new housing construction need is so low, the City only needs to identify a few sites suitable for residential development to accommodate its share of the region's housing construction need between 1998 and 2000. Building permit records maintained by the City indicate that the City has already exceeded its 14-unit share of the region's housing construction need by October 2000, but none of these dwelling units were affordable to low- or moderate-income households.

Table 15

Malibu's 1998- 2005 Regional Housing Needs Assessment

2	17%	Very Low-Income:	Household income is less than 50% of the county median income.
2	12%	Low-Income:	Household income is between 51% and 80% of the county median income.
2	14%	Moderate-Income:	Household income is between 81% and 120 % of the county median income.
8	57%	Above Moderate-Income:	Household income is greater than 120% of the county median income.

Source: SCAG

Malibu Housing Profile

According to the California Department of Finance, approximately 1,057 housing units were vacant as of January 1, 2000, a vacancy rate of 16 percent. By comparison, the countywide vacancy rate was five percent. The proportion of different types of housing countywide remained fairly constant between 1990 and 2000—48 percent single detached houses, 35 percent multiples of five or more units, nine percent multiples of two to four units, seven percent single attached houses, and two percent mobile homes. Over two-thirds of the City's housing units were single-family detached homes (61 percent), followed by multiple units of five or more (12 percent), mobile homes (11 percent), single-family attached units (nine percent), and multiple units of two to four (seven percent). Countywide, there is a substantially higher percentage of housing units in multi-family buildings of five or more units and a substantially lower percentage of single-family homes than in Malibu.

A notable characteristic of the City's housing stock is the high percentage of mobile homes (11 percent). Mobile homes represent one of the few "affordable" housing resources in Malibu in that the cost to purchase a home and rent a space is still within the financial means of some moderate-income households. In addition, existing Mobilehomes represent an important housing resource for low- and moderate-income occupants who have lived in these homes for many years, prior to the run-up in housing costs.

Annual changes in the housing stock varied, with some years resulting in a majority of single-family units and other years resulting in a majority of larger multi-family complexes. Still other years, notably 1992 and 1994, resulted in no growth and even some losses in total units. Tables 16 and 17 show the annual changes in the housing stock between January 1992 and January 2000 as determined by the California Department of Finance.

Table 16

Housing Estimates for the City of Malibu (1992 through 2000)

Year	Housing Units								Persons Per Household
	Total	Single		Multiple		Mobile Homes	Occupied	% Vacant	
		Detached	Attached	2 to 4	5 Plus				
1992	6,074	3,740	554	437	656	687	5,054	16.79	2.387
1993	6,217	3,841	554	439	696	687	5,173	16.79	2.400
1994	5,949	3,596	554	429	683	687	4,950	16.79	2.415
1995	5,978	3,615	554	429	693	687	4,974	16.79	2.407
1996	6,008	3,645	554	429	693	687	4,999	16.79	2.416
1997	6,081	3,714	554	433	693	687	5,060	16.79	2.437
1998	6,145	3,752	554	459	693	687	5,113	16.79	2.462
1999	6,181	3,772	554	470	698	687	5,143	16.79	2.489
2000	6,294	3,856	554	493	704	687	5,237	16.79	2.525

Source: California Department of Finance, 1992-2000
City/County Population and Housing Estimates.

Table 17**Housing Estimates for the County of Los Angeles (1992 through 2000)**

Year	Housing Units								Persons Per Household
	Total	Single		Multiple		Mobile Homes	Occupied	% Vacant	
		Detached	Attached	2 to 4	5 Plus				
1992	3,207,064	1,552,149	209,806	283,344	1,105,930	55,835	3,030,855	5.5	2.9
1993	3,220,587	1,557,643	210,850	284,201	1,112,200	55,693	3,043,212	5.5	3.0
1994	3,228,941	1,561,809	211,199	284,976	1,115,195	55,762	3,050,136	5.5	3.0
1995	3,236,015	1,565,604	211,735	285,253	1,117,748	55,675	3,056,633	5.5	3.0
1996	3,240,625	1,569,180	211,833	285,540	1,118,397	55,675	3,060,760	5.5	3.0
1997	3,247,140	1,573,157	212,004	285,978	1,120,323	55,678	3,067,181	5.5	3.0
1998	3,254,772	1,578,157	212,114	286,193	1,122,604	55,704	3,074,546	5.5	3.0
1999	3,261,750	1,583,123	211,800	286,379	1,124,742	55,706	3,082,136	5.5	3.1
2000	3,272,169	1,588,957	211,948	286,883	1,128,591	55,790	3,091,963	5.5	3.1

Source: California Department of Finance, 1992-2000 City/County Population and Housing Estimates.

Housing Occupancy and Tenure

Of the 7,543 year-round dwelling units reported by the Census Bureau in 1990, 6,408 units (85 percent) were occupied and 1,135 units (15 percent) were vacant. Most of the vacant units were seasonal units due to Malibu's status as a beach community, as shown in Table 18. In 1990, more housing units were owner-occupied (4,769 or 72 percent) than renter-occupied (1,865 or 28 percent). By comparison, the tenure of occupied housing units in the County was 48 percent owner-occupied units and 52 percent for renter-occupied units.

Table 18

Type of Vacant Units in Malibu (1990)

Unit	Number of Units in City	Number of Units in County	Percent of City Vacant Units	Percent of County Vacant Units
For Rent	206	96,465	18%	56%
For Sale Only	200	27,721	18%	16%
Rented or Sold (not occupied)	79	18,515	7%	11%
Seasonal Use	395	6,430	35%	3%
Other Vacant	255	24,660	22%	14%

Source: 1990 U.S. Census Bureau.

Analysis of tenure by ethnicity (Table 19) reveals that homeownership among White households far exceeds that of minority households. This disparity is largely a function of income, as minority households include a higher percentage of lower-income individuals.

Table 19**Tenure by Ethnicity and Hispanic Origin (1990)**

Group	City	Percent	County	Percent
Owner-occupied Units				
White	4,512	95%	903,563	63%
Black	12	<1%	125,578	9%
Native American	0	0	4,089	<1%
Asian/Pacific Islander	115	2%	138,906	10%
Others	8	<1%	1,747	<1%
Hispanic Origin	122	3%	266,981	19%
Renter-Occupied Units				
White	1,662	89%	692,834	45%
Black	44	2%	216,051	14%
Native American	12	<1%	6,848	<1%
Asian/Pacific Islander	31	2%	129,590	8%
Others	12	<1%	2,888	<1%
Hispanic Origin	104	6%	500,477	32%

Source: 1990 U.S. Census Bureau.

Ownership rates listed in Table 20 reveal that with the exception of Whites, Hispanics, and Asian Pacific Islander there were more renters in each ethnic group than owners. This suggests that with the high price of homes in Malibu, many people had difficulty becoming homeowners due to their relatively lower incomes. Native Americans comprise the highest percent of renters (although there were very few such households in the City in 1990), followed by Blacks and "Other".

Table 20**Homeownership Rates**

Race	Owners	Renters	Ownership Rate	Rental Rate
White	4,512	1,662	73%	27%
Black	12	44	21%	79%
Native American	0	12	0%	100%
Asian/Pacific Islander	115	31	79%	21%
Other	8	12	40%	60%
Hispanic Origin	122	104	54%	46%

Source: 1990 U.S. Census Bureau.

Analysis of the 1990 Census data on tenure by age in Malibu reveals that adults aged 35 to 64 tended to own their housing units rather than rent, while younger adults and elderly mostly rented rather than owned their homes. There are only a few, small housing developments in Malibu oriented specifically to seniors, so seniors who are unable to afford, or physically unable to live independently in conventional housing, have few housing choices in Malibu (for further discussion regarding senior housing needs, see the Special Needs section of the Housing Element).

Of all occupied housing in 1990, the highest number of homes, 1,128 units (24 percent) were owned by persons ages 45 to 54, followed by 1,096 units (24 percent) owned by persons age 35 to 44 and 956 (21 percent) owned by persons ages 55 to 64. Only 30 units (less than one percent) were owned by persons ages 15 to 24 (Table 21). Comparatively, 33 percent of renters were ages 35 to 44 (583 units), 32 percent were ages 25 to 34 (570 units), 16 percent were ages 45 to 54 (276 units). Persons below the age of 24 account for nine percent (152 units).

Table 21

Tenure by Age of Householder (1990)

Age	City	Percent	County	Percent
Owner-occupied Units				
15 to 24	30	<1%	13,242	1%
25 to 34	313	7%	191,843	13%
35 to 44	1,096	24%	331,573	23%
45 to 54	1,128	24%	294,921	20%
55 to 64	956	21%	258,158	18%
65 to 74	761	16%	217,255	15%
75 and over	363	8%	133,872	9%
Renter-Occupied Units				
15 to 24	152	9%	143,396	9%
25 to 34	570	32%	521,625	34%
35 to 44	583	33%	369,562	24%
45 to 54	276	16%	191,713	12%
55 to 64	134	8%	126,930	8%
65 to 74	14	<1%	103,477	7%
75 and over	32	2%	91,985	6%

Source: 1990 U.S. Census Bureau.

Housing Costs

Rental Rates

Housing prices are higher in the city of Malibu than in many nearby communities due to the City's favorable location on the coast, limited development opportunities, and the high cost of developing land in most of the City (due to environmental conditions). Higher housing costs are consistent with a population of substantially more upper-income residents. There are very few apartments in the City, and turnover in the rental housing market is low. Table 22 shows listing from local Malibu newspapers .

Table 22

Rental Rates in Malibu (2000)

Name/Type	1 Bed	2 Bed	3 Bed	4 Bed
Apartments				
Studio	\$1,000	--	--	--
Guest House	\$1,250	--	--	--
Room for Rent	\$900	--	--	--
Apartment from The Malibu Times	\$3,500	--	--	--
Homes, Condominiums, and 4-plexes,				
Home	--	--	\$4,500	\$8,500
Condominium	\$3,000	\$2,900	\$2,600	--
4-plex	--	--	--	--

Source: Malibu Times, Malibu Surfside News and L.A. Times.

There are two mobile home parks in Malibu; Point Dume and Paradise Cove. Point Dume is a gated community with a swimming pool, tennis court and offers single-wide, double-wide and even some triple wide spaces. Paradise Cove offers single-wide and double-wide spaces only. Rental prices average from \$285 to \$1,200 a month. The average monthly rent is \$600. Table 23 lists the number of spaces and the average monthly rent for each of these mobile home parks.

Table 23**Mobile Home Park Space Rental Rates**

Name	Total Spaces	Average Monthly Rent
Point Dume Park	300	\$1,200
Paradise Cove	250	\$600

Source: Point Dume Mobile Home Park and Paradise Cove Mobile Home Park

Home Prices

Table 24 lists prices of homes for sale as of October 1, 2000. The listing comes from The Los Angeles Times. The highest percentage of homes comprised three bedrooms (40 percent), single-family units, followed by two-bedroom (29 percent) single-family units. There were fewer listings for multi-family homes/condominiums in Malibu. The California Association of Realtors lists Malibu as one of the 10 cities with the highest median home prices in California during July 2000. The median housing prices as of August 2000 was \$800,000 for the City and \$205,000 for the County. These rates increased in the City by approximately 21.2% within the last year.

Table 24**Home Prices in Malibu (2000)**

	Bedrooms	Units Sold	Median	Average	Range	% of Total
Single Family Homes						
	1	32	\$340,000	\$541,421	\$215,000-\$1,600,000	6%
	2	149	\$436,136	\$624,776	\$145,500-\$4,700,000	29%
	3	202	\$735,000	\$881,372	\$95,000-\$3,500,000	40%
	4	100	\$880,000	\$1,175,005	\$330,000-\$4,790,000	20%
	5+	28	\$1,600,000	\$1,478,785	\$45,000-\$3,425,000	5%
Total	--	511	--	--	--	100%
Multi-Family Homes/Condominiums						
	1	23	\$300,000	\$335,347	\$215,000-\$975,000	15%
	2	95	\$325,000	\$401,817	\$160,000-\$1,250,000	62%
	3	36	\$318,000	\$351,215	\$120,500-\$680,000	23%
	4+	--	--	--	--	--
Total	--	154	--	--	--	100%

Source: LA Times, Dataquick, October 2000.

Table 25 compares new home prices in the County to other counties in the region.

Table 25

Comparative Average New Home Prices (1999)

County	Average Price
San Diego	\$260,000
Ventura	\$347,000
Orange	\$318,000
Los Angeles	\$266,000
Riverside	\$195,500
San Bernardino	\$177,000

Source: Inland Empire Quarterly Report, October 1999.

Affordability

As stated previously, there are four income categories typically used for comparative purposes based on the median countywide income: very low-income (0-50 percent of median income), low-income (50-80 percent of median income), moderate-income (80-120 percent of median income) and above moderate-income (120 percent or more of median income). One method of analyzing housing affordability for each income group is to compare the number and/or percent of housing units by cost to the number and/or percent of households by comparable income levels.

A standard measure of housing affordability is that housing expenses on the average should not exceed 30 percent of a household's income. Those who pay 30 percent or more of their income on housing may experience difficulty in affording other basic necessities. However, to truly evaluate housing affordability, individual circumstances and factors must be taken into account. These circumstances and other factors include other long-term debt, mortgage interest rates, the number of children in a household, and other large, ongoing expenses (such as medical bills). Since it is impossible to consider each household's individual circumstances, the 30 percent rule-of-thumb provides a general measure of housing affordability for the average household. This is the measure used by most governmental agencies in defining overpayment.

Based on the County median income (1990) of \$34,965, a low-income household in 1990 was one that earned up to \$27,972 annually, and very low-income households earned up to \$17,483 annually.

The HUD low-income level for a family of four in 1990 was approximately \$25,000. The HUD estimated median income for Los Angeles County as of March 2000 is \$52,100.

Approximately 15 percent of the City's households had incomes less than \$25,000/year, versus approximately 35.5 percent for Los Angeles County as a whole. According to the 1990 Census, just over one-third of Malibu renters spent more than 30 percent of their gross income on housing, while over one-fourth of owners spent more than 30 percent of their income on housing. Households that pay a disproportionate amount of their incomes for housing, especially low-income households, have less money to spend on other essentials, such as food, clothing, and medical care. Table 26 shows that the majority of low- and very low-income renters and owners pay over 30 percent of their incomes on housing. Therefore, housing affordability for lower income households, particularly renter households, is a significant issue in Malibu. Table 27 shows the number of households paying over 30 percent of their incomes on housing. Approximately 72 percent of very low-income households spend over 30 percent of their incomes on housing and 64 percent of low-income households spend over 30 percent of their incomes on housing. However, only 1,103 households were low-income or very low-income in 1990, which is only 17 percent of the City's households. Some households choose to pay over 30 percent of their income for various reasons, such as location, aesthetics, or other features. Other households choose to pay larger percentages of their income on housing because they may receive tax advantages, or are investing with the knowledge that their income will increase so that they pay a lower percentage of their income on a long-term basis. In contrast, most households are forced to pay a large percentage of their income because they cannot find suitable lower-cost housing.

Table 26

Households Overpaying

1990	Number	Percent of Total
Owner	1,253	27%
Renter	694	39%

Sources: 1990 U.S. Census Tracts.

Table 27

**Number of Low-Income Households Paying Over 30 Percent of Income on
Housing**

Income	Owners		Renters		Total	
	#	%	#	%	#	%
Very Low-Income	142	68%	247	75%	389	72%
Low-Income	128	55%	231	70%	359	64%
Total	270	61%	478	72%	748	68%

Source: 1990 Census Bureau Data.

Note: 1990 Census data uses income ranges that do not correspond exactly to the income categories. Therefore, there are people in the low-income category that actually fall into the moderate-income category and likewise between the very low- and low-income categories. The numbers in the table include more persons than are actually in those categories.

The City's most significant source of affordable housing is mobile homes in mobilehome parks. The City's mobile home parks provide a resource for households on limited or fixed incomes to live. The City has adopted a mobile home park rent stabilization ordinance to ensure that mobile homes continue to provide affordable housing opportunities. Further analysis of housing expenditures as a percent of income show that most low-income and median-income homeowners pay 35 percent or more of their incomes on housing (Table 28). Renters with income below \$50,000 tend to pay a higher percentage of their income on housing. The majority of people earning \$50,000 or more paid less than 25 percent of their income on housing regardless of whether they rented or owned.

Table 28

Housing Expenditure Rate per Income Group

Income	<\$10,000	\$10,000- \$19,999	\$20,000- \$34,999	\$35,000- \$49,999	\$50,000+	Total Households
Renters						
30%-34%	0%	0%	9%	8%	6%	99
35%+	53%	86%	61%	54%	0%	583
Total Households	59	188	231	154	50	682
Owners						
30%+	0%	5%	0%	7%	8%	248
35%+	50%	79%	55%	36%	22%	1,005
Total Households	51	91	128	114	869	1,253

Source: 1990 Census Bureau Data.

Table 29 provides an estimate of the number of affordable rental units at each income level based on 1990 Census Data. It is important to note that the percentage of apartments affordable within the low- and moderate-income groups is cumulative and includes the percentage from the previous income group. Also, households of many income levels will often compete for housing in the same price range, so the existence of a certain number of dwelling units affordable to a low-income level does not mean that those units are actually available or occupied by that income group.

Table 29

Affordability of Rental Housing in Relation to Income (1990)

Income Group	Affordable Rent Limit	% of City Rentals	% of County Rentals
Very Low	\$437	6%	20%
Low	\$700	17%	70%
Moderate	\$1,050	100%	100%

Source: U.S. Census Bureau Data.

A household can typically qualify to purchase a home that is two and half to three times the annual income of that household depending on the down payment, the level of other long-term obligations

(such as a car loan), and interest rates. In practice, the interaction of these factors allows some households to qualify for homes priced at more than three times their annual incomes, while other households may be limited to purchasing homes no more than two times their annual incomes. Based on the Los Angeles County 1999 Affordability Rates at three times the annual income of a four-person household and the homes sold within the last year, Table 30 shows that there were no homes affordable to four-person households in the very low-, low- and moderate income categories.

Table 30

Sold Units Affordable to Lower-Income Households (1999)

Income Group	Affordability Level	Homes Sold 2000	Percent of All Homes Sold
Very Low-Income	\$78,150	0	0%
Low-Income	\$125,040	0	0%
Moderate-Income	\$187,560	0	0%

Source: LA Times Home Prices, 2000.

Housing Rehabilitation and Replacement Needs

A cursory examination of the City's housing stock indicates a number of deteriorated rental units and beachfront homes along the coast comprising less than five percent of the City's total housing stock. These units are being replaced or rehabilitated over time because property values are so high. About 26 percent of the City's housing stock is more than 40 years old; the City does not believe there is a large demand or need for housing rehabilitation assistance. Nevertheless, some low- and moderate-income homeowners, particularly those paying in excess of 30 percent of their incomes for housing and living in older homes, may require financial assistance for home repairs. Table 31 illustrates the age of Malibu's dwelling units.

