

December 12, 2016 Adjourned Regular Meeting

1. Adjourned Meeting Agenda

Documents:

[CC161212_ADJOURNED AGENDA.PDF](#)

2. Item 3B2

Warrant Register No. 585

Documents:

[CC161212_ITEM 3B2.PDF](#)

3. Item 3B3

Approval of Minutes - November 14, 2016

Documents:

[CC161212_ITEM 3B3.PDF](#)

4. Item 3B4

Amendments to Agreements for Biological Consulting Services

Documents:

[CC161212_ITEM 3B4.PDF](#)

5. Item 3B5

November 8, 2016 General Municipal Election Results

Documents:

[CC161212_ITEM 3B5_SUPPLEMENTAL.PDF](#)

[CC161212_ITEM 3B5.PDF](#)

6. Item 3B6

Malibu Library 2017 Use of Set Aside Funds

Documents:

[CC161212_ITEM 3B6.PDF](#)

7. Item 4A

Amendments to Malibu Municipal Code Title 6 (Animals)

Documents:

[CC161212_ITEM 4A.PDF](#)

8. Item 4B
California Building Standards Codes

Documents:

[CC161212_ITEM 4B.PDF](#)

9. Item 4C

Documents:

[CC161212_ITEM 4C.PDF](#)

10. Item 6A
Zoning Text Amendment for the Display of Art

Documents:

[CC161212_ITEM 6A.PDF](#)

Malibu City Council
Adjourned Regular Meeting Agenda

Monday, December 12, 2016

4:30 P.M. – ADJOURNED REGULAR CITY COUNCIL MEETING

**City Hall – Council Chambers
23825 Stuart Ranch Road**

Four-thirty p.m. Regular Session

Public Hearings will begin at 4:30 p.m., or as soon thereafter as possible, but in no event later than 5:30 p.m.

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – December 1, 2016

1. Ceremonial/Presentations

None.

2. Written and Oral Communications from the Public

A. Communications from the Public concerning matters which are not on the agenda but for which the City Council has subject matter jurisdiction. City Council may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Commission / Committee / City Manager Updates

C. City Council Subcommittee reports / Mayor and Councilmember meeting attendance, reports and inquiries

3. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

Staff contact: City Attorney Hogin, 456-2489 ext. 228

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 49076-49194 listed on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 585 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$4,964,994.14. City of Malibu payroll check numbers 4722-4725 and ACH deposits were issued in the amount of \$160,028.75.

Staff contact: Assistant City Manager Soghor, 456-2489 ext. 224

3. Approval of Minutes

Recommended Action: Approve the minutes for the November 14, 2016 Regular City Council meeting.

Staff contact: City Clerk Glaser, 456-2489 ext. 228

4. Amendments to Agreements for Biological Consulting Services

Recommended Action: 1) Authorize the City Manager to execute Amendment No. 2 to Agreement with Compliance Biology, Inc. to provide biological consulting services; and 2) authorize the City Manager to execute Amendment No. 2 to Agreement with Rincon Consultants, Inc. to provide biological consulting services.

Staff contact: Planning Director Blue, 456-2489, ext. 258

5. November 8, 2016 General Municipal Election Results

Recommended Action: Adopt Resolution No. 16-50 reciting the facts of the General Municipal Election held on November 8, 2016, and declaring the result and such other matters as provided by law.

Staff contact: City Clerk Glaser, 456-2489 ext. 228

6. Malibu Library 2017 Use of Set Aside Funds

Recommended Action: Approve the use of set aside funds for the Malibu Library for calendar year 2017.

Staff contact: Assistant City Manager Soghor, 456-2489 ext. 224

4. Ordinances and Public Hearings

A. Amendments to Malibu Municipal Code Title 6 (Animals)

Recommended Action: 1) Conduct public hearing; and 2) Conduct second reading, unless waived, and adopt Ordinance No. 411 amending Chapter 6.04 (Animals) of Title 6 (Animals) of the Malibu Municipal Code to re-adopt by reference the current language of Title 10 (Animals) of the Los Angeles County Code.

Staff contact: City Clerk Glaser, 456-2489, ext. 228

B. California Building Standards Codes

Recommended Action: 1) After the City Attorney reads the title of the ordinance, adopt Ordinance No. 413U adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2016 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2016 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2016 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2016 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2016 edition; Title 24, Part 6 of the Los Angeles County Code, incorporating the California Energy Code, 2016 Edition; the California Fire Code, 2016 Edition; making amendments to said codes; repealing Ordinance No. 357; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 413 adopting by reference various construction codes with amendments and appendices; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 413 for the January 11, 2017 City Council meeting.

Staff contact: Environmental Sustainability Director George, 456-2489, ext. 229

C. Appeal Nos. 16-008, 16-009 and 16-010 – Regarding Wireless Telecommunications Facility No. 16-001 (29970.5 Harvester Road; Appellants: Dana Christiaansen, Robert LaMasney and Robert Kirk Odian; Applicant: Crown Castle NG West, Inc.)

Recommended Action: Adopt Resolution No. 16-51 (Attachment A) denying Appeal Nos. 16-008, 16-009 and 16-010, determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 to allow the collocation of a new wireless telecommunications facility at an existing Sprint PCS facility, including a new antenna attached to an existing 34-foot tall utility pole at a height of 38 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road (Crown Castle NG West, Inc.).

Staff contact: Planning Director Blue, 456-2489, ext. 258

5. Old Business

None.

6. New Business

A. Zoning Text Amendment for the Display of Art

Recommended Action: Add to the Cultural Arts Commission assignments for Fiscal Year 2016-2017 to work with Planning staff on the development of a Zoning Text Amendment regarding the display of art throughout the City.

Staff contact: City Manager Feldman, 456-2489 ext. 226

7. Council Items

None.

Adjournment

Future Meetings

Monday, December 26, 2016	CANCELLED	
Wednesday, January 11, 2017	4:30 p.m. Special City Council Meeting	City Hall Council Chambers
Monday, January 23, 2017	6:30 p.m. Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Council following the action on the Consent Calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the

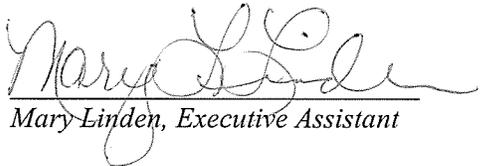
rules as set forth under Oral Communication.

City Council Items are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for \$0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Craig George, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Council meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 1st day of December 2016.


Mary Linden, Executive Assistant

WARRANT REGISTER NO. 585

On December 12, 2016, the Malibu City Council allowed and approved the above warrant demand numbers 49076 – 49194 from the General Fund. The City Manager is hereby directed to pay out the funds named hereon to each of the claimants listed above, the amount appearing opposite their name for the purpose stated on the respective demands, making a total of \$4,964,994.14. City of Malibu payroll check numbers 4722 - 4725 and ACH deposits were issued in the amount of \$160,028.75.

PASSED, APPROVED and ADOPTED this 12th day of December 2016.

Lou La Monte
Mayor

ATTEST:

Heather Glaser
City Clerk

CERTIFICATE

In accordance with Government Code Section 37202, I certify that the above demands are accurate and that funds are available for payment thereof. This certification is based on an examination of source documents relating to randomly selected sample of transactions and analysis of cash flow reports.

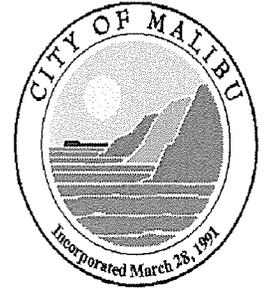
EXECUTED this 12th day of December 2016, AT MALIBU, CALIFORNIA

Reva Feldman
City Manager

Accounts Payable

Checks by Date - Summary By Check Number

User: jhand
Printed: 11/30/2016 - 9:35 AM



Check Number	Vendor No	Vendor Name	Check Date	Check Amount
49076	ACCESS	Access Information Holdings LLC	11/17/2016	2,622.53
49077	ACMS	All City Management Services Inc	11/17/2016	2,637.20
49078	ALERTCO	Affiliated Communications LLC c	11/17/2016	159.66
49079	AQUATIC	Aquatic Bioassay & Consulting L	11/17/2016	1,190.00
49080	AZZI	Tony Azzi	11/17/2016	145.00
49081	BANNER	Banner Bank	11/17/2016	136,682.90
49082	BURNS	Burns Pacific Construction Inc	11/17/2016	79,886.73
49083	CASCADED	Cascade Drilling LP	11/17/2016	34,240.14
49084	CENTRO	Centro Business Forms Inc.	11/17/2016	220.39
49085	CIVICPLU	Icon Enterprises Inc	11/17/2016	4,189.00
49086	COSTCOW	Costco Wholesale Membership	11/17/2016	165.00
49087	CRPRINT	CR PRINT	11/17/2016	419.65
49088	DEWEY	Dewey Services, Inc.	11/17/2016	92.00
49089	ELYJRS	Hilario Simental Jr	11/17/2016	460.00
49090	FRONTIER	Frontier California Inc	11/17/2016	236.00
49091	Fugro	Fugro Consultants, Inc.	11/17/2016	23,100.35
49092	GATES	SWAG Corporation	11/17/2016	3,000.00
49093	GERLACHJ	Jack Gerlach	11/17/2016	10,000.00
49094	GIINDUST	G.I. Industries	11/17/2016	1,417.31
49095	HARTSEL	Harts Electric, Inc.	11/17/2016	97.90
49096	HAWNERST	Stephanie Hawner	11/17/2016	10.80
49097	IMPACTSC	Impact Sciences Inc	11/17/2016	5,707.50
49098	iRIS	Lorrie Feinberg	11/17/2016	5,652.50
49099	JENKINS	Jenkins & Hogin, LLP	11/17/2016	59,371.43
49100	KIRCBRI	Brian Kircher	11/17/2016	92.88
49101	LABCORP	Laboratory Corp. of America	11/17/2016	29.50
49102	LACOSHE	LA Co Sheriff'S Department	11/17/2016	5,895.44
49103	LACOWAT	LA Co MalibuTreasurer-Waterwo	11/17/2016	2,815.26
49104	MALIBUJC	Malibu Jewish Center & Synagog	11/17/2016	332.05
49105	MALITIM	Malibu Times	11/17/2016	1,950.00
49106	MCAFEE	Cynthia McAfee	11/17/2016	750.00
49107	MFF	Malibu Film Festival	11/17/2016	866.00
49108	MILES	Sten Miles	11/17/2016	195.71
49109	MOOREE	Evan Moore	11/17/2016	3,762.50
49110	MYERS&SO	Myers & Sons Construction, LP	11/17/2016	927,561.13
49111	NAICKERV	Vasudevan Naicker	11/17/2016	100.00
49112	NATIONA	National Construction Rentals, Inc	11/17/2016	382.60
49113	NEWBURY	Newbury Park Tree Service Inc	11/17/2016	1,530.00
49114	OZONE	Ozone Water Systems, Inc.	11/17/2016	5,330.71
49115	PRECISI	Precision Business Machine Inc	11/17/2016	594.60
49116	RAPFJ	Jill Rapf	11/17/2016	145.00
49117	RECTOR	Christy Rector	11/17/2016	310.95
49118	REGENCYL	Regency Enterprises Inc	11/17/2016	125.37
49119	RINCONC	Rincon Consultants, Inc	11/17/2016	61,935.25
49120	RIVARDA	Annestasia Sujin Rivard	11/17/2016	200.00

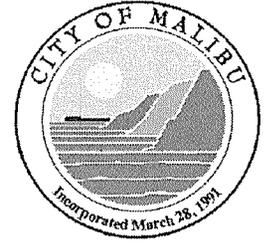
Check Number	Vendor No	Vendor Name	Check Date	Check Amount
49121	RPBARRI	R P Barricade, Inc.	11/17/2016	34.40
49122	SAFESTEP	Safe Step Walk-In Tub Company	11/17/2016	58.45
49123	SHELDON	Andrew Sheldon	11/17/2016	50.00
49124	SKILL	Skillpath Seminars	11/17/2016	199.00
49125	SOLIDWA	Solid Waste Solutions, Inc.	11/17/2016	1,371.00
49126	SPECTRA	Spectrasystems Inc	11/17/2016	13,224.60
49127	STAPLES	Staples Contract & Commercial Ir	11/17/2016	1,760.50
49128	THERASUF	Therasurf	11/17/2016	249.38
49129	TOTALGRA	Brian Shore	11/17/2016	584.24
49130	UNITEDSI	United Site Services of CA Inc	11/17/2016	285.09
49131	VENCOPOW	Venco Power Sweeping, Inc	11/17/2016	6,935.00
49132	VIDO	Vido Artukovich & Son, Inc./Vidn	11/17/2016	2,596,975.23
49133	WESTCO	Westco Contractors Inc	11/17/2016	400.00
49134	XEROX	Xerox Corporation	11/17/2016	80.31
49135	ACCOUNTTE	OfficeTeam A Robert Half Compa	11/23/2016	2,077.70
49136	AQUACHEM	Aqua H2O Solutions Inc	11/23/2016	348.89
49137	BAUER	Julie Bauer	11/23/2016	108.43
49138	BOYLEM	Marisa Boyle	11/23/2016	225.40
49139	BRIGHTV	Brightview Landscape Services In	11/23/2016	6,470.00
49140	CITYAGO	City Of Agoura Hills	11/23/2016	20,000.00
49141	CONTRECA	Carlos Contreras	11/23/2016	13.61
49142	CRPRINT	CR PRINT	11/23/2016	191.30
49143	DIRECT	DirecTV, Inc.	11/23/2016	59.99
49144	ELYJRS	Hilario Simental Jr	11/23/2016	460.00
49145	ERIKNIN	Nina Eriksson	11/23/2016	357.00
49146	FRONTIER	Frontier California Inc	11/23/2016	633.52
49147	GALL	Galls LLC	11/23/2016	297.64
49148	GLASERH	Heather Glaser	11/23/2016	44.50
49149	GOVCONN	GovConnection Inc	11/23/2016	2,052.47
49150	GRAPHICC	Graphic Consultants, Inc	11/23/2016	6,248.97
49151	GULDSUZ	Suzanne Ellen Guldimmann	11/23/2016	420.00
49152	HOPKINSW	William and Lisa Hopkins	11/23/2016	5,315.00
49153	IPC INC	Integrated Performance Consultan	11/23/2016	1,324.25
49154	LACOCLE	LA County Registrar-Recorder LA	11/23/2016	75.00
49155	LACOCLE	LA County Registrar-Recorder LA	11/23/2016	75.00
49156	LACOCLE	LA County Registrar-Recorder LA	11/23/2016	75.00
49157	LACOCLE	LA County Registrar-Recorder LA	11/23/2016	75.00
49158	LACOCLE	LA County Registrar-Recorder LA	11/23/2016	75.00
49159	LACOSHE	LA Co Sheriff'S Department	11/23/2016	627,311.36
49160	LACOWAT	LA Co MalibuTreasurer-Waterwo	11/23/2016	1,174.32
49161	LIVESCAN	Paige S Apar	11/23/2016	275.00
49162	MCCRORYC	Charles McCrory	11/23/2016	900.00
49163	MIMIAGA	Stephen Robert Mimiaga	11/23/2016	117,008.25
49164	MURPHRS	Suc Murphree	11/23/2016	66.00
49165	MURPHYC	Cassandra Murphy	11/23/2016	50.00
49166	NAICKERV	Vasudevan Naicker	11/23/2016	175.00
49167	PURCHAS	Purchase Power	11/23/2016	4,512.00
49168	RAMOREB	Rebecca Ramos	11/23/2016	26.94
49169	RAPAROB	Robin Gail Rapaport	11/23/2016	1,000.00
49170	READYREF	Nestle Waters North America Inc	11/23/2016	56.93
49171	REMOTESA	Remote Satellite Systems Int'l	11/23/2016	105.00
49172	RINCONC	Rincon Consultants, Inc	11/23/2016	600.00
49173	ROSENTHA	Laura Rosenthal	11/23/2016	325.35
49174	ROSSIS	Susan Rossi	11/23/2016	13.50
49175	SCOTTL	Lawrence Winfield Scott	11/23/2016	1,330.00

Check Number	Vendor No	Vendor Name	Check Date	Check Amount
49176	SEELIGD	Doug Seelig	11/23/2016	13.50
49177	SIEMENS	Siemens Industry Inc	11/23/2016	660.00
49178	STORAGE	StorageContainer.com	11/23/2016	198.00
49179	USPOSTOF	U.S. Postal Service	11/23/2016	215.00
49180	VERIZON	Verizon Business	11/23/2016	1.19
49181	XANADU	Xanadu Service System	11/23/2016	2,250.00
49182	YOUNG	Young Actors Project	11/23/2016	2,656.50
49183	ZHAO	Yun Zhao	11/23/2016	828.10
49184	BlueShie	Blue Shield of California	11/28/2016	1,126.85
49185	DELTADE	Delta Dental of California	11/28/2016	7,419.19
49186	ICMA457	ICMA Retirement Trust 457 - 303	11/28/2016	14,890.89
49187	ICMACM	ICMA 401-Plan # 108658	11/28/2016	496.15
49188	ICMADH	ICMA 401-Plan # 108650	11/28/2016	576.90
49189	MANAGED	Managed Health Network	11/28/2016	140.03
49190	PERSHEA	CalPERS Health	11/28/2016	83,648.63
49191	PERSRET	CalPERS Retirement	11/28/2016	32,915.07
49192	STANDARD	Standard Insurance Company N2	11/28/2016	5,286.92
49193	STANDARD	Standard Insurance Company N2	11/28/2016	218.83
49194	USBANK2	U.S. Bank	11/28/2016	682.93
Report Total:				4,964,994.14

Accounts Payable

Transactions by Account

User: jhand
 Printed: 11/30/2016 - 9:38AM
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Checks from: 00049076 To: 00049194

Account Number	description	Vendor	Description	Check No	Amount
Fund: 100					
Dept:0000					
100-0000-2021-00	COBRA Payable	Blue Shield of California	PR 17.11.2016 Vision Care - Gab	49184	8.50
100-0000-2021-00	COBRA Payable	Blue Shield of California	PR 17.11.2016 Vision Care - Gab	49184	8.50
100-0000-2021-00	COBRA Payable	Blue Shield of California	PR 17.11.2016 Vision Care - Pete	49184	8.50
100-0000-2021-00	COBRA Payable	Blue Shield of California	PR 17.11.2016 Vision Care - Stall	49184	8.50
Vendor Subtotal for Dept:0000					34.00
Dept:0000					
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 11.2016 Dental Insurance - Gz	49185	52.69
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 11.2016 Dental Insurance - Gz	49185	52.69
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 11.2016 Dental Insurance - Pe	49185	52.69
100-0000-2021-00	COBRA Payable	Delta Dental of California	PR 11.2016 Dental Insurance - St	49185	52.69
Vendor Subtotal for Dept:0000					210.76
Dept:0000					
100-0000-2021-00	COBRA Payable	CalPERS Retirement	PR 11.2016 PERS EEShare - Hog	49191	358.12
100-0000-2021-00	COBRA Payable	CalPERS Retirement	PR 11.2016 PERS ERShare - Hog	49191	488.99
Vendor Subtotal for Dept:0000					847.11
Dept:0000					
100-0000-3464-00	Youth Sports Program Fees	Tony Azzi	Refund Basketball-Davina-Decide	49080	145.00
Vendor Subtotal for Dept:0000					145.00
Dept:0000					
100-0000-3464-00	Youth Sports Program Fees	Jill Rapf	Refund Basketball-Luke-Decided	49116	145.00

Account Number	description	Vendor	Description	Check No	Amount
					Vendor Subtotal for Dept:0000
					145.00
Dept:0000					
100-0000-3466-00	Swim Use & Program Fee	Sue Murphree	Refund overpayment-Sibling disc	49164	66.00
					Vendor Subtotal for Dept:0000
					66.00
Dept:0000					
100-0000-3470-00	Community Classes	Susan Rossi	Refund Tai Chi Class-one class ce	49174	13.50
					Vendor Subtotal for Dept:0000
					13.50
Dept:0000					
100-0000-3470-00	Community Classes	Doug Seelig	Refund Tai Chi Class-one class ce	49176	13.50
					Vendor Subtotal for Dept:0000
					13.50
Dept:3001					
100-3001-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	11.62
					Vendor Subtotal for Dept:3001
					11.62
Dept:3001					
100-3001-5120-00	Street Maintenance	Burns Pacific Construction Inc	Routine Street Maint-Oct '16	49082	43,910.00
100-3001-5120-00	Street Maintenance	Burns Pacific Construction Inc	Yard Rental-Oct '16	49082	2,600.00
100-3001-5120-00	Street Maintenance	Burns Pacific Construction Inc	Emergency Call Out-Oct '16-Fall	49082	1,060.00
					Vendor Subtotal for Dept:3001
					47,570.00
Dept:3001					
100-3001-5121-01	Street Sweeping	Venco Power Sweeping, Inc	Street Sweeping-Oct '16	49131	6,935.00
					Vendor Subtotal for Dept:3001
					6,935.00
Dept:3001					

Account Number	description	Vendor	Description	Check No	Amount
100-3001-5123-00	Storm Response	Burns Pacific Construction Inc	Storm Response-Clearing Canyon	49082	3,120.00
			Vendor Subtotal for Dept:3001		3,120.00
Dept:3001					
100-3001-5123-01	Culvert Cleaning	Burns Pacific Construction Inc	Culvert Cleaning-Oct '16	49082	24,537.82
			Vendor Subtotal for Dept:3001		24,537.82
Dept:3001					
100-3001-5124-00	Traffic Signal Maintenance	Siemens Industry Inc	Signal/Beacon maint-Sep '16	49177	330.00
100-3001-5124-00	Traffic Signal Maintenance	Siemens Industry Inc	Signal/Beacon maint-Oct '16	49177	330.00
			Vendor Subtotal for Dept:3001		660.00
Dept:3001					
100-3001-5126-00	Wall/Sidewalk Maintenance	Burns Pacific Construction Inc	Sidewalk Maint-Oct '16	49082	3,030.00
			Vendor Subtotal for Dept:3001		3,030.00
Dept:3001					
100-3001-6160-00	Operating Supplies	Burns Pacific Construction Inc	PW supplies-Oct '16/Sign posts &	49082	692.91
			Vendor Subtotal for Dept:3001		692.91
Dept:3001					
100-3001-6160-00	Operating Supplies	R P Barricade, Inc.	Signs	49121	34.40
			Vendor Subtotal for Dept:3001		34.40
Dept:3007					
100-3007-5610-00	Fac Maintenance-Civic Center	Harts Electric, Inc.	Civic Center STF-electrical work	49095	97.90
			Vendor Subtotal for Dept:3007		97.90
Dept:3007					
100-3007-5610-00	Fac Maintenance-Civic Center	Ozone Water Systems, Inc.	CCSTF Equip Maint-Oct '16	49114	4,000.00

Account Number	description	Vendor	Description	Check No	Amount
100-3007-5610-00	Fac Maintenance-Civic Center	Ozone Water Systems, Inc.	CCSTF -Check valve & seal kit	49114	1,330.71
			Vendor Subtotal for Dept:3007		5,330.71
Dept:3007					
100-3007-5610-01	Fac Maintenance-Paradise Cove	Burns Pacific Construction Inc	Paradise Cove Maint-Pressure wa	49082	936.00
			Vendor Subtotal for Dept:3007		936.00
Dept:3007					
100-3007-5655-00	Stormwater Monitoring	Aquatic Bioassay & Consulting Labc	CCSTF Testing/Monitoring-Oct '1	49079	1,190.00
			Vendor Subtotal for Dept:3007		1,190.00
Dept:3007					
100-3007-5656-00	Water Quality Test/Monitoring	Rincon Consultants, Inc	Water Quality monitoring-Biofilte	49172	600.00
			Vendor Subtotal for Dept:3007		600.00
Dept:3007					
100-3007-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-CCSTF-9/6-11/3/16-Bill# :	49103	373.80
100-3007-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Cross Creek Irrigation-9/6-	49103	373.80
			Vendor Subtotal for Dept:3007		747.60
Dept:3008					
100-3008-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	78.06
			Vendor Subtotal for Dept:3008		78.06
Dept:3008					
100-3008-5100-00	Professional Services	All City Management Services Inc	School Crossing Guard Svcs-Oct	49077	2,637.20
			Vendor Subtotal for Dept:3008		2,637.20

Account Number	description	Vendor	Description	Check No	Amount
Dept:3008					
100-3008-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Public Works	49127	213.33
			Vendor Subtotal for Dept:3008		213.33
Dept:3010					
100-3010-5656-00	Water Quality Test/Monitoring	Rincon Consultants, Inc	CCWWTF water quality monitori	49119	61,935.25
			Vendor Subtotal for Dept:3010		61,935.25
Dept:4001					
100-4001-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	8.31
			Vendor Subtotal for Dept:4001		8.31
Dept:4001					
100-4001-5205-00	Postage	U.S. Postal Service	USPS-2017 Annual Bulk Mail Pe	49179	215.00
			Vendor Subtotal for Dept:4001		215.00
Dept:4001					
100-4001-5300-00	Travel and Training	Skillpath Seminars	Admin Assistant Seminar Trainin	49124	199.00
			Vendor Subtotal for Dept:4001		199.00
Dept:4001					
100-4001-5330-00	Dues & Memberships	Costco Wholesale Membership	Costco-Membership renewal-Am	49086	82.50
			Vendor Subtotal for Dept:4001		82.50
Dept:4001					
100-4001-5405-00	Printing	Graphic Consultants, Inc	Printing: Winter 16/17 Recreation	49150	6,248.97
			Vendor Subtotal for Dept:4001		6,248.97

Account Number	description	Vendor	Description	Check No	Amount
Dept:4001					
100-4001-5721-00	Telephone	Frontier California Inc	Bluffs Park Internet-Nov '16	49090	236.00
Vendor Subtotal for Dept:4001					236.00
Dept:4001					
100-4001-6160-00	Operating Supplies	Malibu Times	Trancas Field Comm Workshop-T	49105	870.00
Vendor Subtotal for Dept:4001					870.00
Dept:4001					
100-4001-6160-00	Operating Supplies	Nestle Waters North America Inc	Water-Bluffs/MHS Pool Staff-10/	49170	56.93
Vendor Subtotal for Dept:4001					56.93
Dept:4001					
100-4001-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-P&R	49127	47.47
100-4001-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-P&R	49127	24.95
100-4001-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-P&R	49127	24.66
Vendor Subtotal for Dept:4001					97.08
Dept:4001					
100-4001-6160-00	Operating Supplies	Brian Shore	Trancas Field Comm Workshop-V	49129	584.24
Vendor Subtotal for Dept:4001					584.24
Dept:4002					
100-4002-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	2.18
Vendor Subtotal for Dept:4002					2.18
Dept:4002					
100-4002-5107-00	Contract Personnel	Cassandra Murphy	Instructor-C Murphy-Lifeguard C	49165	50.00
Vendor Subtotal for Dept:4002					50.00
Dept:4006					

Account Number	description	Vendor	Description	Check No	Amount
100-4006-5107-00	Contract Personnel	Nina Eriksson	Sports instructor-N Eriksson-Tenr	49145	140.00
100-4006-5107-00	Contract Personnel	Nina Eriksson	Sports instructor-N Eriksson-Tenr	49145	217.00
			Vendor Subtotal for Dept:4006		357.00
Dept:4006					
100-4006-5107-00	Contract Personnel	Evan Moore	Sports instructor-E Moore-Flag F	49109	3,762.50
			Vendor Subtotal for Dept:4006		3,762.50
Dept:4007					
100-4007-4202-00	Health Insurance	CalPERS Health	PR 17.11.2016 Health Ins Premiu	49190	-598.75
			Vendor Subtotal for Dept:4007		-598.75
Dept:4007					
100-4007-4203-00	Vision Insurance	Blue Shield of California	PR Batch 70017.11.2016 Vision C	49184	8.50
			Vendor Subtotal for Dept:4007		8.50
Dept:4007					
100-4007-4204-00	Dental Insurance	Delta Dental of California	PR 17.11.2016 Dental Insurance	49185	52.69
			Vendor Subtotal for Dept:4007		52.69
Dept:4007					
100-4007-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	24.60
			Vendor Subtotal for Dept:4007		24.60
Dept:4007					
100-4007-5107-00	Contract Personnel	Marisa Boyle	Class instructor-M Boyle-Ballet-F	49138	225.40
			Vendor Subtotal for Dept:4007		225.40
Dept:4007					
100-4007-5107-00	Contract Personnel	Suzanne Ellen Guldimann	Class instructor-S Guldimann-Cre	49151	420.00

Account Number	description	Vendor	Description	Check No	Amount
					Vendor Subtotal for Dept:4007
					420.00
Dept:4007					
100-4007-5107-00	Contract Personnel	Lawrence Winfield Scott	Class instructor-L Scott-Chess-9/	49175	224.00
100-4007-5107-00	Contract Personnel	Lawrence Winfield Scott	Class instructor-L Scott-Cartoonir	49175	1,106.00
					Vendor Subtotal for Dept:4007
					1,330.00
Dept:4007					
100-4007-5107-00	Contract Personnel	Young Actors Project	Class instructor-YAP-Improv-You	49182	1,270.50
					Vendor Subtotal for Dept:4007
					1,270.50
Dept:4007					
100-4007-5107-00	Contract Personnel	Yun Zhao	Class instructor-Y Zhao-TaiChi 1	49183	308.00
100-4007-5107-00	Contract Personnel	Yun Zhao	Class instructor-Y Zhao-TaiChi 2	49183	520.10
					Vendor Subtotal for Dept:4007
					828.10
Dept:4007					
100-4007-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-P&R-Comm Clas	49127	24.18
					Vendor Subtotal for Dept:4007
					24.18
Dept:4008					
100-4008-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	4.20
					Vendor Subtotal for Dept:4008
					4.20
Dept:4008					
100-4008-5107-00	Contract Personnel	Robin Gail Rapaport	Senior instructor-R Rapaport-Mei	49169	1,000.00
					Vendor Subtotal for Dept:4008
					1,000.00
Dept:4008					
100-4008-6160-00	Operating Supplies	Rebecca Ramos	Reimburse expenses-Senior mont	49168	26.94

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:4008	26.94
Dept:4008					
100-4008-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-P&R-Senior Ctr	49127	69.69
				Vendor Subtotal for Dept:4008	69.69
Dept:4009					
100-4009-5107-00	Contract Personnel	Annestasia Sujin Rivard	Instructor Fee-Pie Making Works	49120	200.00
				Vendor Subtotal for Dept:4009	200.00
Dept:4009					
100-4009-5107-00	Contract Personnel	Young Actors Project	Teen instructor-YAP-Improv-Teer	49182	1,386.00
				Vendor Subtotal for Dept:4009	1,386.00
Dept:4010					
100-4010-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	9.15
				Vendor Subtotal for Dept:4010	9.15
Dept:4010					
100-4010-5100-00	Professional Services	SWAG Corporation	Parks Security Services-Nov '16	49092	3,000.00
				Vendor Subtotal for Dept:4010	3,000.00
Dept:4010					
100-4010-5100-00	Professional Services	Xanadu Service System	City Parks Janitorial Svcs-Nov '16	49181	2,250.00
				Vendor Subtotal for Dept:4010	2,250.00
Dept:4010					
100-4010-5130-00	Parks Maintenance	Spectrasystems Inc	Trancas Canyon Park Turf Renov	49126	13,224.60
				Vendor Subtotal for Dept:4010	13,224.60

Account Number	description	Vendor	Description	Check No	Amount
Dept:4010					
100-4010-5710-00	Facilities Rent	National Construction Rentals, Inc	Bluffs Portable Toilet rentals-10/2	49112	382.60
Vendor Subtotal for Dept:4010					382.60
Dept:4010					
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-PCH Median-9/6-11/3/16-1	49160	238.60
Vendor Subtotal for Dept:4010					238.60
Dept:4011					
100-4011-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	6.23
Vendor Subtotal for Dept:4011					6.23
Dept:4011					
100-4011-6160-00	Operating Supplies	United Site Services of CA Inc	2016 Halloween Carnival-Portabl	49130	285.09
Vendor Subtotal for Dept:4011					285.09
Dept:7001					
100-7001-5300-00	Travel and Training	Laura Rosenthal	Reimburse expenses/mileage 11/4	49173	88.21
100-7001-5300-00	Travel and Training	Laura Rosenthal	Reimburse expenses 9/28-10/21/1	49173	84.77
100-7001-5300-00	Travel and Training	Laura Rosenthal	Reimburse Mileage 11/15-11/18/1	49173	80.02
Vendor Subtotal for Dept:7001					253.00
Dept:7001					
100-7001-5330-00	Dues & Memberships	City Of Agoura Hills	COG Dues-FY 16/17	49140	20,000.00
Vendor Subtotal for Dept:7001					20,000.00
Dept:7001					
100-7001-6170-00	Events	Laura Rosenthal	Reimburse supplies-Library Com	49173	72.35

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:7001	72.35
Dept:7002					
100-7002-4202-00	Health Insurance	CalPERS Health	PR 17.11.2016 Health Ins Premiu	49190	598.75
				Vendor Subtotal for Dept:7002	598.75
Dept:7002					
100-7002-4203-00	Vision Insurance	Blue Shield of California	PR 17.11.2016 Vision Care - Gab:	49184	-8.50
				Vendor Subtotal for Dept:7002	-8.50
Dept:7002					
100-7002-4204-00	Dental Insurance	Delta Dental of California	PR 11.2016 Dental Insurance - G:	49185	-52.69
				Vendor Subtotal for Dept:7002	-52.69
Dept:7002					
100-7002-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	-10.99
				Vendor Subtotal for Dept:7002	-10.99
Dept:7002					
100-7002-5100-00	Professional Services	Affiliated Communications LLC dba	Water Pollution Hotline-ACI-Oct	49078	159.66
				Vendor Subtotal for Dept:7002	159.66
Dept:7002					
100-7002-6165-00	Website Services	Icon Enterprises Inc	Website Annual Hosting Support	49085	4,189.00
				Vendor Subtotal for Dept:7002	4,189.00
Dept:7003					
100-7003-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	20.74

