1. Meeting Agenda

   Documents:

   CC200824_AGENDA.PDF

2. Item 3B2
   Warrant Register No. 665

   Documents:

   CC200824_ITEM 3B2.PDF

3. Item 3B3
   Approval of Minutes - July 13, 2020

   Documents:

   CC200824_ITEM 3B3.PDF

4. Item 3B4
   Professional Services Agreement for On-Call Traffic Engineering Services

   Documents:

   CC200824_ITEM 3B4.PDF

5. Item 3B5
   Vacation and Sick Leave Cash-Out Provision

   Documents:

   CC200824_ITEM 3B5.PDF

6. Item 3B6
   Community Development Block Grant Subrecipient Agreement Between the City of Malibu and the Boys and Girls Club Malibu

   Documents:

   CC200824_ITEM 3B6.PDF

7. Item 3B7
   Las Virgenes-Malibu Council of Governments Amended Joint Exercise of Powers Agreement

   Documents:

   CC200824_ITEM 3B7.PDF

8. Item 4A

Appeal No. 20-009 - Appeal of Planning Commission Resolution No. 20-46 (29623 Cuthbert Road; Owner/Appellant, Colby Family Trust)

Documents:

CC200824_ITEM 4A.PDF
CC200824_ITEM 4A_SUPPLEMENTAL.PDF

9. Item 4B
   Amend Malibu Municipal Code to Authorize the Implementation of a Parking Management Plan Along Two Segments of Pacific Coast Highway (Corral Beach and Zuma Beach)

   Documents:

   CC200824_ITEM 4B.PDF

10. Item 4C
    Amend Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One

    Documents:

    CC200824_ITEM 4C.PDF
    CC200824_ITEM 4C_SUPPLEMENTAL.PDF

11. Item 4D
    Appeal No. 19-006 - Appeal of Planning Commission Resolution No. 19-42 (19750 Pacific Coast Highway; Appellant: Benjamin Leeds; Applicant: Vitus Matare; Property Owner: Santa Barbara Land Company, LLC)

    Documents:

    CC200824_ITEM 4D.PDF

12. Item 6A
    5G Wireless Technology and Small Cells

    Documents:

    CC200824_ITEM 6A.PDF

13. Item 6B
    Review of Fiscal Year 2020-2021 Budget

    Documents:

    CC200824_ITEM 6B.PDF

14. Item 7A
    Funding for Property Acquisition in the Santa Monica Mountains National Recreation Area (Councilmember Farrer)

    Documents:

CC200824_ITEM 7A.PDF

15. Item 7B
    State Housing Bills – Opposition (Mayor Pierson)

    Documents:

    CC200824_ITEM 7B.PDF

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Order (revised August 12, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at https://malibucity.org/video and https://malibucity.org/VirtualMeeting.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

Please visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

Malibu City Council
Regular Meeting Agenda
(to be held during COVID-19 emergency)

Monday, August 24, 2020

6:30 P.M. – REGULAR CITY COUNCIL MEETING

Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT

MALIBUCITY.ORG/VIDEO

Six-thirty p.m. **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Approval of Agenda

Report on Posting of Agenda – August 13, 2020

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 61135-61217 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. 665 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $354,728.61. City of Malibu payroll check number 5115-5118 and ACH deposits were issued in the amount of $219,134.16.

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

3. Approval of Minutes

Recommended Action: Approve the minutes for the July 13, 2020 Malibu City Council Regular meeting.

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

4. Professional Services Agreement for On-Call Traffic Engineering Services

   Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. to provide On-Call Traffic Engineering Services.

   Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339

5. Vacation and Sick Leave Cash-Out Provision

   Recommended Action: Adopt Resolution No. 20-45 amending the Personnel System Rules and adopting a revised Vacation and Sick Leave Cash-Out Provision.

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

6. Community Development Block Grant Subrecipient Agreement Between the City of Malibu and the Boys and Girls Club Malibu

   Recommended Action: Authorize the City Manager to execute Community Development Block Grant Subrecipient Agreement with Boys and Girls Club Malibu.

   Staff Contact: Assistant to the City Manager Shavelson, 456-2489, ext. 254

7. Las Virgenes-Malibu Council of Governments Amended Joint Exercise of Powers Agreement

   Recommended Action: Adopt Resolution No. 20-44, approving the Las Virgenes-Malibu Council of Governments (COG) Amended and Restated Joint Exercise of Powers Agreement as recommended by the COG's Governing Board.

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

4. Ordinances and Public Hearings

A. Appeal No. 20-009 - Appeal of Planning Commission Resolution No. 20-46 (29623 Cuthbert Road; Owner/Appellant, Colby Family Trust)

   Recommended Action: Adopt Resolution No. 20-48, determining the project is categorically exempt from the California Environmental Quality Act; granting Appeal No. 20-009 and approving Coastal Development Permit No. 19-005 to allow for a new single-family residence, second unit, swimming pool/spa, and onsite wastewater treatment system, including Site Plan Review Nos. 19-072 and 20-013 for construction of the residence and second unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

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

B. Amend Malibu Municipal Code to Authorize the Implementation of a Parking Management Plan Along Two Segments of Pacific Coast Highway (Corral Beach and Zuma Beach)

Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 469 determining the project is categorically exempt from the California Environmental Quality Act and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking), Title 10 (Vehicles and Traffic) of the Malibu Municipal Code to create staggered overnight parking restrictions between 12:00 a.m. and 2:00 a.m. and between 2:00 a.m. and 4:00 a.m. daily in the Corral Beach and Zuma Beach areas of Pacific Coast Highway; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 469 for the September 14, 2020 Regular City Council meeting.

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

C. Amend Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One

Recommended Action: 1) Conduct a public hearing regarding the Report of Amended Assessments (Report) and Amended Assessment Diagram for Assessment District 2015-1; and 2) If Council overrules and denies any and all protest, objections and appeals from the public hearing, adopt Resolution No 20-43 approving the Report and the Amended Assessment Diagram for the Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One.

Staff Contact: Public Works Director DuBoux, 456-2489, ext. 339

D. Appeal No. 19-006 - Appeal of Planning Commission Resolution No. 19-42 (19750 Pacific Coast Highway; Appellant: Benjamin Leeds; Applicant: Vitus Matare; Property Owner: Santa Barbara Land Company, LLC)

Recommended Action: Continue to a date uncertain.

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

5. Old Business

None.

6. New Business

A. 5G Wireless Technology and Small Cells

Recommended Action: Receive and file report.

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

B. Review of Fiscal Year 2020-2021 Budget

Recommended Action: 1) Receive an update on status of Fiscal Year 2020-2021 Budget; 2) Adopt Resolution No. 20-46 amending the annual budget for Fiscal Year 2020-2021; and 3) Adopt Resolution No. 20-47 rescinding Section 2 of Resolution No. 20-36 and approving the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021 and approving the Associate Civil Engineer – Building and Safety Division Job Specification.

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

7. Council Items

A. Funding for Property Acquisition in the Santa Monica Mountains National Recreation Area (Councilmember Farrer)

Recommended Action: At the request of Councilmember Farrer, authorize the Mayor to send a letter requesting that funds from the National Parks and Public Land Legacy Restoration Fund established by the Great American Outdoors Act be allocated for acquisition of high-priority properties in the Santa Monica Mountains National Recreation Area.

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

B. State Housing Bills – Opposition (Mayor Pierson)

Recommended Action: At the request of Mayor Pierson, authorize the Mayor to send a letter of opposition regarding Assembly Bill (AB) 1279, AB 725, AB 2345, AB 3040, AB 3107, Senate Bill (SB) 902, SB 995, SB 1085, and SB 1120, a range of housing bills being considered by the State legislature that would usurp the authority of local jurisdictions to determine land use policies that best fit the needs of their jurisdictions.

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

Adjournment

Future Meetings

Monday, September 14, 2020	6:30 p.m.	Regular City Council Meeting	Location TBD
Tuesday, September 29, 2020	6:30 p.m.	Adjourned Regular City Council Meeting	Location TBD
Monday, October 12, 2020	6:30 p.m.	Regular City Council Meeting	Location TBD

Guide to the City Council Proceedings

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, state of California, and a federal emergency declared by the President of the United States. At the direction of the Governor, starting March 19, 2020, the entire state is subject to stay-at-home orders. These measures are imposed to reduce the risk of spreading COVID-19. To comply with these emergency measures, the City Council meeting will be open and public but conducted via teleconference only. This way the public, the staff, and the Council will not be physically in the same place.

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. Members of the public wishing to speak during the meeting must participate through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized. Please visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

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.

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. In order to speak, individuals must visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

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 are available on demand 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 and available upon request by emailing cityclerk@malibucity.org.

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 Yolanda Bundy, (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].

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 13th day of August 2020 at 4:45 p.m.