Table 31**Age of Malibu's Housing Stock**

Year Structure Built	Total	Total Occupied	Renter Occupied	% of Total
1980-1990	1,113	915	179	15%
1970-1979	2,414	1,971	488	32%
1960-1969	2,013	1,796	522	27%
1950-1959	1,199	1,000	258	16%
1940-1949	400	340	162	5%
1939 or earlier	404	351	152	5%
Total	7,543	6,373	1,761	100%

Source: 1990 U.S. Census Bureau Data.

Removal/Replacement of Housing in the Coastal Zone

Between 1996 and 1999, the City approved permits for the demolition of 93 residential dwelling units. ~~To the best of the City's knowledge, none of these~~ Each dwelling units was evaluated for income of the occupants. All 93 residential dwellings were single-family homes, and none were occupied by households of low- or moderate-income. The City was not required under state law (Section 65590 (b) of the California Government Code) to ensure that these units were replaced with housing affordable to low- or moderate-income households, therefore. According to City records, there are no other dwelling units scheduled for demolition of conversion that are occupied by low- or moderate-income.

Special Needs

Special housing needs arise due to physical, economic, social, or cultural characteristics, or conditions that are present in a substantial percentage of the local population. These characteristics or conditions distinguish individuals from the general population and lead to housing or supportive services needs that are not (or cannot) be met by the private market acting alone. Examples of special housing needs include accessibility for the mobility impaired, transitional housing for those leaving a homeless environment, and housing specifically designed for the physical and social needs of older adults.

Characteristics such as age or physical limitations may be present in a large portion of the population. It is important for the community to accommodate a variety of housing types to serve such special needs groups. For example, accessible housing units that are designed for the physical limitations of the elderly may be needed in a community with a large population of this age group. Conversely, a community may have a large population of large, low-income families that need

adequately-sized housing at a low cost. Affordability issues are also important to groups such as female-headed households, college students, farm workers, or military personnel. Therefore, the City needs to evaluate the types of special needs groups in order to address special housing needs.

Elderly

Elderly housing needs include affordability and special design features to accommodate physical disabilities in new and rehabilitated housing. There is a wide spectrum of housing suitable to meet the needs of the elderly given the diversity of this population group and the fact that in the future there will be a larger "older old" group.

The different types of housing for seniors include individual residences for independent living as well as senior/adult living/retirement housing developments. For many senior housing projects, a critical factor is the necessity for having a project size large enough to support the provision of appropriate services, including property management, recreation and other staff services. In Malibu, the most appropriate way to meet the projected need for additional housing for the elderly is not with a large development but through smaller senior developments, mobile home parks, Section 8 vouchers, local rent subsidies and senior home sharing.

Approximately 11 percent, or 1,824 of the residents in Malibu were 65 years of age or older in 1990. However, an estimated 18 percent (1,170 persons) of all of the City's households are headed by a person 65 years of age or older. The incidence of poverty was lower among the population over 65 years of age (three percent) than it was for the population between the ages of 18 and 64 (six percent). Ninety-six persons over the age of 65 were receiving public assistance. In 1990, 143 homeowners age 65 and older paid 30 percent of their income or more on housing. This represented 12 percent of all elderly homeowners. However, approximately 63 percent (29 renters) of elderly renters were paying 30 percent or more of their income on housing.

Tenure is important when analyzing the needs of seniors. The percentage of seniors living in owner-occupied housing was 96 percent according to the 1990 Census, compared to 73 percent of the population at large. In most communities the majority of senior citizens live on fixed-incomes in the low- and moderate-income range, and they face difficulty with the costs of major home repairs. In combination with mobility limitations or the need for supportive services (such as medical or meal assistance), it can become very challenging for the elderly to adequately meet their housing needs. A more senior population living in an aged housing stock leads to a need for rehabilitation programs for existing units, as well as the creation of affordable senior housing units.

In Malibu, with its higher incomes, most seniors appear to have sufficient income to meet their financial needs. Nevertheless, there are a small number of low-income seniors who are renters facing dislocation due to high housing costs and no affordable housing alternatives. Similarly, there are a small number of low-income senior homeowners who cannot afford to properly maintain their homes and/or who cannot afford to make necessary modifications for accessibility. These seniors

will probably have to move from Malibu if their financial and physical needs cannot be accommodated.

One common special need among the “frail” elderly is for care facilities that combine meals, with medical, and daily living assistance in a residential environment. There are two State Department of Social Services licensed elderly care facilities and one care facility with a Pending License in Malibu. Tender Heart Elder Care has a capacity of six persons and Tender Heart II has a capacity of 12 persons. Morning View RCFE has a pending license and a capacity of six persons. The total capacity for these units is 24.

Large Families

Large households are defined by the number of persons, typically five or more. In Malibu, large households are typically groups of unrelated individuals sharing houses on the beach—a type of “group housing.” By contrast, there are a small number of large family households, household made up of related family members, with low- or moderate-incomes who cannot find housing with sufficient space to meet their needs, such as enough room for sleeping, studying, and food preparation. According to the 1990 Census there were 515 households of five or more persons. Large families occupied approximately eight percent of owner-occupied households and slightly more than five percent of renter households. Table 32 shows the number of large household, including family households, by tenure.

Table 32

Tenure by Persons in Occupied Units

Number of Persons in Household	Owner-Occupied	Renter-Occupied
5	241	84
6	78	0
7+	53	10
Total	372	94

Source: 1990 Census Bureau Data

An indication of a mismatch between the number of large families and the availability of housing with sufficient space is the number of “overcrowded” households. The Census Bureau defines an overcrowded housing unit as one occupied by 1.01 or more persons per room. Overcrowding reflects the financial inability of households to buy or rent housing units having enough space to meet their needs. Table 33 shows that approximately 150 units (six percent) were overcrowded in Malibu in 1990.

Table 33**Overcrowding of Occupied Households 1980 and 1990**

Persons Per Room	Owner	Renter
1.01 or more	66	84
Percent	1%	5%
Total Occupied	4,647	1,761

Sources: U.S. Census 1990

College Students

Pepperdine University is a private university located outside of the City's jurisdiction in adjacent, unincorporated Los Angeles County. The University's total enrollment as of October 2000 was around 3,000 students (excluding the Graduate Programs, these numbers were not available). About 1,866 of these students live on campus. At the time of the 1992 Housing Element the University had required all first year students to live on campus and indicated that there were no difficulties in meeting those requirements. Pepperdine University had enough housing for 60 percent of its student population to live on campus including all first year students. The University did not provide information on the number of students residing in Malibu, but the representative of the University's Residential Life Office indicated that the overwhelming majority of these students commute from lower-cost communities in the interior. Even so, some students do find housing in Malibu, and the location of a large educational facility on the City's border will have some affect on housing demand in the City.

Disabled Citizens

Approximately five percent of the City's non-institutionalized residents have physical conditions that affect their ability to live independently in conventional residential settings. These individuals have mobility impairments, self-care limitations, or other conditions that may require special housing accommodations or financial assistance. Individuals with such disabilities can have a number of special needs that distinguish them from the population at large.

- Individuals with mobility difficulties (such as those confined to wheelchairs) may require special accommodations or modifications to their homes to allow for continued independent living. Such modifications are often called "handicapped access."
- Individuals with self-care limitations (which can include persons with mobility difficulties) may require residential environments that include in-home or on-site support services,

ranging from congregate to convalescent care. Support services can include medical therapy, daily living assistance, congregate dining, and related services.

- Individuals with developmental disabilities and other physical and mental conditions that prevent them from functioning independently may require assisted care or group home environments.
- Individuals with disabilities may require financial assistance to meet their housing needs because a higher percentage than the population at large are low-income and their special housing needs are often more costly than conventional housing.

Some people with mobility and/or self-care limitations are able to live with their families to assist in meeting housing and daily living needs. A segment of the disabled population, particularly low-income and retired individuals, may not have the financial capacity to pay for needed accommodations or modifications to their homes. In addition, even those able to pay for special housing accommodations may find them unavailable in the City.

Disabled persons often require special housing features to accommodate physical limitations. Some disabled persons may have financial difficulty due to the cost of having their special needs met or due to difficulty in finding appropriate employment. Although the California Administrative Code Title 24 requires that all public buildings be accessible to the public through architectural standards such as ramps, large doors, and restroom modifications to enable handicap access, not all available housing units have these features. According to the 1990 Census data, there were approximately 704 non-institutionalized disabled persons over age 16.

According to the 1990 Census, 35 persons (less than 1 percent) between the ages of 16 and 64 had mobility and/or self-care limitations.

Many persons with disabilities can benefit from a residential environment that provides supportive services in a group setting. According to the State Department of Social Services, there are two adult residential homes for the developmentally disabled with a total capacity of 46 and one group home for children with a total capacity of five.

Female-Headed Households

Female-headed households account for 5.7 percent (245) of the total households in Malibu as reported by the 1990 Census. Table 34 reveals that only 1.6 percent of female-headed households (3) had poverty level incomes in 1990. All three households included children under 18. None of the female-headed households without children have poverty-level incomes. This compares to 2.7 percent of the total families with children in the City that had incomes below the poverty level. Therefore female-headed households are not any more likely to be living in poverty than the average Malibu household. Housing needs of the female-headed households include affordability, proximity to services, and access to all housing opportunities. These needs are addressed by the programs included in this Housing Element, which seek to reduce housing costs and expand the range of housing opportunities in the City.

Table 34

Female Headed Households

Household Type	Above Poverty Level	Below Poverty Level	Total	Percent
With Children under 18	188	3	191	3.4%
Without Children under 18	54	0	54	.9%
Total	242	3	245	4.3%

Sources: 1990 U.S. Census Tracts.

Farm Workers

Farm worker and day worker households in Los Angeles County have needs for affordable housing in both existing and new housing. However, due to the City's development pattern and employment base, the number of households with one or more persons employed as a farmer/day worker or in the agricultural industry is expected to be minimal. Of those types of housing needs that could not be justifiably estimated, it may be assumed that only farm workers would not find a need for housing in Malibu. Although Malibu does, however, experience a daily influx of day workers, neither day workers nor farm workers constitute a measurable demand on the City's existing housing resources.

The City's day laborer center, the Labor Exchange, is based at City Hall. The center provides employment assistance to day workers. The staff at the center estimates that approximately 40 people per day seek day labor positions. Although the center's application forms only ask for local residence status and not specific addresses, the center's staff estimates that approximately 20 percent of these workers are homeless (with the balance living in Malibu, Santa Monica, and Los Angeles). The need for assistance is already addressed by existing resources.

There is little active agriculture in the City. As a result, the needs of farm workers do not differ from the needs of other low-income households. The needs of these farm workers and day workers have already been considered among the existing low-income households. Further, the demand for programs for the homeless in Malibu does not appear to be substantial. The majority of the homeless in Malibu are served by agencies located in Santa Monica and elsewhere. Therefore, no housing program for farm workers or day workers is necessary for the City.

Homeless

Legislation signed into law in September 1984 indicates that the "special needs" analysis must include the "homeless" and need for emergency shelters. "Homeless" refers to persons and/or families who are without shelter because of economic and/or domestic circumstances. Such persons and families may live in campers, motels, and other temporary accommodations.

Homelessness is caused by a number of social and economic factors, including a breakdown of traditional social relationships, unemployment, shortage of low-income housing, and the deinstitutionalization of the mentally ill. A homeless person lacks consistent and adequate shelter. Homeless persons can be considered residents (those remaining in an area year round) or transient. Emergency and transitional shelters can help to address the needs of the homeless. Emergency shelters provide a short-term solution to homelessness and involve limited supplemental services. In contrast, transitional shelters are designed to remove the basis for homelessness. Shelter is provided for an extended period of time, and is combined with other social services and counseling to assist in the transition to self-sufficiency.

The nature of the homeless population makes exact counting difficult. The 1990 Census found no "visible" persons living on the streets and no people in homeless shelters. However, Census counts are not generally accepted as an accurate reflection of homelessness. Because the homeless move around and are not always visible on the street it is difficult to get an accurate count of homeless persons in a community. There is no specific data on the homeless population because homeless people were not accounted for in the Census. Los Angeles County Sheriff Department staff stationed in the area and familiar with the City estimate that there are approximately 25 homeless people living in the undeveloped hillside areas and other vacant or isolated areas of the City. This number has not changed appreciably over the past five years.

There are no facilities for the homeless within the City; however, there are several facilities, which provide temporary shelter, food and social services in Santa Monica and Venice. The Los Angeles Homeless Services Authority provides an Info line for people looking for homeless shelters. The current shelters that people of Malibu would be referred to are the Sunlight, the Salvation Army and the Turning Point, which are all located in Santa Monica. The Turning Point is also the Food Bank available to the people of Malibu. The Bible Tabernacle is another facility located in Venice which provides emergency shelter to everyone. Appendix B gives a detailed listing of the facilities serving the City of Malibu.

Assisted Housing Projects

Assisted housing projects are those that offer financial aid or provide extra services for people in need of financial or basic living assistance. There are a variety of programs, each focusing on a specific need or with a specific goal to eliminate unmet housing needs in the community. A review of information from state and federal agencies did not uncover any assisted rental housing developments with state or federal contracts. There are also no locally assisted rental housing developments.

County Housing Programs

The City is likely to be considered a sub-recipient to Los Angeles County for any federal assistance for low- and moderate-income housing. Thus, it would qualify for assistance on the basis of the poverty of its residents compared with all the areas of the County that are not directly receiving assistance (e.g., the City of Los Angeles). According to the County Housing Authority, the County does not currently operate any housing units in Malibu, nor does the County Housing Authority plan to add any units in the City. Therefore, there are no Malibu residents on the County's Section 8 waiting list. Currently, there are no Section 8 certificates/vouchers distributed in the City. Although the County offers the Shelter Plus Care program, HOPWA program, and Section 8 Existing Housing Homeless program, no residents of Malibu participate in these programs. One of the reasons for this lack of participation is that few rental units in Malibu cost less than the maximum allowed by the federal government for participation in rent subsidy programs (see Table 35 for Fair Market Rents).

There are no multi-family complexes in the City that currently participate in HUD's Section 8 program. However, the City is participating in the Section 8 rent subsidy program. The Section 8 Housing Assistance Payments Program (HAPP), is administered by the Los Angeles County Community Development Commission/Housing Authority. It is a program that links landlords with tenants eligible for rental assistance. HAPP guarantees landlords fair market rent while providing subsidies for tenants in rental properties. HAPP tenants are those elderly, handicapped, or low-income families needing help to secure decent housing.

Fair market rents for the Los Angeles County area in fiscal year 2000 are provided in Table 35 below. For the 40th percentile, fair market rents for manufactured home spaces in the Section 8 Choice Housing Program, space rents in Los Angeles County are listed at \$505 for fiscal year 2000 (Federal Register, February 2000).

Table 35**Fair Market Rents for Existing Housing in Los Angeles County**

Studio	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom
\$505	\$605	\$766	\$1,033	\$1,233

Source: Federal Register, HUD, February 2000

Individual initiative and the use of Community Development Block Grants (CDBG) have helped. In previous years the CDBG program has been used to assist with home improvement for applicants that meet the income guidelines.

Units Eligible for Conversion

In 1989, the California Government Code was amended to include a requirement that localities identify and develop a program in their housing elements for the preservation of assisted, affordable multi-family units. Subsequent amendments have clarified the scope of the analysis to also include units developed pursuant to inclusionary housing and density bonus programs. In the preservation analysis, localities are required to provide an inventory of assisted, affordable units that are eligible to convert within ten years. As part of the analysis, an estimation of the cost of preserving versus replacing the units is to be included, as well as programs designed to preserve the affordable units.

The California Housing Partnership Corporation provides an inventory of federally subsidized rental units at risk of conversion. The 1999 update, which identifies units at risk through the year 2020, identifies no HUD-assisted multi-family housing developments with Section 8 contracts in the City of Malibu. Therefore, there are no units at risk of conversion and no costs to conserve assisted units.

A significant trend over the last decade has been the offering of accessory buildings and other surplus household space as rental units. Although the County of Los Angeles did not allow this practice, the City allows the creation of second units on all residentially-zoned land in the City. Occupancy of these units however is not based on income. These units are not part of the affordable rental housing stock at risk of converting to market-rate housing (because rents charged on these units are already at market rate).

Constraints

This section provides an analysis of resources and constraints which affect the City's ability to respond to the challenge of meeting unmet housing needs. Information on the following resources and constraints is presented in this section:

- Housing Supply Characteristics;
- Assessment of Land Suitable for Residential Development;
- Inventory of Non Governmental Constraints; and,
- Inventory of Governmental Constraints

Residential Development Trends

Residential development in Malibu is located along both sides of Pacific Coast Highway and in the canyons and hillsides. Residential development patterns are, like the City, linear.

In 1990, the Census estimated approximately 7,543 units in the four census tracts. Based on desegregated numbers, approximately 5,851 of these units are within the City limits. This reflects an approximate 16 percent increase between 1980 and 1990 which is similar to the population growth rate for the same period. It may be concluded that the growth rates of full-time and part-time residents are roughly equal. The current estimate, based on data from the California Department of Finance, indicates that there were 5,746 housing units in Malibu in 1993, an increase of 2.2 percent since 1990.

The number of full-time resident households increased in 1990 to 4,318 from 3,668 in 1980, reflecting a growth rate of 17.7 percent. This growth rate is higher than the population growth rate for the same period, because the number of persons per household declined from 2.77 persons per household in 1980 to 2.57 in 1990. Assuming the population per household continues to decline as it has, it can be projected that by the year 2010 there could be as few as 2.22 persons per household. SCAG's projection for future growth in the City indicates a total number of households of 5,100 in the year 2000 and 5,300 in the year 2010.

Status of Current Residential Development

Vacant land accounts for the majority of the land within the City. Residential uses and single family units in particular account for the majority of the built environment.

Single Family

The single family residential category includes low density (more than two units per acre) and rural densities (less than two units per acre) uses. The lower density single family development is more dominant than higher density development. Higher densities are generally found along the beaches while low density development is in the hillsides and canyon areas of the City.

Single family homes sit on lots ranging from small clusters of approximately 10,000 square feet up to large parcels of 40 acres or more. Single family homes dominate the coastline as well as the canyons and hillsides from the City boundary on the east to approximately one mile west of Carbon Canyon Road. Residential neighborhoods are found along canyons such as Big Rock, Las Flores, Rambla Pacifico and Carbon Canyon.