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:7003	20.74
Dept:7003					
100-7003-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-City Manager	49127	44.60
				Vendor Subtotal for Dept:7003	44.60
Dept:7005					
100-7005-5101-00	General Legal Counsel	Jenkins & Hogin, LLP	General Legal Svcs-Oct '16	49099	23,662.00
				Vendor Subtotal for Dept:7005	23,662.00
Dept:7005					
100-7005-5102-00	Litigation	Jenkins & Hogin, LLP	Litigation Svcs-Oct '16	49099	35,709.43
				Vendor Subtotal for Dept:7005	35,709.43
Dept:7007					
100-7007-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	6.31
				Vendor Subtotal for Dept:7007	6.31
Dept:7007					
100-7007-5100-01	Document Imaging Services	Lorrie Feinberg	Database updates-OnBase System	49098	190.00
				Vendor Subtotal for Dept:7007	190.00
Dept:7007					
100-7007-5107-00	Contract Personnel	OfficeTeam A Robert Half Company	Temp Staffing-CC-Kelsey P-WE	49135	1,066.50
				Vendor Subtotal for Dept:7007	1,066.50
Dept:7007					
100-7007-5150-00	Elections	Heather Glaser	Reimburse mileage-Election day 1	49148	44.50

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:7007	44.50
Dept:7021					
100-7021-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	27.09
				Vendor Subtotal for Dept:7021	27.09
Dept:7021					
100-7021-5721-00	Telephone	Remote Satellite Systems Int'l	Satellite Phones-Dec'16	49171	105.00
				Vendor Subtotal for Dept:7021	105.00
Dept:7021					
100-7021-6160-00	Operating Supplies	DirecTV, Inc.	Directv-EOC-Nov '16	49143	59.99
				Vendor Subtotal for Dept:7021	59.99
Dept:7031					
100-7031-5115-00	Law Enforcement Services	LA Co Sheriff'S Department	Law Enforce Svcs-STAR-Oct '16	49159	2,442.24
100-7031-5115-00	Law Enforcement Services	LA Co Sheriff'S Department	Law Enforce Svcs-Oct '16	49159	524,212.04
				Vendor Subtotal for Dept:7031	526,654.28
Dept:7031					
100-7031-5116-00	Sheriff's Services-Beach Team	LA Co Sheriff'S Department	Law Enforce Svcs-Beach Team-S	49159	84,604.14
				Vendor Subtotal for Dept:7031	84,604.14
Dept:7031					
100-7031-7800-00	Public Safety Equipment	Galls LLC	VOP Uniform-J Castillo	49147	149.91
100-7031-7800-00	Public Safety Equipment	Galls LLC	VOP Uniform-G Dietrich	49147	154.26
100-7031-7800-00	Public Safety Equipment	Galls LLC	VOP Uniform Credit-G Dietrich	49147	-6.53
				Vendor Subtotal for Dept:7031	297.64

Account Number	description	Vendor	Description	Check No	Amount
Dept:7054					
100-7054-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	28.60
Vendor Subtotal for Dept:7054					28.60
Dept:7054					
100-7054-5117-00	Film Permit Consultant	Verizon Business	Film Fax-Verizon Long Distance-	49180	1.19
Vendor Subtotal for Dept:7054					1.19
Dept:7054					
100-7054-5330-00	Dues & Memberships	Costco Wholesale Membership	Costco-Membership renewal-Rev	49086	82.50
Vendor Subtotal for Dept:7054					82.50
Dept:7054					
100-7054-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Finance	49127	19.95
Vendor Subtotal for Dept:7054					19.95
Dept:7058					
100-7058-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	5.42
Vendor Subtotal for Dept:7058					5.42
Dept:7058					
100-7058-5320-00	Recruitment Expense	Laboratory Corp. of America	PreEmployment Physical Lab Tes	49101	29.50
Vendor Subtotal for Dept:7058					29.50
Dept:7058					
100-7058-5320-00	Recruitment Expense	Paige S Apar	LiveScan-Fingerprints-5 new hire	49161	275.00
Vendor Subtotal for Dept:7058					275.00

Account Number	description	Vendor	Description	Check No	Amount
Dept:7058					
100-7058-5320-00	Recruitment Expense	Charles McCrory	Background investigations-new h	49162	450.00
100-7058-5320-00	Recruitment Expense	Charles McCrory	Background investigations-new h	49162	450.00
Vendor Subtotal for Dept:7058					900.00
Dept:7058					
100-7058-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-HR	49127	23.88
Vendor Subtotal for Dept:7058					23.88
Dept:7059					
100-7059-4201-00	Retirement	CalPERS Retirement	PR 11.2016 PERS ERShare - Rou	49191	0.01
100-7059-4201-00	Retirement	CalPERS Retirement	PR 11.2016 PEPRA ER Contribut	49191	0.01
Vendor Subtotal for Dept:7059					0.02
Dept:7059					
100-7059-4205-00	Life Insurance	Standard Insurance Company N2	PR 17.11.2016 Life Insurance - R	49192	-0.03
Vendor Subtotal for Dept:7059					-0.03
Dept:7059					
100-7059-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	13.06
Vendor Subtotal for Dept:7059					13.06
Dept:7059					
100-7059-4212-00	Retiree Health Insurance	CalPERS Health	PR 11.2016 Health Ins Premium I	49190	13,177.57
Vendor Subtotal for Dept:7059					13,177.57
Dept:7059					
100-7059-5205-00	Postage	Purchase Power	Postage Meter Refills 10/13-11/12	49167	4,512.00

Account Number	description	Vendor	Description	Check No	Amount
					4,512.00
			Vendor Subtotal for Dept:7059		
Dept:7059					
100-7059-5210-00	Service Fees & Charges	CalPERS Health	PR 11.2016 Health Ins Premium I	49190	262.22
					262.22
			Vendor Subtotal for Dept:7059		
Dept:7059					
100-7059-5300-00	Travel and Training	Westco Contractors Inc	City Hall-Lighting control system	49133	400.00
					400.00
			Vendor Subtotal for Dept:7059		
Dept:7059					
100-7059-5640-00	Equipment Maintenance	Precision Business Machine Inc	Printer Gen Svc- HPZ5200	49115	285.00
					285.00
			Vendor Subtotal for Dept:7059		
Dept:7059					
100-7059-5720-00	Offsite Storage	Access Information Holdings LLC	Offsite Records Service-Oct '16	49076	2,595.78
100-7059-5720-00	Offsite Storage	Access Information Holdings LLC	Shred Bin Service-Oct '16	49076	26.75
					2,622.53
			Vendor Subtotal for Dept:7059		
Dept:7059					
100-7059-5721-00	Telephone	Frontier California Inc	Security System 11/13-12/12/16	49146	50.97
					50.97
			Vendor Subtotal for Dept:7059		
Dept:7059					
100-7059-5800-00	Equipment Leases	Xerox Corporation	Xerox-PDFKIT2-Nov '16	49134	80.31
					80.31
			Vendor Subtotal for Dept:7059		
Dept:7059					

Account Number	description	Vendor	Description	Check No	Amount
100-7059-6160-00	Operating Supplies	Centro Business Forms Inc.	2016 Form W2's/1099's and envel	49084	220.39
			Vendor Subtotal for Dept:7059		220.39
Dept:7059					
100-7059-6160-00	Operating Supplies	CR PRINT	Business Card imprints-8 names (49142	191.30
			Vendor Subtotal for Dept:7059		191.30
Dept:7059					
100-7059-6160-00	Operating Supplies	Precision Business Machine Inc	Printer Supplies	49115	309.60
			Vendor Subtotal for Dept:7059		309.60
Dept:7059					
100-7059-6160-00	Operating Supplies	Christy Rector	Reimburse-Costco-Kitchen/City I	49117	310.95
			Vendor Subtotal for Dept:7059		310.95
Dept:7059					
100-7059-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-City Hall-Paper	49127	356.13
100-7059-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Non Departmenta	49127	6.58
100-7059-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Kitchen supplies	49127	281.45
100-7059-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-City Hall-Paper	49127	356.12
			Vendor Subtotal for Dept:7059		1,000.28
			Subtotal for Fund: 100		922,765.71
Fund: 101					
Dept:0000					
101-0000-3205-00	Plumbing Permits	Safe Step Walk-In Tub Company	Refund 3536 Malibu Country Dr-	49122	32.05
			Vendor Subtotal for Dept:0000		32.05
Dept:0000					
101-0000-3208-00	Electrical Permit Fees	Safe Step Walk-In Tub Company	Refund 3536 Malibu Country Dr-	49122	26.40
			Vendor Subtotal for Dept:0000		26.40

Account Number	description	Vendor	Description	Check No	Amount
Dept:0000					
101-0000-3421-00	Planning Review Fees	William and Lisa Hopkins	CDP-not necessary, will continue	49152	5,315.00
Vendor Subtotal for Dept:0000					5,315.00
Dept:2001					
101-2001-4202-00	Health Insurance	CalPERS Health	PR 17.11.2016 Health Ins Premiu	49190	84.96
101-2001-4202-00	Health Insurance	CalPERS Health	PR 17.11.2016 Health Ins Premiu	49190	-1,413.96
Vendor Subtotal for Dept:2001					-1,329.00
Dept:2001					
101-2001-4203-00	Vision Insurance	Blue Shield of California	PR Batch 70017.11.2016 Vision C	49184	25.03
Vendor Subtotal for Dept:2001					25.03
Dept:2001					
101-2001-4204-00	Dental Insurance	Delta Dental of California	PR 17.11.2016 Dental Insurance	49185	166.06
Vendor Subtotal for Dept:2001					166.06
Dept:2001					
101-2001-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	65.24
Vendor Subtotal for Dept:2001					65.24
Dept:2001					
101-2001-5100-00	Professional Services	Lorrie Feinberg	Database updates-Planning-Oct '1	49098	2,838.25
Vendor Subtotal for Dept:2001					2,838.25
Dept:2001					
101-2001-5107-00	Contract Personnel	OfficeTeam A Robert Half Company	Temp Staffing-Plan-Caleb A-WE	49135	1,011.20

Account Number	description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Dept:2001	1,011.20
Dept:2001					
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Ct	CEQA Filing-22619 Pacific Coas	49154	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Ct	CEQA Filing-22809 Pacific Coas	49155	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Ct	CEQA Filing-28405 Via Acero St	49156	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Ct	CEQA Filing-29260 Sea Lion Pla	49157	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA Ct	CEQA Filing-6570 Zumirez Driv	49158	75.00
				Vendor Subtotal for Dept:2001	375.00
Dept:2001					
101-2001-5300-00	Travel and Training	Carlos Contreras	Reimburse Parking-APA Conf 10.	49141	6.00
				Vendor Subtotal for Dept:2001	6.00
Dept:2001					
101-2001-5340-00	Transportation & Mileage	Carlos Contreras	Reimburse mileage-APA Conf 10.	49141	7.61
				Vendor Subtotal for Dept:2001	7.61
Dept:2001					
101-2001-5340-00	Transportation & Mileage	Stephanie Hawner	Reimburse mileage-11/2/16-Tranc	49096	10.80
				Vendor Subtotal for Dept:2001	10.80
Dept:2001					
101-2001-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Planning	49127	47.59
101-2001-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Planning	49127	44.16
101-2001-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Planning	49127	37.02
				Vendor Subtotal for Dept:2001	128.77
Dept:2004					
101-2004-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	54.05

Account Number	description	Vendor	Description	Check No	Amount
					Vendor Subtotal for Dept:2004
					54.05
Dept:2004					
101-2004-5100-00	Professional Services	Fugro Consultants, Inc.	Geology Consultant-Fixed Fee Re	49091	2,635.00
					Vendor Subtotal for Dept:2004
					2,635.00
Dept:2004					
101-2004-5100-00	Professional Services	Lorrie Feinberg	Database updates-Building Safety	49098	2,624.25
					Vendor Subtotal for Dept:2004
					2,624.25
Dept:2004					
101-2004-5300-00	Travel and Training	Julie Baucr	Reimburse expenses 11/7-11/8/16	49137	50.00
					Vendor Subtotal for Dept:2004
					50.00
Dept:2004					
101-2004-5300-00	Travel and Training	Sten Miles	Reimburse expenses-10/25-10/26.	49108	122.81
					Vendor Subtotal for Dept:2004
					122.81
Dept:2004					
101-2004-5300-00	Travel and Training	Andrew Sheldon	Reimburse expenses-CALBO Cor	49123	50.00
					Vendor Subtotal for Dept:2004
					50.00
Dept:2004					
101-2004-5340-00	Transportation & Mileage	Julie Baucr	Reimburse Milcage 11/7-11/8/16-	49137	58.43
					Vendor Subtotal for Dept:2004
					58.43
Dept:2004					
101-2004-5340-00	Transportation & Mileage	Brian Kircher	Reimburse mileage-10/26-10/27/1	49100	92.88
					Vendor Subtotal for Dept:2004
					92.88
Dept:2004					

Account Number	description	Vendor	Description	Check No	Amount
101-2004-5340-00	Transportation & Mileage	Sten Miles	Reimburse expenses-10/25-10/26.	49108	72.90
			Vendor Subtotal for Dept:2004		72.90
Dept:2010					
101-2010-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	9.58
			Vendor Subtotal for Dept:2010		9.58
Dept:2010					
101-2010-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Wastewater	49127	29.29
101-2010-6160-00	Operating Supplies	Staples Contract & Commercial Inc	Office supplies-Wastewater	49127	109.45
			Vendor Subtotal for Dept:2010		138.74
Dept:2012					
101-2012-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	8.57
			Vendor Subtotal for Dept:2012		8.57
Dept:3003					
101-3003-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	4.36
101-3003-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	10.36
			Vendor Subtotal for Dept:3003		14.72
Dept:3003					
101-3003-5405-00	Printing	CR PRINT	Construction Site Inspection form	49087	419.65
			Vendor Subtotal for Dept:3003		419.65
			Subtotal for Fund: 101		15,029.99
Fund: 103					
Dept:9050					

Account Number	description	Vendor	Description	Check No	Amount
103-9050-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	3.83
			Vendor Subtotal for Dept:9050		3.83
Dept:9050					
103-9050-5100-00	Professional Services	Brightview Landscape Services Inc	City Hall-Landscape Maint-Nov '	49139	995.00
			Vendor Subtotal for Dept:9050		995.00
Dept:9050					
103-9050-5610-00	Facilities Maintenance	Aqua H2O Solutions Inc	City Hall Water Treatment-Nov '1	49136	348.89
			Vendor Subtotal for Dept:9050		348.89
Dept:9050					
103-9050-5610-00	Facilities Maintenance	Newbury Park Tree Service Inc	City Hall Tree Svcs-Oct '16	49113	1,530.00
			Vendor Subtotal for Dept:9050		1,530.00
Dept:9050					
103-9050-5610-00	Facilities Maintenance	StorageContainer.com	City Hall Storage Cont Rental-11/	49178	198.00
			Vendor Subtotal for Dept:9050		198.00
Dept:9050					
103-9050-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-City Hall Fire Line-9/6-11/	49103	366.32
103-9050-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-City Hall-9/6-11/3/16-Bill#	49103	704.27
			Vendor Subtotal for Dept:9050		1,070.59
Dept:9050					
103-9050-6160-00	Operating Supplies	Regency Enterprises Inc	Bulbs	49118	125.37
			Vendor Subtotal for Dept:9050		125.37
Dept:9050					
			Subtotal for Fund: 103		4,271.68

Account Number	description	Vendor	Description	Check No	Amount
Fund: 207					
Dept:3004					
207-3004-5100-00	Professional Services	G.I. Industries	Oil/Paint Recycle Program-10/15,	49094	1,417.31
Vendor Subtotal for Dept:3004					1,417.31
Dept:3004					
207-3004-5100-00	Professional Services	Solid Waste Solutions, Inc.	Solid Waste Consultant-Oct '16	49125	1,371.00
Vendor Subtotal for Dept:3004					1,371.00
Subtotal for Fund: 207					2,788.31
Fund: 211					
Dept:7031					
211-7031-5115-00	Law Enforcement Services	LA Co Sheriff'S Department	Law Enforce Svcs-Brulte/Stop-O	49159	16,052.94
Vendor Subtotal for Dept:7031					16,052.94
Subtotal for Fund: 211					16,052.94
Fund: 290					
Dept:6002					
290-6002-5100-00	Professional Services	Fugro Consultants, Inc.	Big Rock Mesa AD 98-1 Monitor	49091	20,465.35
Vendor Subtotal for Dept:6002					20,465.35
Subtotal for Fund: 290					20,465.35
Fund: 310					
Dept:9049					
310-9049-5100-00	Professional Services	Banner Bank	Vido's 5% retention of Est#4-CC\	49081	136,682.90
Vendor Subtotal for Dept:9049					136,682.90
Dept:9049					

Account Number	description	Vendor	Description	Check No	Amount
310-9049-5100-00	Professional Services	Cascade Drilling LP	Construction-CCWWTF-Injectio	49083	34,240.14
			Vendor Subtotal for Dept:9049		34,240.14
Dept:9049					
310-9049-5100-00	Professional Services	Stephen Robert Mimiaga	CCWWTF-Construction Manager	49163	117,008.25
			Vendor Subtotal for Dept:9049		117,008.25
Dept:9049					
310-9049-5100-00	Professional Services	Myers & Sons Construction, LP	CCWWTF construction-Oct '16	49110	927,561.13
			Vendor Subtotal for Dept:9049		927,561.13
Dept:9049					
310-9049-5100-00	Professional Services	Vido Artukovich & Son, Inc./Vidmar	CCWWTF-Pipeline-Oct '16	49132	2,596,975.23
			Vendor Subtotal for Dept:9049		2,596,975.23
			Subtotal for Fund: 310		3,812,467.65
Fund: 500					
Dept:7008					
500-7008-5100-00	Professional Services	Brightview Landscape Services Inc	Legacy Park-Landscape Maint-Nr	49139	5,275.00
500-7008-5100-00	Professional Services	Brightview Landscape Services Inc	SuperCare-Landscape Maint-Nov	49139	200.00
			Vendor Subtotal for Dept:7008		5,475.00
Dept:7008					
500-7008-5610-00	Facility Maintenance	Dewey Services, Inc.	Pest Control-23661 PCH-Nov '16	49088	92.00
			Vendor Subtotal for Dept:7008		92.00
Dept:7008					
500-7008-5610-00	Facility Maintenance	Hilario Simental Jr	Septic pumping 23431 PCH-Anin	49089	460.00
500-7008-5610-00	Facility Maintenance	Hilario Simental Jr	Septic pumping 23431 PCH-Anin	49144	460.00
			Vendor Subtotal for Dept:7008		920.00
Dept:7008					

Account Number	description	Vendor	Description	Check No	Amount
500-7008-5610-00	Facility Maintenance	Integrated Performance Consultants	Fac Maint-23661 PCH-Oct'16	49153	1,324.25
			Vendor Subtotal for Dept:7008		1,324.25
Dept:7008					
500-7008-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-SuperCare-9/6-11/3/16-Bil	49160	206.84
500-7008-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Legacy Park Irrigation-9/6-	49160	654.12
500-7008-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Legacy Park-9/6-11/3/16-B	49160	74.76
			Vendor Subtotal for Dept:7008		935.72
			Subtotal for Fund: 500		8,746.97
Fund: 515					
Dept:3010					
515-3010-5100-00	Professional Services	Cynthia McAfee	CCWWTF Property Mgmt Consu	49106	750.00
			Vendor Subtotal for Dept:3010		750.00
Dept:3010					
515-3010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-CCWWTF-9/6-11/3/16-Bil	49103	997.07
			Vendor Subtotal for Dept:3010		997.07
			Subtotal for Fund: 515		1,747.07
Fund: 601					
Dept:3005					
601-3005-6330-00	Vehicle Repair & Maintenance	Vasudevan Naicker	Car wash-City vehicles-11/10/16	49111	100.00
601-3005-6330-00	Vehicle Repair & Maintenance	Vasudevan Naicker	Car wash-City vehicles - 11/17/16	49166	175.00
			Vendor Subtotal for Dept:3005		275.00
			Subtotal for Fund: 601		275.00

Account Number	description	Vendor	Description	Check No	Amount
Fund: 602					
Dept:7060					
602-7060-4209-00	Disability Insurance	Standard Insurance Company N2	PR 17.11.2016 STD/LTD	49192	7.17
Vendor Subtotal for Dept:7060					7.17
Dept:7060					
602-7060-5721-00	Telephone	Frontier California Inc	Senior Ctr Internet11/13-12/12/16	49146	582.55
Vendor Subtotal for Dept:7060					582.55
Dept:7060					
602-7060-7400-00	Computer Equipment	GovConnection Inc	5 New Computers-new employee:	49149	2,052.47
Vendor Subtotal for Dept:7060					2,052.47
Subtotal for Fund: 602					2,642.19
Fund: 710					
Dept:0000					
710-0000-2270-04	Grading Bonds	Jack Gerlach	Refund-Grading Bond Release-B:	49093	10,000.00
Vendor Subtotal for Dept:0000					10,000.00
Dept:0000					
710-0000-2270-06	Special Event Deposits	LA Co Sheriff'S Department	Sheriff's Fees-Therasurf 10/8/16	49102	990.88
710-0000-2270-06	Special Event Deposits	LA Co Sheriff'S Department	Sheriff's Fees-Malibu Jewish Ctr	49102	2,561.54
710-0000-2270-06	Special Event Deposits	LA Co Sheriff'S Department	Sheriff's Fees-Therasurf 10/22-10	49102	2,343.02
Vendor Subtotal for Dept:0000					5,895.44
Dept:0000					
710-0000-2270-06	Special Event Deposits	Malibu Jewish Center & Synagogue	Refund LA Cty Sheriff's Fees-Hig	49104	332.05
Vendor Subtotal for Dept:0000					332.05

Account Number	description	Vendor	Description	Check No	Amount
Dept:0000					
710-0000-2270-06	Special Event Deposits	Therasurf	Refund LA Cty Sheriff's Fees for	49128	249.38
Vendor Subtotal for Dept:0000					249.38
Dept:0000					
710-0000-2270-12	Parks - Security Deposits	Malibu Film Festival	Refund Security Deposit-Event 11	49107	866.00
Vendor Subtotal for Dept:0000					866.00
Dept:0000					
710-0000-2270-36	Senior Center Donations	Malibu Times	Wellness Expo-Times Ads-Oct '16	49105	360.00
Vendor Subtotal for Dept:0000					360.00
Dept:0000					
710-0000-2270-44	Library Event	Malibu Times	Library Speaker Series-Times Ad:	49105	720.00
Vendor Subtotal for Dept:0000					720.00
Dept:0000					
710-0000-2271-24	Malibu Memorial Park & Chapel	Impact Sciences Inc	Malibu Memorial Park Initial Stu	49097	5,460.00
710-0000-2271-24	Malibu Memorial Park & Chapel	Impact Sciences Inc	Malibu Memorial Park-through 9	49097	247.50
Vendor Subtotal for Dept:0000					5,707.50
Subtotal for Fund: 710					24,130.37
Fund: 900					
Dept:0000					
900-0000-2022-00	Health Insurance	CalPERS Health	PR Batch 70017.11.2016 Health I	49190	23.78
900-0000-2022-00	Health Insurance	CalPERS Health	PR Batch 70017.11.2016 Health I	49190	71,514.06
Vendor Subtotal for Dept:0000					71,537.84

Account Number	description	Vendor	Description	Check No	Amount
Dept:0000					
900-0000-2023-00	Vision Insurance	Blue Shield of California	PR Batch 70017.11.2016 Vision C	49184	1,067.82
Vendor Subtotal for Dept:0000					1,067.82
Dept:0000					
900-0000-2024-00	Dental Insurance	Delta Dental of California	PR Batch 70017.11.2016 Dental I	49185	7,042.37
Vendor Subtotal for Dept:0000					7,042.37
Dept:0000					
900-0000-2025-00	Life Insurance	Standard Insurance Company N2	PR Batch 70017.11.2016 Life Ins	49192	944.75
Vendor Subtotal for Dept:0000					944.75
Dept:0000					
900-0000-2025-01	Additional Life Insurance	Standard Insurance Company N2	PR Batch 70017.11.2016 Additior	49193	218.83
Vendor Subtotal for Dept:0000					218.83
Dept:0000					
900-0000-2026-00	STD/LTD	Standard Insurance Company N2	PR Batch 70003.11.2016 STD/LT	49192	1,959.60
900-0000-2026-00	STD/LTD	Standard Insurance Company N2	PR Batch 70017.11.2016 STD/LT	49192	1,984.86
Vendor Subtotal for Dept:0000					3,944.46
Dept:0000					
900-0000-2027-00	Employee Assistance	Managed Health Network	PR Batch 70017.11.2016 Employ	49189	140.03
Vendor Subtotal for Dept:0000					140.03
Dept:0000					
900-0000-2040-00	PERS Retirement	CalPERS Retirement	PR Batch 70017.11.2016 PERS C	49191	118.80
900-0000-2040-00	PERS Retirement	CalPERS Retirement	PR Batch 70017.11.2016 PERS E	49191	11,216.22

Account Number	description	Vendor	Description	Check No	Amount
					11,335.02
			Vendor Subtotal for Dept:0000		
Dept:0000					
900-0000-2040-01	PERS Retirement Prepaid	CalPERS Retirement	PR Batch 70017.11.2016 PEPRA	49191	2,712.04
900-0000-2040-01	PERS Retirement Prepaid	CalPERS Retirement	PR Batch 70017.11.2016 PERS C	49191	162.21
900-0000-2040-01	PERS Retirement Prepaid	CalPERS Retirement	PR Batch 70017.11.2016 PERS E	49191	15,314.90
					18,189.15
			Vendor Subtotal for Dept:0000		
Dept:0000					
900-0000-2040-02	PERS/PEPRA Retirement	CalPERS Retirement	PR Batch 70017.11.2016 PEPRA	49191	2,543.77
					2,543.77
			Vendor Subtotal for Dept:0000		
Dept:0000					
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70017.11.2016 PARS -	49194	564.55
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70017.11.2016 PARS -	49194	118.38
					682.93
			Vendor Subtotal for Dept:0000		
Dept:0000					
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70017.11.2016 ICMA I	49186	994.33
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70017.11.2016 ICMA I	49186	10,949.34
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70017.11.2016 ER Con	49186	2,500.00
					14,443.67
			Vendor Subtotal for Dept:0000		
Dept:0000					
900-0000-2042-01	ICMA Loan Program	ICMA Retirement Trust 457 - 303615	PR Batch 70017.11.2016 ICMA L	49186	447.22
					447.22
			Vendor Subtotal for Dept:0000		
Dept:0000					
900-0000-2043-00	Deferred Compensation 401	ICMA 401-Plan # 108658	PR Batch 70017.11.2016 ICMA -	49187	496.15

Account Number	description	Vendor	Description	Check No	Amount
					496.15
			Vendor Subtotal for Dept:0000		496.15
Dept:0000					
900-0000-2043-00	Deferred Compensation 401	ICMA 401-Plan # 108650	PR Batch 70017.11.2016 ICMA -	49188	576.90
					576.90
			Vendor Subtotal for Dept:0000		576.90
			Subtotal for Fund: 900		133,610.91
					4,964,994.14
			Report Total:		4,964,994.14



Council Agenda Report

To: Mayor La Monte and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager 

Date prepared: November 21, 2016 Meeting date: December 12, 2016

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the November 14, 2016 Regular City Council meeting.

FISCAL IMPACT: None.

DISCUSSION: Staff has prepared draft minutes for the November 14, 2016 Regular City Council meeting. Staff hereby submits the minutes for Council's approval.

ATTACHMENTS: November 14, 2016 Regular City Council meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
NOVEMBER 14, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Mayor La Monte called the meeting to order at 6:29 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Lou La Monte; Mayor Pro Tem Skylar Peak; and Councilmembers Joan House, Laura Rosenthal and John Sibert

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Bonnie Blue, Planning Director; Bob Brager, Public Works Director; Andrew Sheldon, Environmental Sustainability Manager; Amy Crittenden, Recreation Manager; Kristin Riesgo, Recreation Manager; and Katie Gallo, Recreation Supervisor

PLEDGE OF ALLEGIANCE

Norm Haynie led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember House and Councilmember Sibert seconded a motion to approve the agenda, adding an update from Southern California Edison (SCE) as Item No. 1.D., and adjourning in memory of Gary Rector.

FRIENDLY AMENDMENT

Councilmember Rosenthal added adjourning in memory of America's hopes and dreams. The maker and seconder accepted the amendment and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on November 4, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Recognition of Meril May for his years of Service on the Public Safety Commission

Mayor La Monte presented a certificate of recognition to Meril May.

Mr. May thanked the Council, the Public Works department, and City Manager Feldman.

Mayor La Monte thanked him for his devotion to making the Pacific Coast Highway (PCH) safer for bicyclists.

B. Proclamation Declaring November 15, 2016 as America Recycles Day

Mayor La Monte presented the proclamation to Sheila Morovati, founder of Crayon Collection.

Ms. Morovati discussed the Crayon Collection program. She stated crayons could be donated at Wells Fargo banks throughout Malibu for the rest of 2016.

C. Staff Update on the Civic Center Wastewater Treatment Facility Project

Public Works Director Brager presented the update.

Councilmember House expressed confidence in Public Works Director Brager's oversight of this project.

D. Southern California Edison Update

Diane Forte, SCE Government Affairs/Local Public Affairs for Westside Cities, discussed outage communication.

Steve Sprague, SCE District Manager for Thousand Oaks, discussed four projects underway in the City. He discussed the service challenges in Malibu and efforts to develop better equipment for the coastal environment.

Councilmember Rosenthal thanked Ms. Forte and Mr. Sprague for the update. She discussed whether there were better materials to use on the coast and requested regular updates.

In response to Mayor Pro Tem Peak, Mr. Sprague discussed the tie on the Galahad circuit. He stated once a circuit route had been identified the City's help would be needed in obtaining easements and permits.

Mayor La Monte thanked Ms. Forte and Mr. Sprague for the update and requested a detailed response on the list of questions from Hans Laetz and information regarding undergrounding.

ITEM 2.A. PUBLIC COMMENTS

Hans Laetz thanked Ms. Forte and Mr. Sprague for the update and discussed deferred maintenance of the poles in the City, and Public Utilities Commission (PUC) General Orders 95 and 165. He stated he was filing a formal request with the PUC for rules to protect the public.

Dave Rydman, Area Engineer for Waterworks District 29, stated 15 percent less water was used in September 2016 over September 2013. He discussed plans to hire a new water conservation coordinator and a new outreach consultant

Councilmember Rosenthal stressed the importance of reporting to the City or District 29 if watering more than twice a week was observed.

Dominic Suprenant indicated support for the City hiring a law firm to evaluate the possibility of suing the California Department of Transportation (Caltrans) for negligence.

Michael Epstein, producer of the Nautica Malibu Triathlon, presented honorary medals to the Council. He reported on the success of the Triathlon's fundraising efforts for Children's Hospital Los Angeles.

Suzanne Zimmer requested the City's support and funding for another Concert on the Bluffs event in 2017 and cultural arts in Malibu.

Dana Christiansen stated he would be unavailable to attend the December 12, 2016 wireless telecommunications facility appeal and requested the item be continued to January 2017.

Jefferson Wagner thanked Councilmembers House and Sibert for their many years of service.

ITEM 2.B. COMMISSION / COMMITTEE / CITY MANAGER UPDATES

Cultural Arts Commissioner Gibbs thanked Recreation Manager Crittenden for her work with the Commission. He discussed a proposed budget for Fiscal Year 2017-2018, and the lessons to be learned from Cultural Arts Commissions in other cities. He stated the Commission had created an ad hoc to look at establishing non-profit organizations for the Arts. He discussed the proposed Poet Laurent program, art installations in City Hall, and the Salon Series events.

City Manager Feldman thanked Ms. Forte and Mr. Sprague for their update. She stated she and Councilmember Rosenthal had met with Department of Transportation Undersecretary regarding the problems along the PCH and working with Caltrans and stated there was a funding agreement for the PCH Signal Synchronization Project.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Rosenthal discussed the creation of the Cultural Arts Commission. She encouraged the Commission to continue to get ideas from surrounding cities. She stated she and Mayor Pro Tem Peak attended a Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting.

CONSENSUS

By consensus the Council directed staff to bring back an item adding an Arts Zoning Text Amendment to the Cultural Arts Commission Work Plan.

Councilmember Rosenthal stated she expected the Malibu Unification Negotiations Committee to have finished agreement negotiations by the end of the year, despite several meeting cancellations. She stated she met with the new Malibu High School Principal and Assistant Principal, attended the meeting with the Department of Transportation Undersecretary, and accepted an award from the California Library Association. She thanked Mr. Epstein and Mr. May for their update.

In response to Councilmember Rosenthal, City Attorney Hogin stated the wireless telecommunications appeal could be heard at a Special Meeting.

Councilmember Rosenthal stated the Trancas Field survey would be available on the City's website until December 12, 2016. She stated she would attend a Las Virgenes-Malibu Council of Governments (COG) meeting with City Manager Feldman and a PCH Task Force meeting. She stated she sent an email to PCH Task Force leaders in Sacramento regarding traffic incidents on PCH and stated a subcommittee would be created to address PCH traffic and safety problems.

In response to Mayor Pro Tem Peak, City Manager Feldman stated the bid documents for the PCH Signal Synchronization Project would be going out soon and stated the City and Caltrans were working together to move the project forward quickly.

Mayor Pro Tem Peak discussed the traffic problems Mr. Suprenant spoke about. He stated he attended a Civic Center Wastewater Treatment property owner meeting, a ZORACES meeting, and a Trancas Field Community Workshop. He stated he met with SCE and attended the Lost Hills Sheriff's Station Open House. He thanked the Cultural Arts Commission.

