CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENT NO. 26-001 TO AMEND TITLE 17 OF THE MALIBU MUNICIPAL CODE MODIFYING STANDARDS AND PROCEDURES RELATED TO TEMPORARY USE PERMITS AND SIGN PERMITS

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

Section 1. Recitals.

A. On January 7, 2025, the Palisades Fire broke out affecting one-third of Malibu geographically and closing Pacific Coast Highway (PCH), a main throughfare, to the general public. PCH remains closed from the eastern City limit to the Carbon Beach area affecting visitors coming from the greater Los Angeles area. The Governor of California has declared the event a State of Emergency and the President of the United States has declared the event a Federal Emergency.

B. On May 21, 2025, the City Council adopted Resolution No. 25-23 to: 1) initiate a Zoning Text Amendment (ZTA) to consider changes to Title 17 (Zoning) of the Malibu Municipal Code (MMC) to stimulate economic recovery for local businesses as a result of impacts from the 2025 Palisades Fire, specifically related to Temporary Use Permits (TUP) and Sign Permits (SP); 2) bypass the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES); and 3) direct the Planning Commission to schedule a public hearing regarding the same.

C. On June 2, 2025 the Planning Commission held a duly noticed public hearing on the proposed TUP and SP amendments in ZTA No. 25-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record and provided a recommendation to the City Council regarding the amendments.

D. On July 14, 2025, the City Council held a duly noticed public hearing on the proposed amendments ZTA No. 25-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council directed staff to set a second reading for adoption of Ordinance No. 526, approving ZTA No. 25-002. The City Council adopted an Urgency Ordinance, Ordinance No. 526U, to immediately initiate economic recovery for businesses affected by the 2025 Palisades Fire.

E. On August 25, 2025 the City Council took public comment, reviewed and considered the agenda report and written reports, public testimony and other information in the record, and conducted an additional first reading and introduction of the Ordinance and directed staff to set Ordinance No. 526, approving ZTA No. 25-002, for second reading and adoption. On September 8, 2025, the City Council held a duly noticed public hearing on the proposed

amendments ZTA No. 25-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 526, approving ZTA No. 25-002.

F. On September 8, 2025, the City Council held a duly noticed public hearing on the proposed amendments ZTA No. 25-002, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The City Council approved on second reading Ordinance No. 526, approving ZTA No. 25-002.

G. On February 9, 2026, the City Council adopted Resolution No. 26-06 initiating a Zoning Text Amendment (ZTA) to Title 17 (Zoning) of the Malibu Municipal Code (MMC) related to TUP and Sign Permit regulations, bypassing the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) review; and directing the Planning Commission to schedule a public hearing regarding the same.

H. On February 19, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

I. On March 16, 2026 the Planning Commission held a duly noticed public hearing on the proposed amendments, ZTA No. 26-001, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission adopted Planning Commission Resolution No. 26-13 and provided a recommendation to the City Council.

Section 2. Environmental Review.

The Community Development Director has analyzed the project proposal described herein. The California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The Community Development Director determined that there is no possibility the amendment will have a significant effect on the environment and accordingly, the exemption set forth in Section 15061(b)(3) applies. The amendments to the MMC can be seen not to have a significant effect on the environment as they merely create temporary use permit requirements to facilitate economic recovery related to the 2025 Palisades Fire, a State and federally declared emergency, and do not impose long term effects on the environment. All of the temporary uses allowed by the proposed ordinance will be required to be restored to their existing state and each event will still require compliance with CEQA individually, as well as the California Coastal Act.

Section 3. Zoning Text Amendment Findings.

Pursuant to Malibu Municipal Code Section 17.74.040, the Planning Commission hereby makes the following findings and recommends to the City Council that the MMC be amended as stated in Exhibit A of this resolution.

A. The subject zoning text amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed amendment serves to enhance the Malibu General Plan Mission Statement, protect public safety and preserve Malibu's natural and cultural resources.

B. The Planning Commission held a public hearing, reviewed the subject zoning text amendment application for compliance with the City of Malibu General Plan, Malibu Municipal Code and the Malibu Local Coastal Program, and finds that the zoning text amendment is consistent and recommends approval.

Section 4. Planning Commission Action.

Based on the foregoing findings and evidence contained in the record, the Planning Commission hereby recommends that the City Council adopt an ordinance to approve the Zoning Text Amendments contained in Exhibit A of this resolution.

Section 5. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 16th day of March 2026.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-13 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 16th day of March 2026, by the following vote:

AYES:	5	Commissioners Peak, Riddick, Kamins, Leonard, Mazza
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

Rebecca Evans

REBECCA EVANS, Recording Secretary

CHAPTER 17.68
TEMPORARY USE PERMITS

§ 17.68.010. Purpose.