Between Carbon Canyon and Puerco Canyon, there are concentrations of single family homes interspersed with other types of development. These residential neighborhoods are primarily located along the beach (including Malibu Colony), in the hills above the Civic Center and adjacent to Pepperdine University. With the exception of the Civic Center, there is limited residential development on the north side of Pacific Coast Highway in this area, with a very small amount of development located near Puerco Canyon. The area located between Latigo Canyon and the western city limits is characterized by relatively rural and low density single family homes on both sides of Pacific Coast Highway extending into the hillsides. The largest concentration of residential neighborhoods is in the Point Dume area and the Malibu Park area, north of Pacific Coast Highway and Zuma Beach. Residential development occupies the majority of land along the coast between Malibu Park and the western boundary of the City.

Rural Residential

Rural residential refers to homes located in a rural setting, including backyard animal shelters, corrals, or pens for non-commercial horses or livestock. Rural residential development contains both high and low-density rural residential properties. Several rural residential neighborhoods exist in Malibu. The majority of the low-density rural residential neighborhoods are located in the hillsides between Corral Canyon, Latigo Canyon, and Ramirez Canyon. Higher density areas are located seaward of Pacific Coast Highway and Corral Canyon Road. In addition to the rural residential development of Point Dume and Malibu Park, several pockets of rural residential neighborhoods are also found just west of Trancas Canyon and along Decker Canyon. In addition, there is one area located at the east end of the City adjacent to the northern City boundary along Carbon Canyon Road.

Multiple Family

This category includes the following: duplexes, triplexes and two or three unit townhouses and condominiums (attached units); low-rise apartments, condominiums or townhouses between one and two stories in height with 10-18 units per acres (either a single structure or group of structures of four or more units in a complex with common grounds); and medium-rise apartments or condominiums between three and four stories in height with more than 18 units per acre (either a single structure or group of structures of four or more units in a complex with common grounds).

The majority of multi-family units in the City are low-rise apartments, condominiums or townhouses. There are two areas of duplex or triplex type units; one is located along the coast between Big Rock Drive and Las Flores Canyon Drive, and the second is located in Point Dume on Dume Drive. The only area which contains medium-rise apartments is located north of Pacific Coast Highway just west of Kanan Dume Drive.

The largest concentration of multi-family residential is located in the westerly areas of the Civic Center on both the north and south sides of Pacific Coast Highway. There are a few pockets of multi-family development scattered east of this area around Las Flores Canyon and between Puerco Canyon

and Latigo Canyon south of Pacific Coast Highway. In the Point Dume area there are multi-family residential units located both north and south of Pacific Coast Highway. There are some areas of multi-family development located along Trancas Canyon and immediately west.— Both sides of the Pacific Coast Highway between Las Flores and the Civic Center Area are lined with condo and apartments. There are also condos across Point Dume Plaza, east and west of Heathercliff Road, across Tapaja just past Trancas and along Malibu Road.— The other remaining apartment are on Rambla Pacifico before the landslide area and on the Pacific Coast Highway after Gulls Way. There are also some beachfront properties still available.

Mobilehomes

This category includes mobilehomes, trailers and pre-fabricated housing which are either stationary with foundations or are capable of being moved. There are two mobile home parks in Malibu. The two parks are both located south of Pacific Coast Highway.

Assessment of Land Suitable for Residential Development or Redevelopment

In October 1987, the State Attorney General added insight on how regional councils of government, such as SCAG, must determine a locality's share of regional housing need. The question posed to the Attorney General by Senator Roberti was as follows:

Must the availability of suitable housing sites be considered based upon the existing zoning ordinances and land use restrictions of the locality or based upon the potential for increased residential development under alternative zoning ordinances and land use restrictions?"

California Attorney General John Van De Kamps' opinion on September 29, 1987, in regard to this important question was as follows:

We find no indication in Section 65584 that current zoning ordinances and land use restrictions are to limit the factor of "the availability of suitable sites." A housing site would be unsuitable based upon its physical characteristics, not because of some governmental control of an artificial and external nature. The planning process of Sections 65583 and 65584 contemplates an identification of adequate sites that could be made available through different policies and development standards. Existing zoning policies would be only one aspect of the "available data" upon which the factor of the "the availability of suitable sites" is to be considered under Section 65584. We conclude that a council of governments must consider the availability of suitable housing sites based not only upon the existing zoning ordinances and land use restrictions of the locality but also based upon the potential for increased residential development under alternative zoning ordinances and land use restrictions when determining a locality's share of the regional housing needs.

The primary constraints to the production of housing units in Malibu in the long-run are the significant environmental constraints (geology, topography, flood-areas, significant habitat, and other factors), the lack of infrastructure, the cost of vacant land, and the cost to construct affordable housing on land that has demonstrated significant environmental and physical constraints. Of the vacant land in the City, one or more of these constraints is present. The majority of new housing development that has occurred in the City in recent years has either been on infill land or been the development of large single-family homes on relatively large parcels of land. Estimates of vacant land using an updated version of the Los Angeles County land use inventory map of Malibu, shows that within Malibu, vacant land accounts for over half of the incorporated area. Information gathered for the Safety Element reveals that the vast majority of this land may be subject to some form of geologic or hydrologic hazard and will, therefore, require further study prior to approval of plans for new construction.

Table 36 tabulates existing and proposed land uses. The City has designated for residential development sufficient land to accommodate the 16 affordable housing units needed in the City by the year 2005.

Table 36

Summary Potential Residential Units in the City of Malibu

Land Use Designation	Vacant Land		Mixed Use	
	Acres	Potential Number of Housing Units	Acres	Potential Number of housing Units
SF-M (2-4 du/acre)	133	544	NA	--
SF-L (1-2 du/acre)	109	218	NA	--
RR1 (1du/acre)	211	225	NA	--
RR2 (2 du/5 acres)	1,635	810	NA	--
RR5 (1 du/5 acres)	1,360	255	NA	--
RR10 (1 du/10 acres)	352	31	NA	--
RR20 (1 du/20 acres)	1,719	79	NA	--
MF (6 du/acre)	11	66	NA	--
MFBF (1,855 sq. ft./unit)	1	15	NA	--
MH (1 du/acre)	0	-	NA	--
Commercial (CG)	NA	-	34	136
Total	5,531	2,243	34	136

Sources: City of Malibu

* Yields are based on 100% of allowable density. Given topographical and safety concerns (geology, flood plain, etc.) Actual yield is expected to be an average of 50% of allowable density however each site is evaluated based on its specific characteristics. On relatively flat sites without other environmental constraints, achievable densities will be close to 100% of the allowed density under the IZO (see the following discussion on the Civic Center site and Point Dume). As an example, the MFBF site shown in Table 7-36 is located on relatively unconstrained property with respect to achievable density under the IZO.

The City has also identified the following multi-family vacant land parcels available for development potential in Appendix D.

Redevelopment Potential

In addition to the vacant land available to accommodate future residential housing for low income groups the City is also evaluating other lands suitable for redevelopment potential. Two sites, the Civic Center site and Point Dume, have residential development potential as mixed-use properties. Either site could accommodate the 14 dwelling units that comprise the City's regional share of housing.

One of the potential areas for mixed-use is the City's Civic Center site. The City's Civic Center site contains 43 acres and is currently 80 percent underused. The site is zoned for Community Commercial, General Commercial, and Commercial Visitor Serving-1. Both Community and General Commercial zones allow mixed use developments that could also accommodate future residential housing for low- and/or moderate- income groups. The second potential mixed-use site is the Point Dume property, which contains 31 acres.

Measure N

In November of 2000, Malibu voters approved a development ordinance (Ordinance 213) concerning real property located in the City. Listed as "Measure N" on the November ballot, the Ordinance amends Malibu Municipal Code Section 9.5.17 to require that developments of 30 acres in size in or more in commercial or commercial/residential zones be approved by the Council and City voters. The City does not believe that Measure N will negative impact Malibu's ability to accommodate its regional housing needs, particularly for low- or moderate-income households, because it is unlikely that any residential projects, or mixed residential/commercial projects, would individually exceed the 30-acre threshold.

Non-Governmental Constraints

Several factors pose constraints to the provision of affordable and adequate housing. They are divided into several governmental and non-governmental constraints. Governmental constraints are deliberately imposed and would therefore seem to be easier to mitigate. However, the vast majority of governmental regulations are essential to the health, safety, and general welfare of the community. Non-government constraints, on the other hand, are existing conditions that are brought about by interdependent natural and socioeconomic forces which cannot easily be removed.

Non-governmental constraints are factors that negatively affect the provision of housing. In Malibu, these include the physical, natural, and economic aspects of location and construction of

development, which limit the number, type, and location of residential projects, and largely determine the costs/prices of housing units. Non-governmental constraints include environmental constraints and market forces.

Environmental Constraints

Malibu is located within the Santa Monica Mountains, which are characterized by steep rugged hillsides, valleys, and canyons draining into the Pacific Ocean. In the Malibu area, the natural environment substantially influences housing location. Some of the hillsides and canyons have slopes that make housing construction more expensive or impossible. Hillsides and steep slopes are a common constraint in Malibu where more than 80 percent of the City of Malibu is hillside area. The remaining relatively flat land is either subject to ocean and/or canyon (creek) flooding, or other significant environmental constraints.

Seismic characteristics pose a potential development constraint in Malibu due to the numerous faults surrounding the area, including the Malibu Coast Fault, the Santa Monica Fault, the Las Flores Reverse Fault, and the Anacapa Fault, all of which traverse the City. Development in a fault zone is possible, but it is generally discouraged as this seismic hazard represents an unnecessary risk.

Lands that fall within flood plains are generally regulated to prevent the potential loss of life and property. In the Malibu area, the Federal Emergency Management Agency (FEMA) has recorded eight major flooding incidents since 1934, and has identified 24 flooding sources, including creeks and low-lying beach front areas in the Malibu area. Flooding hazards associated with high tides and large ocean waves are also reported by FEMA for the Malibu area. Rough seas occurring in conjunction with heavy rains have caused extensive damage along the Malibu coast including the disruption, exposure, or complete wash-out of septic tank systems. Lands located near flooding sources are considered a moderate to high constraint on development.

A more detailed discussion of the biota of Malibu and a map of the Resource Protection Areas (RPAs) may be found with the Conservation Element of the General Plan. These areas contain vegetation and wildlife considered endangered, rare, or significant resources. Development is not necessarily prohibited within RPAs, however, intensive urban development is not appropriate.

In most locations in Malibu, the beaches are relatively narrow. Starting in the 20th century, the sandy beaches in Malibu were backed by slowly eroding sea cliffs. Currently 60 percent of the sea cliffs are protected against wave-caused erosion. There are two stretches of the coast which remain backed by unprotected sea cliffs and will continue to experience sea cliff retreat. One of these areas is between Escondido Beach and Point Dume, the second is between Lechuza Point and Sequit Point. There are some seawalls and revetments in these areas that protect private property.

Since 1938, the shoreline along most of the Malibu coast has advanced slightly at an average rate of 0.5 feet per year. The Malibu shoreline was, however, relatively stable in comparison to other beaches between 1938 and 1988. There are some beaches in the City that experienced coastal retreat

while others experienced beach advancement. The rate of greatest retreat occurred at Malibu Beach where it averaged approximately one foot per year. The shoreline advanced most significantly at Zuma and Westward beaches at a rate of approximately two feet per year.

Geologic Hazards

Other development constraints include landslides, soil erosion, fire hazard, and liquefaction potential. Erosion and fire potential factors are largely a direct function of slope gradient. Damaging effects from liquefaction may be minimized through adherence to existing code requirements regarding foundation design. A full discussion of the physical constraints to development may be found in the Safety Element of the General Plan. The opportunity for development of high density lower priced residential units is limited, because Malibu is exposed to a variety of environmental constraints. Malibu is subject to geologic hazards such as slope instability, landsliding, and unstable ground; flood and inundation hazards such as tsunami, seiche, and storm-induced flooding; and wildland and urban fire hazards. Large portions of the City are covered with hillsides and steep slopes. More than 80 percent of Malibu is considered to be hillside. In addition, inadequate infrastructure may also act as a constraint to residential development.

Expansive soils, compressible or collapsible soils, high groundwater and shoreline regression are additional geologic/geotechnical hazards which occur throughout the City. Each of these geologic/geotechnical and safety hazards is a constant threat to the property and health of residents in Malibu within and surrounding the areas where they exist.

Hillsides/Slopes

Much of the City is comprised of rugged mountainous terrain within the Santa Monica Mountains. The mountainous coastal areas are characterized by steep hillsides that descend abruptly into narrow canyons. The majority of the area can be classed as having an average gradient of 35 percent and above. This gradient class is generally accepted as being not economically feasible for high-density urban development. Development on such severely sloped parcels would require substantial modification to the natural terrain that significantly adds to the cost of development. Development on the steep hillsides would also add to erosion and landslide potential.

Landslides

The 1990 Los Angeles County Safety Element (LACSE) prepared a map that was a generalized inventory of landslides. Review of the Los Angeles County Landslide Inventory map indicates that particularly the Malibu area, and the Santa Monica Mountains area in general, constitute one of the three areas of L.A. County that display a high propensity for landsliding.

According to the 1992 review of landslides conducted by Philip Williams & Associates and Peter Warshall & Associates, there are approximately 250 mapped landslides in the area. Of the major slides listed in the Williams and Warshall report, sizes range from about eight acres up to the Big Rock Mesa landslide which is about 220 acres. Most of the large landslide areas involve housing

units, many of which are threatened. Public utilities have been affected, particularly those underground. To address the problem, underground piping has often been rerouted onto the ground surface with flexible connections.

The generally recognized landslide areas in Malibu include (listed from east to west):

- Las Tunas Beach Slides
- Eagle Pass-Las Flores Slide
- Calle Del Barco
- Carbon Canyon Slide
- Puerco Beach Slides
- Latigo Shore Slide
- Malibu Cove Colony Slides
- La Chusa Highland Slide
- Big Rock Mesa
- Rambla Pacifico
- Carbon Mesa Slides
- Amarillo Beach Slides
- R.V. Park Slide
- Latigo Canyon Slide
- Lower Encinal Canyon Slides

Debris Flow/Mud Flow Hazards

Debris flow can be a dangerous and deadly hazard that destroys property and endangers public health and safety. The major canyon bottoms would be the collection point for mud, water, and debris from all the uphill ravines in Malibu. Many of these canyon bottoms have been traversed by roadways that act as the points of ingress and egress from developed uphill areas. During a major storm flooding event these roads, would be hazardous and the risk of being impacted by a sudden debris flow event, closing access to the communities above. Geologic hazard maps completed as part of the General Plan have delineated the highland areas above Malibu with the most likely potential for generating future debris flow events. The major canyon bottoms most exposed are Topanga Canyon, Las Flores Canyon, Malibu Creek, Puerco Canyon, Corral Canyon, Dry Canyon, Solstice Canyon, Latigo Canyon, Escondido Canyon, Ramirez Canyon, Zuma Canyon, and Trancas Canyon.

Mudslides that can contribute to the debris dangers downstream are often initiated from private properties where development has occurred and surface drainage has not been well controlled. Other incidences of mudsliding can occur where private roadway surface drainage is not well maintained or properly disposed. There are many sites within Malibu where canyon and side hill private roadways allow water to flow over a hillside. These are likely areas where mudslides will have a high potential of occurrence during a major storm.

Mudsliding is also possible on steep slopes where construction has been allowed to cut into the hillside and undermine the soil and weathered bedrock horizon. There have been past failures of hillsides along the north side of Pacific Coast Highway, the main arterial into and out of the City. The potential for mudslides and debris flows increase significantly following a major fire. The

debris flow potential due to burned areas is a major hazard to Malibu's lowland and canyon development. Given that highland areas of Malibu are located in a high fire hazard area, there is a significant potential for experiencing large burn areas that will expose the soils to high erosion potential.

Liquefaction and Subsidence

Few areas of significant liquefaction susceptibility exist in the City of Malibu. These areas are located along the beaches and in the flood plains of the major streams such as Malibu Creek.

Of the various geologic hazards that affect the State of California, expansive soils have caused millions of dollars in damages, particularly to single family residences and private property improvements. Soils with moderate to high expansive potential are spread throughout Malibu. Specifics on possible private or public damages would be most available through site-specific reports of geotechnical consultants. Based upon the wide variety of individuals who assess, design, and construct property improvements in Malibu, it is certain that distress to foundations, concrete slabs-on-grade, and roadways have been suffered in Malibu. Each of the different geologic formations mapped in the Malibu area consists of various units that may possess expansive potential.

Potential collapsible soils may exist in areas of Malibu where geologic units of alluvium or colluvium are present at the lower end of sloping terrain where it begins to flatten and become less steep, but particularly where debris flow deposits have been recognized. Old deposits from debris flows have been mapped in the Point Dume-Zuma Beach area. Similar types of deposits are likely along Las Flores Canyon, Malibu Creek, Zuma Canyon, and Trancas Canyon. Compressible soils would be very likely in the Malibu Lagoon area, along Malibu Creek, Dume Canyon, and Trancas Canyon. Undetected, development on these types of soils may become distressed as a result of collapse or consolidation of the foundation soils.

Faulting and Seismicity

There are numerous faults surrounding and traversing the Malibu area, including the Malibu Coast Fault, the Santa Monica Fault, the Las Flores Reverse Fault, and the Anacapa Fault. These faults are not well defined as they are not generally visible on the surface. Maps provided in the Background Report to the Safety Element of the General Plan delineate a 1,000-foot area on either side of all faults as areas that could be subject to seismic hazard.

The Malibu Coast Fault Zone runs in an east-west orientation onshore, sub-parallel to and along the shoreline for a linear distance of about 17 miles through the Malibu City limits, but which also extends offshore to the east and west for a total length exceeding perhaps 37.5 miles. Onshore, this fault extends from Sequit Point in the west to Carbon Beach in the east, although recent mapping suggests that the Las Flores Thrust Fault may conceivably represent an onshore extension of this fault zone, thus pushing its onshore eastern limits to the Big Rock/Las Tunas beach areas.

The Anacapa or Dume Fault is a near-vertical offshore escarpment exceeding 600 meters locally, with a total length in excess of 62 miles. It occurs as close as 3.6 miles offshore south of Malibu at its western end, but trends northeast where it apparently merges with the offshore segment(s) of the Santa Monica Fault Zone, thus lying as close as two miles south of the Malibu Beach/Carbon Beach area.

Tsunamis and Seiches

Tsunamis (seismic sea waves) can be expected rarely from distant sources, but may be generated locally by surface ground rupture of the offshore faulting, or by the occurrence of submarine landslides immediately offshore. Displacement of the sea floor could generate a local wave and would include wave runup to elevations 12 feet above Mean Lower Low Water of the Pacific Ocean in this area. The run-up heights for the Malibu coast in general are between five and seven feet for the 100-year zone and between eight and 12 feet for the 500-year zone. The higher run-ups occur in the eastern part of Malibu because of the amplification effects related to the Santa Monica Bay resonant oscillations.