In response to Mayor Pro Tem Peak, City Attorney Hogin confirmed that the wireless telecommunications facility appeal could be held during a Special meeting provided it met all noticing requirements.

Councilmember Sibert discussed Los Angeles County Measure R funds committed to the PCH Signal Synchronization Project and the importance of membership with the Southern California Association of Governments.

Councilmember House discussed the possibility of pursuing legal action against Caltrans. She thanked Mr. May for his diligence regarding safety in the City. She thanked everyone that ran in the recent General Municipal Election. She indicated support for moving the wireless telecommunications facility appeal if possible. She stated she attended an Administration and Finance Subcommittee meeting, a Library Subcommittee meeting, the Veterans Day Public Ceremony, and celebrated Fran Pavely's retirement.

Mayor Pro Tem Peak congratulated Henry Stern.

Mayor La Monte announced a meeting and presentation of the PCH Parking Study would be on November 29, 2016, and a Trancas Field Community Workshop on November 30, 2016. He stated he attended an Administration and Finance Subcommittee meeting, a California Contract Cities Meeting, and a meeting with SCE. He discussed a Los Angeles County Commission on Alcohol and Other Drugs where he presented information regarding the high concentration of rehabilitation facilities in Malibu and unlicensed sober living homes in the state. He read a letter regarding sober living homes from Senator Elizabeth Warren, Senator Orrin Hatch, and Senator Mark Rubio. He stated he attended the Veterans Day Public Ceremony. He congratulated Ani Dermenjian on her award for her work on the Veterans Day Ceremonies. He stated he attended a brunch for Senator Pavley, the Emily Shane Foundation release of 1000 butterflies at Malibu Bluffs Park, and stated he planned to attend the National League of Cities meeting on November 15, 2016.

ITEM 3 CONSENT CALENDAR

MOTION Councilmember Rosenthal moved and Councilmember Sibert seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

3. **Consent Calendar**

A. Previously Discussed Items

None.

B. New Items

1. Waive Further Reading

Recommended Action: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.

2. Approve Warrants

Recommended Action: Allow and approve warrant demand numbers 48781-48884 listed on the register from the General Fund and direct the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 583 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$3,120,818.10. City of Malibu payroll check numbers 4708-4716 and ACH deposits were issued in the amount of \$327,207.51.

3. Approval of Minutes

Recommended Action: Approve the minutes for the October 10, 2016 Regular City Council meeting.

4. Amendment to Agreement with Access Information Management

Recommended Action: Authorize the City Manager to execute Amendment No. 3 to Professional Services Agreement with Access Information Management for storage of the City's offsite records, services and transportation pertaining to records management.

5. Fiscal Year 2015-2016 Fourth Quarter Financial Report

Recommended Action: Receive and file Fiscal Year 2015-2016 Fourth Quarter financial information.

6. Fiscal Year 2016-2017 First Quarter Financial Report

Recommended Action: Receive and file Fiscal Year 2016-2017 First Quarter financial information.

7. Amendments to Agreements for the Preparation of an Environmental Document for Malibu Memorial Park Project

Recommended Action: 1) Authorize the City Manager to execute Amendment No. 1 to Agreement with Impact Sciences, Inc. for the preparation of an initial study/mitigated negative declaration for the Malibu Memorial Park Project; and 2) Authorize the City Manager to execute Amendment No. 1 to Agreement with the Green Acres, LLC for the preparation of an initial study/mitigated negative declaration for the Project.

8. Job Specifications for Media Technician and Information Systems Technician

Recommended Action: Adopt Resolution No. 16-47 rescinding Resolution No. 16-34 and approving the Authorized Positions and Salary Ranges for Fiscal Year 2016-2017 and approving the Media Technician and Information Technician job specifications.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Amendments to Malibu Municipal Code Title 6 (Animals)

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 411 amending Chapter 6.04 (Animals) of Title 6 (Animals) of the Malibu Municipal Code to re-adopt by reference the current language of Title 10 (Animals) of the Los Angeles County Code; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 411 for the December 12, 2016 Adjourned Regular City Council meeting.

City Clerk Glaser presented the staff report.

In response to Councilmember Sibert, City Manager Feldman stated she did not know how many dogs were licensed in the City but that she could find out.

MOTION

Councilmember House moved and Councilmember Sibert seconded a motion to: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 411 amending Chapter 6.04 (Animals) of Title 6 (Animals) of the Malibu Municipal Code to re-adopt by reference the current language of Title 10 (Animals) of the Los Angeles County Code; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 411 for the December 12, 2016 Adjourned Regular City Council meeting. The motion carried unanimously.

B. Polystyrene Foam Ordinance

Recommended Action: 1) Introduce on first reading Ordinance No. 412 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Chapter 9.24 to prohibit food packaging, containers and food service ware made from polystyrene foam or other materials that are non-recyclable and non-compostable and repealing Ordinance No. 286; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 412 for the November 28, 2016 City Council meeting.

Environmental Sustainability Manager Sheldon presented the staff report.

Tim James, California Grocers Association, discussed concerns with the proposed Malibu Municipal Code Section 9.24.040(d), which placed limits on products used with raw meat.

Mayor Pro Tem Peak indicated support for continuing with the ban.

In response to Councilmember Rosenthal, Councilmember Sibert stated expanded polystyrene trays were recyclable but not compostable. In response to Councilmember Sibert, Mr. James stated compostable trays were much more expensive.

Mayor Pro Tem Peak discussed the potential to implement compostable waste pickup in the City.

Councilmember House discussed the importance of outreach and education. She stated the Senior Center and the Boys and Girls Club would be good venues for education.

Councilmember Sibert discussed the ecological effects of expanded polystyrene.

Councilmember House discussed the cost of alternative materials.

In response to Mayor La Monte, Councilmember Rosenthal stated the necessity of compostable meat packing trays would prompt innovation.

Mayor Pro Tem Peak discussed the importance of educating food truck vendors.

MOTION Mayor Pro Tem Peak moved and councilmember Rosenthal seconded a motion to: 1) introduce on first reading Ordinance No. 412 determining the project is categorically exempt from the California Environmental Quality Act and amending Malibu Municipal Code Chapter 9.24 to prohibit food packaging, containers and food service ware made from polystyrene foam or other materials that are non-recyclable and non-compostable and repealing Ordinance No. 286; 2) directed staff to report back to the Council in one year; and 3) directed staff to schedule second reading and adoption of Ordinance No. 412 for the November 28, 2016 City Council meeting. The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

A. Amendment to Agreement with Malibu Yellow Cab and Dial-A-Ride Program Modifications

Recommended Action: 1) Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Malibu Yellow Cab to modify the Scope of Services for the Dial-A-Ride (DAR) program; 2) Amend Council Policy #42 for the DAR program to revise the program hours and use restrictions; 3) Receive update on the status of negotiations to upgrade DAR vehicles for safety and mileage; and 4) Provide direction to staff regarding the DAR contract terms and the potential issuance of a Request for Proposal.

Recreation Manager Crittenden presented the staff report.

MOTION Councilmember Rosenthal moved and Councilmember Sibert seconded a motion to 1) Authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Malibu Yellow Cab to modify the Scope of Services for the Dial-A-Ride (DAR) program; and 2) Amend Council Policy #42

for the DAR program to revise the program hours and use restrictions. The motion carried unanimously.

B. Harry Barovsky Memorial Youth Commission Structure and Appointment Process

Recommended Action: Adopt Resolution No. 16-46 approving the structure and appointment process of the Harry Barovsky Memorial Youth Commission and rescinding Resolution Nos. 10-38, 13-06, and 13-32.

Recreation Supervisor Gallo presented the staff report.

Zita Suprenant, Harry Barovsky Memorial Youth Commission Chair, discussed a lack of meeting attendance by the Commission members.

MOTION Councilmember Rosenthal moved and Mayor La Monte seconded a motion to adopt Resolution No. 16-46 approving the structure and appointment process of the Harry Barovsky Memorial Youth Commission and rescinding Resolution Nos. 10-38, 13-06, and 13-32. The motion carried unanimously.

ITEM 6 NEW BUSINESS

A. Malibu Poet Laureate

Recommended Action: 1) Approve the recommendation from the Cultural Arts Commission to create a Poet Laureate position to represent Malibu for a two-year term; and 2) Approve the proposed selection process criteria associated with the Malibu Poet Laureate program.

Recreation Manager Crittenden presented the staff report. She indicated a modified submission period of November 30, 2016 through January 11, 2017. She indicated three ways to apply for the position and thanked Ann Buxie for her involvement.

Ann Buxie read poetry.

Marguerite James deferred her time to Catherine Malcolm Brickman.

Patt Healy deferred her time to Catherine Malcolm Brickman.

Richard Gibbs deferred his time to Catherine Malcolm Brickman.

Catherine Malcolm Brickman read a letter from Carol Muske-Dukes, Former California Poet Laureate, and read a eulogy given by John F. Kennedy for Robert Frost.

Susie Duff declined to speak.

Councilmember Rosenthal thanked Ms. Buxie and questioned adding a Malibu High School English student to the selection panel.

MOTION Mayor Pro Tem Peak moved and Councilmember Sibert seconded a motion to: 1) approve the recommendation from the Cultural Arts Commission to create a Poet Laureate position to represent Malibu for a two-year term; and 2) approve the proposed selection process criteria associated with the Malibu Poet Laureate program. The motion carried unanimously.

ITEM 7 COUNCIL ITEMS

A. Proposed 2017 Calendar of City Council Meetings
Recommended Action: Approve the proposed 2017 Calendar of City Council meetings.

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Peak seconded a motion to approve the proposed 2017 Calendar of City Council meetings, moving the January 9 Regular meeting to a January 11 Special meeting. The motion carried unanimously.

B. Cool Roofs (Councilmember Rosenthal)
Recommended Action: At the request of Councilmember Rosenthal, consider directing staff to bring back a cool roof ordinance.

Councilmember Rosenthal presented the item.

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Peak seconded a motion to bring back a cool roof ordinance, including unreflective surfaces and superior insulation, and exempting buildings with solar panels on the roof. The motion carried unanimously

C. Electric Vehicles Fleet (Mayor Pro Tem Peak)
Recommended Action: At the request of Mayor Pro Tem Peak, direct staff to develop a plan to transition to an all-electric vehicle fleet by 2020.

Mayor Pro Tem Peak presented the item.

In response to Councilmember Rosenthal, Mayor Pro Tem Peak clarified that electric car owners in Malibu could obtain cheaper electricity during off-peak hours for car charging.

MOTION Mayor Pro Tem Peak moved and Councilmember Rosenthal seconded a motion to direct staff to develop a plan to transition to an all-electric vehicle fleet by 2020, replacing vehicles with mileage over 75,000 with an electric vehicle, implementing solar powered vehicle charging at City Hall, and replacing trucks

with hybrid or diesel-powered trucks in the absence of an electric equivalent. The motion carried unanimously.

ADJOURNMENT

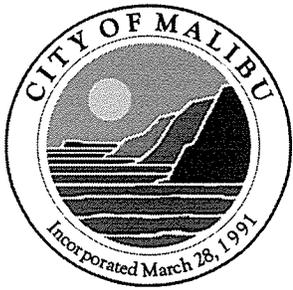
At 9:15 p.m., Mayor La Monte adjourned in memory of Gary Rector and America's hopes and dreams.

Approved and adopted by the City Council of the City of Malibu on _____, 2016.

LOU LA MONTE, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)



Council Agenda Report

Adjourned Meeting
12-12-16

**Item
3.B.4.**

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

Prepared by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager 

Date prepared: November 16, 2016 Meeting date: December 12, 2016

Subject: Amendments to Agreements for Biological Consulting Services

RECOMMENDED ACTION: 1) Authorize the City Manager to execute Amendment No. 2 to Agreement with Compliance Biology, Inc. to provide biological consulting services; and 2) Authorize the City Manager to execute Amendment No. 2 to Agreement with Rincon Consultants, Inc. to provide biological consulting services.

FISCAL IMPACT: Funding for these amendments is included in the Adopted Budget for Fiscal Year 2016-2017 in Account No. 101-2001-5100.01 (Planning Professional Services).

DISCUSSION: In September 2014, the City Council approved two-year agreements with Compliance Biology, Inc. and Rincon Consultants, Inc. for biological review consulting services. The agreements were set to expire in September 2016.

In July 2016, a Request for Proposals for biological consulting services was distributed. Staff received three proposals (Compliance Biology, Inc., Rincon Consultants, Inc. and Sapphos Environmental, Inc.) and conducted interviews. Subsequently, in September 2016, Council extended the term of the agreements by three months with the existing consultants to allow staff additional time to make a selection. In addition to the agreement extension, staff requested that the amendments reflect fixed-fee services and updated cost schedules for each consultant.

In the last three months, in order to enhance turnaround times for reviews, staff has been testing a new protocol for biological reviews where reviews are distributed to Rincon and Compliance Biology instead of primarily relying on Compliance Biology to conduct reviews. Staff believe that three months has not provided adequate time to evaluate each consultant's performance nor has it provided adequate time to determine if utilizing two consultants in the same capacity is beneficial.

Staff is requesting to extend the term of the agreements until June 30, 2016. At the end of this period, staff will decide to either retain both consultants in the same capacity or revert to the previous protocol where one consultant serves as the primary consultant.

ATTACHMENTS:

1. Amendment No. 2 to Agreement with Compliance Biology, Inc.
2. Amendment No. 2 to Agreement with Rincon Consultants, Inc.

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT is made and entered in the City of Malibu on December 12, 2016, by and between the CITY OF MALIBU, hereinafter referred to as City, and Compliance Biology, Inc., hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On September 8, 2014, the City entered into an Agreement with Consultant for biological consulting services (the "Agreement").
- B. On September 12, 2016, the City extended the term of the agreement to December 12, 2016, and updated the schedule of fees and scope of work.
- C. The City desires to amend the Agreement to extend the term of the agreement until June 30, 2017.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

- 1. Section 2.0 – Term of Agreement, is hereby extended to June 30, 2017.
- 2. All terms and conditions of the Agreement not amended by this Amendment No. 2 remain in full force and effect.

This Agreement is executed on _____, 2016, at Malibu, California, and effective as of December 12, 2016.

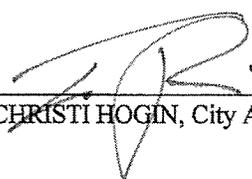
CITY OF MALIBU:

REVA FELDMAN, City Manager

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

CONSULTANT:



By: DAVE CRAWFORD
Title: President/Principal

ATTACHMENT 1

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT is made and entered in the City of Malibu on September 12, 2016, by and between the CITY OF MALIBU, hereinafter referred to as City, and Rincon Consultants, Inc., hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On September 8, 2014, the City entered into an Agreement with Consultant for biological consulting services (the "Agreement").
- B. On September 12, 2016, the City extended the term of the agreement to December 12, 2016, and updated the schedule of fees and scope of work.
- C. The City desires to amend the Agreement to extend the term of the agreement until June 30, 2017.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

- 1. Section 2.0 – Term of Agreement, is hereby extended to June 30, 2017.
- 2. All terms and conditions of the Agreement not amended by this Amendment No. 2 remain in full force and effect.

This Agreement is executed on _____, 2016, at Malibu, California, and effective as of December 12, 2016.

CITY OF MALIBU:

REVA FELDMAN, City Manager

ATTEST:

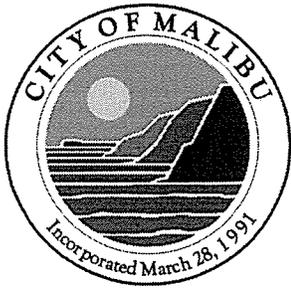
HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney

CONSULTANT:

By: MICHAEL P. GIALKETSIS
Title: President



Adjourned Meeting
12-12-16

**Item
3.B.5.**

Supplemental Council Agenda Report

To: Mayor La Monte and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager 

Date prepared: December 7, 2016 Meeting date: December 12, 2016

Subject: November 8, 2016 General Municipal Election Results

RECOMMENDED ACTION: Adopt Resolution No. 16-50 reciting the facts of the General Municipal Election held on November 8, 2016, and declaring the result and such other matters as provided by law.

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

DISCUSSION: The election was consolidated and conducted by the Los Angeles Registrar Recorder/County Clerk (RR/CC). On December 5, 2016, the City received from the RR/CC the Official Canvass Certificate and Official Statement of Votes Cast by Precinct for the City of Malibu.

ATTACHMENT:

- 1) Resolution No. 16-50
- 2) Certificate of Canvass of Election Returns

RESOLUTION NO. 16-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD
ON NOVEMBER 8, 2016 AND DECLARING THE RESULT AND SUCH
OTHER MATTERS AS PROVIDED BY LAW

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

SECTION 1. Recitals.

- A. A General Municipal Election was held and conducted in the City of Malibu on Tuesday, November 8, 2016, as required by law.
- B. Notice of the election was given in time, form and manner as provided by law; voting precincts were properly established; election officers were appointed; and in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities.
- C. The County Election Department canvassed the returns of the election and has certified the results to the City Council. The results are received and attached as Exhibit A.

SECTION 2. The whole number of ballots cast in the City precincts except vote by mail voter ballots and provisional ballots was 3,867, and the whole number of vote by mail voter ballots cast in the City was 3,008, making a total of 6,875 ballots cast in the City.

SECTION 3. The names of the persons voted for at the election for Member of the City Council are as follows:

Jefferson "Zuma Jay" Wagner
Laureen Sills
Jennifer Blue deNicola
Carl Randall
Skylar Peak
Rick Mullen

SECTION 4. The number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates were as listed in Exhibit A.

SECTION 5. The City Council does declare and determine that Rick Mullen, Jefferson "Zuma Jay" Wagner, and Skylar Peak were elected as Members of the City Council for the full term of four years.

SECTION 6. The City Clerk shall enter on the records of the City Council of the City of Malibu, a statement of the result of the election, showing: 1) the whole number of ballots cast in the City; 2) the names of the persons voted for; 3) for what office each person was voted for; and 4) the total number of votes given to each person.

Resolution No. 16-50
Page 2 of 4

SECTION 7. The City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 8. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

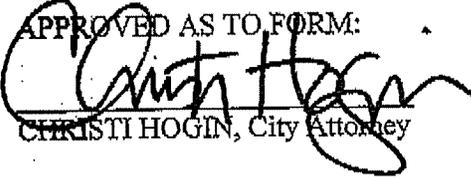
PASSED, APPROVED, and ADOPTED on December 12, 2016.

LOU LA MONTE, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MALIBU CITY GENERAL MUNI COUNCILMEMBER											
LOCATION	REGISTRATION	BALLOTS CAST	JEFFERSON WAGNER	LAUREEN SILLS	J B DEMICOLA	CARL RANDALL	SKYLAR PEAK	RICK MULLEN						
MALIBU - 4050002A		803	369	197	89	87	92	161	212					
VOTE BY MAIL	SERIAL 1648	0	262	156	66	78	61	122	152					
TOTAL		803	631	353	155	165	153	283	364					
MALIBU - 4050003A		728	362	194	109	84	57	219	230					
VOTE BY MAIL	SERIAL 1649	0	207	95	90	48	44	92	116					
TOTAL		728	569	289	199	132	101	311	346					
MALIBU - 4050004A		588	247	133	84	63	65	106	122					
VOTE BY MAIL	SERIAL 1650	0	226	112	81	47	77	81	115					
TOTAL		588	473	245	165	110	142	187	237					
MALIBU - 4050014A		914	384	190	79	92	57	187	211					
VOTE BY MAIL	SERIAL 1651	0	281	169	69	63	50	132	186					
TOTAL		914	665	359	148	155	107	319	397					
MALIBU - 4050051A		1289	579	304	179	138	123	280	340					
VOTE BY MAIL	SERIAL 1652	0	428	237	128	91	80	191	249					
TOTAL		1289	1007	541	307	229	203	471	589					
MALIBU - 4050057A		820	408	202	154	99	117	166	214					
VOTE BY MAIL	SERIAL 1653	0	318	171	119	84	76	140	174					
TOTAL		820	726	373	273	183	193	306	388					
MALIBU - 4050059B		635	280	153	95	80	47	124	155					
VOTE BY MAIL	SERIAL 1654	0	198	109	63	52	32	88	125					
TOTAL		635	478	262	158	132	79	212	280					
MALIBU - 4050062A		942	450	226	175	101	94	252	233					
VOTE BY MAIL	SERIAL 1655	0	347	167	154	72	96	167	185					
TOTAL		942	797	393	329	173	190	419	418					
MALIBU - 4050063A		967	363	215	120	96	61	190	234					
VOTE BY MAIL	SERIAL 1656	0	389	223	125	77	75	216	260					
TOTAL		967	752	438	245	173	136	406	494					
MALIBU - 4050064A		946	425	213	137	90	105	179	201					
VOTE BY MAIL	SERIAL 1657	0	351	152	132	88	105	135	173					
TOTAL		946	776	365	269	178	210	314	374					
BALLOT GROUP 301 - 9990301A		0	0	0	0	0	0	0	0					
VOTE BY MAIL	SERIAL 8301	0	1	1	1	0	0	0	1					
TOTAL		0	1	1	1	0	0	0	1					

Exhibit A

FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			MALIBU CITY GENERAL MUNI COUNCILMEMBER											
LOCATION	REGIST-RATION	BALLOTS CAST	JEFFERSON WAGNER	LAUREN SILLS	J.B. DEMICOLA	CARL RANDALL	SKYLAR PEAK	RICK MULLEN						
PRECINCT TOTAL	8732	3867	2027	1221	930	818	1864	2152						
VBM TOTAL	0	3007	1591	1027	700	696	1364	1735						
GROUP TOTAL	0	1	1	1	0	0	0	1						
GRAND TOTAL	8732	6875	3619	2249	1630	1514	3228	3888						

Los Angeles County
Registrar-Recorder/County Clerk

Certificate of the Canvass of the Election Returns

I, **DEAN C. LOGAN**, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, **DO HEREBY CERTIFY** that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) for

Malibu City

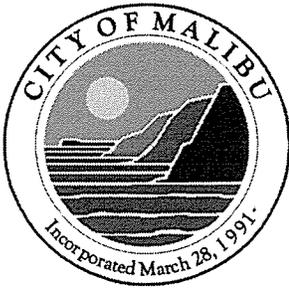
at the General Election, held on the 8th day of November 2016.

I FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and that the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 2nd day of December 2016.



Dean Logan
DEAN C. LOGAN
Registrar-Recorder/County Clerk
County of Los Angeles



Adjourned Meeting
12-12-16

**Item
3.B.5.**

Council Agenda Report

To: Mayor La Monte and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager *RF*

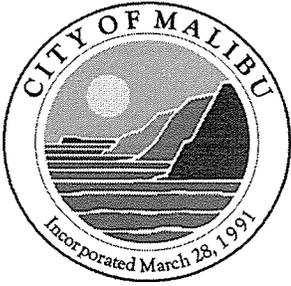
Date prepared: November 21, 2016 Meeting date: December 12, 2016

Subject: November 8, 2016 General Municipal Election Results

RECOMMENDED ACTION: Adopt Resolution No. 16-50 reciting the facts of the General Municipal Election held on November 8, 2016, and declaring the result and such other matters as provided by law.

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

DISCUSSION: The City anticipates receiving the RR/CC the Official Canvass Certificate and Official Statement of Votes Cast by Precinct for the City of Malibu on or about December 5, 2016. These results will be distributed under separate cover.



Council Agenda Report

To: Mayor La Monte and the Honorable Members of the City Council

Prepared by: Lisa Soghor, Assistant City Manager

Approved by: Reva Feldman, City Manager 

Date prepared: November 29, 2016

Meeting date: December 12, 2016

Subject: Malibu Library 2017 Use of Set Aside Funds

RECOMMENDED ACTION: Approve the use of set aside funds for the Malibu Library for calendar year 2017.

FISCAL IMPACT: There is no fiscal impact to the City associated with the recommended action. Services for the Malibu Public Library are paid for from a portion of property tax. Every year the County of Los Angeles sets aside the difference between the City's library portion of the property tax revenue and the Malibu Library expenses into a designated fund. As of June 30, 2016, the Set Aside fund totals approximately \$5 million. It is expected that approximately \$1 million will be added to this fund annually through June 30, 2019.

DISCUSSION: The Malibu Library was established in 1970 by the County of Los Angeles and is located on the County-owned Civic Center property.

In September 2008, the City and County executed a Memorandum of Understanding (MOU) that identified the use of the Set Aside Funds. The MOU established a structure in which the expenditure of the excess funds generated from the taxes that Malibu residents pay could be spent on the Malibu Library. The MOU expires in 2019, but can be extended by mutual agreement for an additional five year period through 2024.

The City and the County cooperatively used the Set Aside Funds to renovate the Malibu Library which was re-opened in 2012. Set aside funds have been used for the Library Speaker Series, to enhance service hours, establish a deferred maintenance fund, hire additional library staff and enhance library collections and materials.

For 2016, \$1,002,000 of Set Aside Funds were used for the following:

- \$100,000 to continue the increased service hours of 50 hours a week.
- \$100,000 for the deferred maintenance reserve.
- \$100,000 for a full-time Teen Librarian.
- \$100,000 for a full-time Teen Librarian at the Malibu Boys and Girls Club
- \$ 72,000 for the Speaker Series program.
- \$ 75,000 for the Family Place programs at the Malibu Library and other libraries.
- \$ 9,000 for 100 E-Book readers and software for the Malibu Library and the County Library system.
- \$ 21,000 for a roving special children's collection to be used throughout the County Library system.
- \$ 42,000 for a discretionary fund to be used as needed by the County Librarian.
- \$383,000 for the Civic Center Wastewater Treatment Facility Assessment District.

Pursuant to the MOU, staff and the County met to discuss potential expenditures of the Set Aside funds for 2017. The following is a list of recommended expenditures totaling \$973,000 for 2017:

- \$ 20,000 for 20 iPads and software for the children's area. (Carried over from prior year.)
- \$ 25,000 for a Teen Student Exchange program. (Carried over from prior year.)
- \$100,000 to continue the increased service hours of 50 hours a week.
- \$130,000 to continue a full-time security guard.
- \$100,000 for the previously established deferred maintenance reserve.
- \$100,000 for a full-time Teen Librarian.
- \$100,000 for a full-time staff person at the Malibu Boys and Girls Club
- \$100,000 for the Malibu Library Speaker Series program.
- \$ 3,000 for additional large print books.
- \$ 35,000 for replacement and/or reupholstering of heavily worn furniture.
- \$ 10,000 for a 3-D printer including equipment, supplies and programming.
- \$150,000 for programs throughout the County library system.
- \$100,000 for the plumbing and physical connection required to connect the library to the new Civic Center Wastewater Treatment Facility.

The 2012 Library remodel was based on the 2005 Library Needs Assessment. The 2005 report also recommended that the exterior of the building be remodeled and the main entrance moved to Civic Center Way. To better understand the current needs and the potential costs of the exterior remodel, City staff and the County recommend using up to \$200,000 of the Set Aside funds to both update the 2005 Library Needs

Assessment and prepare some preliminary schematic designs with cost estimates for the exterior work.

City staff and the County also discussed other potential uses for the Set Aside Funds. One of these was the purchase of a Maker Mobile and its ongoing staffing. A Maker Mobile is a vehicle outfitted with equipment and supplies for project-oriented learning. This program could be a partnership venture with the Third Supervisorial District and several other cities. Further uses discussed include a senior/youth tutoring program, books for Camp Kilpatrick, a Story Mobile, and book delivery for homebound residents.

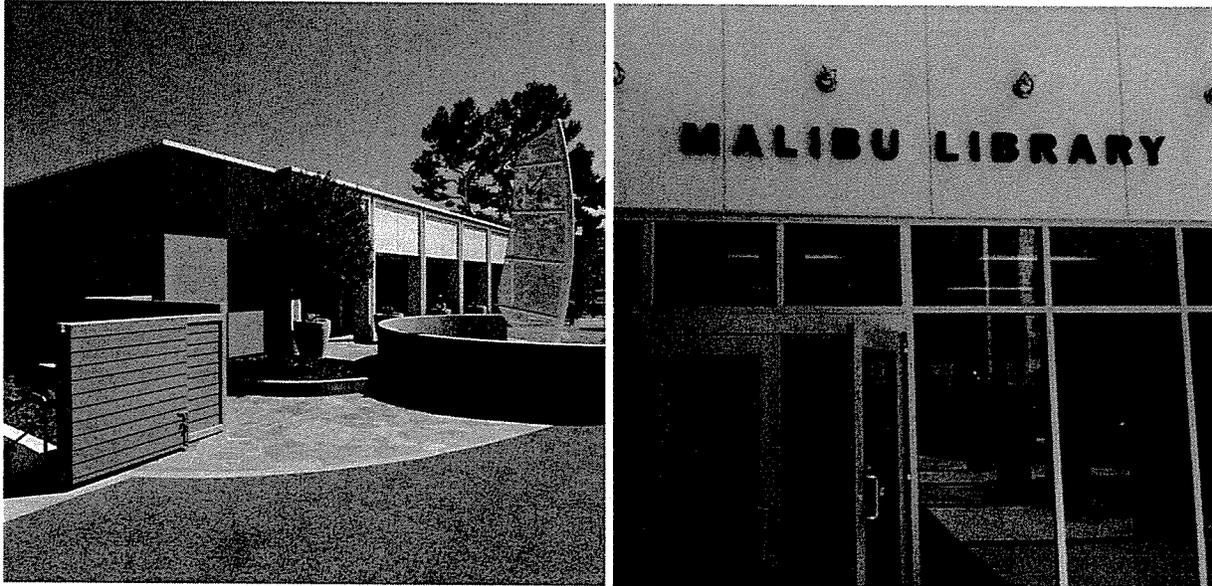
Assuming all of the previously appropriated annual expenses and revenue continue, the estimated Set Aside Fund balance in 2019 will be approximately \$9 million. This estimate is based on an approximate amount of \$1 million being added to the Set Aside Fund each year and an estimate cost of living increase of 3%. It does not take into account change in the cost of the services being provided or a significant increase or decrease in revenue.

ATTACHMENTS: Fiscal Year 2015-2016 Malibu Library Report

County of Los Angeles Public Library MALIBU LIBRARY

Introduction

Malibu Library was established in 1970 by the County of Los Angeles Public Library. A newly renovated building was completed in April 2012 and certified LEED-Gold.



Usage

The Malibu Library served a diverse segment of Malibu residents and received considerable usage from the community.

- Malibu Library received 84,913 visitors in Fiscal Year 2015-2016, with an average of 7,076 people visiting the library each month. The population of Malibu in 2015 was approximately 12,973 people.
- Malibu Library card registrations have increased in recent years. The Malibu Library registered over 1,100 new borrowers last Fiscal Year.
- The greatest levels of library use occur during the late afternoon and when staff conducts storytimes or other types of programming.
- The Malibu Library website, which included links to Speaker Series events, had a total of 21,965 (~18% increase over last year) visits during Fiscal Year 2015-2016, indicating an increasing interest in the library, library materials, programs, and special events.
- The public Internet computers were well utilized during Fiscal Year 2015-2016. The library had more than 23,000 public Internet and WiFi sessions during the fiscal year.

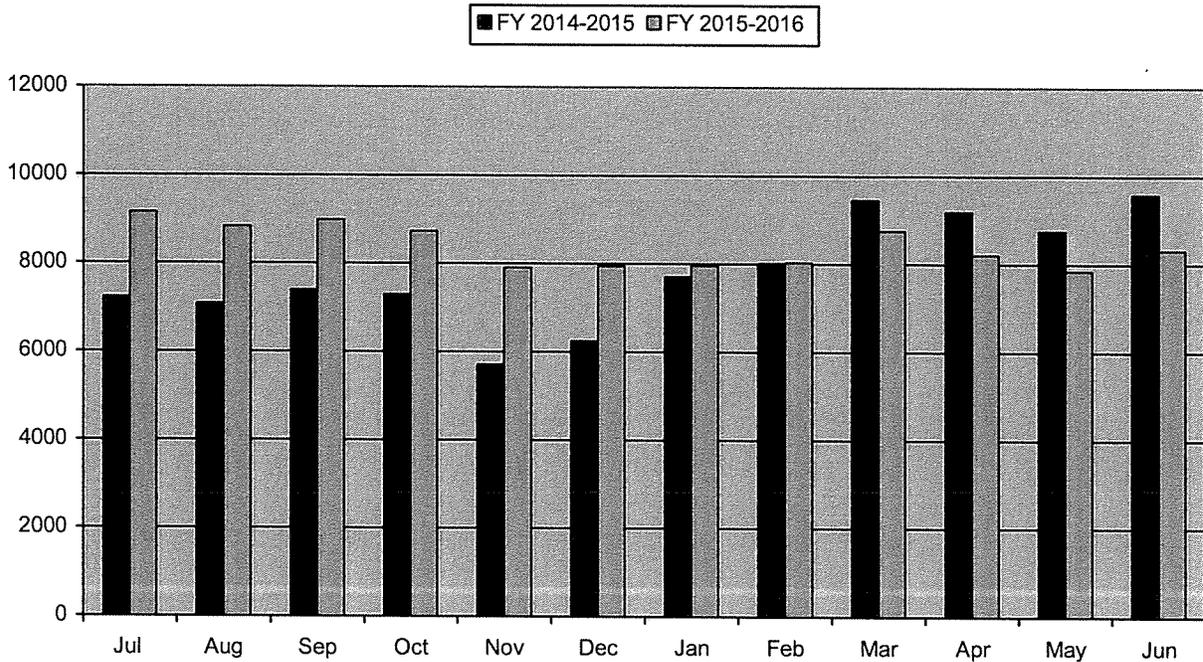
Circulation

Materials in the Malibu Library serve Malibu residents as well as library patrons throughout Los Angeles County.

Highlights:

- During FY 2015-2016, Malibu Library circulated 100,683 items, a 7% increase.
- 20,197 holds were placed for Malibu Library patrons, with 15,924 holds filled.
- Books remained the most popular item type, circulating 43,649 times.
- Books and children's picture books continue to show growth in circulation.