Heather Glaser, City Clerk

City Council Meeting
08-24-20
Item
3.B.2.

WARRANT REGISTER NO. 665

On August 24, 2020, the Malibu City Council allowed and approved the above warrant demand numbers 61135 – 61217 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 $354,728.61. City of Malibu payroll check number 5115 – 5118 and ACH deposits were issued in the amount of $219,134.16.

PASSED, APPROVED and ADOPTED this 24th day of August 2020.

_____
Mikke Pierson
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 24th day of August 2020, AT MALIBU, CALIFORNIA

_____
Reva Feldman
City Manager

Accounts Payable

Checks by Date - Summary by Check Number

User: bcho
Printed: 8/12/2020 10:38 AM

Check No	Vendor No	Vendor Name	Check Date		Void Checks	Check Amount
61135	AMEC	Wood Environment & Infrastructure Solutic	07/30/2020		0.00	2,595.90
61136	BLAKEG	Guy S Blake	07/30/2020		0.00	124.50
61137	CABUILDI	CA Building Standards Commis.	07/30/2020		0.00	3,715.20
61138	CITYOFLA	City of Los Angeles Treasurer	07/30/2020		0.00	27,601.40
61139	GODINGA	Gabrielle Godin	07/30/2020		0.00	75.00
61140	KIMLEY	Kimley-Horn and Associates Inc	07/30/2020		0.00	4,457.26
61141	LACOSHE	LA Co Sheriff's Department	07/30/2020		0.00	132,917.78
61142	MISSIONC	Mission Critical Partners, LLC	07/30/2020		0.00	24,724.00
61143	ORACLE	Oracle America, Inc.	07/30/2020		0.00	2,468.18
61144	RAFTELIS	Raftelis Financial Consultants, Inc.	07/30/2020		0.00	12,762.50
61145	SOGLIS	Lisa Soghor	07/30/2020		0.00	142.52
61146	ANDERSOA	Ariana Anderson	07/30/2020		0.00	320.00
61147	CARTQ	Quint Carter	07/30/2020		0.00	160.00
61148	CHEVRON2	Wright Express FSC Wex Bank	07/30/2020		0.00	922.24
61149	COHENJAR	Jared Cohen	07/30/2020		0.00	350.00
61150	COPEJ	Jessica Copenhaver	07/30/2020		0.00	175.00
61151	CRPRINT	CR PRINT	07/30/2020		0.00	2,463.75
61152	DAMAF	Farima Damavandi	07/30/2020		0.00	115.00
61153	ENHANCED	Landscape Development, Inc.	07/30/2020		0.00	31,393.00
61154	GIINDUS	G.I. Industries	07/30/2020		0.00	3,295.44
61155	GRAINGER	W.W. Grainger,Inc	07/30/2020		0.00	166.74
61156	ISAUSA	ISAUSA INC	07/30/2020		0.00	828.92
61157	JERAB	Barbara Jeralds	07/30/2020		0.00	250.00
61158	KONICA	Konica Minolta Business Solutions USA In	07/30/2020		0.00	5,703.75
61159	LACOCLE	LA County Registrar-Recorder LA Co Clerl	07/30/2020		0.00	75.00
61160	LACOCLE	LA County Registrar-Recorder LA Co Clerl	07/30/2020		0.00	75.00
61161	LAWSONS	Skylar Lawson	07/30/2020		0.00	2,957.50
61162	LIVESCAN	Paige S Apar	07/30/2020		0.00	165.00
61163	MALITIM	Malibu Times	07/30/2020		0.00	435.28
61164	MASTERCO	Master Cooling Corporation	07/30/2020		0.00	1,882.74
61165	NEXTEL	Nextel / Sprint Communication	07/30/2020		0.00	430.33
61166	POINTDU	Point Dume, Ltd.	07/30/2020		0.00	5,627.55
61167	RICHSOL	Richard Sol Architect Inc.	07/30/2020		0.00	165.00
61168	SELTM	Mario Seltzer	07/30/2020		0.00	160.00
61169	SHANM	Melissa Shanahan	07/30/2020		0.00	325.00
61170	SHERWINW	The Sherwin-Williams Co.	07/30/2020		0.00	84.62
61171	SPANM	Marina Spangler	07/30/2020		0.00	62.00
61172	STAPLES	Staples Contract & Commercial LLC	07/30/2020		0.00	2,680.02
61173	TELECOM	Telecom Law Firm PC	07/30/2020		0.00	12,250.00
61174	TELEPAC	TelePacific Communications	07/30/2020		0.00	576.67
61175	ULTMAINT	Ultimate Maintenance Services Inc	07/30/2020		0.00	1,795.00
61176	WILLSCOT	Williams Scotsman Inc	07/30/2020		0.00	965.53
61177	WOLFP	Wolf-Millesi Family Trust	07/30/2020	VOID	1,506.08	0.00
61178	XEROXFIN	Xerox Corporation	07/30/2020		0.00	801.15
61179	WOLFP	Wolf-Millesi Family Trust	07/31/2020		0.00	1,506.08
61180	ADVANTAN	MAP Communications, Inc.	08/06/2020		0.00	261.81
61181	ARCO	Fleetcor Technologies, Inc.	08/06/2020		0.00	344.52

Check No	Vendor No	Vendor Name	Check Date	Void Checks	Check Amount
61182	BALLONM	Masifa Ballon	08/06/2020	0.00	22.00
61183	CAPARK	California Park & Rec Society	08/06/2020	0.00	170.00
61184	COMPLIA	Compliance Biology, Inc.	08/06/2020	0.00	4,208.00
61185	CRPRINT	CR PRINT	08/06/2020	0.00	112.35
61186	FEDEXP	FedEx	08/06/2020	0.00	164.24
61187	FRONTIER	Frontier California Inc	08/06/2020	0.00	430.98
61188	GIINDUS	G.I. Industries	08/06/2020	0.00	361.72
61189	GOVERNF	Governmental Financial Service	08/06/2020	0.00	715.00
61190	HARTSEL	Harts Electric, Inc.	08/06/2020	0.00	100.56
61191	KARAS	Karas Enterprises	08/06/2020	0.00	902.50
61192	LACOCLE	LA County Registrar-Recorder LA Co Clerl	08/06/2020	0.00	75.00
61193	LACOCLE	LA County Registrar-Recorder LA Co Clerl	08/06/2020	0.00	75.00
61194	LACOCLE	LA County Registrar-Recorder LA Co Clerl	08/06/2020	0.00	75.00
61195	LACOCLE	LA County Registrar-Recorder LA Co Clerl	08/06/2020	0.00	75.00
61196	LACOCLE	LA County Registrar-Recorder LA Co Clerl	08/06/2020	0.00	75.00
61197	LACOWAT	LA Co MalibuTreasurer-Waterworks	08/06/2020	0.00	5,437.33
61198	LAWSONS	Skylar Lawson	08/06/2020	0.00	2,730.00
61199	MALICOM	Malibu Comm Labor Exchange	08/06/2020	0.00	663.00
61200	MASTERCO	Master Cooling Corporation	08/06/2020	0.00	1,882.74
61201	MAUCK	Kevin Mauch	08/06/2020	0.00	450.00
61202	NATIONA	National Construction Rentals, Inc	08/06/2020	0.00	526.20
61203	PRIMEGOV	Propyton Inc	08/06/2020	0.00	2,000.00
61204	READYREF	Nestle Waters North America Inc	08/06/2020	0.00	73.55
61205	RPBARRI	R P Barricade, Inc.	08/06/2020	0.00	224.32
61206	SMITHPI	Smith Pipe & Supply Inc	08/06/2020	0.00	106.11
61207	SOLIDWA	Solid Waste Solutions, Inc.	08/06/2020	0.00	12,442.67
61208	SPECTRUM	Charter Communications Holdings, LLC	08/06/2020	0.00	194.98
61209	TOTALGRA	Brian Shore	08/06/2020	0.00	59.13
61210	ULTMAINT	Ultimate Maintenance Services Inc	08/06/2020	0.00	4,350.00
61211	VERIZONW	Verizon Wireless Services LLC	08/06/2020	0.00	5,422.64
61212	VIAWEST	Flexential Colorado Corp	08/06/2020	0.00	959.09
61213	XEROX	Xerox Corporation	08/06/2020	0.00	331.39
61214	ICMA457	ICMA Retirement Trust 457 - 303615	08/06/2020	0.00	15,922.18
61215	ICMACM	ICMA 401-Plan # 108658	08/06/2020	0.00	572.31
61216	ICMADH	ICMA 401-Plan # 108650	08/06/2020	0.00	692.28
61217	USBANK2	U.S. Bank	08/06/2020	0.00	772.46
			Report Total (83 checks):	1,506.08	354,728.61