Most of the coastal dwellings and low lying coastal areas can expect to be damaged some time in the future by an earthquake-generated tsunami. Damage due to flooding in the Malibu Civic Center area can be expected. The most vulnerable objects would be people on the beaches, houses or other buildings constructed on or near the beach, and bridges over the streams near the beach, such as along the Pacific Coast Highway at Malibu Creek and Corral Creek.

Fire Hazards

The City of Malibu is served by the Los Angeles County Fire Department, as well as the California Department of Forestry, if needed. According to the California Department of Forestry and the L.A. County Fire Department, Malibu is considered to be an extreme fire hazard zone. Wildland fires are inevitable and are a part of the natural regeneration cycle of the native California landscape. The majority of the City has experienced major brush fires in the past 10 to 30 years, the most recent fire being the Old Topanga/Malibu Fire of November 2-5, 1993. This fire resulted in the destruction and damage of approximately 270 homes in the City.

Noise

The majority of vacant developable parcels are located along Pacific Coast Highway. Parcels along the highway are exposed to noise levels of 65 CNEL and above. Both HUD and the State Department of California have established mandatory noise guidelines for residential construction. New residential development cannot be exposed to outdoor ambient noise levels in excess of 65 dBA (CNEL or Ldn), and sufficient insulation must be provided to reduce interior ambient levels to 45 dBA. Parcels along PCH do not meet these noise criteria and are not suitable for large scale residential development.

Inventory of Governmental Constraints

The State of California defines governmental constraints to include land use and zoning controls, development moratoria, site improvement requirements, lengthy permit processing (including both City and Coastal Commission approval), excessive fees, and exactions. These regulatory actions of local government are designed to control development within a community. While providing procedures and standards for order and public welfare, these actions may also unnecessarily restrict growth. Government regulation may inhibit the needed residential development when they render projects economically infeasible. They may also increase development costs and indirectly raise rents and housing market values. The State requires that each Housing Element review the applicable regulations with respect to their impact on the cost of development.

The City's Interim Zoning Ordinance (IZO) is a constraint to additional affordable housing because of the reduction in permitted development (or down zoning). However, the City has since adopted a mixed-use zone to permit the development of affordable housing.

Parking Requirements

Another potential constraint to the production of affordable housing in multi-family zones is the City's requirement of four parking spaces per dwelling unit. The requirements for two covered and two non-covered parking spaces per unit could significantly reduce the development potential of a small multifamily-zoned sites when combined with set-back, yard, height, and other requirements. Given high land and development costs in Malibu, such a reduction in density would reduce feasibility of producing housing affordable to low- or moderate-income households. This potential constraint could be mitigated by permitting parking reductions or shared parking in mixed-use projects where site conditions and user characteristics warrant such reductions. Many communities allow for reduce parking, for example, for senior housing projects, projects near public transit, or projects with smaller dwelling units (or fewer bedrooms) that are less likely to create parking problems.

Ordinances

The City Council issued a building moratorium for Malibu upon the City's incorporation. The moratorium expired on March 28, 1993. The City now has in place an IZO which provides reasonable standards for development. The IZO is intended to ensure that future development in the City is consistent with the City's objectives to preserve sensitive and unique environmental resources, retain the City's rural character, ensure that future development does not over burden the City's limited infrastructure, and provide a balance of land uses. The overriding objective of the IZO and other ordinances adopted by the City, is to protect the health, safety, and welfare of the public. Further, and as previously noted, the City has adopted a mixed-use zone to permit the development of affordable housing.

The City Council has allowed for the creation of development standards, that reflect the character of individual neighborhoods, and has adopted individualized development standards for six neighborhoods in the City. Two of these overlay districts, La Costa and Malibu Country Estates, are in relatively intense development neighborhoods and allow for homes to be built that exceed the structure size and setback limitations of the IZO. Another overlay district, DeVille Way, allows for development standards for a multi-family project. The City Council has approved a tentative tract map for a 22-unit condominium project in the DeVille Way Overlay District which meets the General Plan multi-family density of six dwelling units per acre and also meets the IZO parking standards of four parking spaces per unit. In addition to the DeVille Way Overlay District, the Multi-Family Beach Front zone allows for higher density multi-family projects with a reduction in half from four spaces to two spaces per dwelling unit

The IZO's zoning designations are more restrictive in some cases than the land use categories presented in this General Plan and will be amended accordingly. The land use densities proposed in the Land Use Element (and as depicted on the Land Use Policy Map of the Land Use Element) have been developed based on specific constraints facing the City: (a) limited infrastructure; (b) sensitive and unique environmental resources; and (c) the area's geology and other physical constraints (including but not limited to areas subject to flooding, landslides, liquefaction, brush fires, and other risks).

The City enforces the state's Building Standards Code. The use of uniform codes reduces housing costs and the corresponding City codes and ordinances do not constitute a constraint to the City's housing supply. The City's codes and ordinances are necessary to ensure the protection of the City and to ensure the health, safety and welfare of the public and property. Table 37 provides a summary of the City's zoning regulations.

Table 37

Land Use Requirements, Controls and Standards by Zone

Land Use Category	Minimum Lot Size/ Density	Minimum Lot Dimension	Impermeable Coverage Limit	Setback ¹	Height ²	Parking
Rural Residential District:						
RR-40	40 acres					
RR-20	20 acres	<u>Width:</u> 150 feet	30% to 45% not to exceed 25,000 square feet	<u>Front Yard</u> 20% of total depth of lot.	18 feet above natural or finished grade (whichever is lower) for all residential structures; up to 28 feet with permit.	2 enclosed and 2 unenclosed spaces per unit.
RR-10	10 acres	<u>Depth:</u> 250 feet		<u>Side Yard:</u> 25% (cumulatively) of total width of lot, but no single lot should be less than 10% or 5 feet (whichever is greater).		
RR-5	5 acres			<u>Rear Yard:</u> 15% of lot depth or 15 feet (whichever is greater)		
RR-2	2 acres					

<p>Single Family Non-Beachfront Residential:</p>	<p>Non-Beachfront Property</p> <p>SF-L</p> <p>SF-M</p>	<p>1 acre</p> <p>½ acre</p>	<p><u>Width:</u></p> <p>100 feet</p> <p><u>Depth:</u></p> <p>150 feet</p>	<p>30% to 45%, not to exceed 25,000 square feet.</p>	<p><u>Front Yard:</u></p> <p>20% of total depth of lot.</p> <p><u>Side Yard:</u></p> <p>25% (cumulatively) of total width of lot, but no single lot should be less than 10 % or 5 feet (whichever is greater).</p> <p><u>Rear Yard:</u></p> <p>15% of lot depth or 15 feet (whichever is greater).</p>	<p>18 feet above natural or finished grade (whichever is lower) for all residential structure; up to 28 feet with permit.</p>	<p>2 enclosed and 2 enclosed spaces per unit.</p>
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Single Family Beachfront Residential:						
SF-L	1 acre	<u>Width:</u> 100 feet <u>Depth:</u> 150 feet	30% to 45% not to exceed 25,000 square feet.	<u>Front Yard:</u> 20 feet maximum or average of 2 immediate neighbors (whichever is less). <u>Side Yard:</u> 10% of lot width on each side, with a 3 foot minimum and 5 foot maximum. <u>Rear Yard:</u> Determined by the stringline rule.	24 feet-flat roof 28 feet-pitched roof	2 enclosed and 2 unenclosed spaces per unit.
SF-M	1/2 acre					

Multiple Family Non-Beachfront Residential:

<p>Non-Beachfront Property MF</p>	<p>6 units/ acres; 20,000 square feet</p>	<p><u>Width:</u> 100 feet <u>Depth:</u> 150 feet</p>	<p>30% to 45% (25,000 square foot maximum).</p>	<p><u>Front Yard:</u> 20% of total depth of lot. <u>Side Yard:</u> 25% (cumulatively) of total width of lot, but no single lot should be less than 10% or 5 feet (whichever is greater). <u>Rear Yard:</u> 15% of lot depth or 15 feet (whichever is greater).</p>	<p>18 feet above natural or finished grade (whichever is lower) for all residential structures; up to 28 feet with permit.</p>	<p>2 enclosed and 2 unenclosed spaces for each dwelling unit and 1 guest parking space for each 4 units (or fraction thereof).</p>
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Multiple Family Beachfront Residential:

<p>Beachfront Property MIF</p>	<p>1 unit per 1,885 sq. ft. of lot area, not to exceed 4 units</p>	<p><u>Width:</u> 50 feet <u>Depth:</u> 100 feet</p>	<p>30% to 45% (25,000 square foot maximum).</p>	<p><u>Front Yard:</u> 20 feet maximum or average of 2 immediate neighbors (whichever is less) <u>Side Yard:</u> 10% of lot width on each side, with a 3 feet minimum and 5 feet maximum <u>Rear Yard:</u> Determined by the stringline rule</p>	<p>24 feet-flat roof 28 feet-pitched roof</p>	<p>2 enclosed and 2 unenclosed spaces for each dwelling unit and 1 guest parking space for each 4 units (or fraction thereof)</p>
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Mobilehome District:						
MH Commercial General (incentives in the form of development standards available for affordable housing projects)	N/A 5 acres/0.30 FAR	N/A <u>Width:</u> 300 feet <u>Depth:</u> 500 feet	N/A 30-45% (25,000 sq-ft. Maximum).	N/A <u>Front Yard:</u> 20% of total depth of lot. <u>Side Yard:</u> 25% (cumulatively) of total width of lot. <u>Rear Yard:</u> 15% of lot depth or 15 feet (whichever is greater) (reductions available for affordable housing).	18 feet above natural or finished grade (whichever is lower) for all residential. structures; up to 28 feet with permit.	2 spaces for each mobile home space. 1 space for each 200- foot of shopping center,1 space for every 225 square-feet of general retail (reduction available for affordable housing projects).

Notes:

- 1) a. For the purpose of calculating yards, slopes equal to or greater than 1:1 shall not be included in the lot dimension.
 - b. All structures must be set back at least 25 feet from the top of a 45 degree angle. 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. Where feasible, all structures shall be set back a minimum of 100 feet from any environmentally sensitive area
 - c. 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.
 - Shoreline Bluffs: Structures on non-infill lots shall not extend over a bluff which is greater than 10 feet, but less than 25 feet. Structures on infill lots on shoreline bluffs shall conform to stringline rule.
 - d. On ridgelines, structures shall be sited a minimum of 100 feet horizontally from and have a roof below the nearest ridgeline.
- 2) Includes satellite dishes.
 - 3) The maximum size of individual dwelling units in residential zones is limited based on lot area (IZO Section 9.3.03, paragraph 13). On lots of 5,000 square feet or less, the maximum dwelling unit size is 1,885 square feet. The minimum residential structure size increases with lot size.

Source: City of Malibu Interim Zoning Ordinance, June 1993.

Based on an evaluation of residential development standards (setbacks, yards, lot coverage, height), the City has concluded that residential densities permitted under the IZO are achievable, excepting small, odd-shaped, or environmentally constrained properties (see Assessment of Land Suitable for Residential Development).

Permitting Process

Time and cost constraints are placed on housing construction by the development review process. One of the goals of the Planning Department is to process planning applications in a timely manner. Processing times within Malibu are similar to those of other cities that have similar sensitive environments. Permit processing in Malibu require an average of three to four months. Due to geologic and geotechnical conditions in the City, development is subject to geologic and geotechnical reviews. Although the requirement for geological and geotechnical reports can extend the permit process, and thereby raise the cost of residential development, these reports are necessary to ensure public safety in Malibu. The City does not have a public sewer and as such each project proposed in the City must receive septic approval. The geology review and septic approval are done concurrently with the planning review which shortens the overall processing time for projects.

The City of Malibu has prepared and distributed a Development Review Handbook that describes all the procedures and forms necessary for permit approval through the planning department. The hand book describes a process for approving development requests and has several components, the overall zoning clearance, which leads to an "Approval-in-Concept" for projects which conform to the Zoning Ordinance, and four sub-procedure, which must be completed within the overall zoning clearance process. The four sub-procedures are: archaeology/cultural resources, biology, geology, including coastal geology, and environmental health (septic), applicant must be "signed-off" by each of these four department before any further processing can occur.

While the applicant is working with the four other departments, Planning Staff will review the project with the standards of the zoning ordinance (setbacks, height, floor area, etc.). ~~Procedural handouts are available from the Planning Department and applicants are encouraged to meet with City staff prior to submittal to ensure that the application is complete.~~ Development is subject to standards in the IZO, which is not unlike other cities except for a heightened review of environmental issues.

The City's processing time for various permits is consistent with the state's Permit Streamlining Act (PSA). The time necessary to review and process permits, therefore, does not present a delay to development nor create a government constraint. It is the intent of the General Plan to increase the degree of certainty in the development review process without reducing the level of protection afforded to significant environmental features within Malibu. Appendix A gives a comparison of development fees between The City of Malibu and Los Angeles County. Applications that meet the requirements permitted by right of the zoning code require only an administrative zone clearance or plot plan review. This can be granted by staff, without the need for a public hearing before the Planning Commission.

Discretionary review for certain modifications (such as an increase in the permitted height, up to 28 feet, or reduction of setback) can be granted by the Planning Director after appropriate notice to affected property owners. Conditional use permits and other discretionary applications are reviewed by the Planning Commission after a duly noticed public.

Currently, in addition to permit approval by the City, most projects also require a coastal

development permit from the California Coastal Commission. This dual permit requirement can add expense and delay. The City intends to seek certification of its local coastal program, which is being developed in conjunction with this Plan. The City's procedures are typical of most cities. There is nothing unusual or onerous about the City's notice requirements and the process does not needlessly hinder development. Therefore, this process is not considered a constraint. This dual permit requirement can add expense and delay.

Once a decision is final, the applicant will be required to accept any conditions imposed on the project applicant will then receive "Approval-in-Concept" and can proceed to ~~seek certification of its local coastal program, which is being developed in conjunction with this~~ Coastal Commission Review and Building Department Plan Check. —Once certified, the City will issue coastal development permits as part of its planning review. This will significantly reduce the time and cost involved in obtaining necessary approvals to develop land in Malibu.

The time line for each individual project varies step by step. For example, a simple addition to a house can be approved "over the counter" within 60 days or less. A new single family residence could require six months to one year for approval, depending on design, location, environmental conditions, and other factors. The Building and Safety Department will depend on the corrections required by the plan checker; this could take up to a month to process. These timelines reflect City permit processing times only. An applicant must also obtain permits from the California Coastal Commission, which can occur concurrently with Building and Safety Department review. The Coastal Commission can also require six months to one year.

While the City's permit processing procedures and time do not represent an undue hardship in obtaining development approval, the combination of local and state required permit procedures can create delays that might adversely affect the financial feasibility of affordable housing. To address this problem, the City has sought opportunities to streamline and conduct concurrent reviews for projects requiring multiple permit approvals.

Fees

Processing fees for building permits, development review, and infrastructure costs add to the total cost of housing construction, but not necessarily to the price of the finished housing product. The price of the finished product must be an amount the market is willing to pay or the product will not sell. If the cost of the product, including profit exceeds the price which it will bring in the market, the prudent developer will choose not to develop that product at that location unless the additional cost may be absorbed through a reduction in expected profit. There are several types of fees associated with development in Malibu as set forth in Resolution No. 91-67. Typical types of fees are listed below:

- Building Permit Fees
- Grading Permit Fees
- Plumbing Permit Fees
- Rehabilitation Processing Fees
- Map and Related Document Processing
- Electrical Permit Fees
- Mechanical Permit Fees
- Quimby/Parkland Fees
- Geologic Review Fee Deposits
- Environmental Health Review

Other fees that are typical for projects requiring Planning Department review are as follows:

- General Plan Amendment
- Negative Declaration
- Site Plan Review
- Parcel Map
- Initial Study
- Plot Plan Review
- Tract Map
- Zoning Ordinance Amendment

The fees required by the City only cover the cost to the City of providing the service(s) for which the fees are imposed. The City does not have the financial resources to subsidize housing by waiving or reducing these fees.

Malibu charges a number of permit and development impact fees to cover the cost of processing development requests, providing public facilities and services to new development, and mitigating the environmental impacts of new development. Although these fees are necessary to meet City service and environmental standards, they can have a substantial impact on the cost of housing, particularly affordable housing. Table 86 summarizes the various permit and development impact fees charged by the City.

Normally, permit fees would have a minimal impact on housing costs because most fees are flat rate charges, not per unit charges, and can be spread over the entire development. For a modest-sized development proposal, permit fees would typically amount to a few hundred dollars per dwelling unit. Permit fees could have a more substantial impact on small, infill projects that would be typical of most remaining vacant land.

Development impact fees have a much larger effect than permit fees on the final cost of a home. Such fees include water and sewer impact and hook-up costs, park fees (in lieu of land dedication), traffic impact fees, and similar charges. Based on the schedule of fees shown in Table 38, these impact fees average about \$728,000 for a 5,600 square foot single-family dwelling on in-land property (\$130 per square foot, including permit fees) and \$1,750,000 for a 7,000 square foot single-family dwelling on beach front property (\$250 per square foot, including permit fees). These fees represent between 23 percent and 36 percent of the total cost of a dwelling unit, depending on the dwelling unit type, square footage, number of bedrooms, location, environmental constraints and land development cost. The cost impact of these fees is significant for a typical single family home due to the location and environmental constraints. The City's development impact fees could be significant for an affordable multi-family housing project, however, if the fees would require additional project funding to make the affordable project "pencil out."