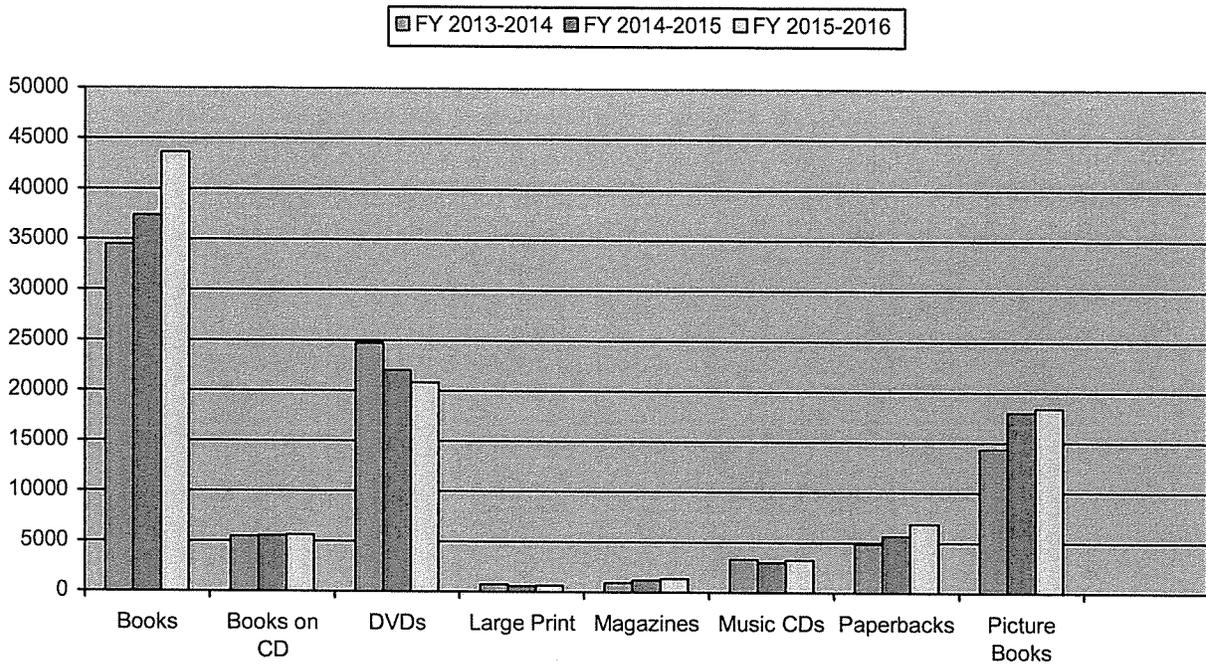
Annual Circulation



Checkouts by Time of Day for FY 2015-16

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
11:00 AM		1,780	1,642	1,382	1,454	1,876	1,568
12:00 PM		1,657	1,490	1,504	1,383	1,841	1,366
1:00 PM	1,117	1,415	1,431	1,374	1,674	1,659	1,073
2:00 PM	1,188	1,476	1,427	1,630	1,404	1,859	1,042
3:00 PM	1,101	1,646	1,900	1,757	1,950	1,596	1,300
4:00 PM	1,198	1,304	2,393	1,517	2,282	1,853	1,486
5:00 PM		986	1,526	1,136	1,432		
6:00 PM		818	679	657			
7:00 PM		722	447	402			

Malibu Library Circulation by Material Type



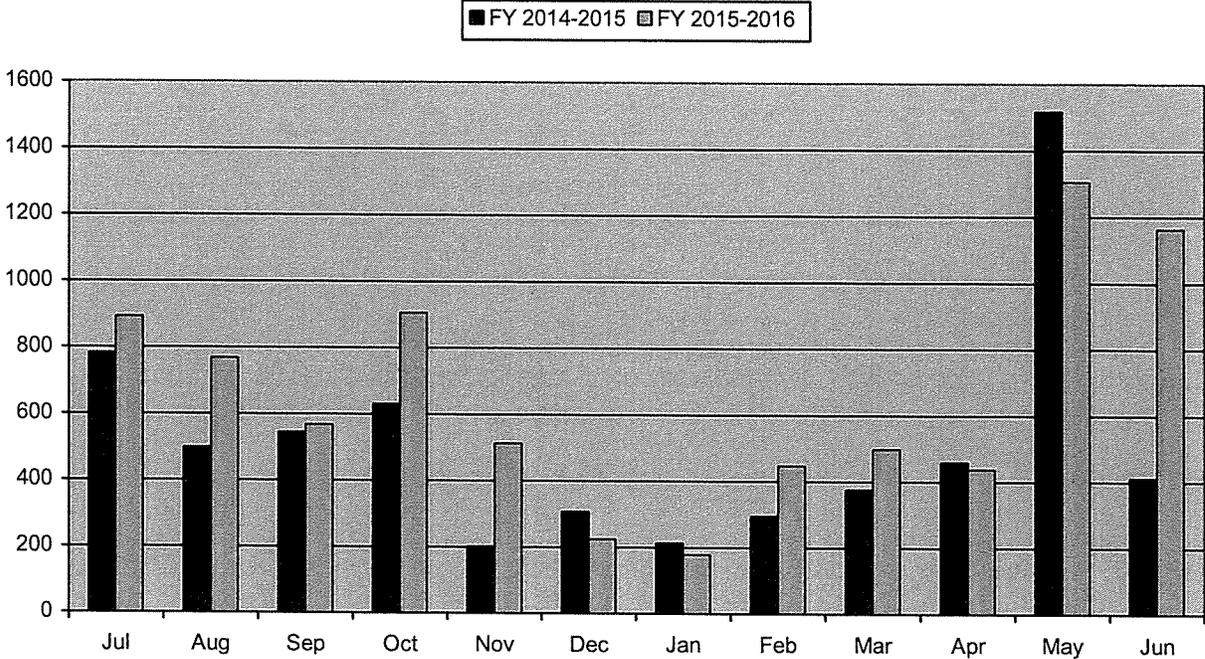
Library Programs

Malibu Library presented a variety of programs to all ages every month. The children's librarian performed weekly storytimes for baby, toddler, and preschool audiences; school-age children enjoyed a number of different programs. The teen services librarian offered enriching programming to young adults both in the library and at the Malibu Boys & Girls Club. Adults enjoyed culturally enriching activities, in particular the Malibu Library Speaker Series.

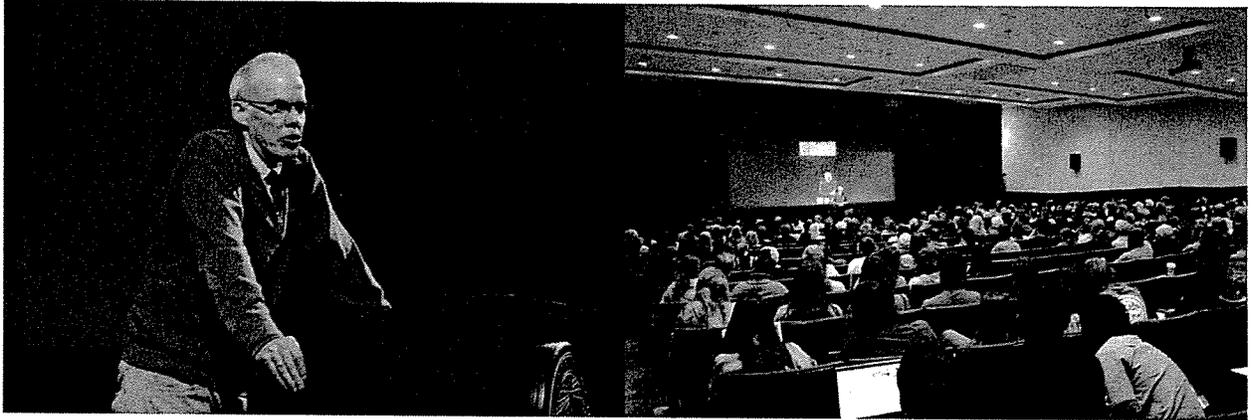
Highlights:

- 9,283 people attended 265 library programs in 2015-2016.
- 7,901 children and teens attended 223 youth programs.
- During the 2016 Summer Reading Program 1,527 children (~20% increase) and 273 teens attended library events.
- The 31 programs held at the Boys & Girls Club in FY 2015-2016 had an audience of over 500.
- 1,210 (~50% increase) people attended the Malibu Speaker Series in 2015-16.

Youth Program Attendance



The highlight of Adult programming was the Malibu Speaker Series. Noted presenters included Bill McKibben, Elizabeth Smart and Hopes & Fears panel. The event with Bill McKibben was the first held at the Pepperdine University Elkin's Auditorium and attracted 375 attendees.

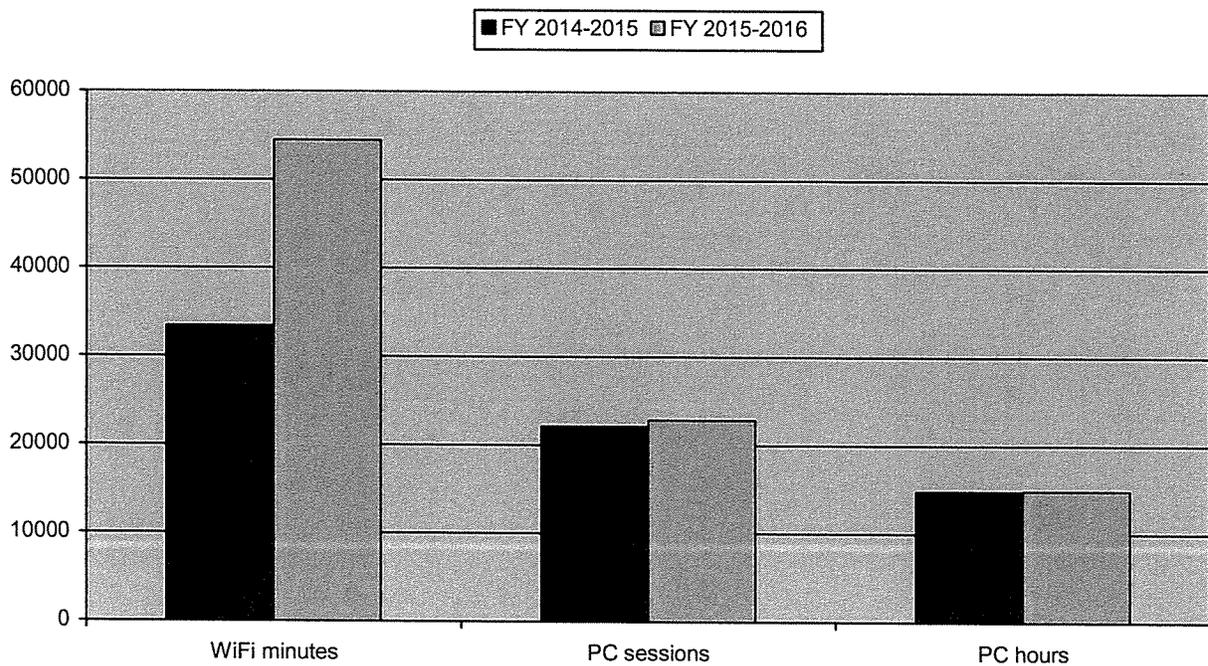


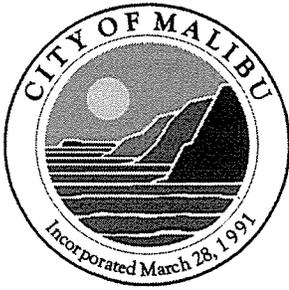
WiFi and eResources

In addition to the collection housed inside the Malibu Library, the e-Resources offered by the library remain heavily utilized.

- People from the Malibu area downloaded 9,082 ebooks and 3,189 audiobooks from the library's Overdrive service during FY 2015-2016.
- A total of 258 visitors logged on to the library's WiFi connection for 633 sessions, spending a total of 54,468 minutes online, well over the 34,423 minutes online in FY2014-2015.
- Malibu Library customers logged a total of 22,834 times on library PCs for 14,895 hours of use.

WiFi and PC usage





Council Agenda Report

To: Mayor La Monte and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager 

Date prepared: November 21, 2016 Meeting date: December 12, 2016

Subject: Amendments to Malibu Municipal Code Title 6 (Animals)

RECOMMENDED ACTION: 1) Conduct the Public Hearing; and 2) Conduct second reading, unless waived, and adopt Ordinance No. 411 amending Chapter 6.04 (Animals) of Title 6 (Animals) of the Malibu Municipal Code to re-adopt by reference the current language of Title 10 (Animals) of the Los Angeles County Code.

FISCAL IMPACT: None.

DISCUSSION: At the Regular City Council meeting on November 14, 2016, the City Council held a public hearing and introduced on first reading Ordinance No. 411 amending Chapter 6.04 (Animals) of Title 6 (Animals) of the Malibu Municipal Code to re-adopt by reference the current language of Title 10 (Animals) of the Los Angeles County Code.

On January 14, 2005, Council adopted Ordinance No. 272 amending Sections 6.04.010 and 6.04.020 of the Malibu Municipal Code (MMC), adopting by reference, Title 10, Animals, of the Los Angeles County (County) Code. On September 6, 2016, the County Board of Supervisors adopted many improvements to the County Code Title 10, Animals, which became effective on October 6, 2016. The changes adopted by the County removed unnecessary and redundant language and improved the excessive animal noise provision, implementing a fine process to resolve excessive animal noise complaints. A redline version of County Code Title 10 is included as Attachment 1 to this report.

The City contracts with the County of Los Angeles Department of Animal Care and Control for animal control services. Since the County has begun enforcing the revised Title 10, adoption of Ordinance No. 411 (Attachment 2) would bring the MMC up to date with the revised County Code Title 10 (MMC Section 6.04.010), and amend some of the

language in MMC Section 6.04.020. Amendments to MMC Section 6.04.020 are outlined as follows:

10.08.031 Animal facility.

“Animal facility” means any animal related business or organization, including a non-profit humane organization¹ (as defined in Section 10.08.175), which is required to be licensed under Section 10.28.060.

For purposes of the animal facility grading program (Sections 10.08.032, 10.08.033, 10.08.155, 10.12.220, 10.20.045, 10.28.020, 10.28.040, 10.28.050, 10.28.060, 10.28.061, 10.28.090, ~~10.28.150~~², 10.28.160, 10.28.175, 10.28.270, 10.28.280, 10.28.290, 10.90.010) the following definitions shall apply:

- a. “Stables³” means any property, premises, building or structure maintained for the commercial lodging, feeding, or rental of horses and cattle.
- b. “Hobby breeder⁴” is any person, except for a person possessing a valid kennel license, who owns and breeds a female dog or cat and sells, two or more litters per calendar year for pay or for other compensation.
- c. “Pygmy pig breeder” is any person, who owns and breeds a pygmy pig (as defined in Section 10.08.205⁵) and sells two or more litters per calendar year for pay or for other compensation.

d. “Dog kennel” means any lot, building, structure, enclosure or premises whereupon or wherein four or more dogs, over four months of age, are boarded, kept for sale, or kept for hire. For purposes of this section, a service dog licensed under Section 10.20.090 and serving a person who is disabled within the meaning of Government Code section 12926 subsection (i)⁶ or (j)⁷ is not counted toward the number of dogs kept or maintained, ~~while such dog is serving a person who is disabled within the meaning of Government Code Section 12926(i) or Government Code Section 12926(k)⁸.~~

¹ The County has amended the definition of non-profit humane organization in Section 10.08.175 to read: “an animal facility operating under section 501(c)(3) of the Internal Revenue Code, where animals are kept for redemption by owners, adoption, or sanctuary.”

² This section has been deleted in its entirety by the County because it duplicates section 10.28.050.

³ The definition of stables has been deleted from the County Code because the Department of Animal Care and Control does not license them.

⁴ The County defines “Hobby breeder” as a person who owns and breeds a dog or cat and sells the offspring for money or other consideration, and does not have an animal facility license.

⁵ The County defines “Pygmy pig” as a pig or hog commonly referred to as a Vietnamese pot-bellied pig, pygmy pig or mini-pig, that stands no higher than 20 inches at the shoulder and is no longer than 40 inches from the tip of the head to the end of the buttocks, and weighs no more than 120 pounds.

⁶ A person with a mental condition.

⁷ A person with a mental disability.

⁸ This section refers to persons who possess “military and veteran status;” the County has addressed “disabled veterans” by defining that term and by reducing pet licensing fees for these individuals.

e. ~~Cat Kennel:~~ “Cat kennel” means any lot, building, structure, enclosure or premises whereupon or wherein four or more cats, over four months of age, are boarded, kept for sale, or kept for hire. Up to five cats may be kept at any residence without a kennel license, provided the cats’ owner or custodian licenses each individual animal, has each animal spayed or neutered⁹ and keeps all cats primarily indoors. ~~(10.08.090 L.A. County Code¹⁰)~~

10.12.190 Refusing to show license or certificate unlawful.

~~Any person upon whom any demand is made under authority of this Division 1 for the exhibition of any who refuses a request by an authorized Department employee to produce a dog rabies vaccination certificate, or any dog license or tag, who fails or refuses to exhibit the same if he has it in his possession, is guilty of a violation of this Division 1, which shall be punishable as herein provided misdemeanor.~~

10.20.040 Kennel Animal Facility for dogs and cats—Individual license required when.

An individual license shall must be obtained for each dog, in addition to a kennel license, when such the dog is not kept exclusively in a kennel run or cage. No individual license shall be required for any dog or cat in transit, or when attending a dog or cat show in the care of a kennel representative.

10.20.180 Tag to be worn by dog or cat.¹¹

A license tag for an individual dog shall must be securely affixed attached to a collar, harness or other device ~~which that shall at all times must be worn at all times by such dog except while such dog remains indoors or in any enclosed yard or pen. The license tag attached to the dog must be the tag issued by the Department for that dog. A cat may wear any form of identification approved ~~under Chapter 10.90~~ by the Department.~~

10.20.190 Keeping unlicensed dogs, ~~or cats,~~ or other service animals prohibited.

A person, shall may not harbor or keep, ~~or cause or permit to be harbored or kept,~~ any unlicensed dog, cat or other service animal in the unincorporated territory of the county of Los Angeles, or in any city in Los Angeles County which has adopted this Title 10 Department’s jurisdiction.

10.28.061 Keeping and breeding pygmy pigs—License required.

Any person who breeds pygmy pigs, as defined in this title, for pay or other compensation, shall first pay a fee and obtain an animal license or animal facility license from the department, except that no such license shall be issued unless:

⁹ The County has deleted this requirement.

¹⁰ This section references the definition for the term “Contact Information” in the County Code and is not applicable.

¹¹ The County has amended this provision to apply to all animals. The County defines “animals” as any mammal, bird, reptile, fish or amphibian.

A. ~~The person owning or having custody and care~~ owner or custodian of the animal provides written confirmation to the Department that he or she has obtained ~~any and all~~ licenses and zoning permits required ~~pursuant to~~ under this county code or any other ordinance or statute ~~and has submitted proof of such to the department.~~

Ordinance No. 411 is presented to the City Council for adoption.

ATTACHMENT:

1. Ordinance No. 411
2. Notice of Public Hearing

ORDINANCE NO. 411

AN ORDINANCE OF THE CITY OF MALIBU AMENDING
CHAPTER 6.04 (ANIMALS) OF TITLE 6 (ANIMALS) OF THE
MALIBU MUNICIPAL CODE TO RE-ADOPT BY REFERENCE
THE CURRENT LANGUAGE OF TITLE 10 (ANIMALS) OF
THE LOS ANGELES COUNTY CODE

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

SECTION 1. Section 6.04.010, of Chapter 6.04, of Title 6 of the Malibu Municipal Code is hereby amended to read as follows:

6.04.010 Adoption of animal control ordinance.

Title 10, Animals, of the Los Angeles County Code, as in effect on October 6, 2016, is hereby adopted by reference as the animal control ordinance of the City of Malibu.

A copy of the animal control ordinance has been deposited in the office of the City Clerk of the City of Malibu, and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 2. Section 6.04.020, of Chapter 6.04, of Title 6 of the Malibu Municipal Code is hereby amended to read as follows:

6.04.020 Amendments.

Notwithstanding the provisions of Section 6.04.010, the animal control ordinance is amended as follows:

10.08.031 Animal facility.

“Animal facility” means any animal related business or organization, including a non-profit humane organization (as defined in Section 10.08.175), which is required to be licensed under Section 10.28.060.

For purposes of the animal facility grading program (Sections 10.08.032, 10.08.033, 10.08.155, 10.12.220, 10.20.045, 10.28.020, 10.28.040, 10.28.050, 10.28.060, 10.28.061, 10.28.090, 10.28.160, 10.28.175, 10.28.270, 10.28.280, 10.28.290, 10.90.010) the following definitions shall apply:

a. “Stables” means any property, premises, building or structure maintained for the commercial lodging, feeding, or rental of horses and cattle.

b. “Hobby breeder” is any person, except for a person possessing a valid kennel license, who owns and breeds a female dog or cat and sells, two or more litters per calendar year for pay or for other compensation.

c. “Pygmy pig breeder” is any person, who owns and breeds a pygmy pig (as defined in Section 10.08.205) and sells two or more litters per calendar year for pay or for other compensation.

d. “Dog kennel” means any lot, building, structure, enclosure or premises whereupon or wherein four or more dogs, over four months of age, are boarded, kept for sale, or kept for hire. For purposes of this section, a service dog licensed under Section 10.20.090 and serving a person who is disabled within the meaning of Government Code section 12926 subsection (i) or (j) is not counted toward the number of dogs kept or maintained.

e. “Cat kennel” means any lot, building, structure, enclosure or premises whereupon or wherein four or more cats, over four months of age, are boarded, kept for sale, or kept for hire. Up to five cats may be kept at any residence without a kennel license, provided the cats’ owner or custodian licenses each individual animal, has each animal spayed or neutered and keeps all cats primarily indoors.

10.12.190 Refusing to show license or certificate unlawful.

Any person who refuses a request by an authorized Department employee to produce a dog rabies vaccination certificate, license or tag is guilty of a misdemeanor.

10.20.040 Animal Facility for dogs and cats—Individual license required when.

An individual license must be obtained for each dog, in addition to a kennel license, when the dog is not kept exclusively in a kennel run or cage. No individual license shall be required for any dog or cat in transit, or when attending a dog or cat show in the care of a kennel representative.

10.20.180 Tag to be worn by dog or cat.

A license tag for an individual dog must be securely attached to a collar, harness or other device that must be worn at all times by such dog except while such dog remains indoors or in any enclosed yard or pen. The license tag attached to the dog must be the tag issued by the Department for that dog. A cat may wear any form of identification approved under Chapter 10.90 by the Department.

10.20.190 Keeping unlicensed dogs, cats, or other service animals prohibited.

A person may not harbor or keep an unlicensed dog, cat or other service animal in the Department’s jurisdiction.

10.28.061 Keeping and breeding pygmy pigs—License required.

Any person who breeds pygmy pigs, as defined in this title, for pay or other compensation, shall first pay a fee and obtain an animal license or animal facility license from the department, except that no such license shall be issued unless:

A. The owner or custodian of the animal provides written confirmation to the Department that he or she has obtained all licenses and zoning permits required under this county code or any other ordinance or statute.

SECTION 3. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2016.

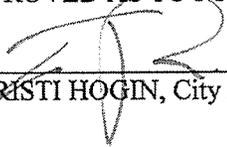
LOU LA MONTE, Mayor

ATTEST:

HEATHER GLASER, City Clerk

Date: _____

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

SUMMARY OF ORDINANCE NO. 411

Ordinance No. 411 adopts by reference Title 10 (Animals) of the Los Angeles County Code and makes amendments to said code. This code sets forth requirements governing animals in the City, including permits, licensing, regulations and prohibitions. Ordinance No. 411 adopts the most recent version of this Code. Ordinance No. 411 amends Chapter 6.04 (Animals) of Title 6 of the City's municipal code. A full copy of Ordinance No. 411 and Los Angeles County Code Title 10 (Animals) is available for review in the City Clerk's office.

This ordinance was introduced by the City Council on November 14, 2016 by the following vote:

Councilmembers: House, Rosenthal, Sibert, Peak, La Monte

AYES: 5

NOES: 0

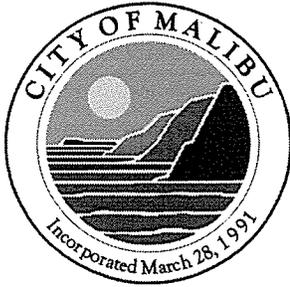
ABSTAIN: 0

ABSENT: 0

The Malibu City Council will hold a second public hearing to adopt this ordinance on Monday, December 12, 2016, at 4:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA.

Heather Glaser
City Clerk

Publish: The Malibu Times, November 17 and November 24, 2016



Council Agenda Report

To: Mayor La Monte and the Honorable Members of the City Council

Prepared by: Craig George, Environmental Sustainability Director

Approved by: Reva Feldman, City Manager 

Date prepared: November 22, 2016 Meeting date: December 12, 2016

Subject: California Building Standards Codes

RECOMMENDED ACTION: 1) After the City Attorney reads the title of the ordinance, adopt Ordinance No. 413U adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2016 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2016 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2016 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2016 Edition; Title 31 of the Los Angeles County Code, incorporating the California Green Building Standards Code, 2016 edition; Title 24, Part 6 of the Los Angeles County Code, incorporating the California Energy Code, 2016 Edition; the California Fire Code, 2016 Edition; making amendments to said codes; repealing Ordinance No. 357; declaring the urgency thereof; and finding the action exempt from the California Environmental Quality Act; 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 413 adopting by reference various construction codes with amendments and appendices; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 413 for the January 11, 2017 City Council meeting.

This procedure is in accordance with California Government Code Title 5, Division 1, Part 1, as required by the Building Standards Commission.

FISCAL IMPACT: None.

DISCUSSION: The State's Health and Safety Code (Section 17958) mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three (3) years. The

2016 Edition of the California Code of Regulations, Title 24, which incorporates the below-listed model codes, becomes effective statewide on January 1, 2017. If adopted, Ordinance No. 413 would amend Malibu Municipal Code Chapters 15.04 Adoption of Building Code; 15.08 Adoption of Electrical Code; 15.12 Adoption of Plumbing Code; 15.16 Adoption of Mechanical Code; 15.18 Adoption of Energy Code; 15.24 Adoption of Green Building Standards Code; and 8.12 Adoption of Fire Code, by repealing references to the prior editions of the Construction Codes.

The list below identifies the model codes upon which 2016 Title 24 is based:

<u>California Building Standard Code</u>	<u>Reference Model Code</u>
2016 California Building Code	2015 International Building Code (ICC)
2016 California Residential Code	2015 International Residential Code (ICC)
2016 California Green Building Standards Code	2013 California Green Building Standards Code
2016 California Plumbing Code	2015 Uniform Plumbing Code (IAPMO)
2016 California Mechanical Code	2015 Uniform Mechanical Code (IAPOMO)
2016 California Electrical Code	2015 National Electrical Code (NFPA)
2016 California Fire Code	2015 International Fire Code (ICC)
2016 California Energy Code	2013 California Energy Code

The construction codes proposed for adoption by reference with amendments include the following:

- 2016 California Building Code as amended by the 2017 Los Angeles County Building Code
- 2016 California Residential Code as amended by the 2017 Los Angeles County Residential Code
- 2016 California Green Building Standards Code
- 2016 California Plumbing Code as amended by the 2017 Los Angeles County Plumbing Code
- 2016 California Mechanical Code as amended by the 2017 Los Angeles County Mechanical Code
- 2016 California Electrical Code as amended by the 2017 Los Angeles County Electrical Code
- 2016 California Fire Code as amended by the 2017 Los Angeles County Fire Code
- 2016 California Energy Code

The benefit of adopting these additional codes is to provide building and fire inspectors/officials and plan examiners with further clarification of the intent and the applicability of the California Building Code when presented with construction issues.

In an effort to provide consistency with other cities of the Los Angeles Basin and to provide the public with locally applicable and efficient codes, Malibu has joined efforts with a majority of city building departments within Los Angeles County to undergo thorough examinations of previous and proposed amendments. The goal of these collaborative multi-jurisdictional groups is to minimize differences in Code language and interpretation within the region, thereby assisting the local construction industry by unifying and streamlining the permitting and construction process. Los Angeles County has not yet adopted its Fire Code, Title 32 of the Los Angeles County Code (scheduled for January 24, 2017). As a result, the urgency ordinance only adopts the state fire code. When Los Angeles County adopts its Fire Code the City will return with an ordinance recommending the adoption by reference of the Los Angeles County Fire Code.

The Environmental Sustainability Department is recommending that the attached amendments be made to the Codes and is advising that the specific amendments to the 2016 Editions of the California Building and Plumbing Code are reasonably necessary due to local conditions. Other modifications are of an administrative or procedural nature and concern themselves with subjects that are not covered by the Codes or are reasonably necessary to safeguard life and property within the City of Malibu.

Pursuant to the California Health and Safety Code, it is necessary for the Council to make required findings as outlined in Attachment No. 3. The findings are in draft form pending adoption by the Los Angeles County Board of Supervisors on November 22, 2016.

ALTERNATIVES: No alternatives are recommended. State law requires the City to adopt the 2016 California Building, Plumbing, Mechanical, Electrical, Green Building, Residential, Energy and Fire Codes and any modifications thereto, by January 1, 2017. It is essential that the City adopt the stated Codes and modifications necessitated by local topographical, geological, and climatic conditions by that date. In the absence of legislation effective by that date, technical codes adequate to meet the City's special circumstances will not be in effect and hazards will be posed which would threaten the public peace, health, and safety. Accordingly, staff has declared this ordinance an Urgency Ordinance in order for it to take effect immediately and become operative January 1, 2017.

ATTACHMENTS:

1. Ordinance No. 413U
2. Ordinance No. 413
3. Table of Findings
4. Notice of Public Hearing

ORDINANCE NO. 413U

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING BY REFERENCE TITLE 26 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA BUILDING CODE, 2016 EDITION; TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION; TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2016 EDITION; TITLE 29 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA MECHANICAL CODE, 2016 EDITION; TITLE 30 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; TITLE 31 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION; TITLE 24, PART 6 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ENERGY CODE, 2016 EDITION; THE CALIFORNIA FIRE CODE, 2016 EDITION; MAKING AMENDMENTS TO SAID CODES; REPEALING ORDINANCE NO. 357; DECLARING THE URGENCY THEREOF; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Findings.

Pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, the City Council hereby makes each finding of reasonable necessity for modifications as stated separately in Attachment No. 2 to the December 12, 2016 City Council Agenda Report for Item No. 4.B., for each such modification as identified in Los Angeles County Titles 24, 26, 27, 28, 29, 30, 31 and 32. These modifications to the California Building Standards Code, incorporating the model codes, are reasonably necessary due to the local climate, characterized by hot, dry summers and the high potential for seismic activity which make structures particularly vulnerable to rapidly spreading fires and structural damage.

SECTION 2. Section 15.04.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.010 Adoption of Building Code.

Except as hereinafter provided, Title 26, Building Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Building Code, 2016 Edition (Part 2 of Title 24 of the California Code of Regulations) is incorporated herein by reference as if fully set forth below and shall be known and may be cited as the Building Code of the City of Malibu.

The provisions of the Building Code applying to dwellings, lodging houses, congregate residences, hotels, motels, apartment houses, convents, monasteries or other uses classified by the Building Code as a group R occupancy and including Chapters 1, 2, 3, 98 and 99 shall constitute and may be cited as the Housing Code of the City of Malibu.

In the event of any conflict between provisions of the California Building Code, 2016 Edition, Title 26 of the Los Angeles County Code, or any amendment to the Building Code contained in the

Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 26 of the Los Angeles County Code and the California Building Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 3. Section 15.04.040 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.040 Violation—Penalty.

Every person violating any provision of Title 26 of the Los Angeles County Code and appendices, adopted by reference by Section 15.04.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 4. Section 15.04.050 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.050 Amendments to Building Code.

Notwithstanding the provisions of Section 15.04.010 of this Chapter, Title 26 of the Los Angeles County Code is hereby amended to read as follows:

A. Section 105.1.1 is hereby amended to read as follows:

105.1.1 General.

Unless otherwise provided for below, in order to conduct the hearings provided for in this code and also to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be a building board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an *ex officio*-member and shall act as secretary to the board. The members of the building board of appeals shall be appointed by the City Council and shall hold office at its pleasure. The building board of appeals shall adopt reasonable rules and regulations for conducting its investigations. The board shall establish that the approval for alternate materials and the modifications granted for individual cases are in conformity with the intent and purpose of this code and that such alternate material, modification or method of work offered is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, safety and sanitation and does not lessen any fire-protection requirements or any degree of structural integrity. The building board of appeals shall document all decisions and findings in writing to the building official with a duplicate copy to the applicant, and the board may recommend to the City Council such new legislation as is consistent therewith.

B. Section 105.3 is hereby deleted in its entirety.

C. Section 105.6 is hereby deleted in its entirety.

D. Section 106.1.1 is hereby added to Title 26 of the Los Angeles County Code to read as follows:

106.1.1 Parking Lots.

A plan review and permit shall be required for the surfacing, resurfacing, replacement, reconfiguration and striping of parking lots and parking structures serving commercial and multifamily occupancies.

Any of the aforementioned activities in or on existing parking lots must comply with current zoning, the National Pollution Discharge Elimination System (N.P.D.E.S.) permit program and accessibility requirements as required by applicable codes and standards. Fees are determined by the current fee schedule.

