

ORDINANCE NO. 534

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING 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 AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Recitals.

A. On January 7, 2025, the Palisades Fire broke out affecting close to one-third of Malibu geographically and closing Pacific Coast Highway (PCH), a main throughfare, to the general public. PCH was closed from the eastern City limit to the Carbon Beach area affecting visitors coming from the greater Los Angeles area from the date of the fire through Memorial Day weekend 2025. 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 8, 2025, 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.

C. On May 15, 2025, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to interested parties.

D. 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 and Sign Permits; 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.

E. On June 2, 2025 the Planning Commission 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 Planning Commission adopted Planning Commission Resolution No. 25-59 and provided a recommendation to the City Council.

F. On June 23, 2025, the item was continued to the July 14, 2025 City Council meeting.

G. 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.

H. On August 11, 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 directed staff to return with additional revisions to the ordinance.

I. 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.

J. 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.

K. 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.

L. 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.

M. On April 27, 2026 the City Council 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 City Council conducted a first reading and introduction of the Ordinance and directed staff to set a second reading for adoption of Ordinance No. 534, approving ZTA No. 26-001.

SECTION 2. Environmental Review.

The City Council has analyzed the project proposal described herein and finds it to be exempt from the California Environmental Quality Act (CEQA). 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 City Council has 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 will not have a significant effect on the

environment as they provide only temporary relief from some current permitting requirements, and still require individual review, conditions, and CEQA review for all events. In addition, the changes do not excuse compliance with the Coastal Act which provides additional protection of the environment and sensitive coastal resources. All of the temporary uses allowed by the proposed ordinance will be required to be restored to its 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 City Council hereby makes the following findings:

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 City Council 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. Zoning Text Amendment No. 25-002, Amendments to the MMC.

The City Council hereby amends Title 17 - Zoning in the MMC as follows:

A. Amend Section 17.68.040(C) (Temporary uses requiring permit) to read as follows:

C. Seasonal activities including but not limited to Christmas tree and pumpkin sales lots and temporary holiday structures provided such activity shall be permitted for a period not to exceed 40 consecutive calendar days;

B. Amend Section 17.68.060(F) (Findings) and add Section (H) to read as follows:

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

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.

C. Amend Section 17.68.090 (Temporary use permit requirements related to impacts from the 2025 Palisades Fire) to read as follows:

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, 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.

SECTION 5. Effective Date.

The ZTA sections referenced in Section 4 of this ordinance shall become effective 30 days following adoption by the City Council.

SECTION 6. Severability.

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality or the remaining portions of this Ordinance; it being hereby expressly declared and this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid or unconstitutional.

SECTION 7. Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance.

PASSED, APPROVED, and ADOPTED this 11th day of May 2026.



BRUCE SILVERSTEIN, Mayor

ATTEST:



KELSEY PETTICHIN, City Clerk
(seal) 5/14/26

APPROVED AS TO FORM:



TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 534 was passed and adopted at the Regular City Council meeting of May 11, 2025, by the following vote:

AYES: 5 Councilmembers: Conrad, Riggins, Stewart, Uhring, Silverstein
NOES: 0
ABSTAIN: 0
ABSENT: 0



KELSEY PETTJOHN, City Clerk
(seal)