Table 38**Summary of Malibu Development and Permit Fees**

Planning Department Fees	
Residential Plot Plan Review	\$660 (Minor) \$1,365 (Major) \$225 (Miscellaneous)
Site Plan Review	\$665
Minor Modification	\$665
Neighborhood Standards Review	\$1,240
Variance	\$1,475
Conditional Use Permit	\$770 (Minor) \$1,885 (Major)
Demolition Permit	\$285
Miscellaneous Applications	\$225
Sign Permit	\$120 (Individual) \$1,020 (Master) \$115 (Minor Modifications) \$90 (Temporary)
Tentative Parcel Map	\$2,205
Tentative Tract Map	\$3,380
Final Parcel Map	\$460
Final Tract Map	\$520
Lot Line Adjustment	\$805
Revisions to Tract or Parcel Maps	\$1,520
Pre-Application	\$285
Temporary Use Permit	\$150
Appeals/Plan Revision Prior to Final Planning Approval	½ the fee of the subject application
Time Extension	\$190
Determination of Use	\$200
Specific Plan	Consultant cost to prepare plan plus 20%
Zoning Ordinance Amendment	\$1,340
General Plan Amendment	\$1,475
Archaeology - Geological Trenching	\$370
Archaeology - Waiver	\$260
Archaeology Phase I	\$440 (Minor) \$980 (Major)
Archaeology - Review of Contract Phase I	\$455

Archaeology Phase II	\$615
Environmental Review Board Analysis	\$920
Initial Study	\$270
Negative Declaration	\$140
Environmental Impact Report	Consultant cost to prepare EIR plus 20%
Final Planning Review	\$140 (0-500 sf/misc.) \$200 (501-2,000 sf) \$225 (2,001+ sf)
Wireless Telecommunications Facilities	\$870
Building and Safety Fees	
Plan Check	\$4,316.19
Permit	\$5,168.23
Electrical	\$804.75
Mechanical	\$227.50
Plumbing	\$579.75
Septic	\$151.00
Development Impact Fees	
Geology	\$625
Geotechnical	\$625
Health	\$625 (for all new septic systems)
Fire	\$1,067.04 (\$0.1976 per square foot)
Public Works	\$25
School District	\$9,650 (\$1.93 per square foot)

Source: City of Malibu, 2000.

In addition to the fees for services described above, there are currently two impact fees in the City: Wildland Fire Fee and Quimby Act/Parkland Development Fee. The Wildland Fire Fee was initiated by the Los Angeles County Fire Department and is the same fee charged by most of the cities and in the unincorporated areas of the County surrounding Malibu. The fee is necessary to assure that adequate fire response equipment and services are available as Malibu is in a high-risk fire zone. The fee is \$18 per square foot of new construction. The Quimby Act Fee was first enacted by the County of Los Angeles prior to the City's incorporation and the City added an additional park land fee which applies to new construction other than new subdivisions. The Quimby Act Fee is based on the following formula:

$X = 0.003(UP)$ Where:

X = Local park space obligation in acres.

U = Total approved number of dwelling units.

P = 3.4 for detached single-family residences;

2.9 for attached single-family (townhouse) residences, two-family residences, and apartment houses containing fewer than five dwelling units;

2.1 for apartment houses containing five or more dwelling units; and,

2.0 for mobile homes.

The Parkland Development Fee is established as follows:

Type of Dwelling Unit	Fee (per dwelling unit)
Single family detached dwelling unit	\$2.073
Attached multi-family dwelling unit (containing less than five dwelling units per building)	\$1.770
Attached multi-family dwelling unit (containing five or more dwelling units per building)	\$1.318

These fees are not unique to Malibu and they do not exceed the cost of mitigating the direct impacts of development. Moreover, the City does not have the financial resources to fund such mitigation. Therefore, these fees are not considered a constraint to development. There are currently no other development fees. The City will consider other development fees to mitigate the impacts of development on circulation, trails, and affordable housing. One of the considerations before enacting any new fee would be the effect that the fee would have on the cost of development and, in particular, whether the fee would place an undue burden on the development of affordable housing.

In addition to the above-described fees and costs imposed by the City, the California Coastal Commission administers a transfer of development credit program.

Operation of the Coastal Commission's TDC Program in Malibu

For each new single-family residential parcel which is proposed to be created (above and beyond those parcels which already exist), an applicant must acquire one transfer of development credit (TDC) from the Coastal Commission. That is, the applicant must demonstrate that the development potential on the equivalent of one developable parcel has been extinguished. This is normally done by recording an offer to dedicate an open space easement over the subject property. The open space easement prohibits construction of a residence and most other types of development.

As implemented by the Coastal Commission, the TDC Program in Malibu is mandatory for applicants who propose to intensify land use through subdivisions or construction of condominiums or rental housing projects. Any property owner may choose not to participate in the program by simply applying for a coastal development permit for no more than one residential unit on each existing residential parcel.

The Commission has recognized several ways to "generate" a TDC (that is, to assemble the equivalent of one developable parcel which can then be restricted to open space). For instance, in a small-lot subdivision, a credit will be considered "generated" according to a formula which measures the "buildability" of the site. To qualify property as a TDC generator, site-specific soil studies, percolation tests, and the like are not typically performed due to the often considerable expense which such tests involve. Instead, the formula is based on the criteria of slope, road access, and water service, which can be measured without undue expense to the property owner.

The number of small lots required to equal one TDC depends on the application of the formula to the lots in question: the more gentle the slope, the greater the credit value of the lots, since a more generous dwelling could be constructed. As an example, one or more lots capable of supporting a small-to-medium sized dwelling (one with 1,500 square feet of floor space) are determined to generate one TDC.

Where small lots are less suited to development, transfer of development credits may be generated based on their size rather than slope. Thus, the second way of generating a TDC would be based on 500 square feet of "credit" for each lot that has at least 4,000 square feet of area. Three such lots, generating 1,500 square feet of credit, are considered to generate one TDC.

A third way to generate TDCs for lots smaller than 4,000 square feet is to assign a value of one TDC for any combination of lots adding up to a total of one acre. The assumption here is that an acre of land, even if steep, can probably accommodate at least a small dwelling. Of course, if the property was determined to be completely unbuildable, no TDCs would be generated, since the whole point of the program is to avoid development that could otherwise occur.

However TDCs are considered to be generated, the mechanism by which development potential is extinguished is recordation of an offer to dedicate an open space easement. In general, the open space easement allows no development as defined by the Coastal Act, except for removal of vegetation which constitutes a fire hazard, installation of underground utility lines or septic systems, passive public recreational use, directional or no-trespassing signs, and fences necessary to protect natural resources and/or private property. Residential use, as a primary use, is not allowed, although some easements allow uses associated with a residence, such as corrals or decks. Such ancillary uses are appropriate where the underlying fee interest in the land is under the ownership of an adjacent homeowner, who can assume the necessary responsibility for payment of property taxes and for weed abatement. In other instances, where other public land holdings are adjacent or nearby, fee ownership of the land is turned over to a public agency, such as the State Parks Department.

The GSA program limits the size and intensity of residential development through the use of a slope intensity/gross structural area formula. This formula provides incentives to develop a single residence on more than one lot, thereby reducing overall density build out in the region. In addition, 394 lots in Malibu Mar Vista, Malibu Vista, Malibu Lake, and Malibu Bowl were retired as of 1998 through the TDC and GSA programs.

The impacts of this constraint on housing production may or may not be justified. Once the City has its local coastal plan certified by the Coastal Commission, it will be in the position to modify the

TDC and GSA requirements so that they do not impose an undue burden on the production of new affordable housing. However, the Coastal Commission's Regional Cumulative Assessment Project (adopted June 1999) recommends that the City consider a TDC program that directs development away from shorefront lots unless those lots are adequately sized to avoid the use of shoreline protective devices.

Infrastructure

Pacific Coast Highway (PCH) is a four-lane state highway traversing the city from east to west and is the only major arterial within the city. It serves mostly commuters during the weekday peak hours. A significant portion of commuters access the highway from various canyon roads from western Los Angeles and Ventura Counties. In the summer months PCH also serves as a main access route to the beaches along the coast. This results in significant traffic delays on the highway. Major rock falls or landslides also have the potential to block the road for extended periods and isolate the community from essential services. Vehicular accidents and filming activities further reduce the capacity of the roadway segments along PCH.

There are no sewer lines in place in the City. The community is currently served by individual septic tanks and small package treatment plants. Lack of a sewer system constrains the amount of development that the City can accommodate. However, because of the hilly landscape and landslide potential, on-site systems are a better solution for sewage treatment than a community sewer.

Market Forces

Four aspects of market forces determine the cost of housing construction in Malibu: (1) land costs; (2) labor costs; (3) construction costs; and (4) financing rates. The natural resources and location of the City has made Malibu a desirable place to live. Much of the buildable land in Malibu has already been developed. The demand for land in Malibu has therefore made land prices considerably more expensive than in the rest of Los Angeles County. Land prices for the year 2000 were estimated through a limited survey of advertised lots and acreage for sale. The price of the land depends on the size, number of potentially developable lots, and the location. Land located in the more developed areas generally costs less than the more rural land, with the exception of beachfront property, which is typically some of the most desirable and therefore expensive land. Residential lots and acreage in the City range in price from \$25,000 to \$6,250,000 with a median price of \$285,000. The average price per acre ranges from \$6,875 to \$1,109,909 with a median price of \$31,727.

Labor costs have risen due to inflation as a result of unionization of construction. The gradual shift from on-site work to off-site work has helped decrease total labor costs. Nonunion off-site labor and day laborers have alleviated the otherwise steadily rising labor costs.

Construction costs have risen ten percent for the past decade. The bulk of this increase has been the result of rising energy costs. Not only have the production costs of lumber, concrete, metals, and other finished goods increased, but shipping costs have risen as well. The City of Malibu's 2000 Environmental and Building Safety Services Fees, give construction costs for a typical 5,000 square foot single family residence with an attached 400 square foot garage as \$116.75 per square foot.

Land Costs

Land in the City ranges in cost per acre depending on the size of the lot, its location in the City, the availability of infrastructure, amount of slope, and environmental/geological constraint. A listing taken from The LA Times Real Estate section on January 8th, 2001 had 113 listing for vacant land for sale. Lot prices (without dwelling units) range in general from approximately \$25,000 to \$6,250,000 per lot. The general price per acre ranges from \$6,875 to \$1,090,909. These prices are based on the number of existing land improvements on the lot.. ~~The general price per acre ranges from \$6,875 to \$1,090,909.~~ For example, listings range from \$40,000 for 6 acres of unimproved land to \$150,000 for 0.4 acres of vacant land with a potential permit for a 1,200 single family home. The most important factor in determining the value of the land is its location.- If all other factors are equal, the following is true:

- a) Beachfront property is the most expensive;
- b) Bluff/Ocean view property approximately ½ mile up from Pacific Coast Highway (far enough to be shielded from traffic generated noise, but easily accessible from the highway) is the next most expensive.
- c) Land cost per acre are less for properties which have the following characteristics (not necessarily limited to these):
 1. Farther distance from Pacific Coast Highway (difficult access);
 2. Lack of ocean views;
 3. Adjacent to Pacific Coast Highway, but on the land side.

The size of the lot is not necessarily as important as the usability of the lot in determining its value. For example, if the location and all other factors are the same, a one acre lot which is 100 percent useable is generally more expensive than a four acre lot, of which only half an acre is useable.

Therefore, a 40-acre lot located within one of the canyons and without ocean view may cost far less than a half-acre beachfront lot. Recent properties listed by real estate agencies within the City include a 30-acre property without views, for \$249,500. This is compared to a 1.1-acre property with panoramic ocean views listed for \$1,200,000. At this cost, the production of housing affordable to low- or moderate-income households would be virtually impossible without extremely high densities (higher than environmental conditions would allow) or extremely large subsidies.

Financing

Financing costs for construction and mortgage loans are important in determining the availability of, and demand for, new housing. Fluctuating and lower interest rates are encouraging potential buyers to purchase new homes. Current financing rates for southland homes for "conforming" (\$0 to \$252,700) and "jumbo" (\$252,700 +) loans for 30- and 15-year fixed VA/FHA loans and an adjustable loan are presented in Table 39.

Table 39

Conforming and Jumbo Loans

Loan Type	Rates	Points
30-Year Fixed Loan	7.20	1.892
30-Year Fixed Jumbo Loan	7.625	1.697
30-year Adjustable Loan	5.048	1.100
30-year Adjustable Jumbo Loan	5.310	1.263
15-Year Fixed Loan	6.938	1.636
15-Year Fixed Jumbo Loan	7.363	1.792

Sources: LA Times, October 2000.

In general, interest rates are higher for "jumbo loans" (loans greater than \$252,700); while the rates have fluctuated dramatically over the past couple of years, it is likely that the rates will remain with the same range as they have for the past two to three years. In general, the costs of financing are less than ten percent of the total cost of most affordable housing projects.

Access to Public Facilities and Services

Public facilities may be a constraint in two different ways. First, they can limit housing development on land adjacent to existing public facilities. Within the City, roads, schools and utilities are constraints. For example, many of the City's roads are narrow winding mountain or hillside roads that cannot be widened without creating significant environmental impacts (including loss of unique and sensitive native vegetation and disturbance of wildlife habitat). Therefore, there are no significant opportunities to increase access to public facilities for low-income or very low-income families that need to rely on public roads for convenient and safe access.

Second, housing must be provided with basic services (streets, water, some type of sewage disposal). All housing developments need adequate facilities to provide for water, waste disposal, electricity, natural gas, schools, parks, and fire and police protection services. Land use and zoning controls

ensure that residential developments have access to adequate public facilities. The provisions of roads and police protection are responsibilities of the City. Water services and fire protection are provided by independent districts.

The following is a summary of public facilities and services in the City:

Transit: The City is currently served by the Los Angeles County Metropolitan Transportation Authority (MTA), which operates an intercity express bus route from Los Angeles to Trancas Canyon Road. Para-transit services are also provided in the City. These services are operated by BlueTrans under contract with the County.

Fire Protection: The Los Angeles County Fire Department provides fire protection service to the City. Currently, there are seven fire stations serving the Malibu area. There are a total of seven engine companies which are staffed with 22 fire fighters per shift. The adequacy of fire protection services is assessed according to standards of response distance from a fire station. The distance standards vary according to the type and intensity of residences.

Police Services: The City is served by the Los Angeles County Sheriff's Department. The sheriff operates a station in the Lost Hills area north of the City; in September 1991 the County closed the station in the Civic Center. Police protection in the City is hampered by the length of the City and its relatively low-density. The secluded orientations of many residential neighborhoods provide little or no opportunity for regular visual inspection from major arterial roadways.

Schools: The elementary schools and middle/high school district in Malibu are served by the joint Santa Monica/Malibu Unified School District, an independent agency governed by a Board of Trustees. Enrollment has increased substantially since 1980. The classrooms in Malibu are nearing capacity due to population increases. There are three elementary schools and one high school in Malibu: Malibu High, Point Dume Marine Science Malibu Cabrillo Elementary, and Webster Elementary. In addition, there are two private schools in Malibu, a K-6, Our Lady of Malibu and Colin Mc Ewen High School.

Hospitals: The City uses Santa Monica Hospital as the base hospital for emergency care for residents in Malibu. Santa Monica Hospital is located at 1250 16th Street in the City of Santa Monica -- a distance of between 4.5 and over 25 miles from Malibu, depending on where in Malibu the distance is measured. Travel to the hospital can take as much as 40 minutes at other than peak hours. Nearby hospitals used when Santa Monica Hospital emergency facilities are at full capacity are the University of California, Los Angeles (UCLA) Medical Center located at 10833 Le Conte Avenue in Los Angeles, and Westlake Hospital located at 4415 South Lakeview Canyon Road, Westlake Village. Helicopters are often used during peak periods to reduce travel times. The adequacy of hospital services is difficult to determine due to the different range of services offered.

Libraries: The Los Angeles County Malibu Branch Library, located at 23519 Civic Center Way, is the only library facility serving the City. The Malibu Branch Library provides adult and juvenile reference services and materials; audiovisual materials, including compact discs, VHS videocassettes and Listen for Pleasure audio cassettes; and a Reader's Advisory. The Malibu Branch Library serves

a population of 20,282 persons from 7,506 housing units in and around the City. The library is 16,530 square feet and holds over 64,000 books. The library maintains a cooperative lending relationship with the County library in Los Angeles through the South State Cooperative Library System.

Electrical Service: The Southern California Edison Company provides electricity from three primary stations and three secondary stations. The Southern California Gas Company provides natural gas. General Telephone provides telephone service. Cable television, an information and entertainment source for residents in most areas of the City is presently provided by Falcon Cable.

Water: Water is supplied to the City by County Waterworks District No. 29 from the Metropolitan Water District of Southern California (MWD). MWD obtains its water from the State Water Project and the Colorado River. Wholesalers of this water in the Malibu/Santa Monica Mountains area are the Las Virgenes Municipal Water District and the West Basin Municipal Water District. These wholesalers distribute to three retailers which include the Los Angeles County Waterworks District No. 29, Silvas Park Mutual Water Company, and Las Virgenes Metro Water District. Many of the City's water mains and tanks have been identified by the City and by Waterworks District No. 29 as severely undersized. District No. 29 estimates it may cost \$100,000,000 to upgrade the City's water system to current minimum standards.

There are also a number of private wells that supply water within the City. However, the utilization of wells as a source of potable water has steadily declined since 1965, when water became available through MWD. Although the amount of water supplied by these wells is now considered to be insignificant, they are sources of inexpensive water for agricultural and other interests that are located too far from piped water service.

Sewers: Municipal sewer service is available only to the far eastern end of the City. There are five small, package sewage treatment plants within the city: the Latigo Bay Shores, Point Dume, Trancas Canyon, Malibu Mesa and Maison de Ville. Hughes Research Laboratory operates their own facilities and Pepperdine University is served by the Malibu Mesa Plant. These plants are described in more detail in the Williams & Warshall report, "The Malibu Wastewater Management Study"(March 1992).

Most wastewater is treated on-site. Improperly maintained septic systems have caused alleged health and safety problems, but with adequate area for leaching fields or regular disposalptic systems can be safely operated in almost all areas of the City. The "Malibu Wastewater Management Study" (Williams & Marshall 1992) recommends programs for ensuring that septic systems are properly engineered, installed, and maintained. Details of the hazards associated with the systems are described in the Background Report to the Safety Element of the General Plan.

Solid Waste: Solid waste disposal in Malibu is presently handled by four private hauling companies, one of which is under contract to service the Los Angeles County/Malibu Garbage Disposal District. All four haulers deliver solid waste to the Calabasas Landfill. The Calabasas Landfill is owned and operated by the Los Angeles County Sanitation District and services Malibu as one of many regional sources. The landfill is presently scheduled for closure in 2015 and as of

1990, has a remaining capacity of 12 million tons of waste yielding a projection that the landfill will accommodate an average of 500,000 tons of waste each year during that period. Malibu contributes less than ten percent of that amount. Based on the 1992 Preliminary Draft Source Reduction and Recycling Element for the City, there were 38,750 tons of waste disposed from Malibu residents and businesses in 1991.

A complete discussion of the existing community services is found within the Circulation and Infrastructure Element of the General Plan.

Land development generally follows the areas that are provided with infrastructure and utilities. This allows development to proceed in an orderly and economical manner.

Energy Conservation

Section 65583(a)(7) of the Government Code requires an analysis of opportunities for energy conservation in residential developments. According to the Department of Housing and Community Development, the purpose of this analysis is to show that the locality must consider how energy conservation might be achieved in residential development and how energy conservation requirements may contribute to the affordability of units.