E. Section 106.3 is hereby amended to read as follows:

106.3 Work Exempted.

A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet and the plate height does not exceed 12 feet (3.69 m) in height above the grade plane at any point and the maximum roof projection does not exceed 24 inches.
2. Fences and walls not over 6 feet (1829 mm) in height.
3. Steel tanks supported on a foundation not more than two feet (610 mm) above grade when the height does not exceed 1 1/2 times the diameter.
4. Gantry cranes and similar equipment.
5. Retaining walls that retain not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding a Class I, II, or III-A liquids.
6. Motion picture, television and theater stage sets and scenery, except when used as a building.
7. Ground mounted radio and television antennae towers which do not exceed 45 feet (13 716 mm) in height and ground support dish antennas not exceeding 15 feet (4572 mm) in height above finished grade in any position.
8. Light standards which do not exceed 30 feet (9144 mm) in height.
9. Flagpoles not erected upon a building and not more than 15 feet (4572 mm) high.
10. A tree house provided that:

10.1. It does not exceed 64 square feet (5.94 m²) in area nor 8 feet (2438 mm) in height from floor to roof.

10.2. The ceiling height as established by door height or plate line does not exceed 6 feet (1829mm).

11. Canopies or awnings attached to a Group R or U Occupancy and extending not more than 54 inches (1372 mm) from the exterior wall of the building.

12. Sheds, office or storage buildings, and other structures incidental to and work authorized by a valid grading or building permit. Such structures must be removed upon expiration of the permit or completion of the work covered by the permit.

13. Oil derricks.

14. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

15. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18 927 L). Fences, gates, door alarms, and other protection devices that are accessory to the prefabricated swimming pool are not exempt from the permit requirements.

16. Playground equipment.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of other laws or ordinances.

F. Section 107.9 is hereby deleted in its entirety.

G. Section 108.1.1 is hereby added to Title 26 of the Los Angeles County Code to read as follows:

108.1.1 Occupancy Inspection.

All existing commercial occupancies are required to apply for an occupancy inspection prior to occupancy of a building or tenant space by a new owner or occupant.

Upon successful completion of the occupancy inspection the Building Official shall issue a new certificate of occupancy to the building or tenant space as required in Section 109 of the California Building Code.

The certificate of occupancy issued will remain valid and in effect until a change of occupant occurs

or is revoked for cause by the Building Official or as required by this code.

Fees determined by the current fee schedule.

H. Section 108.4.2 is hereby amended to read as follows:

108.4.2 Foundation inspection.

Inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job site; however, where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job site. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official. Required set back and pad elevations shall be established by survey prior to approval by the Building Official.

I. Section 108.4.6 is hereby amended to read as follows:

108.4.6 Final inspection.

Inspection shall be made after finish grading is approved and the building is completed and ready for occupancy and all other required agency approvals have been obtained.

SECTION 5. Section 15.08.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.08.010 Adoption of Electrical Code.

Except as hereinafter provided, Title 27, Electrical Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Electrical Code, 2016 Edition (Part 3 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Electrical Code of the City of Malibu.

In the event of any conflict between provisions of the California Electrical Code, 2016 Edition, Title 27 of the Los Angeles County Code, or any amendment to the Electrical Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 27 of the Los Angeles County Code and the California Electrical Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 6. Section 15.08.030 of the Malibu Municipal Code is hereby amended to read as follows:

15.08.030 Violation—Penalty.

Every person violating any provision of Title 27 of the Los Angeles County Code and appendices, adopted by reference by Section 15.08.010, or of any permit or license granted thereunder, or any

rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 7. Section 15.12.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.010 Adoption of Plumbing Code.

Except as hereinafter provided, Title 28, Plumbing Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Plumbing Code, 2016 Edition (Part 5 of Title 24 of the California Code of Regulations), is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Plumbing Code of the City of Malibu.

In the event of any conflict between provisions of the California Plumbing Code, 2016 Edition, Title 28 of the Los Angeles County Code, or any amendment to the Plumbing Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 28 of the Los Angeles County Code and the California Plumbing Code, 2016 Edition, has been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 8. Section 15.12.030 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.030 Violation—Penalty.

Every person violating any provision of Title 28 of the Los Angeles County Code and appendices, adopted by reference by Section 15.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 9. Section 15.12.050 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.050 Amendment to Plumbing Code.

Notwithstanding the provisions of section 15.12.010 of this chapter, Title 28 of the Los Angeles County Code, adopting the California Plumbing Code, 2016 Edition (Part 5 of Title 24 of the California Code of Regulations), is hereby amended to read as follows:

A. Section 710.9 is hereby amended by adding the following:

All such sumps and receiving tanks shall be automatically discharged. All sumps shall be provided with pumps or ejectors of the duplex type, simplex pumps are prohibited, and shall be so arranged to function alternately with each pump or ejector cycle, and to function independently in case of overload or mechanical failure. The lowest inlet shall have a minimum clearance of two (2) inches for the high water "starting" level of the sump.

All such sumps and receiving tanks shall be equipped with an automatic alarm system. The alarm system shall be activated upon failure of either pumps or ejectors, whether independently or simultaneously. The alarm shall emit an audible alarm, which can be detected from any location within the building and immediately outside the building served by such sumps and receiving tanks. The Building Official may approve other alarm systems, which provide equivalent enunciation of failure of the pumps or ejectors.

B. Subsections H 101.12 and H 101.13 are hereby added to Appendix H (Private Sewage Disposal Systems) of the 2016 California Plumbing Code to read as follows:

H 101.12 Commercial buildings and multiple family dwellings to be constructed, or remodeled, after the effective date of this section shall have an onsite wastewater treatment system which provides tertiary sewage effluent treatment as defined by the Building Official, prior to final sewage effluent disposal, unless otherwise approved by the Building Official.

H 101.13 Commercial buildings and multiple family dwellings served by an existing onsite wastewater treatment system which is to be replaced, renovated, or repaired, after the effective date of this section shall have an onsite wastewater treatment system that provides tertiary sewage effluent treatment as defined by the Building Official, prior to final sewage effluent disposal, unless otherwise approved by the Building Official.

C. Subsections H 501.5 and H 501.12 of Appendix H (Private Sewage Disposal Systems) are hereby amended to read as follows:

H 501.5 Access to each septic tank shall be provided by at least two (2) manholes twenty (20) inches (508 mm) in minimum diameter. One (1) access manhole shall be located over the inlet and one (1) access manhole shall be located over the outlet. Wherever a first compartment exceeds twelve (12) feet (3658 mm) in length, an additional manhole shall be provided over the baffle wall.

H 501.12 Septic tanks shall have the required manholes accessible by extending the manhole openings to grade in a manner acceptable to the Building Official.

D. Section H 1301.0 is hereby added to Appendix H (Private Sewage Disposal Systems) of the 2016 California Plumbing Code, Los Angeles County Plumbing Code to read as follows:

The Building Official shall require the following before a permit is issued for any new or reconstructed onsite wastewater treatment system on any parcel adjacent to the Pacific Ocean:

(a) Buildings permitted to be constructed, or remodeled, on beachfront property shall have adequate and properly designed bulkheads, or other approved structural protection from wave action for all portions of the onsite wastewater treatment system. All approved Coastal Engineering Reports shall also be required to determine the need and extent of this protection.

(b) Owners or possessors of real property with buildings constructed on beachfront property with an existing onsite wastewater treatment system to be renovated, or repaired, shall have adequate and properly designed bulkheads, or other approved structural protection from wave action, as provided by the Building Official, for all portions of the onsite wastewater treatment system. An approved Coastal Engineering Report shall also be required to determine the need and extent of this protection.

(c) Owners or possessors of real property with buildings constructed on beachfront property with an existing onsite wastewater treatment system damaged by storm, tide, or wave action shall have adequate and properly designed bulkheads, or other approved structural protection from wave action for all portions of the onsite wastewater treatment system. An approved Coastal Engineering Report shall also be required to determine the need and extent of this protection.

(d) Issuance of Permit. Upon review of the application and compliance with all of the requirements contained in this section and all other applicable laws, rules, and regulations, the Building Official shall issue a permit for the installation of bulkheads, or other protective structures required, imposing those conditions and restrictions necessary, and setting a time limit for the completion of the installation of bulkheads, or other protective structures required.

(e) Noncompliance and Right of Entry

(1) Upon expiration of the time limit established in the permit, including such additional time as may have been granted by the Building Official upon further application, if the installation of the bulkheads, or other protective structures required, has not been accomplished, the Building Official may take all reasonable actions to install the bulkheads, or other protective structures required, upon the real property for which the permit was issued. The Building Official shall have the right of entry upon the owner's or possessor's real property to the extent necessary to effect the installation. A failure, refusal, or neglect of the owner or possessor of the real property to comply with the provisions of the permit for the installation of the bulkhead, or other protective structures required, within the period of time set by the Building Official shall be considered a violation of this section, subjecting the owner or possessor of the real property to the penalties and remedies provided in this Code.

(2) The actual cost incurred by the Building Official in taking the above action, including the cost of equipment, labor (including the cost of City of Malibu consultants and employees), administrative, and other indirect costs shall be charge assessed against the real property benefited, and shall be added to the annual property taxes next levied upon the real property and shall

constitute a lien upon the real property in the same manner and to the same extent as does the tax lien securing the annual real property taxes, and may be collected and enforced in the same manner as secured ad valorem property taxes.

E. Table H 201.1(1) of Appendix H (Private Sewage Disposal Systems) is hereby amended to read as follows:

TABLE H 201.1(1)
CAPACITY OF SEPTIC TANKS*

Single Family Dwellings Number of Bedrooms**	Multiple Dwelling Units or Apartments –One Bedroom each	Maximum Fixture Units served per Table 702.1	Minimum Septic Tank Capacity in Gallons	(liters)
		15	750	(2838)
		20	1000	(3785)
		25	1200	(4542)
1 to 6	2 or 3 units	33	1500	(5678)
	4	45	2000	(7570)
	5	55	2250	(8516)
	6	60	2500	(9463)
	7	70	2750	(10,409)
	8	80	3000	(11,355)
	9	90	3250	(12,301)
	10	100	3500	(13,248)

* Note:

Extra bedroom, 150 gallons (568 liters) each.

Extra dwelling units over 10, 250 gallons (946 liters) each.

Extra fixture units over 100, 25 gallons (95 liters) per fixture unit.

Septic tank sizes in this table include sludge storage capacity and the connection of domestic food waste disposal units without further volume increase.

** Applies to mobile homes not installed in a mobile home park.

A. The introduction (“Intent”) to Chapter 15 (Alternate Water Sources for Nonpotable Applications) is hereby amended as follows:

Intent

The provisions of this chapter are intended to:

1. Conserve water by facilitating greater reuse of laundry, shower, lavatory, and similar sources of discharge for irrigation and/or indoor use.
2. Reduce the number of non-compliant graywater systems by making legal compliance easily achievable.
3. Provide guidance to eliminate adverse environmental impacts by the use of the graywater.
4. Provide guidance for avoiding potentially unhealthful conditions.
5. Provide an alternative way to relieve stress on a private sewage disposal system by diverting the graywater.

B. Subsection 1502.1(C) is hereby amended to read as follows:

(C) Graywater shall not be used in spray irrigation, allowed to pond or runoff and shall not be discharged directly into or be conveyed to surface water, including but not limited to, the ocean or any creek, any surface body of water, any water way, any storm sewer system, any drainage channel, or any drainage device.

C. Subsection 1502.1(J) is hereby added to the 2016 California Plumbing Code / Los Angeles County Plumbing Code to read as follows:

(J) No construction permit for any graywater system shall be issued until a plot plan with appropriate data satisfactory to the City has been submitted and approved. When there is insufficient lot area or inappropriate soil conditions to prevent the ponding or runoff of the graywater, as determined by the City, no graywater system shall be allowed.

D. Subsection 1501.3 is hereby amended to read as follows:

1501.3 Permit. It shall be unlawful for a person to construct, install, alter, or cause to be constructed, installed, or altered an alternate water source system in a building or on a premise without first obtaining a permit to do such work. Prior to commencing the issuance of permits for indoor gray water systems pursuant to state requirements relating to gray water, a city, county, city and county or other local agency shall seek consultation with the local public health department to ensure that local public health concerns are addressed in local standards or ordinances, or in issuing permits. See California Water Code Section 14877.3.

1501.3.1 City Permit. A written construction permit shall be obtained from the City prior to the erection, construction, reconstruction, installation, relocation, or alteration of any graywater system. A permit for a clothes washer system shall be fee exempt for review and inspection services. Permits for simple and complex systems shall be required with fees for such systems determined by City Council Resolution.

1501.3.2 Clothes Washer System. A clothes washer system shall require the issuance of a fee exempt construction permit for the installation or alteration of the system.

E. Section 1502.1.2 is hereby amended to read as follows:

1502.1.2 Simple System. Simple systems exceed a clothes water system and shall comply with the following:

1. The discharge capacity of a graywater system shall be determined by Section 1502.8. Simple systems have a discharge capacity of 250 gallons (947 L) per day or less.
2. A simple system shall require a construction permit issued by the City.
3. The design of simple systems shall be acceptable to the City and shall meet generally acceptable graywater system design criteria.

F. Section 1502.1.3 is hereby amended to read as follows:

1502.1.3 Complex System. Any graywater system that is not a clothes washer system or

simple system shall comply with the following:

1. The discharge capacity of a graywater system shall be determined by Section 1502.8. Complex systems have a discharge capacity over 250 gallons (947 L) per day.
 2. Complex systems shall require a construction permit issued by the City.
 3. A complex system shall be designed by a person who can demonstrate competence to the satisfaction of the Enforcing Agency.
- G. Subsection 1202.13 is hereby added to the 2016 California Plumbing Code / Los Angeles County Plumbing Code to read as follows:

1502.13.2 New Construction, Remodels, Alterations

1. All new single family residential dwelling units, single family residential remodels, and single family residential alterations proposing to construct, reconstruct, install, relocate, or alter any clothes washing drainage plumbing shall include either a separate multiple pipe outlet or a diverter valve, and outside stub-out installation on the clothes washing machine connection to allow separate discharge of graywater for irrigation.

Exception: Separate clothes washer drainage is not required where it has been demonstrated to the City that such clothes washer facilitation is infeasible due to the location of the fixture and/or compliance with other provisions of this code.

2. All new single family residential dwelling units, single family residential remodels, and single family residential alterations proposing to construct, reconstruct, install, relocate, or alter any drains or drainage for any lavatories, showers, and bathtubs, shall provide separate segregated drainage from all other plumbing fixtures and connect a minimum three (3) feet from the limits of the foundation to allow for future installation of a distributed graywater system.

Exception: Separate clothes washer drainage is not required where it has been demonstrated to the City that such clothes washer facilitation is infeasible due to the location of the fixture and/or compliance with other provisions of this code.

1602.13.3 Prohibited Areas for Graywater Installations.

The following areas are designated as inappropriate for the installation of any graywater system. Graywater drainage to these areas has been determined to pose a significant risk to public health, the environment, and the City's coastal and natural resources. These prohibited areas are in addition to the minimum horizontal distances required from a graywater system described in Table 1602.4.

- (A) All beach front properties where the dispersal area for the graywater system is within 150 feet of the ocean mean higher high tide line.
- (B) Within 250 feet of any impaired body of water as designated on the 303d listed water bodies by the State of California Water Resources Control Board.

Exception: Compliance with (A) above.

- (C) Within 100 feet of a bluff top."

SECTION 10. Section 15.16.010 of the Malibu Municipal Code is hereby amended to read as

follows:

15.16.010 Adoption of Mechanical Code.

Except as hereinafter provided, Title 29, Mechanical Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Mechanical Code, 2016 Edition (Part 4 of Title 24 of the California Code of Regulations) is hereby incorporated by reference as if fully set forth below, and shall be known and may be cited as the Mechanical Code of the City of Malibu.

In the event of any conflict between provisions of the California Mechanical Code, 2016 Edition, Title 29 of the Los Angeles County Code, or any amendment to the Mechanical Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 29 of the Los Angeles County Code and the California Mechanical Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 11. Section 15.16.030 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.16.030 Violations—Penalty.

Every person violating any provision of Title 29 of the Los Angeles County Code and appendices, adopted by reference by Section 15.16.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 12. Section 15.18.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.18.010 Adoption of Energy Code.

Except as hereinafter provided, Title 24, Part 6, Energy Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the Energy Code, 2016 Edition (Part 6 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Energy Code of the City of Malibu.

In the event of any conflict between provisions of the California Energy Code, 2016 Edition, Title 24 Part 6 of the Los Angeles County Code, or any amendment to the Energy Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 24 Part 6 of the Los Angeles County Code and the Energy Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 13. Chapter 15.18 of the Malibu Municipal Code is hereby amended to read as follows:

15.18.020. Purpose.

This purpose of this Chapter is to promote the health, safety and welfare of the City's residents, workers and visitors by minimizing the use and waste of energy in the construction and operation of the City's building stock. This Chapter sets forth minimum energy efficiency standards within the City for all new residential and nonresidential construction.

Section 15.18.030 Violations—Penalties.

Every person violating any provision of the Energy Code, 2016 Edition and appendices, adopted by reference by Section 15.18.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 15.18.040 of the Malibu Municipal Code is hereby removed.

Section 15.18.050 of the Malibu Municipal Code is hereby removed.

Section 15.18.060 of the Malibu Municipal Code is hereby removed.

Section 15.18.070 of the Malibu Municipal Code is hereby removed.

SECTION 14. Section 15.24.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.010 Adoption of Green Building Standards Code.

Except as hereinafter provided, Title 31, Green Building Standards Code, of the Los Angeles County Code, as amended and in effect on January 1, 2014, adopting the California Green Building Standards Code, 2016 Edition (Part 11 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Green Building Code of the City of Malibu.

In the event of any conflict between provisions of the California Green Building Standards Code, 2016 Edition, Title 31 of the Los Angeles County Code, or any amendment to the Green Building Standards Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 31 of the Los Angeles County Code and the California Green Building Standards Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 15. Section 15.24.040 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.040 Violations—Penalties.

Every person violating any provision of the California Green Building Standards Code, 2016 Edition and appendices, adopted by reference by Section 15.24.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 16. Section 15.24.050 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.050 Amendment to Green Building Standards Code.

Notwithstanding the provisions of section 15.24.010 of this chapter, Title 31 of the Los Angeles County Code, adopting the California Green Building Standards Code, 2016 Edition (Part 11 of Title 24 of the California Code of Regulations), is hereby amended to read as follows:

4.403.1 Irrigation Controllers.

Automatic irrigation system controllers for landscaping provided and installed at the time of final inspection and shall comply with the following:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plant' needs as weather conditions change.
2. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-base controllers are not required to have rain sensor input.

SECTION 17. Section 15.28.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.010 Adoption of Residential Code.

Except as hereinafter changed, Title 30, Residential Code, of the Los Angeles County Code, adopting Sections 102 through 119 of Chapter 1, Section 1207 of Chapter 12, Chapter 34,67, 69, 98, 99 and Appendix J of Title 26 of the Los Angeles County Code and Chapters 2 through

10, Chapter 44, and Appendix H of that certain code known as and designated as the 2016 California Residential Code as published by the California Building Standards Commission, is hereby incorporated herein by reference as if fully set forth below, and shall be known the Residential Code of the City of Malibu.

In the event of any conflict between provisions of the California Residential Code, 2016 Edition, Title 30 of the Los Angeles County Code, or any amendment to the Residential Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 30 of the Los Angeles County Code and the California Residential Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 18. Section 15.28.020 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.020 Definitions.

“Building and Safety Division of the Department of County Engineer-facilities” means the Building Safety Division of the City of Malibu.

“County,” “County of Los Angeles” or “unincorporated areas of the county of Los Angeles” mean the City of Malibu.

SECTION 19. Section 15.28.030 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.030 Residential Code Fees.

Fees are as established by the current City of Malibu fee schedule.

SECTION 20. Section 15.28.040 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.040 Violations—Penalties.

Every person violating any provision of the Title 30 of the Los Angeles County Code and appendices, adopted by reference by Section 15.28.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 21. Section 8.12.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 8.12.010 Adoption of Fire Code.

Except as hereinafter provided, the California Fire Code, 2016 Edition (Part 9 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Fire Code of the City of Malibu. In the event of any conflict between provisions of the California Fire Code, 2016 Edition or any amendment to the Fire Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of the California Fire Code, 2016 Edition, has been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 22. Section 8.12.020 of the Malibu Municipal Code is hereby amended to read as follows:

Section 8.12.020 Violation—Penalty.

Every person violating any provision of the California Fire Code, 2016 Edition and appendices, adopted by reference by Section 8.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 23. 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 of the remaining portions of this Ordinance; it being hereby expressly declared that 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 phrases be declared invalid or unconstitutional.

SECTION 24. Repealing of Ordinance.

Ordinance No. 357 is hereby repealed and is superseded by this ordinance.

SECTION 25. Effective Date.

This Ordinance shall take effect on January 1, 2017, and shall apply to all projects submitted to the City for plan check and/or permit application on or after that date.

SECTION 26. California Environmental Quality Act.

This Ordinance has been determined to be exempt from the California Environmental Quality Act pursuant to State Guidelines Section 15061(b)(3) because it is not a project that has the

potential for causing a significant effect on the environment.

SECTION 27. Certification.

The City Clerk shall certify the adoption of this Ordinance.

The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

SECTION 28. Urgency Findings.

State law requires the City to adopt the 2016 California Building, Plumbing, Mechanical, Electrical, Green Building, Residential, and Fire Codes and any modifications thereto, by January 1, 2017. It is essential that the City adopt the above-stated Codes and modifications necessitated by local topographical, geological, and climatic conditions by that date. In the absence of legislation effective by that date, technical codes adequate to meet the City's special circumstances will not be in effect and hazards will be posed which would immediately threaten the public peace, health, and safety. Accordingly, this ordinance shall be an Urgency Ordinance and shall take effect immediately and become operative January 1, 2017.

PASSED, APPROVED AND ADOPTED this 12th day of December 2016.

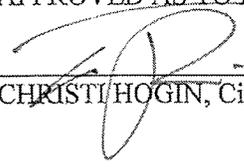
LOU LA MONTE, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

ORDINANCE NO. 413

AN ORDINANCE OF THE CITY OF MALIBU ADOPTING BY REFERENCE TITLE 26 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA BUILDING CODE, 2016 EDITION; TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION; TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2016 EDITION; TITLE 29 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA MECHANICAL CODE, 2016 EDITION; TITLE 30 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; TITLE 31 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION; TITLE 24, PART 6 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ENERGY CODE, 2016 EDITION; THE CALIFORNIA FIRE CODE, 2016 EDITION; MAKING AMENDMENTS TO SAID CODES; REPEALING ORDINANCE NO. 357; AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Findings.

Pursuant to California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5, the City Council hereby makes each finding of reasonable necessity for modifications as stated separately in Attachment No. 2 to the December 12, 2016 City Council Agenda Report for Item No. 4.B., for each such modification as identified in Los Angeles County Titles 24, 26, 27, 28, 29, 30, 31 and 32. These modifications to the California Building Standards Code, incorporating the model codes, are reasonably necessary due to the local climate, characterized by hot, dry summers and the high potential for seismic activity which make structures particularly vulnerable to rapidly spreading fires and structural damage.

SECTION 2. Section 15.04.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.010 Adoption of Building Code.

Except as hereinafter provided, Title 26, Building Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Building Code, 2016 Edition (Part 2 of Title 24 of the California Code of Regulations) is incorporated herein by reference as if fully set forth below and shall be known and may be cited as the Building Code of the City of Malibu.

The provisions of the Building Code applying to dwellings, lodging houses, congregate residences, hotels, motels, apartment houses, convents, monasteries or other uses classified by the Building Code as a group R occupancy and including Chapters 1, 2, 3, 98 and 99 shall constitute and may be cited as the Housing Code of the City of Malibu.

In the event of any conflict between provisions of the California Building Code, 2016 Edition, Title 26 of the Los Angeles County Code, or any amendment to the Building Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 26 of the Los Angeles County Code and the California Building Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 3. Section 15.04.040 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.040 Violation—Penalty.

Every person violating any provision of Title 26 of the Los Angeles County Code and appendices, adopted by reference by Section 15.04.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 4. Section 15.04.050 of the Malibu Municipal Code is hereby amended to read as follows:

15.04.050 Amendments to Building Code.

Notwithstanding the provisions of Section 15.04.010 of this Chapter, Title 26 of the Los Angeles County Code is hereby amended to read as follows:

A. Section 105.1.1 is hereby amended to read as follows:

105.1.1 General.

Unless otherwise provided for below, in order to conduct the hearings provided for in this code and also to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be a building board of appeals consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an *ex officio*-member and shall act as secretary to the board. The members of the building board of appeals shall be appointed by the City Council and shall hold office at its pleasure. The building board of appeals shall adopt reasonable rules and regulations for conducting its investigations. The board shall establish that the approval for alternate materials and the modifications granted for individual cases are in conformity with the intent and purpose of this code and that such alternate material, modification or method of work offered is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability, safety and sanitation and does not lessen any fire-protection requirements or any degree of structural integrity. The building board of appeals shall document all decisions and findings in writing to the building official with a duplicate copy to the applicant, and the board may recommend to the City Council such new legislation as is consistent therewith.

B. Section 105.3 is hereby deleted in its entirety.

C. Section 105.6 is hereby deleted in its entirety.

D. Section 106.1.1 is hereby added to Title 26 of the Los Angeles County Code to read as follows:

106.1.1 Parking Lots.

A plan review and permit shall be required for the surfacing, resurfacing, replacement, reconfiguration and striping of parking lots and parking structures serving commercial and multifamily occupancies.

Any of the aforementioned activities in or on existing parking lots must comply with current zoning, the National Pollution Discharge Elimination System (N.P.D.E.S.) permit program and accessibility requirements as required by applicable codes and standards. Fees are determined by the current fee schedule.

E. Section 106.3 is hereby amended to read as follows:

106.3 Work Exempted.

A building permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet and the plate height does not exceed 12 feet (3.69 m) in height above the grade plane at any point and the maximum roof projection does not exceed 24 inches.
2. Fences and walls not over 6 feet (1829 mm) in height.
3. Steel tanks supported on a foundation not more than two feet (610 mm) above grade when the height does not exceed 1 1/2 times the diameter.
4. Gantry cranes and similar equipment.
5. Retaining walls that retain not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding a Class I, II, or III-A liquids.
6. Motion picture, television and theater stage sets and scenery, except when used as a building.
7. Ground mounted radio and television antennae towers which do not exceed 45 feet (13 716 mm) in height and ground support dish antennas not exceeding 15 feet (4572 mm) in height above finished grade in any position.
8. Light standards which do not exceed 30 feet (9144 mm) in height.
9. Flagpoles not erected upon a building and not more than 15 feet (4572 mm) high.
10. A tree house provided that:

- 10.1. It does not exceed 64 square feet (5.94 m²) in area nor 8 feet (2438 mm) in height from floor to roof.
- 10.2. The ceiling height as established by door height or plate line does not exceed 6 feet (1829mm).
11. Canopies or awnings attached to a Group R or U Occupancy and extending not more than 54 inches (1372 mm) from the exterior wall of the building.
12. Sheds, office or storage buildings, and other structures incidental to and work authorized by a valid grading or building permit. Such structures must be removed upon expiration of the permit or completion of the work covered by the permit.
13. Oil derricks.
14. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
15. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18 927 L). Fences, gates, door alarms, and other protection devices that are accessory to the prefabricated swimming pool are not exempt from the permit requirements.
16. Playground equipment.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of other laws or ordinances.

F. Section 107.9 is hereby deleted in its entirety.

G. Section 108.1.1 is hereby added to Title 26 of the Los Angeles County Code to read as follows:

108.1.1 Occupancy Inspection.

All existing commercial occupancies are required to apply for an occupancy inspection prior to occupancy of a building or tenant space by a new owner or occupant.

Upon successful completion of the occupancy inspection the Building Official shall issue a new certificate of occupancy to the building or tenant space as required in Section 109 of the California Building Code.

The certificate of occupancy issued will remain valid and in effect until a change of occupant occurs

or is revoked for cause by the Building Official or as required by this code.

Fees determined by the current fee schedule.

H. Section 108.4.2 is hereby amended to read as follows:

108.4.2 Foundation inspection.

Inspection shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job site; however, where concrete is ready mixed in accordance with approved nationally recognized standards, the concrete need not be on the job site. Where the foundation is to be constructed of approved treated wood, additional inspections may be required by the building official. Required set back and pad elevations shall be established by survey prior to approval by the Building Official.

I. Section 108.4.6 is hereby amended to read as follows:

108.4.6 Final inspection.

Inspection shall be made after finish grading is approved and the building is completed and ready for occupancy and all other required agency approvals have been obtained.

SECTION 5. Section 15.08.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.08.010 Adoption of Electrical Code.

Except as hereinafter provided, Title 27, Electrical Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Electrical Code, 2016 Edition (Part 3 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Electrical Code of the City of Malibu.

In the event of any conflict between provisions of the California Electrical Code, 2016 Edition, Title 27 of the Los Angeles County Code, or any amendment to the Electrical Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 27 of the Los Angeles County Code and the California Electrical Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 6. Section 15.08.030 of the Malibu Municipal Code is hereby amended to read as follows:

15.08.030 Violation—Penalty.

Every person violating any provision of Title 27 of the Los Angeles County Code and appendices, adopted by reference by Section 15.08.010, or of any permit or license granted thereunder, or any

rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 7. Section 15.12.010 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.010 Adoption of Plumbing Code.

Except as hereinafter provided, Title 28, Plumbing Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Plumbing Code, 2016 Edition (Part 5 of Title 24 of the California Code of Regulations), is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Plumbing Code of the City of Malibu.

In the event of any conflict between provisions of the California Plumbing Code, 2016 Edition, Title 28 of the Los Angeles County Code, or any amendment to the Plumbing Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 28 of the Los Angeles County Code and the California Plumbing Code, 2016 Edition, has been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 8. Section 15.12.030 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.030 Violation—Penalty.

Every person violating any provision of Title 28 of the Los Angeles County Code and appendices, adopted by reference by Section 15.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 9. Section 15.12.050 of the Malibu Municipal Code is hereby amended to read as follows:

15.12.050 Amendment to Plumbing Code.

Notwithstanding the provisions of section 15.12.010 of this chapter, Title 28 of the Los Angeles County Code, adopting the California Plumbing Code, 2016 Edition (Part 5 of Title 24 of the California Code of Regulations), is hereby amended to read as follows:

A. Section 710.9 is hereby amended by adding the following:

All such sumps and receiving tanks shall be automatically discharged. All sumps shall be provided with pumps or ejectors of the duplex type, simplex pumps are prohibited, and shall be so arranged to function alternately with each pump or ejector cycle, and to function independently in case of overload or mechanical failure. The lowest inlet shall have a minimum clearance of two (2) inches for the high water "starting" level of the sump.

All such sumps and receiving tanks shall be equipped with an automatic alarm system. The alarm system shall be activated upon failure of either pumps or ejectors, whether independently or simultaneously. The alarm shall emit an audible alarm, which can be detected from any location within the building and immediately outside the building served by such sumps and receiving tanks. The Building Official may approve other alarm systems, which provide equivalent enunciation of failure of the pumps or ejectors.

B. Subsections H 101.12 and H 101.13 are hereby added to Appendix H (Private Sewage Disposal Systems) of the 2016 California Plumbing Code to read as follows:

H 101.12 Commercial buildings and multiple family dwellings to be constructed, or remodeled, after the effective date of this section shall have an onsite wastewater treatment system which provides tertiary sewage effluent treatment as defined by the Building Official, prior to final sewage effluent disposal, unless otherwise approved by the Building Official.

H 101.13 Commercial buildings and multiple family dwellings served by an existing onsite wastewater treatment system which is to be replaced, renovated, or repaired, after the effective date of this section shall have an onsite wastewater treatment system that provides tertiary sewage effluent treatment as defined by the Building Official, prior to final sewage effluent disposal, unless otherwise approved by the Building Official.

C. Subsections H 501.5 and H 501.12 of Appendix H (Private Sewage Disposal Systems) are hereby amended to read as follows:

H 501.5 Access to each septic tank shall be provided by at least two (2) manholes twenty (20) inches (508 mm) in minimum diameter. One (1) access manhole shall be located over the inlet and one (1) access manhole shall be located over the outlet. Wherever a first compartment exceeds twelve (12) feet (3658 mm) in length, an additional manhole shall be provided over the baffle wall.

H 501.12 Septic tanks shall have the required manholes accessible by extending the manhole openings to grade in a manner acceptable to the Building Official.

D. Section H 1301.0 is hereby added to Appendix H (Private Sewage Disposal Systems) of the 2016 California Plumbing Code, Los Angeles County Plumbing Code to read as follows:

The Building Official shall require the following before a permit is issued for any new or reconstructed onsite wastewater treatment system on any parcel adjacent to the Pacific Ocean:

(a) Buildings permitted to be constructed, or remodeled, on beachfront property shall have adequate and properly designed bulkheads, or other approved structural protection from wave action for all portions of the onsite wastewater treatment system. All approved Coastal Engineering Reports shall also be required to determine the need and extent of this protection.

(b) Owners or possessors of real property with buildings constructed on beachfront property with an existing onsite wastewater treatment system to be renovated, or repaired, shall have adequate and properly designed bulkheads, or other approved structural protection from wave action, as provided by the Building Official, for all portions of the onsite wastewater treatment system. An approved Coastal Engineering Report shall also be required to determine the need and extent of this protection.

(c) Owners or possessors of real property with buildings constructed on beachfront property with an existing onsite wastewater treatment system damaged by storm, tide, or wave action shall have adequate and properly designed bulkheads, or other approved structural protection from wave action for all portions of the onsite wastewater treatment system. An approved Coastal Engineering Report shall also be required to determine the need and extent of this protection.

(d) Issuance of Permit. Upon review of the application and compliance with all of the requirements contained in this section and all other applicable laws, rules, and regulations, the Building Official shall issue a permit for the installation of bulkheads, or other protective structures required, imposing those conditions and restrictions necessary, and setting a time limit for the completion of the installation of bulkheads, or other protective structures required.