Accounts Payable

Transactions by Account

User: bcho
Printed: 08/12/2020 - 10:39AM
Batch: 00000.00.0000

Checks from: 00061135 To: 00061217

Account Number	Description	Vendor	Description	Check No	Amount
Section 1: 100					
Section 2:0000					
100-0000-3201-00	Alarm Permit Fees	Masifa Ballon	Refund-Overpayment of Alarm Permit	61182	22.00
				Vendor Subtotal for Section 2:0000	22.00
Section 2:0000					
100-0000-3464-00	Youth Sports Program Fees	Ariana Anderson	Refund-Bobby Anderson-Amazing Atl	61146	320.00
				Vendor Subtotal for Section 2:0000	320.00
Section 2:0000					
100-0000-3464-00	Youth Sports Program Fees	Quint Carter	Refund-Drake Carter-Amazing Athlete	61147	160.00
				Vendor Subtotal for Section 2:0000	160.00
Section 2:0000					
100-0000-3464-00	Youth Sports Program Fees	Jared Cohen	Refund-Landon/Logan Cohen-Jedi En	61149	350.00
				Vendor Subtotal for Section 2:0000	350.00
Section 2:0000					
100-0000-3464-00	Youth Sports Program Fees	Jessica Copenhaver	Refund-Jessica Copenhaver/Henry-Jec	61150	175.00
				Vendor Subtotal for Section 2:0000	175.00
Section 2:0000					
100-0000-3464-00	Youth Sports Program Fees	Gabrielle Godin	Reissue Ck#61035-Refund-Advanced	61139	75.00
				Vendor Subtotal for Section 2:0000	75.00

Account Number	Description	Vendor	Description	Check No	Amount
Section 2:0000					
100-0000-3464-00	Youth Sports Program Fees	Mario Seltzer	Refund- Mario Seltzer-Amazing Athel	61168	160.00
				Vendor Subtotal for Section 2:0000	160.00
Section 2:0000					
100-0000-3464-00	Youth Sports Program Fees	Melissa Shanahan	Refund-Bridget Shanahan-Surf Camp	61169	325.00
				Vendor Subtotal for Section 2:0000	325.00
Section 2:0000					
100-0000-3466-00	Swim Use & Program Fee	Farima Damavandi	Refund-Farima Damavandi-Adult Mas	61152	115.00
				Vendor Subtotal for Section 2:0000	115.00
Section 2:3001					
100-3001-5721-00	Telephone	Verizon Wireless Services LLC	Cell Phone Service 6/24-7/23/20	61211	114.03
				Vendor Subtotal for Section 2:3001	114.03
Section 2:3001					
100-3001-5725-00	Trash Pickup/Recycling	G.I. Industries	Garbage-Bus Stop-Aug '20-5-14117-3	61154	2,256.95
100-3001-5725-00	Trash Pickup/Recycling	G.I. Industries	Garbage-Equestrian Park-Aug '20-483	61154	193.45
100-3001-5725-00	Trash Pickup/Recycling	G.I. Industries	Garbage-Cross Creek-Aug '20-9-0777.	61154	184.62
100-3001-5725-00	Trash Pickup/Recycling	G.I. Industries	Garbage-Bluffs Park-Aug '20-48164-2	61154	375.33
				Vendor Subtotal for Section 2:3001	3,010.35
Section 2:4001					
100-4001-5330-00	Dues & Memberships	California Park & Rec Society	CPRS Annual Membership-K. Riesgo	61183	170.00
				Vendor Subtotal for Section 2:4001	170.00
Section 2:4001					
100-4001-5721-00	Telephone	Verizon Wireless Services LLC	Cell Phone Service 6/24-7/23/20	61211	87.16

Account Number	Description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Section 2:4001	87.16
Section 2:4001					
100-4001-6160-00	Operating Supplies	Nestle Waters North America Inc	Water-Bluffs Staff 6/16-7/12/20	61204	73.55
				Vendor Subtotal for Section 2:4001	73.55
Section 2:4001					
100-4001-6160-00	Operating Supplies	Staples Contract & Commercial LLC	Office Supplies-Community Svcs	61172	94.04
				Vendor Subtotal for Section 2:4001	94.04
Section 2:4004					
100-4004-5107-00	Contract Personnel	Skylar Lawson	Camp Instructor-S Lawson-Aspects St	61161	2,957.50
100-4004-5107-00	Contract Personnel	Skylar Lawson	Camp Instructor-S Lawson-Aspects St	61198	2,730.00
				Vendor Subtotal for Section 2:4004	5,687.50
Section 2:4010					
100-4010-5100-00	Professional Services	Landscape Development, Inc.	City Parks/Median Landscape Mainter	61153	17,799.00
				Vendor Subtotal for Section 2:4010	17,799.00
Section 2:4010					
100-4010-5100-00	Professional Services	Ultimate Maintenance Services Inc	Bluffs Park & Charmlee Park-Janitori	61175	1,795.00
				Vendor Subtotal for Section 2:4010	1,795.00
Section 2:4010					
100-4010-5130-00	Parks Maintenance	G.I. Industries	Garbage-Cross Creek-23-57721-3300	61188	160.48
100-4010-5130-00	Parks Maintenance	G.I. Industries	Garbage-Charmlee Wilderness Park-2	61188	201.24
				Vendor Subtotal for Section 2:4010	361.72
Section 2:4010					
100-4010-5130-00	Parks Maintenance	R P Barricade, Inc.	Bluffs Park Sign Post Equipment	61205	224.32

Account Number	Description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Section 2:4010	224.32
Section 2:4010					
100-4010-5130-00	Parks Maintenance	Smith Pipe & Supply Inc	Bluffs Park-Caution Tape	61206	106.11
				Vendor Subtotal for Section 2:4010	106.11
Section 2:4010					
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Charmlee Park 5/14-7/15/20-Ac	61197	552.13
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-BB Malibu Gateway 5/18-7/16/	61197	84.59
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Bluffs Park-5/21-7/22/20-Acct#	61197	447.20
100-4010-5723-00	Water	LA Co MalibuTreasurer-Waterworks	Water-Trancas Park 5/14-7/15/20-Acc	61197	4,353.41
				Vendor Subtotal for Section 2:4010	5,437.33
Section 2:7002					
100-7002-5100-00	Professional Services	MAP Communications, Inc.	One Call Hotline-Jul '20	61180	261.81
				Vendor Subtotal for Section 2:7002	261.81
Section 2:7002					
100-7002-5100-00	Professional Services	Karas Enterprises	Remote Broadcast Captioning-7/13/20	61191	617.50
100-7002-5100-00	Professional Services	Karas Enterprises	Remote Broadcast Captioning-7/20/20	61191	285.00
				Vendor Subtotal for Section 2:7002	902.50
Section 2:7007					
100-7007-5100-00	Professional Services	Propyton Inc	Virtual CC and PC Meetings & Suppo	61203	2,000.00
				Vendor Subtotal for Section 2:7007	2,000.00
Section 2:7007					
100-7007-5150-00	Elections	FedEx	Nomination Papers for 11/3/20 Electio	61186	164.24
				Vendor Subtotal for Section 2:7007	164.24
Section 2:7007					

Account Number	Description	Vendor	Description	Check No	Amount
100-7007-5150-00	Elections	Malibu Times	Notice of Election-Candidates-7/2 & 7	61163	104.04
				Vendor Subtotal for Section 2:7007	104.04
Section 2:7021					
100-7021-5100-00	Professional Services	Mission Critical Partners, LLC	Outdoor Warning Siren System Study-	61142	19,016.04
100-7021-5100-00	Professional Services	Mission Critical Partners, LLC	Outdoor Warning Siren System Study-	61142	5,707.96
				Vendor Subtotal for Section 2:7021	24,724.00
Section 2:7021					
100-7021-5100-00	Professional Services	Point Dume, Ltd.	2021 Annual License Fee-Emergency	61166	5,627.55
				Vendor Subtotal for Section 2:7021	5,627.55
Section 2:7021					
100-7021-5721-00	Telephone	Nextel / Sprint Communication	Cell Phone-6/13-7/12/20	61165	188.88
				Vendor Subtotal for Section 2:7021	188.88
Section 2:7021					
100-7021-5721-00	Telephone	Verizon Wireless Services LLC	Cell Phone Service 6/24-7/23/20	61211	114.69
				Vendor Subtotal for Section 2:7021	114.69
Section 2:7031					
100-7031-5100-00	Professional Services	Kevin Mauch	Parking Citation Hearing Officer-Jul '2	61201	225.00
100-7031-5100-00	Professional Services	Kevin Mauch	Parking Citation Hearing Officer-Aug	61201	225.00
				Vendor Subtotal for Section 2:7031	450.00
Section 2:7031					
100-7031-5116-00	Sheriff's Services-Beach Team	LA Co Sheriff's Department	Law Enforcement Svcs-Beach Team-J	61141	132,917.78
				Vendor Subtotal for Section 2:7031	132,917.78
Section 2:7031					