Following are examples of local policies, plans, and development standards that have been successful in reducing energy conservation standards:

- active constructive enforcement by local building officials of existing state residential energy conservation standards;
- standards for street width, landscaping of streets, and parking lots to reduce heat loss or provide shade; and
- standards for energy efficient retrofit to be met prior to resale of homes.

Many residents of Malibu do not have regular working hours and, in fact, many residents work out of their homes ("telecommuting" to work). Telecommuting provides several tangible benefits, including reducing traffic on the City's constrained circulation system and reducing vehicle-emissions.

The City enforces Title 24 of the State Building Code that establishes energy standards. However, energy costs do continue to rise, resulting in the rise of operating cost of housing units in direct proportion to its energy requirements. In a mild climate such as Malibu, energy costs are lower than those in places such as desert or mountain areas, however, energy costs can still add substantially to the cost of housing. Reducing the need for energy resources on a per unit basis will have a long-term effect of lowering the operating cost of housing and decreasing the energy needs of the City. The City's General Plan (Conservation Element and Land Use Element) includes specific goals, objectives, and policies to encourage energy conservation.

While activities during construction expend different forms of energy, the greatest amount of energy consumption is in natural gas and electricity used to maintain the individual housing units. There are several opportunities for energy conservation both during and after construction. Mechanical systems and maintenance practices may be improved to decrease energy costs. Building orientation and shapes, landscaping, glazing, surface materials, and insulation can be designed to minimize the energy requirements of structures.

7.3 General Plan Consistency

State law requires that Housing Elements contain a statement of "the means by which consistency will be achieved with other general plan elements and community goals" (California Government Code, Section 65583[c][6][B]). There are two aspects of this analysis: 1) an identification of other General Plan goals, policies, and programs that could affect implementation of the Housing Element or that could be affected by the implementation of the Housing Element, and 2) an identification of actions to ensure consistency between the Housing Element and affected parts of other General Plan elements.

The 1995 General Plan contains several elements with policies related to housing. Policies and the means for achieving consistency are summarized in the table below.

Summary of General Plan Goals and Policies Affecting Housing

General Plan Element	Policy	Means for Achieving Consistency
Land Use Element	LU 1.1.1	This policy ensures that only land uses compatible with the natural environment shall be permitted for development. Existing zoning and building requirements determine the location and extent of new housing development. The Housing Element will not conflict with this policy as the current requirements will be maintained.
Land Use Element	LU 1.1.4	This policy seeks to preserve the rural residential character of Malibu. Since existing zoning and building requirements determine the location and extent of new housing development, the Housing Element will not conflict with this policy as the current requirements will be maintained.
Land Use Element	LU 1.3.1-3	These policies require land uses to be consistent with flood, geologic, and fire safety requirements. Since existing building permitting procedures require the analysis of the development in comparison to these requirements, the Housing Element will not conflict with these policies.
Land Use Element	LU 1.4.1-5	These policies require that new development be consistent with the preservation of the natural topography and the protection of viewsheds. Visual impacts of hillside development shall be minimized and ridgelines, topographic features, hillsides, and natural drainage courses shall be protected. Since existing zoning and building requirements determine the location and extent of new housing development, and permitting procedures require an assessment of impacts caused by the development, the Housing Element will not conflict with these policies.

Land Use Element	LU 2.2.1 and 2.2.3	These policies require the consistency of new development with the efficient operation of the traffic and infrastructure service systems to maintain adequate capacity to serve all residents. The City requires adequate infrastructure as a condition of proposed development approval. In addition, the City only permits development that is consistent with the capital improvement plan and economic health of the City. Since permitting procedures require an assessment of impacts caused by the development, the Housing Element will not conflict with these policies.
Land Use Element	LU 2.3.1-2	These policies seek to maintain the appropriate scale and context of new developments. The unique character of the City's existing neighborhoods should be maintained. The City discourages "mansionization" through the use of height, bulk, and square footage limits for all new and remodeled single family residences. Existing zoning and building requirements determine the extent of new housing development in size and amenities. The Housing Element will not conflict with these policies as the current size requirements will be maintained.
Land Use Element	LU 2.4.1 and 2.4.3	These policies are directed toward development within western Malibu and require that vistas and large open space areas be preserved to maintain the rural atmosphere. In addition, the City encourages the maintenance of large lots and through residential and compatible agricultural uses. Because existing zoning and building requirements determine the location and extent of new housing development, the Housing Element will not conflict with these policies.
Land Use Element	LU 4.4.4	This policy permits commercial uses such as home offices, art studios, family day care facilities, equestrian, and other uses in residential areas if they do not substantially diminish the quiet rural residential character of the area. Implementation Measure 6 of the Housing Element encourages mixed usage where appropriate.
Open Space and Recreation Element	OS 1.2.2	This policy encourages clustering of development to preserve large blocks of open space if the clustering does not create an urban development pattern in a rural area. This policy is similar to the density bonus policies of the Housing Element (Measure 4).
Open Space and Recreation Element	OS 3.3.2	This policy seeks to balance public access to open space and park lands with the privacy and property interests of abutting property owners. Since existing zoning and building requirements determine the location and extent of new housing development, the Housing Element will not conflict with this policy.
Conservation Element	CON 1.3.9	This policy requires the use of setbacks on beachfront property that is subject to beach erosion. Existing zoning and building requirements determine the location and extent of new housing development. The Housing Element will not conflict with this policy as the current setback requirements would be maintained.

Conservation Element	CON 2.1.3	Through this policy, the City provides incentives to property owners of historical structures to encourage preservation of designated cultural resources. The Housing Element does not conflict with this policy as the current incentives will be maintained.
Conservation Element	CON 3.1.2 and 3.1.4	These policies encourage the use of state-of-the-art energy efficiency standards for all new construction design and encourages the use of solar and other non-polluting, renewable energy sources. The Housing Element encourages energy conservation in housing and is consistent with Conservation Element policies.
Conservation Element	CON 4.1.3-7	These policies encourage water conservation design measures in residential, commercial, and industrial development, including the use of water efficient low flow fixtures, drought resistant landscaping, and the use of reclaimed and grey water systems. The Housing Element does not conflict with these policies as the current water efficiency requirements will be maintained.
Safety and Health Element	S 1.2.1-4	The City requires development to provide analysis of site safety related to potential geologic safety hazards including earthquake fault rupture, liquefaction, expansive soils, erosion, tsunamis, and flooding. Since permitting procedures require an assessment of impacts caused by the development, the Housing Element will not conflict with these policies.
Noise Element	N 1.1.1-2	These policies ensure that noise sensitive land uses will be protected from negative impacts of noise generating uses. Since existing zoning and building requirements determine the location and extent of new housing development, the Housing Element will not conflict with these policies.
Noise Element	N 1.1.5	This policy encourages new construction and remodels to utilize designs and materials that reduce exposure to noise sources. The Housing Element does not conflict with this policy as the current building code requirements will be maintained.

7.4 Evaluation of the Previous Housing Element

State law (California Government Code Section 65588 [a]) requires each local government to review its housing element as frequently as appropriate to evaluate all of the following: (1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal; (2) The effectiveness of the housing element in attainment of the community's housing goals and objectives; and (3) The progress of the City, County, or City and County in implementation of the housing element.

The following table summarizes the City's achievements under the previous Housing Element, the effectiveness of those programs, and the appropriateness of the programs for the updated Housing Element.

Program	Objective	Achievements
<p>1. Work with property owners and developers to encourage development of the amount and type of housing that accomplishes the community's goals, including negotiating development agreements in which providing deed restricted affordable housing serves as part of the public benefit justifying the agreement.</p>	<p>6-8 units</p>	<p>One of the projects in the City, Rancho Malibu Hotel, has been conditioned to provide a low income housing study as part of their approval. The study will identify the affordable housing needs generated by employment at the Hotel and potential solutions to meeting that need. The City will require that affordable housing be included in the development or that the developer contribute to an affordable fund.</p>
<p>2. Evaluate all General Plan amendment requests in light of overall impact on distribution of densities, especially on higher density zoning.</p>	<p>No net loss of units</p>	<p>As part of the City's process for evaluating proposed General Plan amendments, the City has ensured that there has been no net loss of land zoned for higher density multi-family use. To date, no General Plan amendments have resulted in a loss of higher density residentially-zoned land.</p>
<p>3. Develop and maintain a handbook for public distribution setting forth how to apply for housing development in the City and summarizing the basic development criteria for different zones.</p>	<p>Not applicable</p>	<p>The City has prepared this handbook and distributed it to the public. This workbook provides valuable information to applicants in completing the permit process in the most efficient manner possible.</p>

<p>4. Develop a density bonus system consistent with State law in which density on a project site may be increased by 25 percent where units are deed restricted for either (a) 20 percent for low-income families, (b) ten percent for very-low income families or (c) 50 percent for seniors. The City shall encourage its use in areas where hazards such as flooding, fires, earthquakes and liquefaction do not pose unreasonable risks.</p>	<p>3-4 units</p>	<p>No density bonus units have been approved because there has been no developer interest in using the density bonus program. Property values are so high in Malibu that a for-profit developer has little or no incentive for proposed residential developments with affordable units to receive a density bonus. Even nonprofit developers that might be interested in this option have not proposed affordable housing projects in Malibu because of high land and development costs.</p> <p>When appropriate, the City will continue to use the development agreement process to require residential or commercial development to include affordable housing units (see Program 1 above). In exchange for providing affordable housing units, the City will offer density bonuses and other regulatory or financial incentives.</p>
<p>5. Permit residential care facilities for seniors and similar innovative alternative living projects in commercial areas where such projects would be compatible with the surrounding uses.</p>	<p>10 units</p>	<p>Article IX Chapter 9.2.60 Community Commercial (CC) allows Residential Care facilities for the elderly with a Conditional Use Permit.</p>
<p>6. Permit structures and projects with commercial uses and affordable residential units in commercial general (CG) zones. Floor area dedicated to very low-, low-, or moderate-income housing will be permitted a density bonus up to .05 over the maximum intensity permitted within commercial general zones.</p>	<p>60 units</p>	<p>No proposals for affordable housing in the commercial CG zone have been submitted to the City.</p>

<p>7. Expedite permit processing, waive fees where appropriate and provide special assistance to homeowners seeking to rebuild homes burned in fire, damaged in flood or other disaster.</p>	<p>268 rebuilt homes</p>	<p>The City did expedite permit processing and waive fees where appropriate to assist in the rapid rebuilding of fire and storm damaged homes.</p>
<p>8. Use Bluffs Park and Point Dume Community Center as Red Cross Emergency shelters and open whatever City buildings are necessary and appropriate to provide displaced residents shelter after a disaster.</p>	<p>Not applicable</p>	<p>The City has used these facilities as necessary as emergency centers during periods of natural disasters.</p>
<p>9. Make emergency shelters and transitional housing a permitted or conditionally permitted use in appropriate zones.</p>	<p>None provided</p>	<p>Article IX Chapter 9.2.60 Community Commercial (CC), under 9.2.61. Permitted Uses allows mobile homes for residential occupancy by property owner for a period of not more than two consecutive years where the property owner's primary residence is destroyed or uninhabitable as a result of landslide, fire, or other natural disaster. The mobile homes shall comply with all applicable building codes for residential occupancy.</p>
<p>10. Continue to enforce State's barrier-free policies and provide complaint referral services to Department of Fair Employment and Housing (DFEH).</p>	<p>Not applicable</p>	<p>The City reviews plans and inspects buildings for compliance with ADA and other accessibility requirements. No requests have been made for referrals to DFEH.</p>
<p>11. Streamline permit process and building inspections to reduce the cost of building housing that accommodates those with special needs by providing one-stop service for ministerial permit approvals.</p>	<p>Not applicable</p>	<p>The City has provided expedited permit processing and provided one-stop permit service to facilitate the construction of accessibility modifications that are handled administratively.</p>

<p>12. Monitor the supply of new housing provided as affordable to very low-, low- and moderate-income persons, including but not limited to, mobile homes and second units on existing residential lots.</p>	<p>Not applicable</p>	<p>No new affordable housing has been proposed or constructed in Malibu since the adoption of the 1995 Housing Element. With extremely high housing costs and limited land for residential development, there have not been any proposals for housing developments that are affordable to low- or moderate-income households. This program should be continued since the City expects to implement several programs that could result in the creation of new affordable housing.</p> <p>The City is in the process of adopting new standards for second units and will monitor these units. To date, the City has not documented or monitored existing second units, particularly those created prior to incorporation or adoption of the interim Zoning Ordinance.</p>
<p>13. Require new commercial and industrial development to mitigate its effect on affordable housing in Malibu by either providing an adequate number of affordable housing units to meet the new demand for such housing created by the project or pay an in-lieu fee. The fee shall be deposited in the City's affordable housing fund and be used for programs that purchase or subsidize housing units or Mobilehome park spaces to make them available at an affordable price to very low-, low- and moderate-income families.</p>	<p>5 units</p>	<p>Rancho Malibu Hotel project has been conditioned to provide a low-income study. (See Program 1).</p>

<p>14. Provide information and referral service to assist very low-, low- and moderate-income persons and families, elderly, and handicapped in finding suitable housing at affordable cost.</p>	<p>Not applicable</p>	<p>The City received two requests for referrals and referred the individuals to programs available through Los Angeles County and HUD. Because affordable housing opportunities are limited in Malibu, the City does not frequently receive inquiries regarding the availability of such housing. Nevertheless, as the City becomes more active in implementing affordable housing programs, it is expected that inquiries and referrals may become a more important service. Therefore; this programs should be continued.</p>
<p>15. Explore financing, such as a rent subsidy program using CDBG funds, to develop affordable housing in existing multi-family projects and mobile home parks.</p>	<p>5-10 units</p>	<p>This program is ongoing and is available to anyone who qualifies. Thus far only one applicant has qualified.</p>
<p>16. Encourage the adaptive re-use of commercial buildings to residential use by allowing increased density where new housing units are created in existing structures and in proportion to the number of new units which are deed-restricted for very low-, low- or moderate- income families and, where necessary, by decreasing the minimum number of parking spaces required for each unit restricted for seniors.</p>	<p>3 units</p>	<p>The City has adopted zoning provisions to encourage the adaptive re-use of commercial buildings, but no proposals have been submitted for housing. Since property values are so high in Malibu, it is unlikely that an adaptive re-use project would be financially feasible unless the price/rent per square foot were similar to those that could be achieved for commercial use. The City will explore options for regulatory or financial incentives that could reduce the cost of an adaptive re-use project that includes affordable housing units.</p>

<p>17. Establish a program to promote the expeditious processing of residential projects which qualify for a density bonus under Government Code §65915, as may be amended from time to time or, applicable state law.</p>	<p>Dependent on developer response</p>	<p>No affordable housing projects have been proposed that would qualify for density bonuses. See Program 19 regarding City efforts to provide greater incentives for affordable housing.</p>
<p>18. Allow "granny flats" consistent with Government Code Section 65852.1 and adjust the parking requirement for units restricted to serve senior citizens.</p>	<p>5 units</p>	<p>The City has received one request for a granny flat that is currently before the Coastal Commission for approval. No additional parking has been required. This program has not been used very often, due in part to coastal permitting requirements. Nevertheless, the City believes that granny flats and other types of second units are a viable housing alternative and a potential affordable housing resource that should be encouraged. The City will take active steps to promote the use of second units as a housing alternative.</p>

<p>19. Offer incentives to developers willing to provide affordable housing to low- and very low- income families. A minimum of 30 year affordability shall be required to receive any incentive. Any developer who receives approval to use any incentive shall be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued affordability. The incentives may include but are not limited to the following: (1) reduction in setback requirements, reduction in ratio of vehicle parking spaces to housing units, and increase of square footage maximum, where such modification would not conflict with the building standards in the building code or have a significant adverse impact on public health and safety; (2) priority processing of planning approvals and building permits; (3) direct financial aid including CDBG funding, subsidize infrastructure, or contribution from the City's affordable housing trust fund.</p>	<p>Not applicable</p>	<p>No affordable housing proposals have been submitted. There are few vacant sites in the City on which residential developments could provide affordable housing and obtain density bonuses. Land costs make it unlikely that a density bonus, even if combined with other regulatory incentives would provide enough of a financial inducement for a developer to provide affordable housing. The City has modified its housing programs to intensify efforts to obtain funding that could be used to subsidize affordable housing in Malibu and make a density bonus project financially feasible. An affordable housing in-lieu fee is one potential funding source the City could use to help subsidize affordable housing projects.</p>
<p>20. Investigate and, if it can be designed in a manner that does not create an undue burden of housing production, develop an inclusionary housing program which requires new subdivisions of five or more units/lots to deed restrict 20 percent of new units for very low-, low- and moderate-income residents. The program shall include provisions such that, where it is infeasible to provide the inclusionary units on-site, the subdivider may elect to provide the units off-site or pay a fee in lieu of constructing units. In-lieu fees shall be deposited into an affordable housing trust fund to be used to purchase existing units or mobile home spaces for use as affordable housing</p>	<p>10 units</p>	<p>The City has not established an inclusionary housing program. Given the available land in the City and the cost of development, it is unlikely that an across-the-board inclusionary program will be practical in Malibu. Instead, the City will negotiate individual opportunities to include affordable housing new development through developer agreements see Program 1.</p>

<p>21. Permit second units and allow reductions in the parking standards for second units which are restricted for rent by very low-, low- and moderate-income families where the modification would not have a significant adverse impact on traffic and parking in the particular neighborhood where the modification is desired.</p>	<p>5 units</p>	<p>The City is in the process of studying options for new second unit standards. The revised Housing Element includes a schedule for completing this study and adopting new standards.</p>
<p>22. Work with Los Angeles County Housing Authority to obtain Section 8/Vouchers for City residents.</p>	<p>3-5 vouchers</p>	<p>The City does not administer the voucher program, and has not substantive influence over its distribution in the County. This program should be discontinued.</p>
<p>23. Participate in Los Angeles County Community Development Commission housing programs such as the Mortgage Credit Certificate Program for first-time homebuyers</p>	<p>Not applicable</p>	<p>The City does not have the financial or managerial capacity to directly administer a mortgage revenue bond or credit certification program. These programs are valuable tools, however, for assisting low- or moderate-income households in becoming homeowners. Malibu will continue to participate in countywide programs when funding is available. Given the extremely high housing costs in the City, however, the dwelling units that could likely qualify for financing would be ones assisted under a density bonus, or other programs in which prices are specifically set at levels affordable to low-income households.</p>
<p>24. Maintain a mobile home park rent stabilization ordinance that regulates maximum allowable rents and limits rent increases.</p>	<p>No net loss of units</p>	<p>The City has adopted a rent stabilization ordinance.</p>