(e) Noncompliance and Right of Entry

(1) Upon expiration of the time limit established in the permit, including such additional time as may have been granted by the Building Official upon further application, if the installation of the bulkheads, or other protective structures required, has not been accomplished, the Building Official may take all reasonable actions to install the bulkheads, or other protective structures required, upon the real property for which the permit was issued. The Building Official shall have the right of entry upon the owner's or possessor's real property to the extent necessary to effect the installation. A failure, refusal, or neglect of the owner or possessor of the real property to comply with the provisions of the permit for the installation of the bulkhead, or other protective structures required, within the period of time set by the Building Official shall be considered a violation of this section, subjecting the owner or possessor of the real property to the penalties and remedies provided in this Code.

(2) The actual cost incurred by the Building Official in taking the above action, including the cost of equipment, labor (including the cost of City of Malibu consultants and employees), administrative, and other indirect costs shall be charge assessed against the real property benefited, and shall be added to the annual property taxes next levied upon the real property and shall

constitute a lien upon the real property in the same manner and to the same extent as does the tax lien securing the annual real property taxes, and may be collected and enforced in the same manner as secured ad valorem property taxes.

E. Table H 201.1(1) of Appendix H (Private Sewage Disposal Systems) is hereby amended to read as follows:

TABLE H 201.1(1)
CAPACITY OF SEPTIC TANKS*

Single Family Dwellings Number of Bedrooms**	Multiple Dwelling Units or Apartments –One Bedroom each	Maximum Fixture Units served per Table 702.1	Minimum Septic Tank Capacity in Gallons	(liters)
		15	750	(2838)
		20	1000	(3785)
		25	1200	(4542)
1 to 6	2 or 3 units	33	1500	(5678)
	4	45	2000	(7570)
	5	55	2250	(8516)
	6	60	2500	(9463)
	7	70	2750	(10,409)
	8	80	3000	(11,355)
	9	90	3250	(12,301)
	10	100	3500	(13,248)

* Note:

Extra bedroom, 150 gallons (568 liters) each.

Extra dwelling units over 10, 250 gallons (946 liters) each.

Extra fixture units over 100, 25 gallons (95 liters) per fixture unit.

Septic tank sizes in this table include sludge storage capacity and the connection of domestic food waste disposal units without further volume increase.

** Applies to mobile homes not installed in a mobile home park.

A. The introduction (“Intent”) to Chapter 15 (Alternate Water Sources for Nonpotable Applications) is hereby amended as follows:

Intent

The provisions of this chapter are intended to:

1. Conserve water by facilitating greater reuse of laundry, shower, lavatory, and similar sources of discharge for irrigation and/or indoor use.
2. Reduce the number of non-compliant graywater systems by making legal compliance easily achievable.
3. Provide guidance to eliminate adverse environmental impacts by the use of the graywater.
4. Provide guidance for avoiding potentially unhealthful conditions.
5. Provide an alternative way to relieve stress on a private sewage disposal system by diverting the graywater.

- B. Subsection 1502.1(C) is hereby amended to read as follows:
- (C) Graywater shall not be used in spray irrigation, allowed to pond or runoff and shall not be discharged directly into or be conveyed to surface water, including but not limited to, the ocean or any creek, any surface body of water, any water way, any storm sewer system, any drainage channel, or any drainage device.
- C. Subsection 1502.1(J) is hereby added to the 2016 California Plumbing Code / Los Angeles County Plumbing Code to read as follows:
- (J) No construction permit for any graywater system shall be issued until a plot plan with appropriate data satisfactory to the City has been submitted and approved. When there is insufficient lot area or inappropriate soil conditions to prevent the ponding or runoff of the graywater, as determined by the City, no graywater system shall be allowed.
- D. Subsection 1501.3 is hereby amended to read as follows:

1501.3 Permit. It shall be unlawful for a person to construct, install, alter, or cause to be constructed, installed, or altered an alternate water source system in a building or on a premise without first obtaining a permit to do such work. Prior to commencing the issuance of permits for indoor gray water systems pursuant to state requirements relating to gray water, a city, county, city and county or other local agency shall seek consultation with the local public health department to ensure that local public health concerns are addressed in local standards or ordinances, or in issuing permits. See California Water Code Section 14877.3.

1501.3.1 City Permit. A written construction permit shall be obtained from the City prior to the erection, construction, reconstruction, installation, relocation, or alteration of any graywater system. A permit for a clothes washer system shall be fee exempt for review and inspection services. Permits for simple and complex systems shall be required with fees for such systems determined by City Council Resolution.

1501.3.2 Clothes Washer System. A clothes washer system shall require the issuance of a fee exempt construction permit for the installation or alteration of the system.

- E. Section 1502.1.2 is hereby amended to read as follows:

1502.1.2 Simple System. Simple systems exceed a clothes water system and shall comply with the following:

1. The discharge capacity of a graywater system shall be determined by Section 1502.8. Simple systems have a discharge capacity of 250 gallons (947 L) per day or less.
2. A simple system shall require a construction permit issued by the City.
3. The design of simple systems shall be acceptable to the City and shall meet generally acceptable graywater system design criteria.

- F. Section 1502.1.3 is hereby amended to read as follows:

1502.1.3 Complex System. Any graywater system that is not a clothes washer system or

simple system shall comply with the following:

1. The discharge capacity of a graywater system shall be determined by Section 1502.8. Complex systems have a discharge capacity over 250 gallons (947 L) per day.
 2. Complex systems shall require a construction permit issued by the City.
 3. A complex system shall be designed by a person who can demonstrate competence to the satisfaction of the Enforcing Agency.
- G. Subsection 1202.13 is hereby added to the 2016 California Plumbing Code / Los Angeles County Plumbing Code to read as follows:

1502.13.2 New Construction, Remodels, Alterations

1. All new single family residential dwelling units, single family residential remodels, and single family residential alterations proposing to construct, reconstruct, install, relocate, or alter any clothes washing drainage plumbing shall include either a separate multiple pipe outlet or a diverter valve, and outside stub-out installation on the clothes washing machine connection to allow separate discharge of graywater for irrigation.

Exception: Separate clothes washer drainage is not required where it has been demonstrated to the City that such clothes washer facilitation is infeasible due to the location of the fixture and/or compliance with other provisions of this code.

2. All new single family residential dwelling units, single family residential remodels, and single family residential alterations proposing to construct, reconstruct, install, relocate, or alter any drains or drainage for any lavatories, showers, and bathtubs, shall provide separate segregated drainage from all other plumbing fixtures and connect a minimum three (3) feet from the limits of the foundation to allow for future installation of a distributed graywater system.

Exception: Separate clothes washer drainage is not required where it has been demonstrated to the City that such clothes washer facilitation is infeasible due to the location of the fixture and/or compliance with other provisions of this code.

1602.13.3 Prohibited Areas for Graywater Installations.

The following areas are designated as inappropriate for the installation of any graywater system. Graywater drainage to these areas has been determined to pose a significant risk to public health, the environment, and the City's coastal and natural resources. These prohibited areas are in addition to the minimum horizontal distances required from a graywater system described in Table 1602.4.

- (A) All beach front properties where the dispersal area for the graywater system is within 150 feet of the ocean mean higher high tide line.
- (B) Within 250 feet of any impaired body of water as designated on the 303d listed water bodies by the State of California Water Resources Control Board.

Exception: Compliance with (A) above.

- (C) Within 100 feet of a bluff top."

SECTION 10. Section 15.16.010 of the Malibu Municipal Code is hereby amended to read as

follows:

15.16.010 Adoption of Mechanical Code.

Except as hereinafter provided, Title 29, Mechanical Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the California Mechanical Code, 2016 Edition (Part 4 of Title 24 of the California Code of Regulations) is hereby incorporated by reference as if fully set forth below, and shall be known and may be cited as the Mechanical Code of the City of Malibu.

In the event of any conflict between provisions of the California Mechanical Code, 2016 Edition, Title 29 of the Los Angeles County Code, or any amendment to the Mechanical Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 29 of the Los Angeles County Code and the California Mechanical Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 11. Section 15.16.030 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.16.030 Violations—Penalty.

Every person violating any provision of Title 29 of the Los Angeles County Code and appendices, adopted by reference by Section 15.16.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 12. Section 15.18.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.18.010 Adoption of Energy Code.

Except as hereinafter provided, Title 24, Part 6, Energy Code, of the Los Angeles County Code, as amended and in effect on January 1, 2017, adopting the Energy Code, 2016 Edition (Part 6 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Energy Code of the City of Malibu.

In the event of any conflict between provisions of the California Energy Code, 2016 Edition, Title 24 Part 6 of the Los Angeles County Code, or any amendment to the Energy Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 24 Part 6 of the Los Angeles County Code and the Energy Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 13. Chapter 15.18 of the Malibu Municipal Code is hereby amended to read as follows:

15.18.020. Purpose.

This purpose of this Chapter is to promote the health, safety and welfare of the City's residents, workers and visitors by minimizing the use and waste of energy in the construction and operation of the City's building stock. This Chapter sets forth minimum energy efficiency standards within the City for all new residential and nonresidential construction.

Section 15.18.030 Violations—Penalties.

Every person violating any provision of the Energy Code, 2016 Edition and appendices, adopted by reference by Section 15.18.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

Section 15.18.040 of the Malibu Municipal Code is hereby removed.

Section 15.18.050 of the Malibu Municipal Code is hereby removed.

Section 15.18.060 of the Malibu Municipal Code is hereby removed.

Section 15.18.070 of the Malibu Municipal Code is hereby removed.

SECTION 14. Section 15.24.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.010 Adoption of Green Building Standards Code.

Except as hereinafter provided, Title 31, Green Building Standards Code, of the Los Angeles County Code, as amended and in effect on January 1, 2014, adopting the California Green Building Standards Code, 2016 Edition (Part 11 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Green Building Code of the City of Malibu.

In the event of any conflict between provisions of the California Green Building Standards Code, 2016 Edition, Title 31 of the Los Angeles County Code, or any amendment to the Green Building Standards Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 31 of the Los Angeles County Code and the California Green Building Standards Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 15. Section 15.24.040 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.040 Violations—Penalties.

Every person violating any provision of the California Green Building Standards Code, 2016 Edition and appendices, adopted by reference by Section 15.24.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 16. Section 15.24.050 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.24.050 Amendment to Green Building Standards Code.

Notwithstanding the provisions of section 15.24.010 of this chapter, Title 31 of the Los Angeles County Code, adopting the California Green Building Standards Code, 2016 Edition (Part 11 of Title 24 of the California Code of Regulations), is hereby amended to read as follows:

4.403.1 Irrigation Controllers.

Automatic irrigation system controllers for landscaping provided and installed at the time of final inspection and shall comply with the following:

1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plant' needs as weather conditions change.
2. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-base controllers are not required to have rain sensor input.

SECTION 17. Section 15.28.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.010 Adoption of Residential Code.

Except as hereinafter changed, Title 30, Residential Code, of the Los Angeles County Code, adopting Sections 102 through 119 of Chapter 1, Section 1207 of Chapter 12, Chapter 34,67, 69, 98, 99 and Appendix J of Title 26 of the Los Angeles County Code and Chapters 2 through

10, Chapter 44, and Appendix H of that certain code known as and designated as the 2016 California Residential Code as published by the California Building Standards Commission, is hereby incorporated herein by reference as if fully set forth below, and shall be known the Residential Code of the City of Malibu.

In the event of any conflict between provisions of the California Residential Code, 2016 Edition, Title 30 of the Los Angeles County Code, or any amendment to the Residential Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of Title 30 of the Los Angeles County Code and the California Residential Code, 2016 Edition, have been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 18. Section 15.28.020 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.020 Definitions.

“Building and Safety Division of the Department of County Engineer-facilities” means the Building Safety Division of the City of Malibu.

“County,” “County of Los Angeles” or “unincorporated areas of the county of Los Angeles” mean the City of Malibu.

SECTION 19. Section 15.28.030 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.030 Residential Code Fees.

Fees are as established by the current City of Malibu fee schedule.

SECTION 20. Section 15.28.040 of the Malibu Municipal Code is hereby amended to read as follows:

Section 15.28.040 Violations—Penalties.

Every person violating any provision of the Title 30 of the Los Angeles County Code and appendices, adopted by reference by Section 15.28.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 21. Section 8.12.010 of the Malibu Municipal Code is hereby amended to read as follows:

Section 8.12.010 Adoption of Fire Code.

Except as hereinafter provided, the California Fire Code, 2016 Edition (Part 9 of Title 24 of the California Code of Regulations) is hereby incorporated herein by reference as if fully set forth below, and shall be known and may be cited as the Fire Code of the City of Malibu. In the event of any conflict between provisions of the California Fire Code, 2016 Edition or any amendment to the Fire Code contained in the Malibu Municipal Code, the provision contained in the later listed document shall control.

A copy of the California Fire Code, 2016 Edition, has been deposited in the office of the City Clerk of the City of Malibu and shall be at all times maintained by the City Clerk for use and examination by the public.

SECTION 22. Section 8.12.020 of the Malibu Municipal Code is hereby amended to read as follows:

Section 8.12.020 Violation—Penalty.

Every person violating any provision of the California Fire Code, 2016 Edition and appendices, adopted by reference by Section 8.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense.

SECTION 23. 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 of the remaining portions of this Ordinance; it being hereby expressly declared that 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 phrases be declared invalid or unconstitutional.

SECTION 24. Repealing of Ordinance.

Ordinance No. 357 is hereby repealed and is superseded by this ordinance.

SECTION 25. Effective Date.

This Ordinance shall take effect on January 1, 2017, and shall apply to all projects submitted to the City for plan check and/or permit application on or after that date.

SECTION 26. California Environmental Quality Act.

This Ordinance has been determined to be exempt from the California Environmental Quality Act pursuant to State Guidelines Section 15061(b)(3) because it is not a project that has the

potential for causing a significant effect on the environment.

SECTION 27. Certification.

The City Clerk shall certify the adoption of this Ordinance.

The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2017.

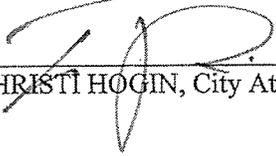
LOU LA MONTE, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:



CHRISTI HUGIN, City Attorney

Code Adoption 2016 Findings

BUILDING CODE AMENDMENTS

Code Section	Condition	Explanation of Amendment
701A.1	Climatic	Clarifies the application of Chapter 7A to include additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
701A.3	Climatic	Clarifies the application of Chapter 7A to include additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to the increased risk of fire caused by low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
701A.3.1	Climatic	Clarifies the application of Chapter 7A to include additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to the increased risk of fire caused by low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
703A.5.2 and 703A.5.2.2	Climatic	Disallows the use of wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in high fire severity zones.
704A.3	Climatic	Disallows the use of wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in high fire severity zones.
705A.2	Climatic	Disallows the use of wood-shingle/wood-shake roofs and requires the use of Class A roof covering due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in high fire severity zones.
1030.4	Geological	The greater Los Angeles/Long Beach region is a densely populated area having buildings constructed over and near a vast array of earthquake fault systems capable of producing major earthquakes, including but not limited to the 1994 Northridge Earthquake. The proposed amendment is intended to prevent occupants from being trapped in a building and to allow rescue workers to easily enter after an earthquake.
1507.3.1	Geological	Section amended to require concrete and clay tiles to be installed over solid structural sheathing boards only, due to the increased risk of significant earthquakes in the County. The changes in Section 1507.3.1 are needed because there were numerous observations of tile roofs pulling away from wood framed buildings following the 1994 Northridge Earthquake. The Structural Engineers Association of Southern California ("SEAOSC") and the Los Angeles City Joint Task Force committee findings indicated significant problems with tile roof due to inadequate design and/or construction. Damage was observed where sheathing beneath the tile roofs was not nailed adequately or

Code Section	Condition	Explanation of Amendment
		the nails were not attached on each side of each tile or the nail just pulled out over a period of time because the shank of the nails were smooth. Therefore, the amendment is needed to minimize such occurrences in the event of future significant earthquakes.
Table 1507.3.7	Geological	Table amended to require proper anchorage for clay or concrete tiles from sliding or rotating due to the increased risk of significant earthquakes in the County. This amendment incorporates the design provisions developed based on detailed study of the 1994 Northridge and the 1971 Sylmar earthquakes.
1613.7 and 1613.7.1	Geological	The inclusion of the importance factor in this equation has the unintended consequence of reducing the minimum seismic separation distance for important facilities such as hospital, school, police, and fire station, etc., from adjoining structures. The deletion of the importance factor from Equation 12.12-1 will ensure that a safe seismic separation distance is provided. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1613.7.2	Geological	Damage to one- and two-family dwellings of light frame construction resulting from the Northridge Earthquake may have been partially attributed to vertical irregularities common to this type of occupancy and construction. In an effort to improve quality of construction and incorporate lessons learned from studies after the Northridge Earthquake, the modification to ASCE 7 Section 12.2.3.1 by limiting the number of stories and height of the structure to two stories will significantly minimize the impact of vertical irregularities and concentration of inelastic behavior from mixed structural systems. This amendment is a continuation of an amendment adopted during previous code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1613.7.3	Geological	A SEAOSC and Los Angeles City Joint Task Force investigated the performance of concrete and masonry construction with flexible wood diaphragm failures after the Northridge earthquake. It was determined that continuous ties are needed at specified spacing to control cross grain tension in the interior of the diaphragm. Additionally, subdiaphragm shears need to be limited to control combined orthogonal stresses within the diaphragm. Recognizing the importance and need to continue the recommendation made by the task force, but also taking into consideration the improved performance and standards for diaphragm construction today, a proposal to increase the continuous tie spacing limit to 40 ft in lieu of 25 ft and to use 75 percent of the allowable code diaphragm shear to determine the depth of the sub-diaphragm in lieu of the 300 pif is deemed appropriate and acceptable. The Los Angeles region is within a very active geological location. Due to the frequency of this type of failure during previous significant earthquakes, various jurisdictions within this region have taken these additional steps to prevent roof or floor diaphragms from pulling away from concrete or masonry walls.

Code Section	Condition	Explanation of Amendment
		This amendment is a continuation of an amendment adopted during a previous Code adoption cycles.
1613.7.4	Geological	This change is to implement the provisions in ASCE 7-16. This provision allows for a limited value to be used in the seismic design of a building when certain criteria are met. The current provision does not clearly state the criteria, and has created misapplications of this section. It is necessary to adopt this provision now to avoid further misinterpretation of the intent of the 5 story limit, and how the height of the building is measured. The Los Angeles region is within a very active geological location. When applying the story height limit, mezzanines need to be considered as floor levels due to the added mass, overturning forces, and the variation in shear wall stiffnesses that are created. ASCE 7-16 provisions need to be incorporated into the Code to ensure that new buildings and additions to existing buildings are designed and constructed in accordance with the purpose and intent of the Building Code.
1613.8	Geological Topographical	Section is added to improve seismic safety of buildings constructed on or into hillsides. Due to the local topographical and geological conditions of the sites within the Los Angeles region and their probabilities for earthquakes, this technical amendment is required to address and clarify special needs for buildings constructed on hillside locations. A SEAOSC and Los Angeles City Joint Task Force investigated the performance of hillside building failures after the Northridge earthquake. Numerous hillside failures resulted in loss of life and millions of dollars in damage. These criteria were developed to minimize the damage to these structures and have been in use by both the City and County of Los Angeles for several years with much success. This amendment is a continuation of an amendment adopted during previous Code adoption cycles.
1704.6	Geological	The language in Sections 1704.6 of the California Building Code permits the owner to employ any registered design professional to perform structural observations with minimum guidelines. However, it is important that the registered design professional responsible for the structural design has thorough knowledge of the building he/she designed. By requiring the registered design professional responsible for the structural design or their designee who was involved with the design to observe the construction, the quality of the observation for major structural elements and connections that affect the vertical and lateral load resisting systems of the structure will greatly be increased. Additional requirements are provided to help clarify the role and duties of the structural observer and the method of reporting and correcting observed deficiencies to the Building Official. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1704.6.1	Geological	With the higher seismic demand placed on buildings and structures in this region, the language in Sections 1704.6.1 Item 3 of the California Building Code would permit many low-rise buildings and structures

Code Section	Condition	Explanation of Amendment
		with complex structural elements to be constructed without the benefit of a structural observation. By requiring a registered design professional to observe the construction, the quality of the observation for major structural elements and connections that affect the vertical and lateral load resisting systems of the structure will be greatly increased. An exception is provided to permit simple structures and buildings to be excluded. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1705.3	Geological	Results from studies after the 1994 Northridge Earthquake indicated that a significant portion of the damage was attributable to lack of quality control during construction resulting in poor performance of the building or structure. Therefore, the amendment restricts the exceptions to the requirement for special inspection. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.
1705.12	Geological	In Southern California, very few detached one- or two-family dwellings not exceeding two stories above grade plane are built as "box-type" structures, specially for those in hillside areas and near the oceanfront. Many with steel moment frames or braced frames, and or cantilevered columns can still be shown as "regular" structures by calculations. With the higher seismic demand placed on buildings and structures in this region, the language in Section 1705.12 Item 3 of the California Building Code would permit many detached one- or two-family dwellings not exceeding two stories above grade plane with complex structural elements to be constructed without the benefit of special inspections. By requiring special inspections, the quality of major structural elements and connections that affect the vertical and lateral load resisting systems of the structure will be greatly increased. The exception should only be allowed for detached one- or two-family dwellings not exceeding two stories above grade plane assigned to Seismic Design Category A, B, and C.
1807.1.4	Climatic Geological	No substantiating data has been provided to show that a wood foundation is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood retaining walls, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems that may result by using wood foundations that experience relatively rapid decay due to the fact that the region does

Code Section	Condition	Explanation of Amendment
		not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.
1807.1.6	Geological	With the higher seismic demand placed on buildings and structures in this region, it is necessary to take precautionary steps to reduce or eliminate potential problems that may result by following prescriptive design provisions that do not take into consideration the surrounding environment. Plain concrete performs poorly in withstanding the cyclic forces resulting from seismic events. In addition, no substantiating data has been provided to show that under-reinforced foundation walls are effective in resisting seismic loads and may potentially lead to a higher risk of failure. It is important that the benefit and expertise of a registered design professional be obtained to properly analyze the structure and take these issues into consideration. This amendment is a continuation of an amendment adopted during previous Code adoption cycles.
1809.3 and Figure 1809.3	Geological	With the higher seismic demand placed on buildings and structures in this region, it is necessary to take precautionary steps to reduce or eliminate potential problems that may result for under-reinforced footings located on sloped surfaces. Requiring minimum reinforcement for stepped footings is intended to address the problem of poor performance of plain or under-reinforced footings during a seismic event. This amendment is a continuation of an amendment adopted during previous Code adoption cycles.
1809.7 and Table 1809.7	Geological	No substantiating data has been provided to show that under-reinforced footings are effective in resisting seismic loads and therefore may potentially lead to a higher risk of failure. This amendment requires minimum reinforcement in continuous footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event. With the higher seismic demand placed on buildings and structures in this region, it is necessary to take precautionary steps to reduce or eliminate potential problems that may result by following prescriptive design provisions for footings that do not take into consideration the surrounding environment. It is important that the benefit and expertise of a registered design professional be obtained to properly analyze the structure and take these factors into consideration. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force that investigated the performance deficiencies observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous Code adoption cycles.
1809.12	Climatic Geological	No substantiating data has been provided to show that timber footings are effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effects of constant moisture in the soil and wood-destroying organisms. Timber footings, when they are not properly

Code Section	Condition	Explanation of Amendment
		<p>treated and protected against deterioration, have performed very poorly. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems that may result by using timber footings that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.</p>
1810.3.2.4	Climatic Geological	<p>No substantiating data has been provided to show that timber footings are effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effects of constant moisture in the soil and wood-destroying organisms. Timber footings, when they are not properly treated and protected against deterioration, have performed very poorly. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems that may result by using timber footings that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.</p>
1905.1.7	Geological	<p>This amendment requires minimum reinforcement in continuous footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force that investigated the poor performance observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.</p>
1905.1.8 through 1905.1.11	Geological	<p>These amendments are intended to carry over critical provisions for the design of concrete columns in moment frames from the Uniform Building Code (UBC). Increased confinement is critical to the integrity of such columns and these modifications ensure that it is provided when certain thresholds are exceeded. In addition, this amendment carries over from the UBC a critical provision for the design of concrete</p>

Code Section	Condition	Explanation of Amendment
		<p>shear walls. It essentially limits the use of very highly gravity-loaded walls from being included in the seismic load resisting system, since their failure could have a catastrophic effect on the building. Furthermore, this amendment was incorporated into this Code based on observations from the 1994 Northridge Earthquake. Rebar placed in very thin concrete topping slabs has been observed in some instances to have popped out of the slab due to insufficient concrete coverage. This modification ensures that critical boundary and collector rebars are placed in sufficiently thick slabs to prevent buckling of such reinforcements. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.</p>
2304.10.1 and Table 2304.10.1	Geological	<p>Due to the high geologic activities in the Southern California area and the expected higher level of performance on buildings and structures, this proposed local amendment limits the use of staple fasteners in resisting or transferring seismic forces. In September 2007, limited cyclic testing data was provided to the ICC Los Angeles Chapter Structural Code Committee showing that stapled wood structural shear panels do not exhibit the same behavior as nailed wood structural shear panels. The test results of stapled wood structural shear panels demonstrated much lower strength and drift than nailed wood structural shear panel test results. Therefore, the use of staples as fasteners to resist or transfer seismic forces shall not be permitted without being substantiated by cyclic testing. This amendment is a continuation of a similar amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.</p>
2304.12.5	Climatic Geological	<p>No substantiating data has been provided to show that wood used in retaining or crib walls is effective in supporting buildings and structures during a seismic event while being subject to deterioration caused by the combined detrimental effect of constant moisture in the soil and wood-destroying organisms. Wood used in retaining or crib walls, when it is not properly treated and protected against deterioration, has performed very poorly. Most contractors are typically accustomed to construction in dry and temperate weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. The proposed amendment takes the necessary precautionary steps to reduce or eliminate potential problems that may result by using wood in retaining or crib walls that experience relatively rapid decay due to the fact that the region does not experience temperatures cold enough to destroy or retard the growth and proliferation of wood-destroying organisms. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the local climate and the increased risk of significant earthquakes in the County.</p>
2305.4	Geological	The overdriving of nails into the structural wood panels still remains a

Code Section	Condition	Explanation of Amendment
		<p>concern when pneumatic nail guns are used for wood structural panel shear wall nailing. Box nails were observed to cause massive and multiple failures of the typical 3/8-inch thick plywood during the 1994 Northridge Earthquake. The use of clipped head nails continues to be restricted from use in wood structural panel shear walls where the minimum nail head size must be maintained in order to minimize nails from pulling through sheathing materials. Clipped or mechanically driven nails used in wood structural panel shear wall construction were found to perform much worse in previous wood structural panel shear wall testing done at the University of California Irvine. The existing test results indicated that, under cyclic loading, the wood structural panel shear walls were less energy absorbent and less ductile. The panels reached ultimate load capacity and failed at substantially less lateral deflection than those using same size hand-driven nails. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force that investigated the poor performance observed in 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.</p>
2305.5	Geological	<p>Many of the hold-down connectors currently in use do not have any acceptance report based on dynamic testing protocols. This amendment continues to limit the allowable capacity to 75% of the acceptance report value to provide an additional factor of safety for statically tested anchorage devices. Cyclic forces imparted on buildings and structures by seismic activity cause more damage than equivalent forces which are applied in a static manner. Steel plate washers will reduce the additional damage which can result when hold-down connectors are fastened to wood framing members. This amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force that investigated the poor performance observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.</p>
2306.2 2306.3 2307.2 2308.6.5.1 2308.6.5.2 Figure 2308.6.5.1 and Figure 2308.6.5.2	Geological	<p>The SEAOSC and the Los Angeles City Joint Task Force that investigated damage to buildings and structures during the 1994 Northridge Earthquake recommended reducing allowable shear values in wood structural panel shear walls or diaphragms that were not substantiated by cyclic testing. That recommendation was consistent with a report to the Governor from the Seismic Safety Commission of the State of California recommending that code requirements be "more thoroughly substantiated with testing." The allowable shear values for wood structural panel shear walls or diaphragms fastened with staples are based on monotonic testing and do not take into consideration that earthquake forces load shear wall or diaphragm in a repeating and fully reversible manner. In September 2007, limited cyclic testing was</p>

Code Section	Condition	Explanation of Amendment
		<p>conducted by a private engineering firm to determine if wood structural panels fastened with staples would exhibit the same behavior as wood structural panels fastened with common nails. The test result revealed that wood structural panels fastened with staples demonstrated much lower strength and stiffness than wood structural panels fastened with common nails. It was recommended that the use of staples as fasteners for wood structural panel shear walls or diaphragms not be permitted to resist seismic forces in structures assigned to Seismic Design Category D, E and F unless it can be substantiated by cyclic testing. Furthermore, the cities and unincorporated areas within the Los Angeles region have taken extra measures to maintain the structural integrity of the framing of shear walls and diaphragms designed for high levels of seismic forces by requiring wood sheathing be applied directly over the framing members and prohibiting the use of panels placed over gypsum sheathing. This amendment is intended to prevent the undesirable performance of nails when gypsum board softens due to cyclic earthquake displacements and the nail ultimately does not have any engagement in a solid material within the thickness of the gypsum board. This amendment continues the previous amendment adopted during the 2007 Code adoption cycle.</p>
2308.6.8.1	Geological	<p>With the higher seismic demand placed on buildings and structures in this region, interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. The purpose of this amendment is to limit the use of the exception to structures assigned to Seismic Design Category A, B or C where lower seismic demands are expected. Requiring interior braced walls be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.</p>
Table 2308.6.1	Geological	<p>This amendment specifies minimum sheathing thickness and nail size and spacing so as to provide a uniform standard of construction for designers and buildings to follow. This is intended to improve the performance level of buildings and structures that are subject to the higher seismic demands placed on buildings or structure in this region. This proposed amendment reflects the recommendations by the SEAOSC and the Los Angeles City Joint Task Force that investigated the performance deficiencies observed in the 1994 Northridge Earthquake. This amendment is a continuation of an amendment adopted during previous Code adoption cycles, and is necessary due to the increased risk of significant earthquakes in the County.</p>
2308.6.9	Geological	<p>Due to the high geologic activities in the Southern California area and the required higher level of performance of buildings and structures, this amendment limits the use of staple fasteners in resisting or</p>

Code Section	Condition	Explanation of Amendment
		transferring seismic forces. In September 2007, limited cyclic testing data was provided to the ICC Los Angeles Chapter Structural Code Committee showing that stapled wood structural shear panels do not exhibit the same behavior as nailed wood structural shear panels. The test results of stapled wood structural shear panels demonstrated much lower strength and drift than nailed wood structural shear panel test results. Therefore, the use of staples as fasteners to resist or transfer seismic forces shall not be permitted without being substantiated by cyclic testing. This amendment is a continuation of a similar amendment adopted during previous Code adoption cycles.
J101.1	Geological Topographical Climate	This Section is revised to include erosion and sediment control measures to address the complex and diverse set of soil types and geologic conditions that exist in the Los Angeles County region.
J101.10	Geological Topographical Climate	This section is revised to maintain safety and integrity of public or private property adjacent to grading sites.
J103.1 – J103.2 and Figure J103.2	Geological Topographical Climate	Sections revised to provide adequate control of grading operations typical to the Los Angeles County region due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the Los Angeles County region.
J104.2.1 – J104.4	Geological Topographical Climate	Sections revised or added to provide adequate control of grading operations typical to the Los Angeles County region due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the Los Angeles County region.
J105.1- J105.14	Geological Topographical Climate	Sections revised or added to provide adequate control of grading operations typical to the Los Angeles County region due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the Los Angeles County region.
J106.1	Geological Topographical Climate	Section revised to require more stringent cut slope ratios to address the complex and diverse set of soil types and geologic conditions that exist in the Los Angeles County region.
J107.1- J107.7	Geological Topographical Climate	Sections revised to provide more stringent fill requirements for slope stability, and settlement due to the complex and diverse set of soil types, climates, and geologic conditions which exist in the Los Angeles County region.
J107.8 – J107.9	Geological Topographical Climate	Sections revised to provide more stringent inspection and testing requirements for fill slope stability due to the complex and diverse set of soil types, climates, and geologic conditions which exist in the Los Angeles County region.
J108.1 – J108.4	Geological Topographical Climate	Sections revised to provide more stringent slope setback requirements to address the complex and diverse set of soil types, climates, and geologic conditions which exist in the Los Angeles County region.
J109.1 – J109.3	Geological Topographical Climate	Sections revised to provide more stringent drainage and terracing requirements to address the complex and diverse set of soil types, climates, and geologic conditions which exist in the Los Angeles County region.
J109.5	Geological Topographical	Subsection added to provide for adequate outlet of drainage flows due to the diverse set of soil types, climates, and geologic conditions which

Code Section	Condition	Explanation of Amendment
	Climate	exist in the Los Angeles County region.
J110.1 - J110.8.5	Geological Topographical Climate	Sections revised or added to provide for State requirements of storm water pollution prevention and more stringent slope planting, and slope stability requirements to control erosion due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the Los Angeles County region.
J111	Geological Topographical Climate	Section revised to reference additional standards for soils testing due to the complex and diverse set of soil types, climates, and geologic conditions that exist in the Los Angeles County region.

