



# Council Agenda Report

City Council Meeting  
07-10-23

**Item  
3.B.14.**

To: Mayor Silverstein and Honorable Members of the City Council

Prepared by: Joyce Parker-Bozylinski, Contract Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, City Manager

Date prepared: June 13, 2023 Meeting Date: July 10, 2023

Subject: Annual Progress Report Regarding the Implementation of the City's Housing Element

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**RECOMMENDED ACTION:** Approve the 2022 Annual Housing Element Progress Report (Attachment 1).

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**WORK PLAN:** This item was included as item 4.e in the Adopted Work Plan for Fiscal Year 2022-2023.

**DISCUSSION:** California Government Code Section 65400(b) mandates that each city and county planning agency prepare an annual report to the California Department of Housing and Community Development (HCD) and Office of Planning and Research (OPR) regarding the implementation of the Housing Element and how the City is meeting their regional housing needs for the city. The deadline for the submittal of the report is April 1st of each year for the prior calendar year. The reports must also be reviewed by the local governing body, which can be done before or after submitting them to the State. Staff submitted the APR to HCD and OPR on April 10, 2023. An updated version of the report can be re-submitted to the State at any time if any revisions are directed by the City Council. If the APR is approved by the City Council, staff will provide notification to HCD and OPR of the Council's approval of the report.

The Housing Element APR describes the City's progress toward implementation of the Housing Element programs within the reporting period of 2022. Progress toward achieving the mandated Regional Housing Needs Assessment (RHNA) allocation is a key

component of the annual Housing Element APR. The RHNA establishes exactly how many new homes—and at what affordability levels—a jurisdiction is required to plan for within an eight-year planning cycle to address regional and State housing needs. Through the RHNA allocation, each jurisdiction is assigned its “fair share” of housing production at specified affordability levels. The attached APR documents how much net new housing development, and at which affordability levels, has occurred during the reporting year. The housing units are tracked by calculating the number of development applications submitted, project entitlements approved, building permits issued, and building permits that received final Certificate of Occupancy approval. The APR also includes status updates on the City’s progress in meeting the objectives for each of the numerous programs noted in the Housing Element.

## Housing Element Background

All jurisdictions in California update their housing elements every eight years according to the State-established planning cycle. On February 12, 2014, the California Department of Housing and Community Development (HCD) certified the City’s Housing Element as meeting the requirements of state law for the planning period of 2013-2021 (5th cycle).

On January 10, 2022, the City Council adopted Resolution No. 22-67, adopting the Revised Draft Housing Element (6th Cycle) for planning period 2021-2029, which was submitted to the HCD on January 20, 2022. Malibu has been allocated 79 units total<sup>1</sup>, and is able to accommodate that allocation without zone changes or code amendments. Subsequently, HCD issued a letter finding that the Revised Draft 2021-2029 Housing Element Update addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law. Staff is currently working with the City’s Housing Element consultant to address the HCD’s comment letter.

## Reporting Requirements

Staff has drafted the 2022 Annual Housing Element Report, which is provided as Attachment 1. The report includes summaries of the following<sup>2</sup>:

- All applications for housing units deemed complete in 2022 (Table A),
- The numbers of new housing units<sup>3</sup> with planning approvals, with building permits, and with Certificates of Occupancy issued in 2022 (Table A2),
- Progress toward the City’s assigned RHNA for the Sixth Cycle (Table B),

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<sup>1</sup> Of the 79 units assigned to Malibu by SCAG, 28 must qualify as Very-Low Income, 19 as Low Income, 17 as Moderate Income, and 15 as Above-Moderate Income.

<sup>2</sup> Tables C, E, F, G, H, I and J were not applicable to the City for 2022.

<sup>3</sup> Housing units built to replace those lost in the 2018 Woolsey Fire or those built to replace homes that are demolished by choice were not reported in previous reports but for 2022, all housing units are required to be reported.

- Progress in implementing the programs contained in Section 7.5 of the Housing Element (Table D).
- LEAP Reporting

ATTACHMENTS:

1. 2022 Annual Housing Element Progress Report

Jurisdiction	Malibu	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

**Table A**  
**Housing Development Applications Submitted**

Project Identifier				Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Law Applications	Application Status	Notes			
1				2	3	4	5							6	7	8	9	10	11	12		
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Did the housing development application seek incentives or concessions pursuant to Government Code section 65915?	Were incentives or concessions requested pursuant to Government Code section 65915 approved?	Please indicate the status of the application.	Notes*
Summary Row: Start Data Entry Below							0	0	0	0	0	0	0	0	2	2	0	0				
	4470027020	31864 SEA LEVEL DR		CDP 05-081	SFD	O	4/26/2005							1	1			No	No	No	Pending	
	4467018031	28906 VERDE MESA LN		CDP 15-002	SFD	O	1/13/2015							1	1			No	No	No	Pending	
	4469047003	6333 SEA STAR DR		CDP 16-028	SFD	O	5/24/2016							1	1	1		No	No	No	Approved	
	4473026002	3620 NORANDA LN		CDP 17-104	SFD	O	11/8/2017							1	1			No	No	No	Pending	
	4467023030	5900 BONSALE DR		ACDP 19-022	ADU	R	4/2/2019							1	1	1		No	No	No	Approved	
	4466080802	28867 GRAYFOX ST		CDP 19-042	ADU	R	8/25/2019							1	1	1		No	No	No	Approved	
	4466070005	6777 WILDLIFE RD		CDP 19-044	SFD	O	8/27/2019							1	1	1		No	No	No	Approved	
	4467004013	6075 MURPHY WAY		ACDP 19-071	SFD	O	10/1/2019							1	1	1		No	No	No	Approved	
	4467033030	5610 KANAN DUME RD		CDP 20-056	SFD	O	10/15/2020							1	1	1		No	No	No	Approved	
	4466020001	6734 ZUMIREZ DR		CDP 20-068	ADU	R	12/29/2020							1	1			No	No	No	Pending	
	4469070111	5466 HORIZON DR		ACDP 22-010	ADU	R	3/8/2022							1	1			No	No	No	Pending	
	4459017015	25426 MALIBU RD		CDP 15-067	2 to 4	O	11/30/2015							1	1	1		No	No	No	Approved	4 units to 2 units
	4470016011	31340 BROAD BEACH RD		CDP 19-007	SFD	O	2/11/2019							1	1			No	No	No	Pending	Demo SFD/Replace
	4468012012	6629 WANDERMERE DR		PVWF 19-071	SFD	O	4/30/2019							11	11			No	No	No	Approved	Destroyed/Fire Rebuild
	4469004011	30010 ANDROMEDA LN		PVWF 19-161	SFD	O	7/30/2019							1	1			No	No	No	Approved	Destroyed/Fire Rebuild
	4467025017	5606 CALPINE DR		APRWF 19-063	SFD	O	10/28/2019							1	1			No	No	No	Approved	Destroyed/Fire Rebuild
	4468080824	6703 DUME DR		APRWF 19-072	SFD	O	11/19/2019							1	1			No	No	No	Approved	Destroyed/Fire Rebuild
	4468090006	29215 LARKSPUR LN		APRWF 20-059	SFD	O	1/16/2020							1	1			No	No	No	Approved	Destroyed/Fire Rebuild
	4469013028	5826 FILAREE HT		APRWF 21-005	SFD	O	3/4/2021							1	1			No	No	No	Approved	Destroyed/Fire Rebuild
	4469041011	29738 CUTHBERT RD		CDPWF 22-003	SFD	O	2/14/2022							1	1			No	No	No	Approved	Destroyed/Fire Rebuild







Jurisdiction	Malibu
Reporting Year	2022 (Jan. 1 - Dec. 31)
Planning Period	6th Cycle 10/15/2021 - 10/15/2029

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
Please contact HCD if your data is different than the material supplied here

Table B														
Regional Housing Needs Allocation Progress														
Permitted Units Issued by Affordability														
		1	2										3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2021-10/14/2021	2021	2022	2023	2024	2025	2026	2027	2028	2029	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	28	-	-	-	-	-	-	-	-	-	-	-	28
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	-
Low	Deed Restricted	19	-	-	-	-	-	-	-	-	-	-	-	19
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	-
Moderate	Deed Restricted	17	-	-	-	-	-	-	-	-	-	-	-	17
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	-
Above Moderate		15	9	4	15	-	-	-	-	-	-	-	28	-
Total RHNA		79												
Total Units			9	4	15	-	-	-	-	-	-	-	28	64
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7
		Extremely low-Income Need		2021	2022	2023	2024	2025	2026	2027	2028	2029	Total Units to Date	Total Units Remaining
Extremely Low-income Units*		14		-	-	-	-	-	-	-	-	-	-	14

\*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at [apr@hcd.ca.gov](mailto:apr@hcd.ca.gov).