The temporary use permit is intended to allow for the short-term placement of activities, many of which would be prohibited as permanent placements, in temporary facilities, public or private buildings or open spaces, or outside of buildings. Activities involving any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service and/or public advertising shall require a temporary use permit. Temporary use permits shall be limited to four events per parcel of land per calendar year in residential zoning districts, and six events per parcel of land per calendar year in all zoning districts, except residential or as described in Section 17.68.090 below. All activities shall be regulated so as to avoid incompatibility between such uses and surrounding areas.
(Prior code § 9490; Ord. 190 § 7, 1999)

§ 17.68.020. Application filing.

Application for a temporary use permit shall be filed according to Sections 17.04.110 through 17.04.150.
(Prior code § 9491; Ord. 190 § 7, 1999)

§ 17.68.030. Application submittal requirements.

Application for temporary use permit shall include the following:

A. Uniform application, signed by both applicant and landowner;

B. Filing fee;

C. Site plan (three copies) including the dimensions of the lot, location of all temporary structures, access onto the site, and parking areas;

D. A written description detailing the type and nature of the temporary use requested and the dates and hours of operation of the temporary use. In addition, provide information on how noise, garbage, sanitation, dust, etc., are going to be mitigated;

E. Agency approval sheet, signed by all agencies;

F. Proof of liability insurance for the subject property;

G. Indemnification/hold harmless agreement;

H. Public notice property owner and occupant mailing labels; provide three sets of labels for properties within a 500 foot radius of the subject property.
(Prior code § 9492; Ord. 190 § 7, 1999)

§ 17.68.040. Temporary uses requiring permit.

A temporary use permit may be issued by the planning director for the following uses:

A. Real estate sales offices within approved development projects;

B. Model homes and temporary tract sales offices for a project opened to the public for the first time;

C. Seasonal activities including but not limited to Christmas tree and pumpkin sales lots and temporary holiday structures~~; however, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid city business license,~~ provided such activity shall be

permitted for a period not to exceed ~~30~~ 40 consecutive calendar days;

D. Circuses and carnivals;

E. Special events related to an existing business with temporary outdoor display/sales of merchandise in any commercial zone, provided there shall be no more than four displays/sales in any calendar year, and not more than two consecutive days, and that the displayed merchandise is customarily sold on the premises, and that such premises are utilized for a permanently established business;

F. Indoor and outdoor entertainment and assembly events, including, but not limited to, weddings, fund-raisers, retreats, fairs, festivals and concerts, when not held within premises designed to accommodate such events, such as: auditoriums, stadiums or other public assembly facilities, or private clubhouse facilities not associated with public cultural or recreational facilities;

G. Art, cultural, and educational exhibits and displays;

H. Swap meets for no more than two consecutive days;

I. Off-site contractors' construction yards;

J. Outdoor sporting events;

K. Similar temporary uses which, in the opinion of the director, are compatible with the zone and surrounding land uses;

L. Off-site surface parking on a vacant commercially zoned lot for the farmers market within 350 feet of the farmers market to replace required parking displaced by construction. The dates for this use shall not count against the maximum 60 calendar days within one calendar year for which a site can be used for temporary uses. This provision shall expire the earlier of the issuance of a certificate of occupancy for Santa Monica College or on January 1, 2024.

M. Temporary relocation of a permitted farmer's market to a publicly-owned park located within 350 feet of the permitted location so long as such use does not exceed one day per week. The dates for this use shall not count against the maximum 60 calendar days within one calendar year for which a site can be used for temporary uses, nor toward the six events per parcel limit. Any approvals for this use shall be good for six months. The application for a TUP is required to be filed with the planning department 16 days prior to the proposed use. Public notices shall be mailed not less than 14 days prior to the proposed use. The planning director shall render a decision 12 days prior to the proposed use. In addition to a TUP, a facilities use permit must be obtained prior to the relocation of the farmer's market. This provision shall expire the earlier of the issuance of a certificate of occupancy for Santa Monica College or on January 1, 2024.

(Prior code § 9493; Ord. 190 § 7, 1999; Ord. 456 § 4, 2019; Ord. 495 § 4, 2022; Ord. 505U § 2, 2022)

§ 17.68.050. Required permits and public notice.

A temporary use permit approved by the planning director shall be required for all uses listed in this chapter, and shall be issued prior to commencement of the use. A public hearing shall not be required for the issuance of a temporary use permit; however, a five-day public notice of the proposed event shall be provided as follows:

A. Application for temporary use permit shall be filed with the planning department 35 days prior to the proposed use.

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B. A notice shall be mailed, postage pre-paid, to any organization or homeowners associations that requests such notice in writing and to all property owners and tenants within a 500 foot radius of the subject property, and in no event less than 10 developed properties.