Account Number	Description	Vendor	Description	Check No	Amount
100-7031-5721-00	Telephone	Verizon Wireless Services LLC	Cell Phone Service 6/24-7/23/20	61211	114.03
				Vendor Subtotal for Section 2:7031	114.03
Section 2:7054					
100-7054-5100-00	Professional Services	Governmental Financial Service	CPA Assistance-Preparation of YE	61189	715.00
				Vendor Subtotal for Section 2:7054	715.00
Section 2:7054					
100-7054-5117-00	Film Permit Consultant	Solid Waste Solutions, Inc.	Film Permits-Jul '20	61207	8,161.67
				Vendor Subtotal for Section 2:7054	8,161.67
Section 2:7054					
100-7054-5340-00	Transportation & Mileage	Lisa Soghor	Reimburse-Transportation-City Manag	61145	142.52
				Vendor Subtotal for Section 2:7054	142.52
Section 2:7054					
100-7054-5405-00	Printing	CR PRINT	Parking Citations	61151	2,463.75
				Vendor Subtotal for Section 2:7054	2,463.75
Section 2:7054					
100-7054-6160-00	Operating Supplies	Staples Contract & Commercial LLC	Office Supplies-Finance	61172	267.63
				Vendor Subtotal for Section 2:7054	267.63
Section 2:7058					
100-7058-5320-00	Recruitment Expense	Paige S Apar	Live Scan-Fingerprints-3 New PT Hire	61162	165.00
				Vendor Subtotal for Section 2:7058	165.00
Section 2:7058					
100-7058-5320-00	Recruitment Expense	Marina Spangler	Reimbursement-Fingerprints	61171	62.00

Account Number	Description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Section 2:7058	62.00
Section 2:7059					
100-7059-5721-00	Telephone	Nextel / Sprint Communication	Cell Phone-6/13-7/12/20	61165	241.45
				Vendor Subtotal for Section 2:7059	241.45
Section 2:7059					
100-7059-5721-00	Telephone	TelePacific Communications	City Hall Fac Phones 7/16-8/15/20	61174	576.67
				Vendor Subtotal for Section 2:7059	576.67
Section 2:7059					
100-7059-5721-00	Telephone	Verizon Wireless Services LLC	Cell Phone Service 6/24-7/23/20	61211	3,947.31
				Vendor Subtotal for Section 2:7059	3,947.31
Section 2:7059					
100-7059-5800-00	Equipment Leases	Xerox Corporation	Xerox Lease-C70EFI2-5PB671877-Pl	61213	331.39
				Vendor Subtotal for Section 2:7059	331.39
Section 2:7059					
100-7059-5800-00	Equipment Leases	Xerox Corporation	Xerox Lease-C70-E2B109326-Commu	61178	779.84
100-7059-5800-00	Equipment Leases	Xerox Corporation	Xerox Lease-C70-E2B109326-Equipn	61178	21.31
				Vendor Subtotal for Section 2:7059	801.15
Section 2:7059					
100-7059-6160-00	Operating Supplies	CR PRINT	Business Cards-RN	61185	112.35
				Vendor Subtotal for Section 2:7059	112.35
Section 2:7059					
100-7059-6160-00	Operating Supplies	Staples Contract & Commercial LLC	Office Supplies-Non Departmental	61172	130.13
				Vendor Subtotal for Section 2:7059	130.13

Account Number	Description	Vendor	Description	Check No	Amount
			Subtotal for Section 1: 100		222,349.65
Section 1: 101					
Section 2:0000					
101-0000-3411-00	Inspector Plan Check Fees	Wolf-Millesi Family Trust	Refund-WF Rebuild Fees-5849 Filare	61179	1,459.60
				Vendor Subtotal for Section 2:0000	1,459.60
Section 2:0000					
101-0000-3419-00	Credit Card Fees	Wolf-Millesi Family Trust	Refund-WF Rebuild Fees-5849 Filare	61179	46.48
				Vendor Subtotal for Section 2:0000	46.48
Section 2:0000					
101-0000-3421-00	Planning Review Fees	Richard Sol Architect Inc.	Refund-WF Rebuild Fees-5849 Filare	61167	165.00
				Vendor Subtotal for Section 2:0000	165.00
Section 2:0000					
101-0000-3425-00	CA Bldg Standards Surcharge	CA Building Standards Commis.	Building Standards Admin Fee-2nd Q	61137	3,715.20
				Vendor Subtotal for Section 2:0000	3,715.20
Section 2:2001					
101-2001-5100-00	Professional Services	Compliance Biology, Inc.	City Projects-Contract Biologist-Jul '2	61184	750.00
				Vendor Subtotal for Section 2:2001	750.00
Section 2:2001					
101-2001-5100-01	Coastal Dev. Permit Services	Compliance Biology, Inc.	Contract Biologist-Jul '20	61184	1,804.00
				Vendor Subtotal for Section 2:2001	1,804.00
Section 2:2001					

Account Number	Description	Vendor	Description	Check No	Amount
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA C	CEQA Filing-6534 Wandermere Rd-A	61159	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA C	CEQA Filing-31100 Broad Beach Rd-	61160	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA C	CEQA Filing-24860 PCH-APR 19-15	61196	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA C	CEQA Filing-29215 Cliffside Dr-ACE	61195	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA C	CEQA Filing-29233 Bluewater Rd-DM	61194	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA C	CEQA Filing-20048 PCH-CDP 14-05	61193	75.00
101-2001-5210-00	Service Fees & Charges	LA County Registrar-Recorder LA C	CEQA Filing-21236 PCH-APR 18-05	61192	75.00
				Vendor Subtotal for Section 2:2001	525.00
Section 2:2001					
101-2001-5401-00	Advertising & Noticing	Malibu Times	Legal Notice-7/9/20	61163	189.72
101-2001-5401-00	Advertising & Noticing	Malibu Times	Legal Notice-7/2/20	61163	141.52
				Vendor Subtotal for Section 2:2001	331.24
Section 2:2004					
101-2004-6130-00	Records Retention	ISAUSA INC	Records Scanning	61156	828.92
				Vendor Subtotal for Section 2:2004	828.92
Section 2:3003					
101-3003-5100-00	Professional Services	City of Los Angeles Treasurer	Santa Monica Bay Beaches TMDL Sh	61138	27,601.40
				Vendor Subtotal for Section 2:3003	27,601.40
			Subtotal for Section 1: 101		37,226.84
Section 1: 102					
Section 2:3002					
102-3002-5100-01	Coastal Dev Permit Services	Compliance Biology, Inc.	Woolsey-Contract Biologist-Jul '20	61184	1,654.00
				Vendor Subtotal for Section 2:3002	1,654.00
Section 2:3002					
102-3002-5100-19	Professional Svcs (COVID-19)	Oracle America, Inc.	Virtual EOC Creation	61143	2,468.18

Account Number	Description	Vendor	Description	Check No	Amount
				Vendor Subtotal for Section 2:3002	2,468.18
Section 2:3002					
102-3002-6160-00	Operating Supplies	National Construction Rentals, Inc	Trancas Park-Woolsey-Portable Restrc	61202	526.20
				Vendor Subtotal for Section 2:3002	526.20
Section 2:3002					
102-3002-6160-19	Operating Supplies (COVID-19)	Guy S Blake	Reimburse-Rubber Gloves for VOPs-(	61136	124.50
				Vendor Subtotal for Section 2:3002	124.50
Section 2:3002					
102-3002-6160-19	Operating Supplies (COVID-19)	Staples Contract & Commercial LLC	Supplies-COVID-19	61172	2,188.22
				Vendor Subtotal for Section 2:3002	2,188.22
Section 2:3002					
102-3002-6160-19	Operating Supplies (COVID-19)	Brian Shore	Malibu HS Community Pool-COVID (	61209	59.13
				Vendor Subtotal for Section 2:3002	59.13
			Subtotal for Section 1: 102		7,020.23
Section 1: 103					
Section 2:9050					
103-9050-5100-00	Professional Services	Master Cooling Corporation	City Hall HVAC Maint-Jul '20	61164	1,882.74
103-9050-5100-00	Professional Services	Master Cooling Corporation	City Hall HVAC Maint-Aug '20	61200	1,882.74
				Vendor Subtotal for Section 2:9050	3,765.48
Section 2:9050					
103-9050-5100-00	Professional Services	Ultimate Maintenance Services Inc	City Hall Janitorial Services-Aug '20	61210	4,350.00
				Vendor Subtotal for Section 2:9050	4,350.00