<p>25. Pursuant to the provisions of Government Code Section 65863.7, require the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the park owners.</p>	<p>Not applicable</p>	<p>The City regulates the conversion of mobile home parks and, to date, no parks have been converted to other uses.</p>
<p>26. Establish a housing conservation program and provide incentives to rehabilitate existing housing, such as permit fee waivers for those units deed restricted for rent or sale as affordable to very low-, low- and moderate-income families.</p>	<p>Not applicable</p>	<p>The City has established a housing rehabilitation program to assist low-income households in maintaining their properties (see Program 27 below).</p>
<p>27. In accordance with Government Code Section 65590, require the replacement of affordable units removed (either by demolition or conversion) from the coastal zone whenever feasible.</p>	<p>No net loss of units</p>	<p>No dwelling units occupied by low-income households have been removed in the coastal zone.</p>
<p>28. Implement an incentive program to bring substandard housing into compliance, including establishing a rehabilitation assistance program and permit streamlining process.</p>	<p>47 units rehabilitated</p>	<p>The City has been able to assist one household in rehabilitating a dwelling unit. The level of funding available to the City has not made it possible to assist additional households. The City hopes to have additional funding available to assist a greater number of households over the next five years.</p>
<p>29. Provide incentives (such as rehabilitation assistance, fee waivers and permit streamlining) for the repair, restoration, and/or reconstruction of existing, affordable housing units which are impacted by natural disaster or condemnation, especially units which accommodate very low-, low- and moderate- income households, elderly, disabled, large families, single heads of households, farm workers, those in need of emergency shelter, and other individuals or household types with special needs, except if those units are located in areas physically unsuitable for development.</p>	<p>Not applicable</p>	<p>The City has assisted property owners whose homes have been damaged or destroyed by natural disasters through CDBG funding and referrals to FEMA.</p>

<p>30. Implement and encourage participation in the CDBG housing rehabilitation programs including the California HOME Program.</p>	<p>Not applicable</p>	<p>1 person has qualified.</p>
<p>31. Establish a voluntary amnesty and legalization program for existing housing units in the City where:</p> <ol style="list-style-type: none"> 1) the unit is "livable" and meets basic health and safety requirements; 2) the unit existed at the time of the City's incorporation; and 3) the unit is restricted for owner-occupancy or rental by very low-, low- or moderate-income persons at an affordable rate. 	<p>5 units</p>	<p>The City did not establish an amnesty program due to other staff priorities and the lack of sufficient staff time. Planning Department staff are currently working on proposed criteria for an amnesty program that will be submitted to the City Council for consideration in the Summer of 2001.</p>
<p>32. Explore the possibility of cooperative agreements with agencies and other levels of government to provide emergency shelter.</p>	<p>Not applicable</p>	<p><i>City is a signatory to the Master Mutual Aid Agreement statewide.</i></p>
<p>33. Enter into an agreement with Los Angeles County Housing Authority or other appropriate agencies to operate a Fair Housing Program encompassing investigation of discrimination-complaints, research on housing discrimination related issues, and public information about the rights and responsibilities of land owners and tenants. Promote availability of the program through the use of pamphlets and public bulletin board on community television.</p>	<p>Not applicable</p>	<p><i>The City entered into such an agreement due to a shortage of staff resources. This is still a priority of the City and this action will thus be implemented as part of the updated Housing Element.</i></p>
<p>34. Work with SCAG to encourage an appropriate fair share allocation of regional housing demands based on population need, existing supply/demand, ability to accommodate growth given the physical/environmental constraints, and the jobs-to-housing ratio.</p>	<p>Not applicable</p>	<p>The City worked with SCAG in the development of the current RHNA numbers.</p>

7.5 Efforts to Achieve Public Participation

State law (California Government Code 65583[c][6][B]) requires the City of Malibu to make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element. Efforts to achieve public participation must be described in the Housing Element.

According to guidelines adopted by the California Department of Housing and Community Development (HCD), an effective public participation process should begin at the outset of the housing element process. Members of the community should be involved in each part of the preparing or updating the Housing Element, from evaluating past achievements to establishing or modifying goals, policies, and programs. The Department's guidelines recommend that communities do more than hold required public hearings to involve the public. Examples of additional efforts include:

1. Establishment of a housing task force or advisory committee comprised of diverse members of the public at large and/or representatives of organizations with an interest in housing issues.
2. Advertising and outreach campaigns targeted to individuals and organizations that address the needs of minority, low-income, and special needs groups.
3. Distribution of public information and housing element documents in languages other than English if a substantial percentage of the local population is not English proficient.
4. Use of a variety of media (such as web sites, local access cable television, and public service announcements) to reach the largest possible audience as frequently as possible.

To meet the intent and requirements of state law, the City of Malibu has undertaken the following public outreach efforts related to the Housing Element update:

In addition, the City conducted a workshop before the Planning Commission on October 16, 2000 to explain the update process and key issues that will be considered in the update. The workshop was publicized by Malibu Surfside News, and was broadcast on the local public access cable television station.

The City also conducted public hearings before the Planning Commission and City Council on the draft Housing Element on November 20, 2000 and November 27, 2000 and before the City Council on the final draft Housing Element (containing revisions in response to HCD comments) on November 11, 2000.

7.6 Goals, Objectives, Policies, and Implementation Measures

The quantified objectives are estimates based on a reasonably predicted response to the programs in view of all available information. There are many factors and constraints outside the City's control that may influence the actual response. These estimates represent the City's best effort to quantify potential results.

The following outlines Malibu's proposed program to ensure that an adequate amount of housing is provided over the life of the Element to accommodate its fair share of regional housing needs and to ensure that adequate housing opportunities are available to all economic segments of the community.

H GOAL: ADEQUATE HOUSING FOR EXISTING AND PROJECTED NEEDS OF ALL ECONOMIC SEGMENTS OF THE COMMUNITY.

H OBJECTIVE 1.1: All residents, including those with special needs, have access to decent, safe, and sanitary housing that is available and affordable.

H Policy 1.1.1: Foster a mix of housing types.

H Policy 1.1.2: Encourage new housing to meet housing needs based on the ability to provide public services and within the limits of Malibu's environmental constraints.

H Policy 1.1.3: Identify adequate sites for ~~226~~ 14 new housing units by the year 2005, 2 of which would be affordable to very low- income families, 7 2 of which would be affordable to low- income families, 2 of which would be affordable to moderate- income families and 8 of which would accommodate those families above the moderate- income level.

H Policy 1.1.4: ~~Accommodate rebuild efforts for those 268 families whose homes were lost due to the 1993 firestorms and~~ Implement programs to respond facilitate and expedite the rebuilding of homes damaged or destroyed by natural disasters ~~to those who suffer losses in future years.~~

H Policy 1.1.5: Continue to cooperate with ~~work with~~ neighboring communities to find ~~an accessible site for a regional homeless shelter~~ implement regional solutions to homelessness.

H Policy 1.1.6: Continue to provide temporary emergency shelter in response to disasters.

To implement these policies the City will:

H Implementation Measure 1: ~~Work with property owners and developers to~~ Provide appropriate incentives to encourage the development ~~amount and type of housing that accomplishes the community's goals,~~ to meet low- and moderate-income needs. Such incentives may include density bonuses (see H Implementation Measure 4), permit fee waivers or deferrals, ~~including negotiating development agreements in which providing that include deed-restricted affordable housing,~~ serves as part of the public benefit justifying the agreement, and assistance in accessing state or federal funding. The City may also approve alternative standards for parking on a case-by-case basis if necessary to achieve a densities necessary for the financial feasibility of low- or moderate-income housing.

Responsible Department: Planning Department/City Manager
 Funding source: General fund
 Timeframe: January 1999
 Objective: 6-8 6 units

H Implementation Measure 2: Evaluate all General Plan amendment requests in light of overall for their potential impact ~~distribution of densities, especially~~ on the availability of land at higher zoning density zoning that could potentially accommodate affordable housing. The purposed of this evaluation is to maintain an adequate supply of higher density zoned land to meet low- and moderate-income housing needs..

Responsible Department: Planning Department
 Funding source: Permit fees
 Timeframe: On-going
 Objective: No net loss of land zoned for multifamily use .units

H Implementation Measure 3: Develop and maintain, and periodically update, a handbook for public distribution setting forth how to apply for housing development in the City and summarizing the basic development criteria for different zones.

Responsible Department: Planning Department
 Funding source: General fund/permit fees
 Timeframe: Current and ongoing January 1997
 Objective: Not applicable

H Implementation Measure 4: ~~Develop~~ Continue to implement a density bonus system, consistent with State law, in which density on a project site designated for multi-family uses may be increased. A density increase of 25 percent over the base density shall be allowed when the project provides at least one of the following: ~~for either~~ (a) 20 percent for low income families, (b) 10 percent for very low-income families or (c) 50 percent for seniors. A minimum of 30 year affordability will be required to receive any incentive. Any developer who received approval to use any incentive will be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued affordability. The City will encourage its use in areas where hazards such as flooding, fires, earthquakes and liquefaction do not pose unreasonable risks.

Any developer who receives approval to use this incentive will be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued affordability. The City will encourage its use in areas where hazards such as flooding, fires, earthquakes and liquefaction do not pose

Incentives may include, but will not be limited to:

- (1) 20 percent reduction in setback requirements in addition to minor modification setback reduction, if applicable;
- (2) 20 percent reduction in ratio of vehicle parking spaces required for housing units;
- (2) Priority processing of planning approvals and building permits;
- (3) Direct financial aid, including CDBG funding, subsidization of infrastructure, or contribution from City's affordable housing trust fund; and
- (4) Expedited permit processing consisting of simultaneous review and processing of multiple permit approvals.

Responsible Department: Planning Department
Funding source: General fund/fees
Timeframe: Current and ongoing
Objective: ~~3-4~~ 5 units

H Implementation Measure 5: Permit residential care facilities for seniors and disabled individuals and similar innovative alternative living projects in commercial areas where such projects would be compatible with the surrounding uses.

Responsible Department: City Council
Funding source: General fund
Timeframe: Current and ongoing January 1996
Objective: ~~10~~ units 5 units

H Implementation Measure 6: Continue to permit mixed-use structures and projects developments consisting of with commercial uses and affordable residential units in commercial general (CG) zones. Floor area dedicated to very low-, low-, or moderate-income housing will permitted a density bonus up to .05 over the maximum intensity permitted within commercial general zones. Projects that provide deed-restricted very low income, low income or senior housing will also be permitted a density bonus up to .05 over the maximum intensity permitted within Commercial General zones for that portion of the project dedicated to commercial uses. This incentive is in addition to the 25% density bonus for the residential portion of a project allowed under H Implementation Measure 4. The amount of bonus density for the commercial uses shall be directly related to the amount and type of affordable units provided. A minimum of 30 years affordability shall be required to receive these incentives. Any developer who received approval to use these incentives shall be required to screen initial tenants or buyers for compliance with income group limits and

establish a monitoring system to ensure the unit's continued affordability.

Responsible Department: City Council
 Funding source: General fund
 Timeframe: January 1996 Current and ongoing
 Potential no. of units: ~~136 units~~
 Objective: 60 20 units

H Implementation Measure 7: Expedite permit processing, and waive fees where appropriate for homeowners seeking to rebuild their dwelling units damaged or destroyed by a natural human or disasters. ~~and provide special assistance to homeowners seeking to rebuild homes burned in fire, damaged in flood or other disaster.~~

Responsible Department: City Council/Building Department
 Funding source: General Fund/FEMA/OES
 Timeframe: As needed Current and ongoing
 Objective: Rebuilding of all homes so damaged or destroyed ~~268~~ rebuilt homes

H Implementation Measure 8: Use Bluffs Park and Point Dume Community Centers as a Red Cross Emergency shelters and open ~~whatever~~ other municipal City buildings are needed and appropriate to provide displaced residents with temporary shelter after a disaster. Continue to allow emergency shelters and transitional housing, other than the smaller facilities already permitted in residential areas, a permitted or conditionally permitted use where such projects would be compatible with the surrounding uses. ~~a permitted or conditionally permitted use in appropriate zones.~~ In addition, the City will amend the IZO to designate specific commercial zones in which emergency shelters or transitional housing will be permitted and specify incentives that may be offered to allow to mitigate the impacts of zoning standards on the feasibility of such uses. Incentives that will be considered by the City include, but are not limited to: direct financial assistance through the use of CDBG funds, a reduction in the open space requirements or parking standards (if these can be accomplished within the overall intent of the IZO, and waiver or reduction in permit fees.

Responsible Department: City Council
 Funding source: General fund, CDBG
 Timeframe: Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt by June 2002.
 Objective: Not applicable

H Implementation Measure 9: Designate additional sites on which mobilehome park will be permitted subject to development standards in the IZO.

Responsible Department: City Council
 Funding source: General fund
 Timeframe: Staff to prepare recommended zoning code amendment by December 2001, City Council to adopt

Objective: Identify at least one additional site suitable for a mobilehome park by June 2002.

H OBJECTIVE 2.1: Equal opportunity for all residents to live in housing of their choice.

H Policy 2.1.1: The City shall encourage a variety of types of housing, including ~~most particularly~~ housing for those with special needs such as the disabled, elderly, large families, and families with single heads of households.

H Policy 2.1.2: The City shall support the enforcement of existing prohibition of local, state, and federal housing anti-discrimination laws. ~~discrimination in housing based on race, ethnicity, national origin, age, religion, sex, and family status.~~

To implement these policies the City shall:

H Implementation Measure 10: Continue to enforce the State's barrier-free policies and provide complaint referral services to the Los Angeles County Department of Community Development/Housing Authority or the California Department of Fair Employment and Housing, as appropriate. The City has designated an individual at City Hall to handle fair housing complaints, provide appropriate information regarding fair housing laws, and refer complaints to the County or DFEH, depending on the nature of the complaint.

Responsible Department: Building Department/Code Enforcement
Funding source: Permit fees/seek additional revenue sources
Timeframe: Current and on-going
Objective: Not applicable

H Implementation Measure 11: Continue to implement a streamlined permit process and building inspections to reduce the cost of building housing that accommodates those with special needs by providing one-stop service for ministerial permit approvals.

Responsible Department: Building Department
Funding source: Permit fees/seek additional revenue sources
Timeframe: ~~June 1997~~ Current and ongoing
Objective: Not applicable

H OBJECTIVE 3.1: Available affordable housing.

H Policy 3.1.1: The City shall promote the adaptation of existing structures to meet the City's affordable housing needs.

H Policy 3.1.2: The City shall permit affordable housing units in commercial general zones mixed-use projects as a means of meeting the City's affordable

housing goals.

H Policy 3.1.3: The City shall regulate space rents in ~~the City's~~ mobile home parks to conserve affordable housing.

H Policy 3.1.4: The City shall provide information to ~~assist very-~~to very low-, low-, and moderate- income families ~~to be aware of~~ regarding affordable housing opportunities in or near Malibu.

To implement these policies the City shall:

H Implementation Measure 12: Monitor the supply of new housing provided as affordable to very low-, low-, or ~~and~~ moderate- income persons, including, but not limited to, mobile homes and second units on existing residential lots.

Responsible Department:	Planning Department
Funding source:	General fund
Timeframe:	Current and On-going
Objective:	Not applicable

H Implementation Measure 13: Require new commercial and industrial developments, particularly those employing low- and moderate-income workers, to mitigate ~~its effect~~ the impact of employment on housing demand ~~on affordable housing~~ in Malibu by either providing an adequate number of affordable housing units to meet the new demand for such housing created by the project or pay an in-lieu fee to be deposited into a Housing Trust Fund. The fee shall be ~~deposited in the City's affordable housing fund and be~~ used for programs that purchase or subsidize housing units or mobile home park spaces to make them available at an affordable price to very low, low and moderate-income families.

Responsible Department:	City Council
Funding source:	General fund
Timeframe:	Current and ongoing January 1998
Objective:	5 units

H Implementation Measure 14: Provide information and on referral services ~~to that~~ assist very low-, low-, and moderate- income ~~persons and families~~, households, ~~and the~~ elderly seniors, and handicapped individuals in finding suitable housing at an affordable cost.

Responsible Department:	Planning Department
Funding source:	General fund
Timeframe:	On-going
Objective:	Not applicable

H Implementation Measure 15: ~~Explore financing, such as a rent subsidy program using Community Development Block Grant (CDBG) Funds, to develop affordable housing in existing multi-family projects and mobile home parks.~~

~~Responsible Department: Planning Department/Finance Department~~
~~Funding source: CDBG/seek other funding sources~~
~~Timeframe: June 1996~~
~~Objective: 5-10 units~~

H Implementation Measure 15 16: Continue to encourage the adaptive reuse of commercial buildings for residential use by allowing increased floor area density ~~where new housing units are created in existing structures and~~ in proportion to the number of new units that are deed restricted for very low-, low-, or moderate- income families. If necessary, decrease ~~and, where necessary, by decreasing~~ the minimum number of parking spaces required for each unit restricted for seniors and for studio and one-bedroom units that are unlikely to generate as much parking demand..

Responsible Department: City Council
 Funding source: General fund
 Timeframe: ~~January 1997~~ Amend current Zoning Code provisions by January 2001 relating to residential re-use of commercial structures.
 Objective: 3 units

H Implementation Measure 16 17: Establish a program to promote(1) the expeditious processing of residential projects which qualify for a density bonus under the implementation of the Housing Element, Government Code Section 65915 as may be amended from time to time, or applicable state law. The City will provide priority permit processing for residential projects containing housing affordable to low- or moderate-income residents and assist the applicant in expediting review by the Coastal Commission.

Responsible Department: City Council
 Funding source: General fund
 Timeframe: Current and ongoing ~~April 1996~~
 Objective: Dependent on developer response

H Implementation Measure 18 17: Allow "granny flats," which are age-restricted second units, and second units for non-senior households consistent with Government Code Sections 65852.1 and 6585.2. and adjust the parking requirement for units restricted to serve senior citizens according to the requirements of state law. Allow reductions in the parking standards for other second units which are restricted for rent by very low, low and moderate income families where the modification would not have a significant adverse impact on traffic and parking in the particular neighborhood where the modification is desired.