GREEN BUILDING STANDARDS CODE AMENDMENTS		
CODE SECTION	CONDITION	EXPLANATION
301.1, 301.1.1	Climatic and Topographic	Environmental resources in the County of Los Angeles are scarce due to varying, and occasionally immoderate, temperatures and weather conditions. Expanding the scope of the mandatory requirements of this Code for all residential additions and alterations, and for residential buildings of seven stories or greater in height, will achieve a greater reduction in greenhouse gases, higher efficiencies of energy, water, and material usage and improved environmental air quality.
301.3, 301.3.3	Climatic and Topographic	Environmental resources in the County of Los Angeles are scarce due to varying, and occasionally immoderate, temperatures and weather conditions. Expanding the scope of the mandatory requirements of this Code for nonresidential buildings and residential buildings of seven stories or greater in height that are greater than or equal to 25,000 square feet in floor area will achieve a greater reduction in greenhouse gases, higher efficiencies of energy, water, and material usage and improved environmental air quality.
4.106.5	Climatic and Topographic	The County of Los Angeles is a densely populated area having residential buildings constructed within a region where water is scarce and maintaining storm water runoff quality is required. The proposed low impact development measures will allow greater conservation of rain water, increase in groundwater recharge, reduction of storm water runoff, and improvement in storm water runoff quality.
5.106.2	Climatic and Topographic	The County of Los Angeles is a densely populated area having buildings constructed within a region where water is scarce and maintaining storm water runoff quality is required. The proposed low-impact development measures will allow greater conservation of rain water, increase in groundwater recharge, reduction of storm water runoff and improvement in storm water runoff quality.
Appendix A5, A5.601.1	Climatic and Topographic	Environmental resources in the County of Los Angeles are scarce due to varying, and occasionally immoderate, temperatures and weather conditions. Expanding the scope of the mandatory requirements of this Code for nonresidential buildings and residential buildings of seven stories or greater in height that are greater than or equal to 25,000 square feet in floor area will achieve a greater reduction in greenhouse gases, higher efficiencies of energy, water, and material usage and improved environmental air quality.

ELECTRICAL CODE AMENDMENTS

Code Section	Condition	Explanation of Amendment
690.19	Geological	Emergency situations caused by seismic events may require the disconnection of electrical power in a building. Presently, the CEC does not require a disconnecting means for conductors for multi-arrayed solar photovoltaic systems.

PLUMBING CODE AMENDMENTS

Code Section	Condition	Explanation of Amendment
721.3	Geological Topographical	To allow for the proper operation of existing Los Angeles County sewer infrastructure and establish consistency with Title 20 – Utilities of the Los Angeles County Code, Division 2 (Sanitary Sewers and Industrial Waste) due to local soil conditions and topography.
728.1 to 728.6	Geological Topographical	To allow for the proper operation of existing Los Angeles County sewer infrastructure and establish consistency with Title 20 – Utilities of the Los Angeles County Code, Division 2 (Sanitary Sewers and Industrial Waste) due to local soil conditions and topography.
Table H 1.7	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Table H 2.1(1)	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.
Table H 2.1(2)	Geological, Topographical	To establish consistency with requirements of the County Health Department for sewer capacity and sewage treatment due to local soil conditions.
Table H 2.1(3)	Geological, Topographical	To establish consistency with requirements of the County Health Department for sewer capacity and sewage treatment due to local soil conditions.

PLUMBING CODE AMENDMENTS		
Code Section	Condition	Explanation of Amendment
Section H 3.1	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 4.3	Geological, Topographical 	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 6.5	Geological, Topographical 	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 6.8	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 7.2	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section 710.9	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions.
Section H 101.12	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.
Section H 101.13	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.
Section H 501.5	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.
Section H 501.12	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.

PLUMBING CODE AMENDMENTS		
Code Section	Condition	Explanation of Amendment
Section H 1301.0	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.
Table H 201.1(1)	Geological, Topographical	To establish more restrictive requirements for protection of local groundwater due to local soil conditions, sewer capacity, and sewage treatment.
Section 1501.3	Geological, Topographical	To establish more restrictive requirements for protection of public health due to local sewer capacity limitations and soil conditions with respect to wastewater treatment effectiveness.
Section 1502.1.2	Geological, Topographical	To establish more restrictive requirements for protection of public health due to local sewer capacity limitations and soil conditions with respect to wastewater treatment effectiveness.
Section 1502.1.3	Geological, Topographical	To establish more restrictive requirements for protection of public health due to local sewer capacity limitations and soil conditions with respect to wastewater treatment effectiveness.
Section 1502.13.2	Geological, Topographical	To establish more restrictive requirements to promote water conservation because of local climatic factors.
Section 1502.13.3	Geological, Topographical	To establish more restrictive requirements for protection of local surface water due to local soil, topographical, and climatic factors.

MECHANICAL CODE AMENDMENTS		
CODE SECTION	CONDITION	EXPLANATION
501.1	Climatic	Additional Health Department requirements are necessary due to local air quality concerns.
510.1.6	Geological	High geologic activities, such as seismic events, in the Southern California area necessitate this local amendment for bracing and support.
603.3.1	Geological	High geologic activities, such as seismic events, in the Southern California area necessitate this local amendment for bracing and

MECHANICAL CODE AMENDMENTS

CODE SECTION	CONDITION	EXPLANATION
		support.
1114.4	Geological	High geologic activities, such as seismic events, in the Southern California area necessitate this local amendment to reduce damage and potential for toxic refrigerant release during a seismic event caused by shifting equipment and to minimize impacts to the sewer system in such an event.

RESIDENTIAL CODE AMENDMENTS

Code Section	Condition	Explanation of Amendment
R301.1.3.2	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. After the 1994 Northridge Earthquake, the Wood Frame Construction Joint Task Force recommended that the quality of woodframe construction needed to be greatly improved. The Task Force recommended that structural plans be prepared by the engineer or architect so that plan examiners, building inspectors, contractors, and special inspectors may logically follow and construct the seismic force-resisting systems as presented in the construction documents. For buildings or structures located in Seismic Design Category D ₀ , D ₁ , D ₂ , or E that are subject to a greater level of seismic forces, the requirement to have a California licensed architect or engineer prepare the construction documents is intended to minimize or reduce structural deficiencies that may cause excessive damage or injuries in woodframe buildings. Involvement of a registered professional will minimize the occurrence of structural deficiencies such as plan and vertical irregularities, improper shear transfer of the seismic force-resisting system, missed details or connections important to the structural system, and the improper application of the prescriptive requirements of the California Residential Code.
R301.1.4	Geological Topographical	This technical amendment is for buildings constructed on hillsides. Due to the local topographical and geological conditions of the sites within the greater Los Angeles region and their susceptibility to earthquakes, this amendment is required to address and clarify special needs for buildings constructed on hillside locations. A joint Structural Engineers Association of Southern California (SEAOSC) and Los Angeles City Joint Task Force investigated the performance of hillside building failures after the Northridge Earthquake. Numerous hillside failures resulted in loss of life and millions of dollars in damage. These criteria were developed to minimize the damage to these structures and have been in use by the City and County of Los Angeles for several years.
R301.2.2.2.5	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Due to the high geologic activities in the Southern California area and the necessary higher level of performance required for buildings and structures, this local amendment limits the type of irregular conditions as specified in the

Code Section	Condition	Explanation of Amendment
		2016 California Residential Code. Such limitations are recommended to reduce structural damage in the event of an earthquake. The County of the Los Angeles and cities in this region have implemented these extra measures to maintain the structural integrity of the framing of the shear walls and all associated elements when designed for high levels of seismic loads.
R301.2.2.3.8	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Due to the high geologic activities in the Southern California area and the necessary higher level of performance required for buildings and structures, this local amendment limits the potential anchorage and supporting frame failure resulting from additional weight. There is no limitation for weight of mechanical and plumbing fixtures and equipment in the International Residential Code. Requirements from ASCE 7 and the International Building Code would permit equipment weighing up to 400 lbs. when mounted at 4 feet or less above the floor or attic level without engineering design. Where equipment exceeds this requirement, it is the intent of this amendment that a registered design professional be required to analyze if the floor support is adequate and structurally sound.
Table R302.1(2)	Climatic	This amendment will not allow unprotected openings (openings that do not resist the spread of fire) to be in the exterior wall of a residential building that is located on a property line. This amendment is necessary due to local climatic conditions. The hot, dry weather conditions of late summer in combination with the Santa Ana winds creates an extreme fire danger. Residential buildings with unprotected openings located on a property line may permit fires to spread from the inside of the building to adjacent properties and likewise from exterior properties to the interior of the building.
R337.1.1	Climatic	Extends the application of Chapter R337 to include additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
R337.1.3	Climatic	Extends the application of Chapter R337 to include additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to the increased risk of fire caused by low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
R337.1.3.1	Climatic	Extends the application of Chapter R337 to include additions, alterations, and/or relocated buildings. Many areas of the County have been designated as Fire Hazard Severity Zones due to the increased risk of fire caused by low humidity, strong winds, and dry vegetation. Additions, alterations, and/or relocated buildings have the same fire risk as new buildings.
R337.3.5.2	Climatic	Disallows the use of wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong

Code Section	Condition	Explanation of Amendment
		winds, and dry vegetation.
R337.3.5.2.2	Climatic	Disallows the use of wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation.
R337.4.3	Climatic	Disallows the use of wood-shingle/wood-shake roofs due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in High Fire Severity Zones.
R337.5.2	Climatic	Disallows the use of wood-shingle/wood-shake roofs and requires the use of Class A roof covering due to the increased risk of fire in the County caused by low humidity, strong winds, and dry vegetation in High Fire Severity Zones.
R401.1	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Wood foundations, even those that are preservative-treated, encounter a higher risk of deterioration when contacting the adjacent ground. The required seismic anchorage and transfer of lateral forces into the foundation system necessary for 2-story structures and foundation walls could become compromised at varying states of wood decay. In addition, global structure overturning moment and sliding resistance is reduced when utilizing wood foundations as opposed to conventional concrete or masonry systems. However, non-occupied, single-story storage structures pose significantly less risk to human safety and may utilize the wood foundation guidelines specified in this Chapter.
R403.1.2 R403.1.3.6 R403.1.5 Figure R403.1.5	Climatic Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. These proposed amendments require minimum reinforcement in continuous footings and stepped footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event. These amendments implement the recommendations of SEAOSC and the Los Angeles City Joint Task Force resulting from their investigation of the 1994 Northridge Earthquake. Interior walls can easily be called upon to resist over half of the seismic loading imposed on simple buildings or structures. Without a continuous foundation to support the braced wall line, seismic loads would be transferred through other elements such as non-structural concrete slab floors, wood floors, etc. Requiring interior braced walls be supported by continuous foundations is intended to reduce or eliminate the poor performance of buildings or structures.
R404.2	Climatic Geological	No substantiating data has been provided to show that wood foundations are effective in supporting structures and buildings during a seismic event while being subject to deterioration caused by the presence of water and other materials detrimental to wood foundations in the soil. Wood foundations, when they are not properly treated and protected against deterioration, have performed very poorly and have led to slope failures. Most contractors are typically accustomed to construction in dry weather in the Southern California region and are not generally familiar with the necessary precautions and treatment of wood that makes it suitable for both seismic events and wet applications. With the higher seismic demand placed on buildings and structures in this

Code Section	Condition	Explanation of Amendment
		region, coupled with the dryer weather conditions, it is the intent of this amendment to reduce or eliminate potential problems resulting from the use of wood footings and foundations.
R501.1	Geological	Due to the high geologic activities in the Southern California area and the necessary higher level of performance required for buildings and structures, this local amendment limits the potential anchorage and supporting frame failure resulting from additional weight. There is no limitation for weight of mechanical and plumbing fixtures and equipment in the International Residential Code. Requirements from ASCE 7 and the International Building Code would permit equipment weighing up to 400 lbs. when mounted at 4 feet or less above the floor or attic level without engineering design. Where equipment exceeds this requirement, it is the intent of this proposed amendment that a registered design professional be required to analyze if the floor support is adequate and structurally sound.
R503.2.4 Figure R503.2.4	Geological	Section R502.10 of the Code does not provide any prescriptive criteria to limit the maximum floor opening size nor does Section R503 provide any details to address the issue of shear transfer near larger floor openings. With the higher seismic demand placed on buildings and structures in this region, it is important to ensure that a complete load path is provided to reduce or eliminate potential damage caused by seismic forces. Requiring blocking with metal ties around larger floor openings and limiting opening size is consistent with the requirements of Section R301.2.2.2.5.
R602.3.2	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The County of the Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads by eliminating single top plate construction. The performance of modern day braced wall panel construction is directly related to an adequate load path extending from the roof diaphragm to the foundation system.
Table R602.3(1) Table R602.3(2)	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. In September 2007, limited cyclic testing data was provided to the ICC Los Angeles Chapter Structural Code Committee showing that stapled wood structural shear panels do not exhibit the same behavior as the nailed wood structural shear panels. The test results of the stapled wood structural shear panels demonstrated lower strength and drift than the nailed wood structural shear panel test results. Therefore, the use of staples as fasteners for shear walls sheathed with other materials shall not be permitted without being substantiated by cyclic testing.
Table R602.10.3(3)	Geological	Due to the high geologic activities in the Southern California area and the necessary higher level of performance on buildings and structures, this local amendment continues to reduce/eliminate the allowable shear values for shear walls sheathed with lath, plaster or gypsum board. The poor performance of such shear walls sheathed with other materials in the 1994 Northridge Earthquake was investigated by SEAOSC and the

Code Section	Condition	Explanation of Amendment
		Los Angeles City Joint Task Force. The County of the Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads.
Table R602.10.4	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. This proposed amendment specifies minimum WSP sheathing thickness and nail size and spacing so as to provide a uniform standard of construction to improve the performance level of buildings and structures given the potential for higher seismic demands placed on buildings or structure in this region. This proposed amendment reflects the recommendations by SEAOSC and the Los Angeles City Joint Task Force following the 1994 Northridge Earthquake. In September 2007, cyclic testing data was provided to the Los Angeles Chapter Structural Code Committee showing that stapled wood structural shear panels underperformed nailed wood structural shear panels. Test results of the stapled wood structural shear panels appeared much lower in strength and drift than the nailed wood structural shear panel test results.
Table R602.10.5	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The poor performance of such shear walls sheathed in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. The County of the Los Angeles and cities in this region have taken extra measures to maintain the structural integrity with respect to the "maximum shear wall aspect ratios" of the framing of the shear walls when designed for high levels of seismic loads. This proposed amendment is consistent with the shear wall aspect ratio provision of Section 4.3.4 of AWC SDPWS-2015.
Figure R602.10.6.1	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. The poor performance of shear walls in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. Box nails were observed to cause massive and multiple failures of the typical 3/8" thick 3 ply-plywood during the Northridge Earthquake. The County of the Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads. The performance of modern day braced wall panel construction is directly related to an adequate load path extending from the roof diaphragm to the foundation system.
Figure R602.10.6.2	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. The poor performance of such shear walls sheathed in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. The County of the Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads. Box nails were observed to cause massive and multiple failures of the typical 3/8-inch thick plywood during the Northridge Earthquake. The proposal to change the minimum

Code Section	Condition	Explanation of Amendment
		lap splice requirement is consistent with Section 12.16.1 of ACI 318-11. This proposed amendment is a continuation of an amendment adopted during the previous Code adoption cycles.
Figure R602.10.6.4	Geological	3/8" thick 3 ply-plywood shear walls experienced many failures during the Northridge Earthquake. The poor performance of such shear walls sheathed in the 1994 Northridge Earthquake was investigated by SEAOSC and the Los Angeles City Joint Task Force. The County of the Los Angeles and cities in this region have taken extra measures to maintain the structural integrity of the framing of the shear walls when designed for high levels of seismic loads. The proposal in which "washers shall be a minimum of 0.229 inch by 3 inches by 3 inches in size" is consistent with Section R602.11.1 of the California Residential Code and Section 2308.3.2 of the California Building Code. This proposed amendment is a continuation of an amendment adopted during the previous Code adoption cycle.
R606.4.4	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The addition of the word "or" will prevent the use of unreinforced parapets in Seismic Design Category D ₀ , D ₁ or D ₂ , or on townhouses in Seismic Design Category C.
R606.12.2.2.3	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. Reinforcement using longitudinal wires for buildings and structures located in high seismic areas are not as ductile as deformed rebar. Having vertical reinforcement closer to the ends of masonry walls help to improve the seismic performance of masonry buildings and structures.
R803.2.4	Geological	Section R802 of the Code does not provide any prescriptive criteria to limit the maximum size of roof openings, nor does Section R803 provide any details to address the issue of shear transfer near larger roof openings. With the higher seismic demand placed on buildings and structures in this region, it is important to ensure that a complete load path is provided to reduce or eliminate potential damage caused by seismic forces. Requiring blocking with metal ties around larger roof openings and limiting the size of openings is consistent with the requirements of Section R301.2.2.2.5.
R1001.3.1	Geological	Los Angeles County is prone to seismic activity due to the existence of active faults in the Southern California area. The performance of fireplaces/chimneys without anchorage to the foundation has been observed to be inadequate during major earthquakes. The lack of anchorage to the foundation results in overturn or displacement.

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **Monday, December 12, 2016 at 6:30 p.m. in the Council Chambers at Malibu City Hall**, located at 23825 Stuart Ranch Road, Malibu, California, for the item identified below:

CALIFORNIA BUILDING STANDARDS CODE

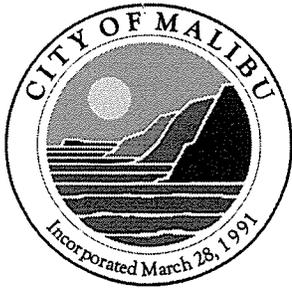
An ordinance of the City of Malibu adopting by reference Title 26 of the Los Angeles County Code, incorporating the California Building Code, 2016 Edition; Title 27 of the Los Angeles County Code, incorporating the California Electrical Code, 2016 Edition; Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2016 Edition; Title 29 of the Los Angeles County Code, incorporating the California Mechanical Code, 2016 Edition; Title 30 of the Los Angeles County Code, incorporating the California Residential Code, 2016 Edition; The California Green Building Standards Code, 2016 Edition; The California Energy Code, 2016 Edition; and Title 32 of the Los Angeles County Code, incorporating the California Fire Code, 2016 Edition; making amendments to said codes and declaring the urgency thereof.

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

If there are any questions regarding this notice, please contact Craig George, Environmental Sustainability Director, at (310) 456-2489, ext. 229. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the City Council on or before the date of the meeting.

Craig George, Environmental Sustainability Director

Publish Dates: November 24, 2016, December 1, 2016, and December 8, 2016



Council Agenda Report

To: Mayor La Monte and Honorable Members of the City Council

Prepared by: Adrian Fernandez, Senior Planner

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager 

Date prepared: November 22, 2016 Meeting date: December 12, 2016

Subject: Appeal Nos. 16-008, 16-009 and 16-010 – Regarding Wireless Telecommunications Facility No. 16-001 (29970.5 Harvester Road; Appellants: Dana Christiaansen, Robert LaMasney and Robert Kirk Odian; Applicant: Crown Castle NG West, Inc.)

RECOMMENDED ACTION: Adopt Resolution No. 16-51 (Attachment A) denying Appeal Nos. 16-008, 16-009 and 16-010, determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 to allow the collocation of a new wireless telecommunications facility at an existing Sprint PCS facility, including a new antenna attached to an existing 34-foot tall utility pole at a height of 38 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road (Crown Castle NG West, Inc.).

FISCAL IMPACT: The project is being undertaken by a private party and will have no significant fiscal impact on the City.

DISCUSSION: The matter is the three appeals (Appeal Nos. 16-008, 16-009 and 16-010 – Attachments B, C and D) of the Planning Commission's approval of a new wireless telecommunications facility located in the public right-of-way at 29970.5 Harvester Road. The related Planning Commission agenda report can be found on the City's website.¹

¹ October 17, 2016 Supplemental Planning Agenda Report
<http://www.malibucity.org/AgendaCenter/ViewFile/Item/2384?fileID=2855>

Three appeals were filed by Dana Christiaansen, resident at 5810 Filaree Heights Avenue, Robert LaMasney, resident at 30014 Harvester Road and Robert Kirk Odian, resident at 29979 Harvester Road. Mr. Christiaansen's residence is located immediately to the south of the project site, Mr. LaMasney's residence is located immediately across Filaree Heights to the west of the project site and Mr. Odian's residence is located immediately across the Harvester Road to the north of the project site. The main issues raised in the appeal relate to the project's consistency with the Spectrum Act, 47 United States Code § 1455 (also known as "Section 6409").

On June 8, 2015, the City Council reviewed in a public hearing an appeal of an application to install a similar antenna at this location. The Council upheld the appeal and denied the application. In response, the applicant submitted a complaint in federal court against the City and has entered into a conditional settlement with the City to resolve the matter. The conditional settlement provided a limited time for the applicant to revise its project to comply with Section 6409, submit the subject application and for the City to review the application for consistency with Section 6409. If the City approves the application, the applicant will dismiss the lawsuit against the City.

In contrast to the application reviewed on June 8, 2015, the instant application constitutes an "eligible facilities request" (EFR) pursuant to Section 6409 of the Spectrum Act. As described below, and in the Supplemental Commission Agenda Report provided to the Planning Commission on this item, the City does not have discretion to deny an EFR so long as the project meets the criteria for an EFR under Section 6409. In their appeals, appellants primarily challenge the Planning Commission's finding that the project qualifies as an EFR.

After careful examination of the appeals and the evidence in the record, staff has found that the proposed project qualifies as an EFR under Section 6409 and all of the required findings for approval of the project are supported by substantial evidence in the record. Accordingly, as the City does not have discretion to deny a project that qualifies as an EFR under Section 6409, staff recommends that the City Council deny the appeals and approve the proposed project.

Project Description

Crown Castle submitted the subject application to provide wireless coverage for T-Mobile subscribers. The proposed project includes the installation of a new antenna attached to the top of an existing utility pole and support equipment in a new underground vault in the public right-of-way. The proposed scope of work includes:

- Installation of a new 2-foot tall by 7.5-inch diameter omnidirectional antenna attached to a pole extension at the top of an existing 34-foot tall utility pole at a height of 38 feet, 8 inches; and
- Installation of electrical support equipment in a new underground vault. The vault consists of a 3 foot, 9 inch wide by 5 foot, 9 inch long by 3 foot deep structure fully below existing grade, except for two vents with a maximum height of 2 feet, 6 inches and with a diameter of 1 foot.

A complete chronology of the project can be found in Resolution No. 16-51. A project background and CEQA analysis can be found in the Supplemental Commission Agenda Report.

ITEMS ON APPEAL TO THE CITY COUNCIL: The subject appeals state that the findings set forth in Planning Commission Resolution No. 16-59 are not supported by the evidence in the record and that the decision was contrary to law. In the appeal letters submitted November 8, 2016, the appellants outline the bases for the appeal, each of which is summarized below in *italics*. Each appeal basis is followed by a staff response in straight type. The full text of the appeal documents can be found in Attachments B, C and D.

Appeal Basis No. 1

The proposed project does not meet the criteria for collocation.

Staff Response to Appeal Basis No. 1

This basis for the appeal essentially alleges that the proposed project does not qualify as an EFR (i.e., a collocation or modification to an existing wireless tower or base station). Staff has previously concluded that this project does meet the criteria for an EFR, and provides the following detailed analysis in response.

Under the Federal Communications Commission (FCC)'s regulations, "collocation" means "mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes." 47 Code of Federal Regulations (C.F.R.) § 1.40001(b)(2). An "eligible support structure" means "any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under Section § 1.40001]." *Id.* at § 1.40001(b)(4). A "tower" means "any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities," whereas a "base station" means "any structure other than a tower that, at the time the relevant application is filed

with the State or local government under this section, supports or houses [transmission equipment].” See *id.* at §§ 1.40001(b)(1), (b)(9).

Here, the proposed facility qualifies as a collocation under Section 6409 because it involves new wireless transmission equipment to be installed on a utility pole that already supports wireless transmission equipment. The utility pole constitutes a base station because it is a non-tower structure that currently supports previously approved wireless transmission equipment. The base station “exists” because the City approved the Sprint PCS facility in Planning Manager Resolution No. 03-14. Therefore, the proposed project meets the definition of collocation.

Appeal Basis No. 2

The proposed project would substantially change the physical dimensions of an eligible support structure for the following reasons:

- A. It increases the height of the structure more than 10 percent or more than 10 feet, whichever is greater as measured from the dimensions of the base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.*
- B. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.*
- C. It involves installation of new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.*
- D. It entails excavation or deployment outside the current site. The project adds an underground vault outside of the current site that would require excavation.*
- E. It would defeat the concealment elements of the eligible support structure. The project would double the base stations size defeating the concealment elements in place.*
- F. It does not comply with conditions associated with the siting approval of the construction or modification of the base station equipment (excluding non-compliance only in a manner that would not exceed the allowed thresholds identified in the FCC rules).*

Staff Response to Appeal Basis No. 2

These challenges seek to demonstrate the proposed project does not qualify for mandatory approval, even if it qualifies as an EFR, because it will result in a “substantial change” as defined by the FCC. A full description of the Spectrum Act and a Spectrum Act compliance analysis

were provided in the October 17, 2016 Supplemental Commission Agenda Report. The analysis concludes that the proposed facility must be approved because it meets the conditions of an EFR under the Spectrum Act.

Staff, with the assistance of legal counsel, has provided the Council with an expanded, point-by-point substantial-change analysis based on the information in the application:

- A. The proposed project will not exceed the overall height limit. Section 6409 authorizes applicants to increase the overall height of an eligible support structure in the public right-of-way 10 feet or 10 percent (whichever is greater). See 47 C.F.R. § 1.40001(b)(7)(i). When the deployments will be vertically separated, changes in height must be measured from the height of the support structure that existed on February 22, 2012 (the date Congress enacted the Spectrum Act). See *id.* at § 1.40001(b)(7)(i)(A).

Here, the proposed collocation does not violate the per-modification or the maximum height limit under the Spectrum Act. Crown Castle proposes to increase the overall height approximately 4 feet, 8 inches (5 feet, 4 inches less than then maximum per-modification limit). Given that the subject utility pole was approximately 28 feet, 8 inches in overall height at the time the Spectrum Act was adopted, the maximum overall height permitted under the Spectrum Act is 38 feet, 8 inches, which is the same height proposed by Crown Castle. Accordingly, the proposed project will not violate the overall height threshold under the Spectrum Act.

- B. An increase in width causes a substantial change to a public right-of-way facility when it adds an appurtenance that protrudes more than six feet from the support structure. 47 C.F.R. § 1.40001(b)(7)(ii); see also *FCC Infrastructure Order* at ¶ 194. This threshold concerns additions such as new cross arms or other equipment that protrude from the pole. Unlike height increases, no cumulative limit applies to width increases. See *FCC Infrastructure Order* at ¶ 194.

Here, the proposed collocation will not exceed the threshold for width increases because no “appurtenance” would “protrude more than six feet from the support structure.” See 47 C.F.R. § 1.40001(b)(7)(ii). The cross-arm and antenna appurtenant to the utility pole will extend approximately four feet from the support structure.

Although the appellants argued at the Planning Commission that the underground vault will be more than six feet from the utility pole, and although the underground conduit that connects the pole to the equipment vault may be said to be “appurtenant” to the support structure insofar as it physically touches the pole, the rule in § 1.40001(b)(7)(ii) concerns objects like mounting arms, brackets and other equipment that protrudes from the pole. See *FCC Infrastructure Order* at ¶ 194 (finding that “that allowing for width increases up to six feet will promote the deployment of small facility deployments by accommodating installation of the mounting brackets/arms often used to deploy such facilities on non-tower structures, and that it is consistent with small facility deployments that municipalities have approved on such structures”). Indeed, the appellants’ proposed interpretation would conflict with the FCC’s other rules specifically intended to cover subterranean conduits and other equipment deployed on or under the ground. See 47 C.F.R. §§ 1.40001(b)(7)(iv).

- C. A collocation or modification causes a substantial change when it adds (1) more than the standard number of equipment cabinets for the technology involved (not to exceed four), (2) any new equipment cabinets when no ground-mounted equipment cabinets exist at the current structure or (3) additional ground cabinets more than 10 percent taller or more voluminous than any current ground cabinets. See 47 C.F.R. § 1.40001(b)(7)(iii). Although the rules distinguish between ground-mounted cabinets and all other cabinets, the FCC does not define an “equipment cabinet.”

Here, the proposed collocation will not exceed the cabinet thresholds because Crown Castle proposes only one new equipment cabinet in an underground vault at a site that already hosts an underground vault. Moreover, the vaults are approximately the same size. Accordingly, the proposed collocation complies with all the various limitations on new cabinets applicable to utility poles with existing equipment mounted at ground level.

- D. A collocation or modification causes a substantial change to a ROW facility when it involves excavation or deployments outside the “site” or “area in proximity to the structure and to other transmission equipment already deployed on the ground.” See 47 C.F.R. §§ 1.40001(b)(7)(iv), (b)(6); see also *FCC Infrastructure Order* at ¶ 198–99. The FCC defines “site” as the leased or owned areas and

associated easements for access and utilities, but does not define “proximity” for this purpose. See 47 C.F.R. § 1.40001(b)(6).

Here, the proposed collocation does not violate the threshold for excavation or deployment outside the site because all such activities will take place in close proximity to the existing equipment already deployed on or under the ground. The new vault will be approximately 10 feet, 6 inches from the nearest existing equipment on the ground in the same planter area.

Although the FCC does not explicitly define the term “proximity” for purposes of this analysis, Merriam-Webster’s Dictionary defines the term as “the state of being near.” Staff and legal counsel agree that it would be an unreasonable stretch to construe two vaults less than 11 feet apart in the same planter as not “near” one another. However, to the extent that the City Council determines that this separation approaches the outermost limit that could reasonably be described as “near,” the City Council may wish to articulate that this is the maximum distance it would find constitutes “proximity” to avoid further enlargement of the definition in future projects. The City Council may also wish to cabin the 10-foot, six-inch separation to this specific case and base its finding on the particular facts and circumstances presented in this project (i.e., that all the elements will be confined to the same landscaped planter and the deployments will be largely underground).

- E. A collocation or modification causes a substantial change when it would “defeat the concealment elements of the support structure.” 47 C.F.R. § 1.40001(b)(7)(v). Although the FCC does not provide much guidance on what change might “defeat” a concealment element, the regulations suggest that the applicant must do at least as much to conceal the new equipment as it did to conceal the originally-approved equipment. See *FCC Infrastructure Order* at ¶ 200.

Here, the proposed collocation will not defeat the concealment elements of the support structure because Crown Castle proposes to do as much to conceal the equipment as was done to conceal the existing Sprint PCS equipment. Just as the City originally found in Planning Manager Resolution No. 03-14 that installation of the Sprint PCS antenna on existing utility pole rather than a new freestanding pole mitigated aesthetic impacts, Crown Castle also proposes to use an existing support structure rather than a new pole. Whereas the

original Crown Castle application involved a pole-mounted equipment cabinet, Crown Castle now proposes to conceal that cabinet in an underground vault just like the City required for the existing Sprint PCS site. The only pole-mounted equipment for both Sprint PCS and Crown Castle will be the antennas and low-volt electrical converter boxes.

Although Crown Castle has agreed in discussions with Staff and legal counsel to paint the pole-mounted equipment and replace any displaced landscaping to the extent feasible, these do not readily appear on the project plans dated October 10, 2016. Given that these were conditions attached to the original Sprint PCS site in Resolution No. 03-14 (Condition Nos. 8 and 10), these also apply with equal force to Crown Castle's proposal. Accordingly, staff recommends that the City Council specifically incorporate these concealment conditions into an approval for the proposed collocation.

- F. Lastly, a collocation or modification causes a substantial change when it would violate a prior condition attached to the original site approval, so long as the condition does not conflict with the thresholds for a substantial change in height, width, excavation or equipment cabinets (but not concealment). See 47 C.F.R. § 1.40001(b)(7)(vi); see also *FCC Infrastructure Order* at ¶ 200.

Here, Resolution No. 03-14 contains the conditions of approval associated with the original Sprint PCS site. Staff and legal counsel have reviewed these conditions and found that none of the existing conditions conflict with the FCC's thresholds for increases in height, width, excavation or equipment cabinets, and the proposed collocation would not violate any prior conditions.

As demonstrated above, the proposed project will not result in a substantial change as defined by the FCC. Accordingly, Staff recommends that the City Council reject Appeal Basis No. 2.

Appeal Basis No. 3

The project does not comply with applicable laws related to public health and safety.

Staff Response to Appeal Basis No. 3

The proposed project is in compliance with vertical spacing requirements of the Southern California Edison and California Public Utility Code Rule

94 in California Public Utilities Commission General Order 95. The proposed project also complies with maximum permitted exposure limits promulgated by the FCC. The applicant provided a pole wind-loading capacity report which indicates that the pole with the proposed antenna will have a maximum capacity of 77.2 percent, which is less than the maximum 100 percent threshold. Therefore, the project is in compliance with all applicable laws related to public health and safety. Further, the City does not have discretion to consider the health effects of radio frequency emissions from the antenna; so long as it meets federal requirements, the City does not have discretion to deny an EFR on such a basis.

PUBLIC CORRESPONDENCE: On November 22, 2016, staff received an e-mail in support of the project from Mr. Terry Lucoff. Mr. Lucoff expressed the need for cell phone coverage for emergency purposes and into a neighborhood with currently poor coverage. Mr. Lucoff's e-mail is herein included as Attachment E.

SUMMARY: Based on staff's analysis and as described above and in the Supplemental Planning Commission Report, the proposed facility qualifies as an EFR under Section 6409, will not result in a substantial change and meets all of the design and location criteria contained in the City's Wireless Telecommunication Facility regulations. As such, staff is recommending that the City Council adopt Resolution No. 16-51 denying the appeals and approving Wireless Telecommunication Facility No. 16-001 and Site Plan Review No. 16-026 to allow the installation of a new wireless telecommunications facility, including a new antenna attached to a pole extension at the top of an existing utility pole and associated electrical support equipment in a new underground vault, located in the public right-of-way at 29970.5 Harvester Road.

PUBLIC NOTICE: On November 17, 2016, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a Notice of City Council Public Hearing was mailed to the owners and occupants within a 500-foot radius of the project site pursuant to Section 17.04.180 of the Malibu Municipal Code (Attachment F).

ATTACHMENTS:

- A. Resolution No. 16-51
- B. Appeal No. 16-008
- C. Appeal No. 16-009
- D. Appeal No. 16-010
- E. Correspondence from Mr. Terry Lucoff
- F. Notice of City Council Public Hearing

All reports and documents referenced, and not attached to the agenda report, are available by contacting the City of Malibu Planning Department at 310-456-2489, extension 245.