Account Number	Description	Vendor	Description	Check No	Amount
Section 2:9050					
103-9050-5610-00	Facilities Maintenance	G.I. Industries	Garbage-Green Waste-Aug '20	61154	100.00
				Vendor Subtotal for Section 2:9050	100.00
Section 2:9050					
103-9050-5610-00	Facilities Maintenance	W.W. Grainger,Inc	Roof Duct Sealant	61155	166.74
				Vendor Subtotal for Section 2:9050	166.74
Section 2:9050					
103-9050-5610-00	Facilities Maintenance	Harts Electric, Inc.	Repair Wiring Above Building & Safe	61190	100.56
				Vendor Subtotal for Section 2:9050	100.56
Section 2:9050					
103-9050-5610-00	Facilities Maintenance	The Sherwin-Williams Co.	Paint Supplies	61170	84.62
				Vendor Subtotal for Section 2:9050	84.62
			Subtotal for Section 1: 103		8,567.40
Section 1: 207					
Section 2:3004					
207-3004-5100-00	Professional Services	Solid Waste Solutions, Inc.	Locking Dumpster Inspections	61207	540.00
207-3004-5100-00	Professional Services	Solid Waste Solutions, Inc.	Solid Waste Consultant-Jul '20	61207	3,741.00
				Vendor Subtotal for Section 2:3004	4,281.00
			Subtotal for Section 1: 207		4,281.00
Section 1: 215					
Section 2:7070					
215-7070-5931-01	Labor Exchange	Malibu Comm Labor Exchange	CDBG Day Labor Program-Jul '20	61199	663.00
				Vendor Subtotal for Section 2:7070	663.00

Account Number	Description	Vendor	Description	Check No	Amount
Section 2:7070					
215-7070-7800-00	Other Equipment	Williams Scotsman Inc	Temp Office Space for MCLE-Aug '2(	61176	965.53
				Vendor Subtotal for Section 2:7070	965.53
			Subtotal for Section 1: 215		1,628.53
Section 1: 310					
Section 2:9061					
310-9061-5100-00	Professional Services	Kimley-Horn and Associates Inc	Civic Center Way Improvements-Jun '	61140	4,457.26
				Vendor Subtotal for Section 2:9061	4,457.26
			Subtotal for Section 1: 310		4,457.26
Section 1: 500					
Section 2:7008					
500-7008-5100-00	Professional Services	Landscape Development, Inc.	Legacy Park Landscape Maintenance-.	61153	13,594.00
				Vendor Subtotal for Section 2:7008	13,594.00
Section 2:7008					
500-7008-5610-00	Facility Maintenance	G.I. Industries	Garbage-SuperCare-89912113007-Au,	61154	185.09
				Vendor Subtotal for Section 2:7008	185.09
			Subtotal for Section 1: 500		13,779.09
Section 1: 515					
Section 2:3010					
515-3010-5100-00	Professional Services	Raftelis Financial Consultants, Inc.	CCWTF-Rate Study-Jun '20	61144	12,762.50
				Vendor Subtotal for Section 2:3010	12,762.50

Account Number	Description	Vendor	Description	Check No	Amount
			Subtotal for Section 1: 515		12,762.50
Section 1: 601					
Section 2:3005					
601-3005-6500-00	Motor Fuels	Fleetcor Technologies, Inc.	Gasoline-BG2439932-Jul '20	61181	344.52
				Vendor Subtotal for Section 2:3005	344.52
Section 2:3005					
601-3005-6500-00	Motor Fuels	Wright Express FSC Wex Bank	Gasoline for Period 6/24-7/23/20	61148	922.24
				Vendor Subtotal for Section 2:3005	922.24
			Subtotal for Section 1: 601		1,266.76
Section 1: 602					
Section 2:7060					
602-7060-5100-00	Professional Services	Konica Minolta Business Solutions U	OnBase Software Upgrade	61158	5,703.75
				Vendor Subtotal for Section 2:7060	5,703.75
Section 2:7060					
602-7060-5721-00	Telephone	Frontier California Inc	City Hall Fac Internet-7/28-8/27/20	61187	430.98
				Vendor Subtotal for Section 2:7060	430.98
Section 2:7060					
602-7060-5721-00	Telephone	Charter Communications Holdings, I	City Hall Internet 7/20-8/19/20	61208	194.98
				Vendor Subtotal for Section 2:7060	194.98
Section 2:7060					
602-7060-5721-00	Telephone	Verizon Wireless Services LLC	Phone Upgrades 6/24-7/23/20	61211	1,045.42
				Vendor Subtotal for Section 2:7060	1,045.42
Section 2:7060					

Account Number	Description	Vendor	Description	Check No	Amount
602-7060-7400-00	Computer Equipment	Flexential Colorado Corp	Server Collocation-Phoenix-Aug '20	61212	959.09
				Vendor Subtotal for Section 2:7060	959.09
			Subtotal for Section 1: 602		8,334.22
Section 1: 710					
Section 2:0000					
710-0000-2270-12	Parks - Security Deposits	Barbara Jeralds	Refund-Security Deposit for Parking F	61157	250.00
				Vendor Subtotal for Section 2:0000	250.00
Section 2:0000					
710-0000-2270-56	Wireless Community Facility	Telecom Law Firm PC	Wireless Community Fac-25803.5 Cor	61173	2,450.00
710-0000-2270-56	Wireless Community Facility	Telecom Law Firm PC	Wireless Community Fac-26920.5 PCI	61173	2,450.00
710-0000-2270-56	Wireless Community Facility	Telecom Law Firm PC	Wireless Community Fac-31557.5 PCI	61173	2,450.00
710-0000-2270-56	Wireless Community Facility	Telecom Law Firm PC	Wireless Community Fac-20002.5 PCI	61173	2,450.00
710-0000-2270-56	Wireless Community Facility	Telecom Law Firm PC	Wireless Community Fac-27729.5 PCI	61173	2,450.00
				Vendor Subtotal for Section 2:0000	12,250.00
Section 2:0000					
710-0000-2271-26	Jewish Center & Synagogue	Wood Environment & Infrastructure	Initial Study-Malibu Jewish Center &	61135	2,595.90
				Vendor Subtotal for Section 2:0000	2,595.90
			Subtotal for Section 1: 710		15,095.90
Section 1: 900					
Section 2:0000					
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70006.08.2020 PARS - EE S	61217	638.54
900-0000-2041-00	PARS	U.S. Bank	PR Batch 70006.08.2020 PARS - ER S	61217	133.92
				Vendor Subtotal for Section 2:0000	772.46

Account Number	Description	Vendor	Description	Check No	Amount
Section 2:0000					
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70006.08.2020 ICMA Def C	61214	9,978.00
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70006.08.2020 ER Contribu	61214	3,100.00
900-0000-2042-00	Deferred Compensation 457	ICMA Retirement Trust 457 - 303615	PR Batch 70006.08.2020 ICMA Def C	61214	645.36
				Vendor Subtotal for Section 2:0000	13,723.36
Section 2:0000					
900-0000-2042-01	ICMA Loan Program	ICMA Retirement Trust 457 - 303615	PR Batch 70006.08.2020 ICMA Loan	61214	2,198.82
				Vendor Subtotal for Section 2:0000	2,198.82
Section 2:0000					
900-0000-2043-00	Deferred Compensation 401	ICMA 401-Plan # 108658	PR Batch 70006.08.2020 ICMA - City	61215	572.31
				Vendor Subtotal for Section 2:0000	572.31
Section 2:0000					
900-0000-2043-00	Deferred Compensation 401	ICMA 401-Plan # 108650	PR Batch 70006.08.2020 ICMA - Dep	61216	692.28
				Vendor Subtotal for Section 2:0000	692.28
			Subtotal for Section 1: 900		17,959.23
			Report Total:		354,728.61

City Council Meeting
08-24-20
Item 3.B.3.

Council Agenda Report

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

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: August 10, 2020 Meeting date: August 24, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the July 13, 2020 Malibu City Council Regular meeting.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021. This project is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the meeting of July 13, 2020.

ATTACHMENTS: July 13, 2020 Malibu City Council Regular meeting minutes

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JULY 13, 2020
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

MEETING CALL TO ORDER

Mayor Farrer called the meeting to order at 5:31 p.m.

PUBLIC COMMENT ON CLOSED SESSION

None.

RECESS TO CLOSED SESSION

At 5:35 p.m., on the advice of counsel and based on existing facts and circumstances, the Council recessed to Closed Session to discuss the following item listed on the Closed Session agenda:

Conference with Legal Counsel – Anticipated litigation

1. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)
   Number of Cases: 1
   Letter dated October 25, 2019, from Milton Grimes regarding threat of litigation under California Voting Rights Act of 2001

REGULAR SESSION CALL TO ORDER

Mayor Farrer called the meeting to order at 6:30 p.m.