C. The public notice shall state the nature of the request, location and zoning designation of the property, name of the project proponent, and the time and place of the proposed temporary use.

D. Public notices shall be mailed not less than 32 days prior to the proposed event.

E. The planning director shall render a decision 24 days prior to the proposed use.
(Prior code § 9494; Ord. 190 § 7, 1999)

§ 17.68.060. Findings.

The director may approve a temporary use permit application; provided, that all of the following findings of fact are made:

A. That the operation of the requested use at the location proposed and within the time period specified is compatible with the surrounding neighborhood uses;

B. That the proposed site is adequate in size and shape to accommodate the temporary use;

C. That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;

D. That adequate temporary parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations acceptable to the planning director;

E. That the proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to; or in the vicinity of, the proposed location of the activity;

F. That the event (excluding four days for additional set-up or takedown activities) shall not exceed a total of 14 consecutive calendar days, unless allowed by Section 17.62.040 above, and that the proposed site has not been used for temporary uses for more than 60 calendar days within any one calendar year; and

G. That no complaints have been filed against the current property owner with the Los Angeles County district attorney's office during the 24 months preceding the date of application submittal.

H. That the event authorized by the subject TUP (held on consecutive or non-consecutive days) promotes the same activity (i.e., movie night, summer concert, or holiday), to prevent a variety of unrelated events bundled into one TUP.

(Prior code § 9495; Ord. 190 § 7, 1999)

§ 17.68.070. Conditions of approval.

In approving an application for a temporary use permit, the director may impose such conditions as are deemed necessary to insure that the permit will be in accord with the findings required by Section 17.68.060. These conditions may involve any pertinent factors affecting the operation of the temporary use, and may include but are not limited to the following:

A. Provision of adequate temporary off-street parking facilities, including vehicular access and egress as

defined by the planning director;

B. Regulation of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gasses and heat;

C. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;

D. Provision of sanitary and medical facilities;

E. Provision of solid waste collection and disposal;

F. Provision of security and safety measures;

G. Regulation of signs;

H. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested, and limiting the hours for event set-up, break-down, and cleanup;

I. Submission of a performance bond or other surety devices to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;

J. Submission of a site plan indicating any information required by this chapter;

K. Requirement that the approval of the temporary use permit is contingent upon compliance with applicable provisions of other ordinances;

L. Such other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accord with the intent and purpose of this chapter;

M. Applicants for special event permits shall:

1. Provide containers for recycling cans, glass, plastic and paper generated,

2. Provide information and guidance to assure recycling of materials listed above,

3. Comply with the city's solid waste recycling ordinance, and

4. Submit a plan indicating efforts to reduce, reuse or recycle waste generated;

N. The event shall not cause any noises, sounds or vibrations which are physically annoying to reasonable persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to occasion unnecessary discomfort to any persons within a 500 foot radius of the place from which such noises emanate or which interfere with the peace and comfort of residents, occupants or guests of the surrounding neighborhood, or the operators or customers in places of business in the vicinity;

O. The applicant shall demonstrate that the holding capacity of surrounding streets and intersections is sufficient to sustain the use without conflicting with established general plan goals and policies;

P. Submission of additional services bond for the purpose of protecting, assisting and regulating the proposed event. The cost of providing such additional services shall be paid in advance to the city by the applicant;

Q. The temporary use shall conform to city planning department, building and safety department, public works department, Los Angeles County fire prevention bureau, Los Angeles County sheriff's department, Los Angeles County mountain and rural sanitation department programs, regulations and

requirements;

R. The applicant shall defend, indemnify, and hold harmless the city and its officers, agents, and employees from any claim, action or proceeding against the city or its officers, agents, or employees to attack, set aside, void, or annul approval of this permit;

S. The applicant shall furnish insurance in the amount to be determined by the planning director, but in no event less than one million dollars ($1,000,000.00) to protect the city against claims of third persons for personal injury, wrongful death and property damage;

T. The applicant shall have a copy of the approved temporary use permit available on-site during the entire duration of the use.

(Prior code § 9496; Ord. 190 § 7, 1999)

§ 17.68.080. Appeals and revocation.

A. The applicant may appeal the decision of the planning director to the planning commission within three calendar days of the decision date.

B. A temporary use permit may be revoked if the planning director finds that one or more of the following conditions exists:

1. Circumstances have been changed by the applicant to such a degree that one or more of the findings of fact contained in Section 17.68.060 can no longer be made in a positive manner.

2. The temporary use permit was obtained in a fraudulent manner.

3. One or more conditions of the temporary use permit have not been fulfilled.

(Prior code § 9497; Ord. 190 § 7, 1999)

§ 17.68.090. Temporary use permit requirements related to impacts from the 2025 Palisades Fire.