RESOLUTION NO. 16-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DENYING APPEAL NOS. 16-008, 16-009 AND 16-010, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING WIRELESS TELECOMMUNICATIONS FACILITY NO. 16-001 AND SITE PLAN REVIEW NO. 16-026 TO ALLOW THE COLLOCATION OF A NEW WIRELESS TELECOMMUNICATIONS FACILITY AT AN EXISTING SPRINT PCS FACILITY, INCLUDING A NEW ANTENNA ATTACHED TO AN EXISTING 34-FOOT TALL UTILITY POLE AT A HEIGHT OF 38 FEET, 8 INCHES AND ELECTRICAL SUPPORT EQUIPMENT IN A NEW UNDERGROUND VAULT WITH TWO ABOVE GROUND VENTS, LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 29970.5 HARVESTER ROAD (CROWN CASTLE NG WEST, INC.)

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

SECTION 1. Recitals.

A. On July 13, 2015, the City Council adopted Resolution No.15-21, upholding Appeal No. 14-008 and denying Wireless Telecommunications Facility (WTF) No. 13-007 and Site Plan Review (SPR) No. 13-035 for an installation of a new antenna and electrical support equipment attached to an existing utility pole.

B. During the ensuing months, the applicant has been in litigation with the City. As part of a conditional settlement agreement, the applicant agreed to submit a new application.

C. On May 5, 2016, a new application for WTF No. 16-001 and SPR No. 16-026 was submitted by the applicant, Carver Chiu of Crown Castle NG West, Inc., on behalf of the carrier T-Mobile for installation of a new antenna attached to an existing utility pole and electrical support equipment in a new underground vault.

D. On May 26, 2016, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the project site and to all interested parties.

E. On June 1, 2016, the application was deemed complete.

F. On June 20, 2016, the Planning Commission continued the item to the July 18, 2016 Regular Planning Commission meeting to allow the applicant additional time to resolve potential Southern California Edison (SCE) siting clearances between the proposed antenna and existing pole cables.

G. On July 18, 2016, the Planning Commission continued the item to the August 15, 2016 Regular Planning Commission meeting.

H. On August 15, 2016, the Planning Commission continued the item to the September 6, 2016 Regular Planning Commission meeting.

I. On September 6, 2016, the Planning Commission continued the item to the September 19, 2016 Regular Planning Commission meeting.

J. On September 19, 2016, the Planning Commission continued the item to the October 17, 2016 Regular Planning Commission meeting.

K. On October 17, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

L. On October 27, 2016, Appeal Nos. 16-008, 16-009 and 16-010 of the Planning Commission's decision to approve the proposed project were timely filed by Dana Christiaansen, Robert LaMasney and Robert Kirk Odian, respectively.

M. On November 8, 2016, the appeals were deemed complete by staff.

N. On November 17, 2016, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

O. On December 12, 2016, the City Council held a duly noticed public hearing on the subject appeals, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Appeal of Action.

The main issues raised in the appeals relate to the project's consistency with the Spectrum Act, Section 6409. The appellants allege that the Planning Commission's determination that the proposed project qualifies as an eligible facilities request ("EFR") for the purposes of meeting the Spectrum Act, 47 United States Code (U.S.C.) § 1455 (also known as "Section 6409").

SECTION 3. Findings for Denial of Appeals.

Based on evidence in the record and in the Council Agenda Report for the proposed project, the City Council hereby makes the following findings:

1. The proposed project meets the criteria of an EFR under the Spectrum Act, Section 6409, because it meets the criteria for collocation and does not substantially change the physical dimensions of the tower or base station. 47 U.S.C. § 1455(a).

2. Projects covered under 47 U.S.C. § 1455(a) must be compliant with all generally applicable laws related to public health and safety. The City Council finds that both California Public Utilities Commission General Order 95 and Malibu Municipal Code (MMC) Chapter 8.24 contain generally applicable rules related to public health and safety. Accordingly, the City Council conditions its approval on the applicant's demonstration to the City Public Works Department that the project will be compliant with all generally applicable laws, regulations and other rules related to public health and safety, including without limitation all applicable provisions in California Public

Utilities Commission General Order 95 and MMC Chapter 8.24, and the applicant may not commence construction until and unless the City Public Works Department is satisfied that the project will be compliant.

SECTION 4. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council has analyzed the proposal as described above. The City Council found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(d) - new construction of small structures. The City Council has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 5. Wireless Telecommunications Facility Permit Findings.

Based on substantial evidence contained within the record and the findings relating to the grounds of Appeal Nos. 16-008, 16-009 and 16-010 set forth in Section 3 of this Resolution, pursuant to MMC Chapter 17.46, the City Council approves Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 for the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 38 feet, 8 inches and electrical support equipment mounted to the pole, located in the public right-of-way at 29970.5 Harvester Road, subject to the conditions in Section 7 of this Resolution.

The proposed project has been reviewed and approved by the Planning Department. The project is consistent with all applicable MMC codes, standards, goals and policies. The City Council hereby makes the following findings of fact as required by the MMC.

General Requirements (MMC Section 17.46.060)

Consistent with MMC Sections 17.46.60(B), (C) and (K), the proposed wireless telecommunications facility complies with maximum permitted exposure limits promulgated by the Federal Communications Commission (FCC). In accordance with MMC Sections 17.46.60(H), (I), (K) and (O), the antenna is mounted on an existing utility pole, collocated with Sprint PCS, and the equipment will be placed in a new underground vault.

Pursuant to the Spectrum Act, Section 6409, the City may not deny a collocation request for a modification of an existing wireless tower or base station due to the antenna's height when the overall height increase does not exceed 10 feet. The original pole height was 28 feet, 8 inches in height, and has since been replaced by SCE with a new pole that is approximately five feet higher as measured above the ground. The new antenna will be mounted atop the existing pole on a pole top extension and is subject to a maximum height of 38 feet, 8 inches to qualify as a less than substantial modification. Although the new antenna will exceed the height of the existing utility pole, which is in conflict with MMC Section 17.46.060(J), a variance is not required because the City is preempted by federal law and does not have discretion to bar a wireless facility request that qualifies as an eligible facility request.

Most Restrictive Design Criteria (MMC Section 17.46.070)

Pursuant to MMC Sections 17.46.070(C), (D) and (J), wireless telecommunications facilities are required to be designed to minimize visual impacts to the greatest extent feasible by means of placement, screening, camouflaging, painting and texture. The proposed antenna is sited and mounted in conformance with MMC Sections 17.46.110 and 17.46.120 which encourage the use of existing utility poles and collocation. Consistent with these requirements, the proposed antenna, is conditioned to be painted brown to match the color of the existing utility pole and the latch and vents of the underground vault a dark green to match surrounding landscaping. The permittee is also conditioned to replace any shrubs or bushes displaced by the proposed project around the proposed underground vault to maintain the concealment provided by the existing landscaping for the above-ground vents.

Site Plan Review for erecting a wireless telecommunications in the public right-of-way [MMC Section 17.62.040(D)]

SPR No. 16-026 will allow the installation of a wireless telecommunications facility in the public right-of-way. Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for erecting a wireless telecommunications facility in the public right-of-way. The City Council hereby makes the required findings as indicated below:

1. Evidence in the record demonstrates that the proposed project is compatible in size, bulk, and height to other development in the adjacent area.
2. Evidence in the record demonstrates that the proposed project will not have a significant adverse impact on natural resources.
3. Evidence in the record demonstrates that the proposed project is not anticipated to obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from main viewing area of the surrounding residences.
4. The new antenna and electrical support equipment will cast a negligible shadow; therefore, less than significant adverse effects related to solar access are expected.
5. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan and Local Coastal Program. Wireless telecommunications facilities are permitted in the public right-of-way with a site plan review, provided such facilities comply with the general requirements set forth in MMC Section 17.46.060 and the most restrictive design standards set forth in MMC Section 17.46.070. Subject to the conditions of approval, the proposed project complies with these standards.
6. The proposed project will comply with all applicable requirements of State and local law as required under MMC Section 17.46.060, including but not limited to, provisions of the Uniform Building Code, National Electrical Code, and Uniform Fire Code. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC and California Public Utilities Commission.

SECTION 6. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby denies Appeal Nos. 16-008, 16-009 and 16-010 and approves WTF No. 16-001 and SPR No. 16-026, subject to the conditions set forth herein.

SECTION 7. Conditions of Approval.

1. The applicant, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. Approval of this application is to allow the project as follows:
 - a. Installation of a new 2 foot tall by 7.5 inch diameter omnidirectional antenna attached to a pole extension at the top to an existing 34-foot tall utility pole at a height of 38 feet, 8 inches; and
 - b. Installation of electrical support equipment in a new underground vault. The vault consists of 3 foot, 9 inch wide by 5 feet, 9 inch long 3 feet deep structure fully below existing grade, except for two vents with a maximum height of 2 feet, 6 inches and with a diameter of 1 foot.

Subsequent submittals for this project shall be in substantial compliance with the plans date-stamped received by the Planning Department on **October 10, 2016**. The project shall comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence and revised plans shall be submitted and approved by the Planning Director prior to the Environmental Sustainability Department for plan check.

3. The permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of building permits.
4. The applicant shall submit three complete sets of plans, including the items requested in Condition No. 5, to the Planning Department for consistency review and approval prior to the issuance of any development permit.
5. This resolution (including the signed and notarized Acceptance of Conditions Affidavit) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department and the City Public Works Department for an encroachment permit.

6. The approved wireless telecommunications facility and site plan review shall expire three years from the date of approval, **December 12, 2019**, unless a time extension has been granted. If no building permit is required, the wireless telecommunications antennas and facilities permit approval shall expire after three years from the date of final planning approval if installation is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.
7. The Planning Director may grant up to four one-year extensions of a wireless telecommunication facility and site plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance under which the wireless telecommunications antennas and facilities permit approval was issued, have not significantly changed.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All structures shall conform to the requirements of the Environmental Sustainability Department, City Public Works Department, FCC and Los Angeles County Fire Department requirements, as applicable. Notwithstanding this review, all required permits, including but not limited to an encroachment permit from the City Public Works Department, shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC. An application with all required materials and fees shall be required.

Cultural Resources

11. In the event that potentially important cultural resources are found in the course of geologic testing, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).
12. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Wireless Telecommunications Antennas and Facilities Conditions

13. All antennas shall meet the minimum sitting distances to habitable structures required for compliance with the FCC regulations and standards governing the environmental effects of radio frequency emissions. Permittee shall keep up-to-date on current information from the FCC in regards to maximum permissible radio frequency exposure levels. In the event that the FCC changes its guidelines for human exposure to radio frequency, permittee shall, within 30 days after any such change, submit to the Planning Director a report prepared by a qualified engineer that demonstrates actual compliance with such changed guidelines. The Director may, at permittee's sole cost, retain an independent consultant to evaluate the compliance report and any potential modifications to the permit necessary to conform to the FCC's guidelines. Failure to submit the compliance report required under this condition, or failure to maintain compliance with the FCC's guidelines for human exposure to radio frequency at all times shall constitute grounds for permit revocation.
14. All antennas shall be located so that any person walking adjacent to the transmitting surface of the antennas will be walking on a grade, which is a minimum of eight and one-half feet below the transmitting surface.
15. All antennas, equipment, and support structures shall be designed to prevent unauthorized climbing.
16. The wireless telecommunication facility shall be erected, operated, and maintained in compliance with the general requirements set forth in MMC Section 17.46.060 and most restrictive design criteria set forth in MMC Section 17.46.070.
17. The antenna and electrical support equipment shall, at all times, be operated in a manner that conforms to the applicable federal health and safety standards.
18. The proposed wireless telecommunications facility shall not emit a noise greater than fifty (50) decibels (dB) as measured from the base of the facility.
19. The collocation of wireless telecommunication facilities, pursuant to MMC Section 17.46.090, shall be required whenever feasible.
20. The installation of an onsite generator and or other equipment is prohibited. The Planning Director's approval is required if a generator is to be placed onsite for temporary or permanent use.
21. An operation technician is required to conduct regular quarterly maintenance visits to verify that the wireless telecommunication facility remains in compliance with the conditions of approval and safety requirements.
22. All pole mounted equipment associated with the application shall be located no lower than eight feet above grade or ground level on the utility pole.

Construction

23. Installation hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No installation activities shall be permitted on Sundays and City-designated holidays. The restricted work hours described in this condition do not apply to emergency maintenance necessary to protect health or property. The City of Malibu may issue a Stop Work Order if permittee violates this condition.

Site Specific Conditions

24. The proposed antenna, and all other visible pole-mounted related materials and cables shall be painted a dark brown color to match the existing wood utility pole and the above-ground vents and hatch for underground vault shall be painted a dark green color to blend as much as possible with the surrounding vegetation. Colors and materials for the facility shall be non-reflective and chosen to minimize visual impact to the greatest extent feasible.
25. All improvements, including foundations, and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation conditions within 90 days of cessation of operation or abandonment of the facility.
26. Build-Out Conditions.
- a. Permittee shall not commence any excavation, construction, installation or other work on the project site until and unless it demonstrates to the City Public Works Department that the project complies with all generally applicable laws, regulations and other rules related to public health and safety, including without limitation all applicable provisions in California Public Utilities Commission General Order 95 and MMC Chapter 8.24.
 - b. To the extent that the pole owner requires higher or more restrictive standards than contained in California Public Utilities Commission General Order 95, those standards shall control.
27. Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.
28. The permittee shall cooperate with all inspections. The City and its designees reserves the right to support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
29. Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Planning Department at the time of permit issuance and within one business day of permittee's receipt of City staff's written request.
30. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.

31. The site and the facility must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.
32. Permittee shall promptly remove any graffiti on the wireless facility at permittee's sole expense within 48 hours after notice.
33. The permittee shall replace any landscaping (other than groundcover displaced by the vault and its vent stacks) around the proposed underground vault that may be removed as a result of the proposed construction and shall make a good faith effort to replace any shrubs or bushes displaced by the installation of the vault and its vent stacks to maintain the concealment provided by the existing landscaping for the above-ground vents without adversely affecting traffic visibility.

Prior to Operation

34. The applicant shall request a final Planning Department inspection immediately after the wireless telecommunications facility has been installed and prior to the commencement of services and final electrical inspection by the City of Malibu Environmental Sustainability Department.
35. Within thirty (30) calendar days following the installation of any wireless telecommunication facilities, the applicant shall provide to the Planning Department with a field report prepared by a qualified engineer verifying that the unit has been inspected, tested, and is operating in compliance with FCC standards. Such documentation shall include the make and model (or other identifying information) of the unit tested, the date and time of the inspection, and a certification that the unit is properly installed and working within applicable FCC standards.

Public Works

36. The proposed project includes improvements within the City's public right-of-way. The applicant shall obtain a City of Malibu Public Works Department Encroachment Permit for the proposed work within the public right-of-way prior to installation.

Fixed Conditions

37. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

SECTION 8. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

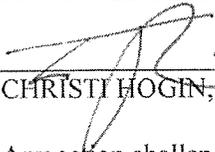
PASSED, APPROVED AND ADOPTED this 12th day of December 2016.

LOU LA MONTE, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.



City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

AP 16-008
RECEIVED
OCT 27 2016
PLANNING DEPT.

NON-COASTAL DEVELOPMENT PERMT APPEAL SUBMITTAL

Actions Subject to Appeal: Pursuant to Malibu Municipal Code (M.M.C.) Section 17.04.220, any person aggrieved by a decision or any portion of a decision made by the Planning Director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, cultural resources review, highway dedication or improvement, or temporary use permit may appeal such action to the Planning Commission. Any person aggrieved in a similar manner by such decision made by the Planning Commission may appeal such action to the City Council.

Planning Director or Planning Commission Date of Action: Oct 17, 2016

Case No.: WTF 16-001

Site Address/Location: 29970.5 Harvester Rd

Note: Appeals shall be addressed to the appellant body on a form prescribed by the City. The appeal shall state the basis of the appeal and identify the decision or portion of the decision being appealed and stated the grounds for the appeal. Only matters raised in the appeal shall be subject to review. Any matters not raised in the appeal shall not be subject to consideration by the appellate body. The purpose of this limitation is to provide adequate notice to all parties with respect to the issues on appeal and eliminate the necessity of rehearing matters not subject to challenge. Although the issues on appeal will be limited by the appeal, the appellate body will accept new evidence (de novo appeal) and will not be bound by the previous record. [M.M.C. Section 17.04.220(B)]

An appeal shall be filed with the City Clerk within 10 days following the date of action for which appeal is made. Appeals shall be accompanied by the filing fee as specified by the City Council. An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. [M.M.C. Section 17.04.220(C)]

To Submit an Appeal:

The appeal must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, ext. 245.

Attachment B

ALL of the following must be timely filed to perfect an appeal.

- 1. Appeal Letter
An appeal letter setting for the grounds for the appeal _____
- 2. Appeal Fees(s) \$500 √ #1921
In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted. ✓
- 3. Appeal Checklist (This form with appellant's signature) _____

An appellant shall have 10 days following the date of filing to submit the following:

- 4. Grounds of Appeal Letter
An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. See M.M.C. Section 17.04.220(C) for details. _____

- 5. Certified Public Notice Property Owner and Occupant Mailing Addresses and Radius Map _____
 - The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
 - An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
 - Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
 - The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.
**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the appeal shall be deemed to have been withdrawn and the filing fee shall be returned.

DANA CHRISTIANSEN
PRINT APPELLANT'S NAME
[Signature]
APPELLANT'S SIGNATURE
TELEPHONE NUMBER
10/27/16
DATE

Appellant's mailing address: 5810 FILAREE HEIGHTS, MALIBU 90265
Appellant's telephone: [Redacted]

OFFICE USE ONLY

Action Appealed: WTF 16-001
Appeal Period: 10/17/16 - 10/27/16
Date Appeal Form submitted: 10/27/16 Received by: [Signature]
Date Grounds of Appeal Letter submitted: 11/7/16 Received by: [Signature]
Date of Mailing Labels/Radius Map submitted: N/A Received by: N/A
Appeal Completion Date: 11/7/16 By: Cathleen Stecko, Senior Office Assistant
Name, Title



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NOV 07 2016
PLANNING DEPT.

November 7, 2016

City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

To whom it may concern

I am submitting this letter as my Grounds for Appeal of WTF Permit No. 16-001, SPR No. 16-026 and PC Resolution 16-59 regarding 29979.5 Harvester Rd.

The Planning Commission approved the application because it found that the project meets the criteria of an "eligible facilities request" under the Spectrum Act because it meets the criteria for collocation and does not substantially change the physical dimensions of the tower or base station.

The proposed facility **does not qualify as an eligible facilities request** on the following grounds:

1. It does not meet the criteria for collocation.
2. It would substantially change the physical dimensions of an eligible support structure for the following reasons:
 - A. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater as measured from the dimensions of the base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - B. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
 - C. It involves installation of new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

D. It entails excavation or deployment outside the current site.

E. It would defeat the concealment elements of the eligible support structure.

F. It does not comply with conditions associated with the siting approval of the construction or modification of the base station equipment (excluding non-compliance only in a manner that would not exceed the allowed thresholds identified in the FCC rules).

3. The project is not compliant with all generally applicable laws related to public health and safety.

I reserve the right to provide additional evidence and make additional arguments in support of this appeal before city council.

Respectfully,

Dana Christiaansen

A solid black rectangular redaction box covering the signature area.

AP16-009



City of Malibu

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OCT 27 2016

PLANNING DEPT.

NON-COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

Actions Subject to Appeal: Pursuant to Malibu Municipal Code (M.M.C.) Section 17.04.220, any person aggrieved by a decision or any portion of a decision made by the Planning Director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, cultural resources review, highway dedication or improvement, or temporary use permit may appeal such action to the Planning Commission. Any person aggrieved in a similar manner by such decision made by the Planning Commission may appeal such action to the City Council.

Planning Director or Planning Commission Date of Action: 10/17/2016

Case No.: 16-59

Site Address/Location: 29970.5 Harvester Road

Note: Appeals shall be addressed to the appellant body on a form prescribed by the City. The appeal shall state the basis of the appeal and identify the decision or portion of the decision being appealed and stated the grounds for the appeal. Only matters raised in the appeal shall be subject to review. Any matters not raised in the appeal shall not be subject to consideration by the appellate body. The purpose of this limitation is to provide adequate notice to all parties with respect to the issues on appeal and eliminate the necessity of rehearing matters not subject to challenge. Although the issues on appeal will be limited by the appeal, the appellate body will accept new evidence (de novo appeal) and will not be bound by the previous record. [M.M.C. Section 17.04.220(B)]

An appeal shall be filed with the City Clerk within 10 days following the date of action for which appeal is made. Appeals shall be accompanied by the filing fee as specified by the City Council. An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. [M.M.C. Section 17.04.220(C)]

To Submit an Appeal:

The appeal must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, ext. 245.

Attachment C

ALL of the following must be timely filed to perfect an appeal.

- 1. Appeal Letter
An appeal letter setting for the grounds for the appeal _____
- 2. Appeal Fees(s)
In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted. ✓ _____
- 3. Appeal Checklist (This form with appellant's signature) _____

An appellant shall have 10 days following the date of filing to submit the following:

- 4. Grounds of Appeal Letter
An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. See M.M.C. Section 17.04.220(C) for details. _____
- 5. Certified Public Notice Property Owner and Occupant Mailing Addresses and Radius Map _____
 - The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
 - An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
 - Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
 - The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.
**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the appeal shall be deemed to have been withdrawn and the filing fee shall be returned.

Bob LaMasney
PRINT APPELLANT'S NAME

TELEPHONE NUMBER

[Signature]
APPELLANT'S SIGNATURE

10/25/2016
DATE

Appellant's mailing address: 30014 Harvester Road, Malibu, Ca 90265
Appellant's telephone: _____

OFFICE USE ONLY

Action Appealed: WTF 16001
Appeal Period: 10/17/16 - 10/27/16
Date Appeal Form submitted: 10/27/16 Received by: [Signature]
Date Grounds of Appeal Letter submitted: 11/7/16 Received by: [Signature]
Date of Mailing Labels/Radius Map submitted: N/A Received by: N/A
Appeal Completion Date: 11/7/16 By: Dathleen Steele, Senior Office Assistant
Name, Title



November 5, 2016

City of Malibu
City Council
23825 Stuart Ranch Road
Malibu, CA 90265

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PLANNING DEPT.

Dear Council Members

I am submitting this letter as my Grounds for Appeal of WTF Permit No. 16-001 and PC Resolution 16-59 regarding 29979.5 Harvester Rd. WTF 16-001 does *not* qualify as an eligible facilities request due to the following: FCC 's October 17th, 2014 Report and Order (FCC 14-153) Appendix B- Final Rules-Subpart CC – Section 1.4001 Wireless Facility Modification(b) Definitions

(3) *Eligible Facilities Request*. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: **The project substantially changes the physical dimensions of the base station therefore does not apply as an Eligible Facilities Request.**

(i) collocation of new transmission equipment; **The project does not qualify for collocation..**

(7) Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(ii)

For other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by no more than six feet; **The project would add an appurtenance to the body of the structure that would protrude from the edge of the structure greater than 6 feet.**

(iv) it entails any excavation or deployment outside the current site;

The project adds a underground vault outside of the current site that would require excavation.

V. it would defeat the concealment elements of the eligible support structure.
The project would double the base stations size defeating the concealment elements in place.

Furthermore the project does not comply with applicable laws related to public health and safety.

I reserve the right to provide additional evidence and make additional arguments in support of this appeal before city council.

Bob La Masney

A handwritten signature in black ink, appearing to read "Bob La Masney", written in a cursive style.

AP16-010



City of Malibu

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Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

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OCT 27 2016
PLANNING DEPT.

NON-COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

Actions Subject to Appeal: Pursuant to Malibu Municipal Code (M.M.C.) Section 17.04.220, any person aggrieved by a decision or any portion of a decision made by the Planning Director under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, cultural resources review, highway dedication or improvement, or temporary use permit may appeal such action to the Planning Commission. Any person aggrieved in a similar manner by such decision made by the Planning Commission may appeal such action to the City Council.

Planning Director or Planning Commission Date of Action: Oct. 17, 2016

Case No.: WTF 16-001 SPR 16-026

Site Address/Location: 29970.5 Harvester Rd.

Note: Appeals shall be addressed to the appellant body on a form prescribed by the City. The appeal shall state the basis of the appeal and identify the decision or portion of the decision being appealed and stated the grounds for the appeal. Only matters raised in the appeal shall be subject to review. Any matters not raised in the appeal shall not be subject to consideration by the appellate body. The purpose of this limitation is to provide adequate notice to all parties with respect to the issues on appeal and eliminate the necessity of rehearing matters not subject to challenge. Although the issues on appeal will be limited by the appeal, the appellate body will accept new evidence (de novo appeal) and will not be bound by the previous record. [M.M.C. Section 17.04.220(B)]

An appeal shall be filed with the City Clerk within 10 days following the date of action for which appeal is made. Appeals shall be accompanied by the filing fee as specified by the City Council. An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. [M.M.C. Section 17.04.220(C)]

To Submit an Appeal:

The appeal must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, ext. 245.

Attachment D

ALL of the following must be timely filed to perfect an appeal.

within 10 days

- 1. **Appeal Letter**
An appeal letter setting for the grounds for the appeal
- 2. **Appeal Fees(s)**
In the form of a check or money order made payable to the City of Malibu. Cash will not be accepted. ✓
- 3. **Appeal Checklist** (This form with appellant's signature) ✓

An appellant shall have 10 days following the date of filing to submit the following:

4. **Grounds of Appeal Letter**
An appellant shall have an additional 10 days following the date of filing the appeal to submit to the City Clerk in writing, the specific grounds for the appeal. If the appellant does not submit grounds for the appeal within the time allowed by this section, the City Clerk shall return the filing fee and the appeal shall be deemed to have been withdrawn. See M.M.C. Section 17.04.220(C) for details.

5. **Certified Public Notice Property Owner and Occupant Mailing Addresses and Radius Map**

- The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
- An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
- Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
- The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.

**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the appeal shall be deemed to have been withdrawn and the filing fee shall be returned.

Robert Odian
PRINT APPELLANT'S NAME

TELEPHONE NUMBER

R. Odian
APPELLANT'S SIGNATURE

2016/10/27
DATE

Appellant's mailing address: 29979 Harvester Rd.

Appellant's telephone: _____

OFFICE USE ONLY

Action Appealed: WTF 16-001

Appeal Period: 10/17/16 - 10/27/16

Date Appeal Form submitted: 10/27/16 Received by: [Signature]

Date Grounds of Appeal Letter submitted: 11/7/16 Received by: [Signature]

Date of Mailing Labels/Radius Map submitted: N/A Received by: N/A

Appeal Completion Date: 11/7/16 By: Kathleen Specko, Senior Office Assistant
Name, Title



RECEIVED
OCT 27 2016
PLANNING DEPT.

Oct. 27, 2016

Malibu City Planning Department,

I hereby submit this letter as the first step in setting the grounds for an appeal to the WTF Permit No. 16-01, SPR No. 16-026, PC Resolution 16-59 regarding 29979.5 Harvester Rd. ~~Within 10 days at close of business,~~ I shall make a subsequent submission for the Grounds of the Appeal, detailing the specific Grounds and Arguments pertaining to, but not limited to, the subject Notice of Decision and all Codes and Regulations cited therein.

Respectfully,



Robert Kirk Odian, M.S., P.E., FAA-DER

29979 Harvester Rd.

Malibu, CA 90265

Nov. 7, 2016

City of Malibu
Planning Department and City Council
23825 Stuart Ranch Road
Malibu, CA 90265,

Dear City Staff and Council Members,

I am submitting this letter to establish the Grounds for my Appeal to the WTF Permit No. 16-01, SPR No. 16-026, PC Resolution 16-59 regarding 29979.5 Harvester Rd., and all Codes and Regulations cited therein.

The Planning Commission approved the application because it found that the project meets the criteria of an "eligible facilities request" under the Spectrum Act, particularly because it meets the criteria for collocation and does not substantially change the physical dimensions of the tower or base station.

The proposed facility does not qualify as an eligible facilities request on the following grounds:

1. It does not meet the criteria for collocation.
2. It would substantially change the physical dimensions of an eligible support structure for the following reasons:
 - A. It increases the height of the structure by more than 10% or more than ten feet, whichever is greater as measured from the dimensions of the base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
 - B. It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
 - C. It involves installation of new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
 - D. It entails excavation or deployment outside the current site.
 - E. It would defeat the concealment elements of the eligible support structure.
 - F. It does not comply with conditions associated with the siting approval of the construction or modification of the base station equipment (excluding non-compliance only in a manner that would not exceed the allowed thresholds identified in the FCC rules).

3. The project is not compliant with all generally applicable laws related to public health and safety.

I reserve the right to provide additional evidence and make additional arguments in support of this appeal before city council.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Kirk Odian", written in a cursive style.

Robert Kirk Odian, M.S., P.E., FAA-DER
29979 Harvester Rd.
Malibu, CA 90265

Adrian Fernandez

From: malibure@aol.com
Sent: Tuesday, November 22, 2016 5:28 PM
To: Adrian Fernandez
Subject: Fwd: cell site at filaree at harvester road and filaree heights hearing december 12, 2016

I was asked to forward the below comments to u so the new city counsel members might have them for the hearing in front of the city counsel scheduled for December 1, 2016

thank u so much



Best REgards

Terry Lucoff
Coldwell Banker Realty
Malibu California
310 317 8391 office line
310 924 1045 field contact
Dept of Real Estate #01112504

-----Original Message-----

From: malibure <malibure@aol.com>
To: Irosenthal <Irosenthal@malibucity.org>; skylar <skylar@peakpowerelectric.com>; LLaMonte <LLaMonte@malibucity.org>
Sent: Tue, Nov 22, 2016 1:43 pm
Subject: cell site at filaree at harvester road and filaree heights hearing december 12, 2016

I would like to discuss the proposed cell site upgrade at the corner of harvester road and filaree heights set for a hearing in front of the city counsel December 12, 2016.

1. Cell service is very important if there was ever a fire or an emergency. The cell service in Malibu park is spotty at best and in need of the proposed upgrade.
2. This cell tower services Malibu High and the fields behind the school. If someone were injured on the fields the service from this tower is very important. right now you can not get cell reception on the upper fields or by the pool
3. People depend on cell service for communication. I live 1 block away and cannot get reception at many points on my property. I am sure this is true for other owners.
4. The person who is appealing is basically saying- "I don't care if you can get cell service use a land line" although the person appealing I am sure has a cell phone that he uses.
5. The person appealing has recently purchase the property at the corner of harvester and filaree heights. He knew the vault was there and he knew there was an easement. Its not like he has lived at the property for so long that he was unaware there was a cell tower there.

6. The person appealing has put railroad ties on the ground and planted many trees etc right in the easement. He has made this a very dangerous corner. His guests park on the street and block a entire lane. This makes emergency access to filaree heights by fire trucks impossible. I have complained to the city about this and they have not remove the road hazards.

I request that the city counsel members consider the need for improved cell phone service by approving the cell tower upgrade and vault modification and remove the railroad ties and vegetation from this blind corner



Best REgards

Terry Lucoff

Coldwell Banker Realty

Malibu California

310 317 8391 office line

310 924 1045 field contact

Dept of Real Estate #01112504

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, December 12, 2016, at 4:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA**, on the appeal of the approval of the project identified below.

APPEAL NOS. 16-008, 16-009, and 16-010 – An appeal of Planning Commission Resolution No. 16-59, approving Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026, previously approved for the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 28 feet, 8 inches and electrical support equipment in a new underground vault, located in the public right-of-way at 29970.5 Harvester Road

Location:	29970.5 Harvester Road, Public Right-of-Way
Nearest APN:	4469-013-021
Nearest Zoning:	Rural Residential-Two Acre (RR-2)
Applicant:	Carver Chiu of Crown Castle NG West, Inc.
Appellants:	Dana Christiaansen Robert P. La Masney Robert Kirk Odian
Property Owner:	City of Malibu Public Right-of-Way
Application Filed:	May 5, 2016
Appeals Filed:	October 27, 2016
Case Planner:	Adrian Fernandez, Senior Planner (310) 456-2489, Extension 482 afernandez@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303 (d) – New Construction. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicants and appellants may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Council will be provided three minutes to address the Council. These time limits may be changed at the discretion of the Council. At the conclusion of the testimony, the Council will deliberate and its decision will be memorialized in a written resolution.

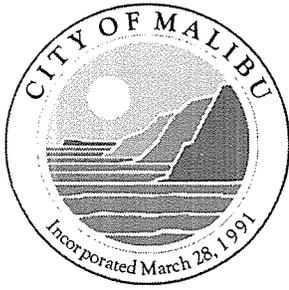
Copies of all related documents, including the grounds for appeal, are available for review at City Hall during regular business hours. Written comments may be presented to the City Council at any time prior to the beginning of the public hearing.

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



Bonnie Blue, Planning Director

Publish Date: November 17, 2016



Council Agenda Report

To: Mayor La Monte and the Honorable Members of the City Council

Prepared by: Mary Linden, Executive Assistant *ML*

Approved by: Reva Feldman, City Manager *RF*

Date prepared: November 28, 2016 Meeting date: December 12, 2016

Subject: Zoning Text Amendment for the Display of Art

RECOMMENDED ACTION: Add to the Cultural Arts Commission (Commission) assignments for Fiscal Year 2016-2017 to work with Planning staff on the development of a Zoning Text Amendment (ZTA) regarding the display of art throughout the City.

FISCAL IMPACT: None.

DISCUSSION: At its Special meeting on November 14, 2016, the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) discussed an item to consider a proposed ZTA for the display of art throughout the City. ZORACES is requesting that discussion of a potential art ZTA be added to the Cultural Arts Commission assignments for Fiscal Year 2016-2017, and that the Commission work with Planning staff to provide input about specifics that should be included in the ZTA.

ATTACHMENTS: None.