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

Jurisdiction		Malibu	
Reporting Year		2022 (Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
<p><b>Program 1.1 – Code Enforcement</b>            Ensure compliance with the City’s codes and regulations. Particularly, in the case of code violations in units that are occupied by lower-income persons or persons with special needs, direct property owners and renters to programs that are available to provide assistance. Offer amnesty and legalization for existing housing units where:</p> <ol style="list-style-type: none"> <li>1) The unit is “livable” and meets basic health and safety requirements</li> <li>2) The unit existed at the time of the City’s incorporation; and</li> <li>3) The unit is restricted for owner-occupancy or rental by low- or moderate-income persons at an affordable rate.</li> </ol>	<p><b>Reduce code violations and health &amp; safety issues in existing housing</b></p>	<p>Throughout the planning period</p>	<p>Ongoing</p>
<p><b>Program 1.2 – Rebuilding Assistance</b>            Expedite permit processing and provide special assistance to homeowners seeking to repair or rebuild homes that have been lost or damaged in a fire, flood or other disaster, especially units that accommodate low- and moderate-income households, elderly, disabled, large families, single heads of households, farm workers, individuals in need of emergency shelter, and other individuals or household types with special needs, unless those units are located in areas that are physically unsuitable for development.</p>	<p><b>Facilitate rebuilding of lost or damaged homes</b></p>	<p>Throughout the planning period</p>	<p>In progress - MMC and LCP amendments have been adopted to expedite permit processing for those seeking to repair or rebuild homes that have been affected by the Woolsey Fire and/or related flooding and debris flow.</p>
<p><b>Program 1.3 – Housing Rehabilitation Assistance</b>            Provide incentives to rehabilitate existing housing units, such as permit fee waivers for units that are deed-restricted for low- and moderate-income families.</p>	<p>4 units</p>	<p>Throughout the planning period</p>	<p>Opportunities for this are reviewed on a case by case basis. No requests were made during the 2022 reporting period.</p>

<p><b>Program 1.4 – Preserve Existing Mobile Home Parks</b>  Maintain the Mobile Home Park Rent Control Regulations Ordinance that regulates maximum allowable rents and limits rent increases. Pursuant to the provisions of Government Code §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</p>	<p><b>No net loss of mobile home units</b></p>	<p><b>Throughout the planning period</b></p>	<p><b>Ongoing – no mobile home parks were proposed for conversion in 2022.</b></p>
<p><b>Program 1.5 – Conserve Affordable Housing in the Coastal Zone</b>  In accordance with Government Code §65590, continue to require the replacement of low- or moderate-income units that have been removed from the coastal zone (either by demolition or conversion), whenever feasible.</p>	<p><b>LCP and MMC amendment</b></p>	<p><b>Throughout the planning period</b></p>	<p><b>Ongoing – no low- or moderate-income units were demolished or converted. LCP and MMC amendments for the Affordable Housing Overlay District were certified in 2019 Short-Term Rental Ordinances were passed by the City to encourage homes to be used for permanent residential use. The California Coastal Commission denied the Local Coastal Program Amendment. Work on a revised ordinance is in process.</b></p>
<p><b>Encourage fair and realistic RHNA allocations</b></p>	<p><b>Encourage fair and realistic RHNA allocations</b></p>	<p><b>Throughout the planning period</b></p>	<p><b>City staff continues to monitor SCAG programs related to housing needs.</b></p>
<p><b>Program 2.2 – Ensure Adequate Capacity to Accommodate Regional Housing Needs</b>  The City's residential land inventory provides adequate capacity to accommodate the City's housing needs as identified in the 2013-2021 RHNA (see Appendix B). The City will pursue a two-part strategy to provide sites for lower-income housing: 1) Opportunities and incentives for second units; and 2) Zoning regulations to facilitate affordable multi-family or mixed-use development in suitable locations.  A. Expand the Supply of Second Units. In order to maximize the availability of additional second units, the City will implement the following actions:  1. Promote the Development of Second Units  2. Amnesty Program for</p>	<p><b>21 second units during 2013-2021</b></p>	<p><b>Throughout the planning period</b></p>	<p><b>City staff informally encouraged the development of second residential units over guest houses or studios.</b></p> <p><b>No requests were made to legalize previously developed second units during this year.</b></p> <p><b>The City is preparing an ADU ordinance that will streamline the process for creating new ADUs and promote their development. Building permits for seven new (not a rebuild or replacement) second unit were issued in 2021.</b></p> <p><b>The City successfully applied for a LEAP grant to support the ADU ordinance and ADU processing.</b></p>

**B. Facilitate New Affordable Housing Development**

In order to accommodate lower-income housing, the MMC and LCP regulations were amended in the previous planning period to establish an Affordable Housing Overlay allowing multi-family or mixed-use development by-right at a density of 20 units/acre for projects that include affordable housing. In order to qualify for the increased density incentive, all "bonus" units (i.e., additional units allowed above the base density of 6 units per acre) must be deed-restricted for low- and moderate-income households for a minimum of 30 years at a ratio of 50% low- and 50% moderate-income. As an alternative, very-low-income units may offset the requirement for moderate-income units on a program 2.3 - Streamline

Provide suitable sites with appropriate zoning that could accommodate lower-income housing

The Local Coastal Program Amendment to allow for multi-family development in compliance with the adopted 2013-2021 Housing Element was certified by the California Coastal Commission on December 11, 2019.