Responsible Department: City Council
 Funding source: General fund
 Timeframe: On-going
 Objective: 5 senior units, 5 non-senior units

~~**H Implementation Measure 19:** Offer incentives to developers willing to provide affordable housing to low and very low income families. A minimum of 30 year~~

~~affordability shall be required to receive any incentive. Any developer who received approval to use any incentive shall be required to screen initial tenants or buyers for compliance with income group limits and establish a monitoring system to ensure the unit's continued affordability. The incentives may include, but are not limited to the following: (1) reduction in setback requirements, reduction in ratio of vehicle parking spaces to housing units, and increase of square footage maximum, where such modification would not conflict with the building standards in the building code or have a significant adverse impact on the public health and safety, (2) priority processing of planning approvals and building permits; and (3) direct financial aid including Community Development Block Grant funding, subsidize infrastructure or contribution from City's affordable housing trust fund.~~

~~Responsible Department: Planning Department
 Funding source: General Fund, CDBG, Development Fees
 Timeframe: June 1997
 Objective: Not applicable~~

H Implementation Measure 20 18: Investigate and, if it can be designed in a manner that does not create an undue burden of housing production, Develop an inclusionary housing program which for multifamily development that requires new subdivisions projects of five or more units/lots to deed restrict 20% of new units for very low, low and or moderate income residents, depending on the financial characteristics of the project. The program shall include provisions such that, where it is infeasible to provide the inclusionary units on-site, the developer subdivider may elect to provide the units off-site or pay a fee in lieu of constructing units. In-lieu fees shall be deposited into an affordable housing trust fund to be used to purchase existing units or mobile home spaces for use as affordable housing.

Responsible Department: City Council
 Funding source: General fund
 Timeframe: Staff to propose program to City Council by June 2001. City Council to adopt program by September 2001. ~~June 1998~~
 Objective: ±0 5 units

H Implementation Measure 21: ~~Permit second units and allow reductions in the parking standards for second units which are restricted for rent by very low, low and moderate income families where the modification would not have a significant adverse impact on traffic and parking in the particular neighborhood where the modification is desired~~

~~Responsible Department: City Council
 Funding source: General fund
 Timeframe: May 1996
 Objective: 5 units~~

H Implementation Measure 22: ~~Work with Los Angeles County Housing Authority to obtain Section 8/Vouchers for City residents.~~

~~Responsible Department: City Council~~

Funding source: ~~U.S. Department of Housing and Urban Development~~
Timeframe: ~~May 1996~~
Objective: ~~3-5 vouchers~~

H Implementation Measure 23 19: Participate in Los Angeles County Community Development Commission (CDC) housing programs such as the Mortgage Credit Certificate Program for first-time home buyers. The City will undertake the following actions to implement this program:

- (1) Periodically meet with CDC representatives to confirm program availability in, and applicability to, Malibu.
- (2) Consult with CDC representative during the program development phase of new programs to assure that such programs are available in Malibu and/or address Malibu=s unique circumstances.
- (3) Monitor the availability of new state and federal programs administered by the CDC and, as they become available, meet with CDC representatives to assure their applicability to, and availability in, Malibu.

Responsible Department: City Council
Funding source: Community Development Commission/General Fund
Timeframe: ~~June 1996~~ Current and Ongoing
Objective: Not applicable

H OBJECTIVE 4.1: No net loss of affordable housing

H Policy 4.1.1: The City shall strive to maintain existing affordable housing stock.

H Policy 4.1.2: The City shall require property owners to replace affordable housing lost by redevelopment, particularly housing occupied by low or moderate income households.

To implement these policies the City shall:

H Implementation Measure 24 20: Maintain a mobile home park rent stabilization ordinance that regulates maximum allowable rents and limits rent increases.

Responsible Department: City Manager/City Council
Funding source: General fund/registration fees
Timeframe: On-going
Objective: No net loss of units

H Implementation Measure 25 21: Pursuant to the provisions of Government Code Section 65863.7, require the submittal of a report detailing the impacts of any proposed mobile home park conversion to a nonresidential use concurrent with the filing of any discretionary permit on such property and impose reasonable mitigation measures upon the

park owners.

Responsible Department: City Council
 Funding source: General fund
 Timeframe: On-going
 Objective: Not applicable

H Implementation Measure 26 22: Establish a housing ~~conservation~~ rehabilitation program and provide financial assistance and/or incentives ~~to rehabilitate existing housing~~ to encourage rehabilitation of both owner-occupied and rental housing and the preservation of such housing as affordable to low- and moderate-income households, ~~such as permit fee waivers for those units deed restricted for rent or sale as affordable to very low, low and moderate-income families.~~ Examples of the financial assistance/incentive the City will explore are:

- (1) Direct financial assistance for rehabilitation (loans or grants)
- (2) Fee waivers or reductions
- (3) Relaxation of development standards to facilitate the rehabilitation

Responsible Department: City Council
 Funding source: General fund
 Timeframe: ~~January 1997~~ City staff to develop program guidelines and identify potential funding sources by December 2001. City Council to adopt program by March 2002. City to identify method of administration (City staff, consultant, nonprofit agency, County agency, etc.) by and begin implementing program by June 2002.
 Objective: 15 units rehabilitated ~~Not applicable~~

H Implementation Measure 23: In accordance with Government Code Section 65590, require the replacement of affordable units removed (either by demolition or conversion) from the coastal zone whenever feasible.

Responsible Department: City Council
 Funding source: General fund
 Timeframe: ~~January 1997~~ Current and ongoing
 Objective: No net loss of units

H Implementation Measure (ii): ~~Implement an incentives program to bring substandard housing into compliance, including establishing a rehabilitation assistance program and permit streamlining process.~~

~~Responsible Department: City Council/Building Department
 Funding source: General fund/CDBG
 Timeframe: January 1999
 Objective: 47 units rehabilitated~~

~~**H Implementation Measure 27:** Provide incentives (such as rehabilitation assistance, fee waivers and permit streamlining) for the repair, restoration, and/or reconstruction of existing, affordable housing units which are impacted by natural disaster or condemnation, especially units which accommodate very low, low and moderate income households, elderly, disabled, large families, single heads of households, farm workers, those in need of emergency shelter and other individuals or household types with special needs, except if those units are located in areas physically unsuitable for development.~~

~~Responsible Department: City Council
Funding source: General fund
Timeframe: January 1997
Objective: Not applicable~~

~~**H Implementation Measure 28:** Implement and encourage participation in the CDBG housing rehabilitation programs including the California HOME Program.~~

~~Responsible Department: City Council
Funding source: General fund
Timeframe: January 1996
Objective: Not applicable~~

H Implementation Measure 29- 24: Establish a voluntary amnesty and legalization program for existing housing units in the City provided where:

- 1) the unit is "livable" and meets basic health and safety requirements;
- 2) the unit existed at the time of the City's incorporation; and
- 3) the unit is restricted for owner-occupancy or rental by very low-, low- or moderate-income persons at an affordable rate.

Responsible Department: City Council
Funding source: General fund
Timeframe: April 1996 Current and ongoing
Objective: 5- 10 units

H OBJECTIVE 5.1: Housing needs addressed regionally.

H Policy 5.1.1: The City shall initiate cooperation among neighboring jurisdictions and other public agencies to pool resources to meet regional housing needs.

H Policy 5.1.2: The City shall work to assure that responses to the regional housing problems are fairly allocated among the affected jurisdictions in the region.

To implement these policies the City shall:

H Implementation Measure 30 25: Explore the possibility of cooperative agreements with agencies and other levels of government to provide emergency shelter. The objectives of the cooperative agreements will be to identify appropriate locations for emergency shelters that serve more than one community and establish a cost-sharing mechanism so that each participating community contributes a fair share to the operation of the shelter.

Responsible Department: City Manager/Council liaison to Westside Summit
Funding source: General fund
Timeframe: ~~January 1997~~ Current and ongoing
Objective: Not applicable

H Implementation Measure 31 26: Enter into an agreement with Los Angeles County or other appropriate agencies such as the Westside Fair Housing Council to operate a Fair Housing Program encompassing investigation of discrimination complaints, research on housing discrimination related issues, and public information about the rights and responsibilities of land owners and tenants. Promote availability of the program through the use of pamphlets and public bulletin board on community television. (See Program 10.)

Responsible Department: City Attorney/Code Enforcement
Funding source: Seek sources
Timeframe: ~~Ongoing~~ Current and ongoing
Objective: Not applicable

H Implementation Measure 32 27: Work with Southern California Association of Governments to encourage an appropriate fair share allocation of regional housing demands based on population need, existing supply/demand, ability to accommodate growth given the physical/environmental constraints and the jobs-to-housing ratio.

Responsible Department: City Manager/Council liaison to Westside Summit
Funding source: General fund
Timeframe: ~~January 1997~~ Current and ongoing
Objective: Not applicable

Quantified Objectives 1998-2005

The City has established quantified objectives related to the programs and implementation measures described above. The following table summarizes the objectives for the period covered by the SCAG housing allocation plan. It addresses the City's responsibility for accommodating a share of the region's housing development between 1998 and 2005, assisting the construction of affordable housing and rehabilitating housing.

Table 1

Quantified Objectives
(January 1, 1998 - June 30, 2005)

	Very Low- Income	Low- Income	Moderate - Income	Above Moderate- Income	Total
Designate Sites to Meet the RHNA New Construction Need at a Minimum	2	2	2	8	14
Anticipated Units to Be Produced (Including Infill, Reuse, Second Units and Granny Flats)	6	21	28	70	125
Housing Rehabilitation	5	10	0	0	15

APPENDIX A: COMPARISON OF DEVELOPMENT FEES

The following provides information regarding various development fees for the City of Malibu and the County of Los Angeles.

Action	City of Malibu	County of Los Angeles
Environmental Assessment(Initial Study)	\$270.00	\$748.00
Environmental Impact Report (EIR)		
Minor EIR	Consultant cost to prepare + 20%	\$3,000.00+dep
Major EIR	Consultant cost to prepare + 20%	\$5,000.00+dep
Fire Dept Review	N/A	\$1,000.00+dep
Tentative Parcel Map	\$2,205.00	
Major Land Division	N/A	\$11,549.00+dep
Minor Land Division	N/A	\$8,860.00+dep
Revisions to Tract or Parcel Maps	\$3,380.00	
Major Land Division	N/A	\$3,272.00+dep
Minor Land Division	N/A	\$2,670.00+dep
Lot Line Adjustment	\$805.00	\$915.00
Conditional Use Permit (CUP)		\$3,979.00
Minor CUP	\$770.00	
Major CUP	\$1,885.00	
Environmental Review Board	\$920.00	\$1,065.00
Site Plan Review	\$665.00	\$514.00
Specific Plans	Consultant cost to prepare + 20%	\$3,000.00+dep
Temporary Use Permit	\$150.00	\$684.00

APPENDIX B: SOCIAL SERVICE PROVIDERS SERVING THE CITY OF MALIBU AND SURROUNDING AREAS

A. CITY OF MALIBU

The following organizations in the City of Malibu provide a variety of services to the community including assistance to the homeless who seek help.

Religious Organizations

Serra Retreat: Does not have any organized provision of services, however, people are not turned away.

Other Agencies/Groups

The Artifact Tree (thrift shop): Located at 3728 ½ Cross Creek, provides lunch meals to day laborers.

B. SURROUNDING COMMUNITIES

In addition to the services provided in the City of Malibu, there are additional services available to the homeless in the surrounding communities. The following provides information on some of these services.

City of Los Angeles (community of Venice)

Bible Tabernacle: Provides emergency shelter to single men, some single women, and some families. Families are separated and boys over the age of approximately five are sent to the men's section. After two nights, men and boys are transferred to a shelter in Canyon Country in northeastern Los Angeles County. They do not give a capacity and the Health Department cites them often because people sleep on the floor.

City of Santa Monica

Sunlight: Christian-oriented program, which has a capacity of 128 persons. The shelter accepts children, families, couples, women with children, men with children, and single men and women.

Turning Point: Associated with the Ocean Park Community Center in Santa Monica. The shelter provides separate accommodations for men and women. There are 24 cots for men and 11 cots for women. The maximum permitted stay is two weeks.

Infoline: (800) 339-6993 (funded by the United Way and Los Angeles County)

Battered Women: (310) 392-8361

Overnight Shelters: OPCC Daybreak Shelter (for women)

Other services - day centers, food services, public showers, employment and training, alcohol and drug recovery and medical and health services - are also provided by a wide variety of public and private associations and agencies in the City of Santa Monica. Information on these services is available from the City of Santa Monica's Social Services Commission (310) 458-8701.

City of West Hollywood

Homeless Family Assistance: (213) 461-9532

West Hollywood Homeless Organization: (213) 650-4040

Infoline: (809) 333-9997

Food:

Romaine and Sycamore: Food line starts at 5:30 p.m.

Sova Food Pantry: 7536 ½ Beverly Blvd. (310) 828-8814

All Saints' Episcopal Church: 504 N. Camden Drive, Beverly Hills, Friday 3:00 - 5:00 p.m. Lunch and walk-in services.

Medical:

L.A Free Clinic: 8405 Beverly Blvd., Los Angeles (213) 653-1990

USC Medical Center: (213) 226-2622

APPENDIX C: INCENTIVES TO PROVIDE AFFORDABLE HOUSING

Scenario A: Multi-family project in a Multi-Family (MF) or Multi-Family Beach Front (MFBF) land use designation.

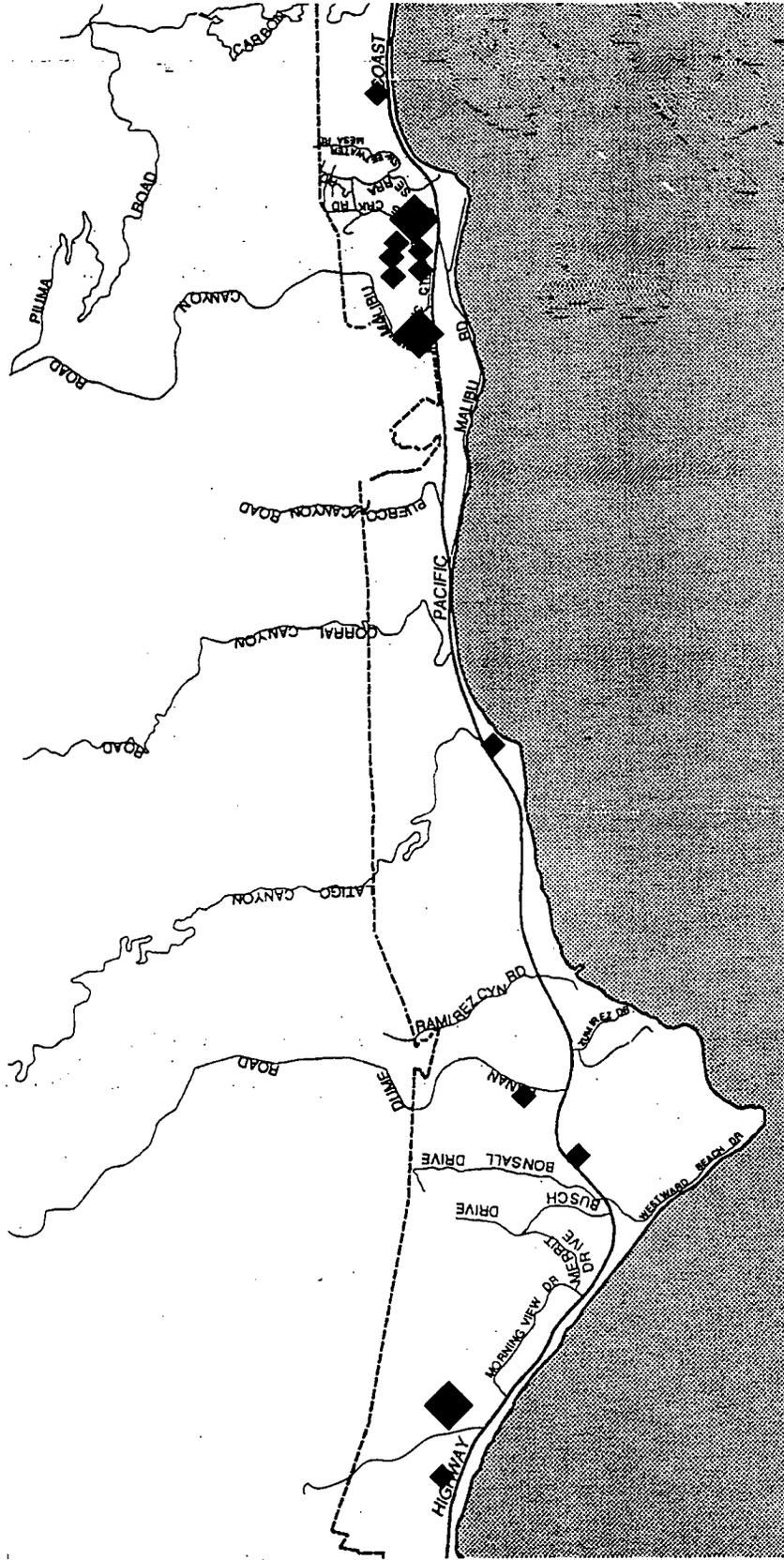
1. Density increase of 25 percent over the base density shall be allowed when the project provides one of the following: (a) 20 percent of the total units deed-restricted for low-income families, or (b) 10 percent of the total units deed-restricted for very low income families, or (c) 50 percent of the total units deed-restricted for seniors. (H Implementation Measure 4)
2. Any of the following development standard reductions: (a) 20 percent reduction in the setback requirements in addition to the minor modification setback reduction, if applicable; or (b) 20 percent reduction in the number of vehicle parking spaces required for housing units. (H Implementation Measure 4)
4. Financial incentives may include direct financial aid including CDBG funding, subsidization of infrastructure, or contribution from the City's affordable housing trust fund. (H Implementation Measure 4)
5. Expedite processing of planning approvals and building permits. (H Implementation Measure 4)

Scenario B: Mixed-Use Project in a Commercial General Zone

1. A density increase of 25 percent over the base density for the residential portion of a project shall be allowed when the project provides one of the following: (a) 20 percent of the total units deed restricted for low- income families, or (b) 10 percent of the total units deed-restricted for very low-income families, or (c) 50 percent of the total units deed- restricted for seniors. (H Implementation Measure 4)
2. Up to .05 increase over the maximum intensity permitted within Commercial General zones for that portion of the project dedicated to commercial uses. (H Implementation Measure 6)

3. Any of the following development standard reductions: (a) 20 percent reduction in the setback requirements in addition to the minor modification setback reduction, if applicable; or (b) 20 percent reduction in the number vehicle parking spaces required for housing units. (H Implementation Measure 4)
4. Financial incentives may include direct financial aid including CDBG funding, subsidization of infrastructure, or contribution from the City's affordable housing trust fund. (H Implementation Measure 4)
5. Expedite processing of planning approvals and building permits. (H Implementation Measure 4)

APPENDIX D: LOCATION OF POTENTIAL HOUSING SITES



Not to Scale

Source: City of Malibu, planning, Parsons

City of Malibu
Housing Element

POTENTIAL HOUSING SITES

PARSONS
HARLAND BARTHLOMEW
& ASSOCIATES, INC.
Appendix D