ROLL CALL

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

PRESENT: Mayor Karen Farrer; Mayor Pro Tem Mikke Pierson; and Councilmembers Rick Mullen; Skylar Peak; and Jefferson Wagner

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Yolanda Bundy, Environmental Sustainability Director; Bonnie Blue, Planning Director; Rob DuBoux, Public Works Director; Trevor Rusin, Assistant City

Attorney; Kelsey Pettijohn, Deputy City Clerk; Susan Dueñas, Public Safety Manager; and Lilly Rudolph, Contract Planner

CLOSED SESSION REPORT

City Attorney Hogin reported that the Regular meeting convened at 5:30 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code 54956.9(d)(2), with all Councilmembers present. She stated the Council discussed the items listed on the Closed Session agenda and took no reportable action. She discussed the intent of the California Voting Rights Act (CVRA) to prevent discriminatory voting practices. She stated the CVRA favored voting districts to prevent vote dilution. She stated some cities were not well suited to districts and had demographics where switching to districts would not benefit a protected class. She stated until recently arguments that district based elections would not allow for more participation had been ignored in court. She stated many cities had been sued or threatened with suit to switch to district elections. She stated the appeal decision in the case *Pico Neighborhood Association and Maria Loya v. City of Santa Monica* suit changed the legal landscape of these cases. She stated after the City had received a letter from Milton Grimes challenging the at-large voting system the City had taken action to study the claim and created draft district maps. She stated the community conversation over the draft maps and district elections had been disrupted by the COVID-19 pandemic. She stated district maps had to be based on census data and the next census would come out soon. She stated the City would not put a measure regarding district elections on the November 2020 ballot.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved and Mayor Pro Tem Pierson seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

City Clerk Glaser reported that the agenda for the meeting was properly posted on July 2, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. City Council Reorganization

1. Presentations to Outgoing Mayor

Mayor Pro Tem Pierson thanked Mayor Farrer for her service on the Public Safety Subcommittee, Library Subcommittee, California Contract Cities Association, Las Virgenes-Malibu Council of Governments (COG), League of California Cities Woolsey Taskforce, Santa Monica College Joint Powers Association, and Los Angeles County Library Commission. He thanked her for working so closely with him on issues important to the Malibu community. He asked Cameron Farrer to present Mayor Farrer with a

Malibu Wave Award.

Councilmember Mullen thanked Mayor Farrer for her service and her expertise in school district separation.

2. Remarks by Outgoing Mayor

Mayor Farrer stated it was an honor to serve as Mayor. She stated there were challenges but she appreciated the teamwork shown by the community while rebuilding from the Woolsey Fire and responding to the COVID-19 pandemic. She thanked City staff for their work and professionalism. She thanked the Commissioners for their dedication and expertise. She thanked Jeff Jennings for his dedication to serving on the Planning Commission even after losing his own home in the Woolsey Fire. She thanked her fellow Councilmembers, City Attorney Hogin, and City Manager Feldman for working with her on issues important to the community. She stated City Manager Feldman did a lot for the City that was not always recognized. She stated the number one priority for the City was always public safety.

3. Election of Mayor

MOTION Councilmember Mullen moved and Councilmember Wagner seconded a motion to nominate Mayor Pro Tem Pierson as Mayor. The question called and the motion carried unanimously.

4. Election of Mayor Pro Tem

MOTION Councilmember Wagner moved and Councilmember Mullen seconded the motion to nominate Councilmember Peak as Mayor Pro Tem. The question was called and the motion carried unanimously.

5. Administration of Oath of Office to Newly Elected Mayor and Mayor Pro Tem

Maggie Pierson swore in Mikke Pierson as Mayor.

City Clerk Glaser swore in Skylar Peak as Mayor Pro Tem.

Mayor Pro Tem Peak thanked Councilmember Farrer for her service.

6. Remarks by Newly Elected Mayor

Mayor Pierson stated the City had accomplished a lot during emergencies the last two years but there was more to do. He stated the City needed to protect citizens during COVID-19, support students, parents and teachers during the 2020-2021 academic year, and rally around small businesses. He stated it was important to prepare to respond to increasing danger from

wildfires and rising sea levels. He stated the City needed to maintain the fiscal health of the City, address homelessness programs, and create environmental programs. He stated Pacific Coast Highway (PCH) and crowds were still big issues for residents. He stated the City had limited staff resources. He thanked City Manager Feldman and staff for their work.

ITEM 2.A. PUBLIC COMMENTS

Jo Drummond requested the View Preservation Permit – Planning Commission fee be reduced. She discussed the City staff interpretation of gross floor area. She expressed concern the Malibu Municipal Code (MMC) and Los Angeles County Building Code were not consistent.

Colin Drummond stated the Los Angeles County definition for gross floor area included residential and commercial development.

Lynn Norton requested the Council direct Planning staff to move forward with Norm Haynie's hotel project. She stated the hotel would replace some transient occupancy tax revenue lost from restricting short-term rentals. She sated the hotel project would also improve water infrastructure in area. She stated for every month the project was delayed the City lost $90,000 in transient occupancy tax revenue.

Vicki D questioned why residents in her community had seen an increase in property taxes after the Woolsey Fire. She questioned if Mayor Pierson had reviewed the draft plan for Community Development Block Grant (CDBG) funds.

Scott Dittrich indicated support for a measure to consider having a directly elected Mayor. He questioned how quickly the Los Angeles County Waterworks District No. 29 (District 29) study identifying locations for backup generators would be completed and when generators could be installed.

Norman Haynie stated he had been working on a hotel project and thought it was ready to go to the Planning Commission. He stated he came to the Council two and a half months ago for feedback on additional benefits for the development agreement. He stated he wanted his project to be approved by the City Council before the November 2020 General Municipal Election. He stated he met with City staff to negotiate additional public benefits for a development agreement. He stated he had been told the outcome of those negotiations needed to come back to the City Council and would not be heard until August 2020.

Kraig Hill congratulated Mayor Pierson. He stated the Big Rock neighborhood needed more information on why District 29 needed to complete a study before installing generators. He indicated support for bringing back Mr. Haynie's hotel project quickly. He stated the development agreement should provide some type of ongoing public benefit.

Ann Doneen expressed concern the beaches had been overcrowded in recent weeks.

She stated Malibu Road was very congested with cars that were driving dangerously and erratically. She expressed concern a new hotel would increase traffic and the number of people on the beaches.

Steven O'Neill thanked Councilmember Farrer for her service and congratulated Mayor Pierson. He thanked the Council for its work supporting Woolsey Fire rebuilding. He stated there were contradictions between the water volume of toilets allowed by the California Plumbing Code and the number of fixtures allowed for an onsite wastewater treatment system (OWTS).

Barbara O'Neill Ferris congratulated Mayor Pierson and thanked Councilmember Farrer for her service. She stated it was important to update regulations for fixture count limitations to consider new toilet regulations and technology. She stated she and her husband were rebuilding from the Woolsey Fire. She stated rebuilds were limited to the number of fixtures included in the original home. She stated some rebuilding from the Woolsey Fire may live in an accessory dwelling unit (ADU) while rebuilding but may not be able to maintain fixtures in that ADU without upgrading their OWTS.

Kania W questioned why land on the Point Dume preserve was being developed. She questioned why her property taxes had increased since the Woolsey Fire. She stated the City should be able to close the beaches during the COVID-19 pandemic. She congratulated Mayor Pierson. She stated the community should be more involved in the election of the Mayor.

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

City Manager Feldman congratulated Mayor Pierson and Mayor Pro Tem Peak and thanked Councilmember Farrer for her service. She stated there had been a one-acre fire in Carbon Canyon during the day that was quickly contained and the site was being monitored by the Los Angeles County Fire Department. She stated Los Angeles County had 129,000 total cases and 3,575 deaths and Malibu had 65 total cases and two deaths of COVID-19. She stated Governor Newsom announced new COVID-19 restrictions that had been pushed out to subscribers through the City's notification system. She reported 242 single-family homes and one multi-family property had approved through Planning and 122 building permits had been issued and five homes had been completed for Woolsey Fire rebuilds. She stated the Malibu Emergency Survival Guide was complete and had been printed but had not been distributed due to COVID-19. She stated people could request a copy from Public Safety Specialist Sarah Kaplan. She stated the nomination period for the November 3, 2020 General Municipal Election opened and would close August 7, 2020, or August 12, 2020 if the incumbent did not file. She stated the annual street maintenance project had begun. She stated the Civic Center Way Improvement Project had been approved by the California Coastal Commission (CCC) after having been appealed. She stated the fire-resistant landscape Local Coastal Program Amendment (LCPA) and pesticide prohibition LCPA were pending with the CCC. She stated the City had worked with the Caltrans to add a right turn lane

on PCH at Trancas Canyon as part of the Trancas Creek Bridge Replacement Project. She stated construction of the right turn lane would be paid for with the City's portion of Los Angeles County Measure R funds. She announced Caltrans would hold a virtual public meeting regarding the project on July 15, 2020. She stated Bluffs Park and the temporary skate park had been closed because people were not complying with COVID-19 regulations. She stated the community pool at Malibu High School (MHS) had been reopened and reservations were required due to COVID-19 regulations. She announced the Planning Commission would hold a hearing for the short-term rental home sharing LCPA on July 29, 2020. She stated the interim short-term rental ordinance would be heard by the Council on August 10, 2020. She stated 44 commercial properties were in compliance with locking dumpster lid ordinance. She stated Southern California Edison (SCE) had released more information on the Public Safety Power Shutoff (PSPS) plan and new maps were available on the SCE website. She announced the second City Council meeting in July would be dark and the next City Council Regular meeting would be held on August 10, 2020. She stated Mr. Haynie's hotel project would be brought back to the Council on August 10, 2020. She stated Los Angeles County Public Works Director Mark Pestrella would be reaching out to the Big Rock area about the study regarding generators, which had begun and would be complete in a few weeks. She stated District 29 would fully fund the recommendations of the study. She announced Planning Director Blue would be leaving the City in the fall of 2020.