Accomplished - The applicable LCP amendments have been certified.

**Development Review and Assist Affordable Housing Developments**  
Streamline the development review and permit process for all residential development by providing a series of informational handouts describing how to apply for housing development and summarizing the basic development criteria for different zoning districts. When developers propose to include affordable units in a project, provide assistance through expedited processing, density bonus and other modified development standards, and administrative assistance with grant applications.

Minimize residential permit processing time and assist affordable housing developments

Throughout the planning period

Ongoing – Staff has created various pamphlets as well as forms to help guide applicants through the permitting process. No applications have been submitted for affordable housing projects. However, staff has worked with parties interested in affordable housing to determine the appropriate project standards and submittal processes.

**Program 3.1 – Fair Housing**

Support fair housing efforts by contracting with the Los Angeles County Housing Authority, Westside Fair Housing Council, or other appropriate organizations, to create a program that provides fair housing services, including investigation of discrimination complaints, research on housing discrimination-related issues, public information about the rights and responsibilities of landowners and tenants, and landlord/tenant dispute resolution. Promote the program each year through the use of pamphlets, public bulletin boards on community television; educational flyers distributed to property owners, apartment managers and tenants; public service

**Provide and publicize fair housing services through contracting with a public or non-profit service provider**

**Annual appropriation and semi-annual publications and announcements**

Ongoing. Since 2016 the City has contracted with The People Concern to help transition individuals experiencing homelessness to permanent housing.

**Program 3.2 – Provide Financial Support and Referral Information to Persons in Need of Assistance**

Malibu is a small jurisdiction without a redevelopment agency or housing department; furthermore, the City is not an entitlement jurisdiction for federal grants. Therefore, the City does not have any resources for direct financial housing assistance, other than a small Affordable Housing Trust Fund and Community Development Block Grant (CDBG) funds. The City will provide referral information to extremely-low-, very-low-, low-, and moderate-income persons and families, the elderly, and persons with disabilities regarding affordable and special needs housing, such as Section 8 Rental Assistance and the Mortgage Credit Certificate

**Disseminate housing assistance information; provide direct funding in support of affordable housing when feasible**

**The City's Housing Coordinator has the responsibility for monitoring all activities related to the implementation of the Housing Element, including preparation of annual progress reports, annual monitoring of sources of financial assistance such as Section 8 funds, state/federal grants, and mortgage credit certificates. The Housing Coordinator shall also be responsible for disseminating information to the community regarding these activities and resources. Depending on program availability and City eligibility, apply for state/federal funds on a bi-annual basis to assist with affordable housing development.**

The City was awarded approximately \$15,803,348 of federal CDBG-DR funds available through the HCD DR-MHP in response to the 2018 Woolsey Fire. The funding is intended to serve as gap funding for eligible affordable multi-family housing projects in accordance with the HUD limits per affordable housing unit. To date, no developers have applied to utilize the funds.

In addition, the City utilized \$15,000 in CDBG funds for the Malibu Community Labor Exchange (MCLE) and authorized the use of \$98,000 in CDBG funds for a permanent trailer for MCLE. The Labor Exchange provides day labor job connections, including for homeless people.

**Program 4.1 – Monitor and Report Annually on Housing Program Accomplishments**

The City will monitor accomplishments toward Housing Element objectives and report the results annually to the City Council and California Department of Housing and Community Development. If implementation measures are ineffective in achieving the desired results, adjustments will be made to improve the efficacy of programs.

**Monitor progress and make mid-course corrections if necessary to achieve desired results**

**Annual progress reports**

The City continues to monitor Housing Element programs and report progress annually.

<b>Jurisdiction</b>	Malibu	
<b>Reporting Year</b>	2022	(Jan. 1 - Dec. 31)
<b>Planning Period</b>	6th Cycle	10/15/2021 - 10/15/2029

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		15
<b>Total Units</b>		<b>15</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Units by Structure Type</b>	<b>Entitled</b>	<b>Permitted</b>	<b>Completed</b>
SFA	0	0	0
SFD	9	9	3
2 to 4	0	0	0
5+	0	0	0
ADU	3	5	1
MH	0	0	0
<b>Total</b>	<b>12</b>	<b>14</b>	<b>4</b>

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	11
Number of Proposed Units in All Applications Received:	11
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Cells in grey contain auto-calculation formulas