To aid recovery from the 2025 Palisades Fire, Temporary uses will be allowed for events specified in Section 17.68.040 with 250 or fewer attendees on commercially and institutionally zoned parcels from June 23, 2025, through ~~May 31, 2026~~ May 31, 2027, subject to the following procedures and requirements. These provisions do not supersede the requirements of the City's Local Coastal Program. Only one event permitted under this Section is allowed at a time. This section shall not apply to events with more than 250 persons.

A. Events with 99 persons or less:

1. A TUP shall not be required, but instead a planning clearance must be obtained from the Community Development Department authorizing the temporary use.

2. The application shall be submitted at least two (2) calendar days prior to the event. No public noticing is required. The planning director's decision is not appealable.

3. There are no limits to how many of these types of events may be conducted as long as a planning clearance is obtained.

4. A property is not eligible for a permit pursuant to this Section, and such application shall be denied, if any of the following apply:

a. The property has received a citation for violation of the City's noise ordinance or other public nuisance violation in the past year.

b. An event has been held on the property without the required permit in the past year.

c. The property has outstanding code enforcement violations, unless a compliance agreement between the City and the owner of the property exists that addresses a resolution to the violation, and the owner is in compliance with the requirements of the agreement.

d. The proposed event would create a public nuisance or violate any City, County, State, or Federal regulation.

e. The owner has knowingly made any false, misleading or fraudulent statement of material fact in the application, or in any report or statement required to be filed that is related to the application.

5. These events shall appear on the City's weekly Event Report.

6. The planning director may impose conditions on the permit to protect against the event becoming a nuisance to the surrounding neighborhood due to the number of people in attendance, the amount of traffic to be generated, the type and volume of amplified music or entertainment to be utilized and other similar considerations. Conditions shall take into account the size of the property, the capacity of the street on which it is located, the availability of parking and the proximity to neighboring properties and sensitive uses.

B. Events with 100-250 attendees:

1. A TUP pursuant to this chapter is required but the following requirements replace those in Section 17.68.050 and there shall be no appeal of the planning director's decision:

a. An application for a temporary use permit shall be filed with the Community Development Department seven (7) calendar days prior to the proposed use. Applications for events held at a shopping center must be applied for by the owner of the shopping center.

b. A notice shall be mailed, postage pre-paid, to any organization or homeowners associations that requests such notice in writing and to all property owners and tenants within a 500 foot radius of the subject property, and in no event less than the 10 closest developed properties.

c. The public notice shall state the nature of the request, location and zoning designation of the property, name of the applicant, and the time and place of the proposed temporary use.

d. Public notices shall be mailed not less than five (5) calendar days prior to the proposed event.

e. The planning director shall render a decision at least three (3) calendar days prior to the proposed temporary use.

f. Events shall not include illumination unless it complies with Chapter 17.41 (Malibu Dark Sky).

g. Events may occur in a common area, but cannot occur in vacant locations, i.e. those not occupied by a currently operating business.

h. Events must be open to the general public, but a fee may be charged for entrance. This requirement (h) does not apply to tenant opening events, private gatherings for friends and family of the business only, or other similar events hosted by the business or shopping center owner for the sole purpose of promoting the goods and services the business provides.

2. These events shall be limited to a total of 48 one day events with no more than eight (8) one day events per month per shopping center. For businesses not located in a shopping center, a total of 24 one day events shall be allowed with no more than two (2) one day events per business per month.

3. A property is not eligible for a permit pursuant to this Section, and such application shall be denied, if any of the following apply:

a. The property has received a citation for violation of the City's noise ordinance or other public nuisance violation in the past year.

b. An event has been held on the property without the required permit in the past year.

c. The property has outstanding code enforcement violations, unless a compliance agreement between the City and the owner of the property exists that addresses a resolution to the violation, and the owner is in compliance with the requirements of the agreement.

d. The proposed event would create a public nuisance or violate any City, County, State, or Federal regulation.

e. The owner has knowingly made any false, misleading or fraudulent statement of material fact in the application, or in any report or statement required to be filed that is related to the application.

C. Temporary signage.

1. Businesses may obtain temporary signage permits subject to the following limitations. The requirements of Chapter 17.52 shall not apply so long as the businesses or property owners obtain a temporary sign permit from the City and meet the following requirements. All other signs are subject to chapter 17.52.

   a. Six (6) signs per shopping center as defined by the Malibu Municipal Code or two (2) signs per parcel for all other commercial businesses and shall not exceed 16 square feet in size each.

   b. Signs must be temporary and not have any permanent foundations or footings.

   c. Signs shall not be illuminated.

2. The planning director may impose conditions on the permit to protect against the sign creating a nuisance or to increase the safety of the sign.