Environmental Sustainability Director Bundy stated the definition Mr. O'Neill referred to was for the water meter sizing, not the drainage fixture units. She stated the City used the California Plumbing Code information regarding drainage fixtures unit values. She stated California Building Codes were the minimum code requirements and the City could not amend it to be less restrictive. She stated the size of an existing OWTS system limited the number of allowed fixture units for some fire rebuilds. She stated the California Green Building Code had been integrated into the California Plumbing Code and limited the maximum flow of a toilet to 1.28 gallons per flush. She stated the City could write a letter to the State commission requesting the number of drainage fixture units be allowed to increase based on the new flow restrictions.

Mayor Pierson thanked City Manager Feldman for her update and Environmental Sustainability Director Bundy for the information she reported. He thanked Planning Director Blue for her service and wished her luck on her next steps.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Farrer stated she and Mayor Pierson participated in a Mayor and Councilmembers executive forum. She stated she participated in Los Angeles County Public Health Department updates. She stated she attended the opening of the temporary skate park, which had to be closed due to COVID-19. She stated she looked forward to people being able to use the skate park once it was safe. She stated she attended a webinar on wildfire preparedness sponsored by the League of

California Cities. She stated she received an update from the California Governor's Office of Emergency Services (Cal OES). She stated it was important that the community complete the 2020 Census. She expressed concern census response numbers in the City were low. She thanked Planning Director Blue for her service. She stated she was optimistic that the District 29 generator project would move forward quickly. She stated she would like to see Mr. Haynie's project move forward quickly. She stated the City did not have control over enforcement of mask and social distancing requirements on the beaches. She stated the City was in communication with the County regarding enforcement. She thanked Environmental Sustainability Director Bundy for explanation of fixture unit requirements. She stated property taxes were not assessed by the City. She stated rebuilding from the Woolsey Fire remained a priority. She stated she looked forward to the Civic Center Improvement Project moving forward.

Councilmember Mullen expressed concern Malibu was becoming a destination for impromptu car shows.

In response to Councilmember Mullen, City Manager Feldman stated she had been in touch with California Highway Patrol (CHP) about road racing and car clubs in the area and had directed staff to look into what the City could do.

Councilmember Mullen stated he understood Los Angeles County Public Works Director Pestrella was looking into generators for Big Rock and would follow through on the project. He stated back up power was needed for emergencies other than a PSPS.

In response to Councilmember Mullen, Planning Director Blue stated the Building Code and Zoning Code had different purposes. She stated when a project on Piedra Chica was before the Planning Commission the Building Code provision regarding the size of an addition that could be allowed in a landslide hazard zone was brought up. She stated the square footage limits in the Zoning Code were to address an aesthetic concern and not related to health and safety. She stated Zoning Code language did not align with the Los Angeles County Building code because they were unrelated.

Councilmember Mullen thanked Planning Director Blue for her service. He stated the stairway to the beach on Point Dume was being replaced. He stated the City did not have jurisdiction over the beaches. He stated the number of visitors to the City was increasing. He stated the Mayor was elected by the Councilmembers but was just one voting member of the Council.

Councilmember Wagner stated there was community interest in Mr. Haynie's hotel project and questioned why the project had to come back to Council again before going to Planning Commission. He stated Mr. Haynie made valuable contributions to the Malibu community. He stated Mr. Haynie's property would be hosting a blood donation drive. He stated some of the visitors to the City were committing Health Code violations including littering.

Mayor Pro Tem Peak stated he participated in a Clean Power Alliance meeting. He thanked Councilmember Farrer for her leadership. He thanked Councilmember Farrer and Mayor Pierson for their service after the Woolsey Fire. He thanked people for following COVID-19 restrictions.

Mayor Pierson stated he was interested in reconsidering the View Preservation Permit – Planning Commission fee.

In response to Mayor Pro Tem Peak, City Manager Feldman stated staff could bring back the fee schedule as part of the budget review in August 2020.

In response to Mayor Pierson, City Manager Feldman stated to her knowledge the View Preservation Permit – Planning Commission fee had never been paid and neighbors had resolved their issues amicably.

Mayor Pierson stated these were very unstable and stressful times. He stated the City was overrun by visitors some weekends. He stated the City was working closely with other agencies on COVID-19 response but followed orders from the Los Angeles County Department of Public Health. He expressed disappointment the temporary skate park had to be closed. He stated he listened to the Santa Monica-Malibu Unified School District (SMMUSD) town hall meeting on the 2020-2021 academic year plan. He stated it was important to prepare for fire season. He stated people needed to make a commitment to fire safety. He stated PCH was still a priority for the City. He stated the Los Angeles County Sheriff's Department was doing what it could for enforcement of COVID-19 regulations. He stated Zuma Beach was very crowded on Friday of the previous week. He encouraged people to complete the 2020 Census. He stated a report on 5G would be presented at the August 10, 2020 meeting. He stated he was participating in weekly calls with the California Coalition of Mayors and other cities were dealing with similar issues. He stated he was working with the Malibu Chamber of Commerce on 0% loans for small businesses.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to approve the consent calendar. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 466
   Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 466 amending Malibu Municipal Code Title 9 (Public Peace and Welfare) Chapter 9.34 (Smoking Regulations) to regulate smoking in the City, repealing Malibu Municipal Code Sections 9.04.010 and

12.08.035 (Ordinance No. 265), and finding the same exempt from the California Environmental Quality Act.

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 60758-60924 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. 663 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $2,092,145.88. City of Malibu payroll check number 5107-5108 and ACH deposits were issued in the amount of $213,350.10.

3. Approval of Minutes
Recommended Action: Approve the minutes for the June 8, 2020 Malibu City Council Regular meeting.

4. Submission of a Proposed Measure to the Voters to Increase Transient Occupancy Tax
Recommended Action: 1) Adopt Resolution No. 20-37 ordering the submission of a proposed measure that would increase the City's Transient Occupancy Tax from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020, as called by Resolution No. 20-27; and 2) Adopt Resolution No. 20-38 setting priorities for filing written arguments regarding the submission of a proposed measure that would increase the City's Transient Occupancy Tax from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020, as called by Resolution No. 20-27 and directing the City Attorney to prepare an impartial analysis.

5. Acceptance of the Temporary Skate Park Surfacing Project
Recommended Action: 1) Accept the work performed by Superior Paving Company dba United Paving Co., for the Temporary Skate Park Surfacing Project (Specification No. 2079) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

6. Acceptance of the Temporary Skate Park Equipment Installation Project
Recommended Action: 1) Accept the work performed by California Skateparks for the Temporary Skate Park Equipment Installation Project (Specification No. 2085) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

7. Acceptance of the Charmlee Park Fence Replacement Project
Recommended Action: 1) Accept the work performed by Dash Construction Company for the Charmlee Park Fence Replacement Project (Specification No. 2081) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

8. Amendment to Professional Services Agreement with 30 Three Sixty Public Finance, Inc.

Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with 30 Three Sixty Public Finance, Inc. extending the term of the agreement for two additional years to expire on July 23, 2022.

9. Amendment to Professional Services Agreement with Questa Engineering Corp.
Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Questa Engineering Corp. to allow for a one-year extension of the existing agreement through June 30, 2021.

10. Amendment to Professional Services Agreement with STLR Corp, dba Ryland School Business Consulting
Recommended Action: Authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with STLR Corp, dba Ryland School Business Consulting.

11. Fiscal Year 2020-2021 General Fund Grant Program
Recommended Action: Approve the recipients and amounts for the Fiscal Year 2020-2021 General Fund Grant Program.

12. Transfer Agreement for Receiving Safe, Clean Water Program- Municipal Program Funds
Recommended Action: Authorize the City Manager to execute a Transfer Agreement with the Los Angeles County Flood Control District to receive Safe, Clean Water funds.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Appeal No. 20-003 - Appeal of Planning Commission Resolution No. 20-11 (33608 Pacific Coast Highway; Appellant: Michael Price; Applicant: Burdge and Associates Architects, Inc.; Property Owner: Michael Price)
Recommended Action: Adopt Resolution No. 20-39, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 20-003 and approving Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and additions to, an existing two-story, single-family residence; including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway (Price).

Planning Director Blue presented the staff report. She stated the Building Code definition and Zoning Code definitions for square footage were unrelated. She stated the Planning Commission's final decision was memorialized in the resolution. She stated Mr. Hill's correspondence incorrectly referenced the wrong lot size. She stated the property complied with total development square footage (TDSF). She stated a survey was completed to determine the lot size because the Los Angeles County Assessor's parcel size calculations differed from the calculations needed for zoning. She stated a revetment was a shoreline protection device and the area it sat on should still be included in the lot area.

Councilmember Farrer disclosed she had a phone call with Doug Burdge and received correspondence also distributed to the Council. She stated she did not learn anything that was not included in the staff report.

Councilmember Mullen disclosed he had a phone call with Doug Burdge and received correspondence also distributed to the Council. He stated he spoke with Planning Commissioners Steve Uhring, John Mazza, and Chris Marx and former Planning Commissioner Kraig Hill. He stated he did not learn anything that was not included in the staff report or correspondence distributed to the Council.

Councilmember Wagner disclosed he visited the site and took pictures. He stated he did not learn anything that was not included in the staff report.

Councilmember Mullen stated he viewed the site from the public right-of-way.

Mayor Pro Tem Peak disclosed he spoke with the project architect and Planning Commissioner John Mazza. He stated he was familiar with the property. He stated he did not learn anything that was not included in the staff report.

Mayor Pierson disclosed he met with James Arnone, Doug Burdge, and Planning Commissioner John Mazza. He stated he did not learn anything that was not included in the staff report.

Jim Arnone stated the property owner and Doug Burdge had worked with staff to permit a minor remodel and were surprised the project was denied by the Planning Commission. He stated the project was consistent with the historic interpretation of the two-thirds rule. He stated the Planning Commission had analyzed the two-thirds rule using the gross floor area, which was a different development standard from TDSF. He stated the project would in with the neighborhood character and would not be visible from public viewpoints. He stated the Los Angeles County Assessor's habitable area calculation was different from TDSF and the two should not be compared. He stated the habitable area of the project would be comparable to neighboring properties.

Doug Burdge stated he was the architect for the project and was the architect for the original construction. He stated he understood the rules when developing this project and worked within them. He stated the neighborhood was eclectic. He stated the project did not add any new bedrooms or bathrooms. He stated the project was in character with the neighborhood and did not interrupt any views.

Mr. Arnone stated the staff report was very detailed and correctly analyzed the two-thirds rule.

Jo Drummond discussed MMC 17.40.040. She stated the City Council should clarify the two-thirds rule should be analyzed using gross floor area. She stated gross floor area calculations should be used for commercial and residential projects.

Colin Drummond discussed MMC 17.02.020. He stated gross floor area was used to calculate an addition's size in a geologically hazardous area. He stated Los Angeles County used gross floor area for residential properties. He stated building and zoning codes should be consistent.

Kraig Hill requested Mayor Pierson recuse himself because Mayor Pierson dismissed him from his Planning Commission position over his vote on this project. He stated he referenced the wrong assessor information in his letter. He stated the revetment was a significant change to the topography of the land and should be subtracted from the lot size for TDSF calculations. He stated the MMC did not specify what floor calculation should be used. He stated the interpretation of the two-thirds rule using TDSF would allow abuse. He stated the gross floor area ratio should be used. He stated the mean size of neighboring properties was smaller.

John Mazza stated he submitted correspondence on the item. He stated the conclusions in his letter were based on information in the staff report. He stated the two-thirds rule existed to address bulk and mass. He stated the Planning Commission closely studied all the rules and made decisions based on the MMC.

Norman Haynie stated the property should be zoned beachfront. He stated the project was consistent with the historic interpretation of the code. He stated a project could not have an impact on the neighborhood when it could not be seen by the neighbors.

Mr. Arnone stated the revetment slope was 1 to 1.5, but it was incorrectly presented to the Planning Commission as 1 to 1 slope. He stated it had not been City policy to delete revetments from the lot area. He stated in the interest of fairness, homeowners should be able to rely on long-standing code interpretations. He stated if rules were going to change it should be part of a public process. He stated this project complied with the rules.

In response to Mayor Pierson, Assistant City Attorney Rusin stated Mayor Pierson did not have a conflict just because he chose to replace his appointment to the Planning Commission.

Councilmember Wagner stated this was a complex issue. He stated it was important to address any deficiencies in the code. He stated interpretations of the code were fluid.

Councilmember Mullen stated it was important to clarify grey areas in the code.

In response to Councilmember Mullen, Planning Director Blue stated a covered patio was a structure and contributed to the visual massing of the building. She stated some patios were bulky and substantial and there was push back from allowing these outside of TDSF. She stated it was a standard interpretation that patios over six feet would be counted toward TDSF. She stated an update to this part of the code was intended to be part of a major overhaul that did not go forward.

She stated the patio could be enclosed but the applicant team may want to weigh-in on design choices. She stated the addition of patios had been used to comply with the two-thirds rule before and had not been scrutinized. She stated many applicants who had available TDSF would choose to add enclosed space.

Councilmember Mullen stated the two-thirds rule was intended to prevent boxy buildings and the project looked boxy. He stated the additions were towards the front of the property and would not been very visible from the ocean.

In response to Councilmember Mullen, Planning Director Blue stated the long-standing practice of applying non-beachfront standards to all rural residential properties was being clarified in a code amendment that was on the Zoning Ordinance and Code Enforcement Subcommittee (ZORACES) work plan. She stated most rural residential properties that touched the shoreline were on bluffs and if they had beachfront development standards like unrestricted TDSF and smaller setbacks it would lead to a visually massive development.

In response to Councilmember Mullen, Mr. Arnone stated an extreme flooding event could impact the property and make further enclosed additions to the first floor challenging.

Councilmember Mullen suggested beginning the process for a code amendment or other clarification of two-thirds rule.

Mayor Pro Tem Peak stated he believed the property and neighboring properties were true beachfront properties.

In response to Mayor Pro Tem Peak, Planning Director Blue stated the City zoning of rural residential was intended to encourage some pockets of smaller properties to merge and over time become larger.

Councilmember Farrer stated the project was consistent with development standards. She stated discrepancies in the code should be studied but stated it was not fair to change the rules on a project. She expressed concern that there was uncertainty for people in the development process regarding what the rules were.

Mayor Pierson stated the rules were vague. He stated the text of the code, interpretation of the code, and intent of the code had to be considered. He stated there was an established interpretation of the two-thirds rule.

In response to Mayor Pierson, Planning Director Blue stated the MMC and Local Implementation Plan (LIP) needed to be updated together to be consistent.

Mayor Pierson stated the Council could change the code but standing interpretations could not be changed on the fly by the Planning Commission. He stated the Planning Commission was rejecting projects on the neighborhood character finding when the project was widely supported by the neighbors. He

stated parts of the code needed to be fixed. He encouraged the Planning Commissioners to approach their appointing Councilmembers with proposals to fix the code. He stated the project fit into the neighborhood. He stated the Planning Commission should help residents build homes. He stated delays and uncertainties made it so only the very rich could afford build.

Councilmember Mullen stated the project appeared to fit into the neighborhood character and did not change the visual impact of the house very much. He stated sometimes the way things had always been done needed to change. He stated in this case the code was vague. He stated this project was not out of line. He stated the Planning Commissioners had a hard job and needed to bring their best judgement to each case. He stated he appreciated the Planning Commission's work and stated he did not generally like to overturn a Planning Commission decision. He stated this project tried to follow all the rules.

Mayor Pierson stated Planning Commissioner's had a hard job. He stated the history of code interpretation was important and fixing the code had to be done the right way.

Councilmember Farrer agreed that sometimes the way things had always been done needed to change. She stated new regulations should not be cobbled together on individual projects. She stated appeals were a drain on City resources.

Councilmember Wagner stated the project was in the CCC appeal zone. He expressed concern that the CCC would demand the City clean up the code if questionable projects continued to be permitted.

MOTION Mayor Pro Tem Peak moved and Councilmember Farrer seconded a motion to adopt Resolution No. 20-39, determining the project is categorically exempt from the California Environmental Quality Act, granting Appeal No. 20-003 and approving Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and additions to, an existing two-story, single-family residence; including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs located in the Rural Residential-Two Acre (RR-2) zoning district at 33608 Pacific Coast Highway (Price).

In response to Mayor Pierson, Planning Director Blue stated staff could update an interpretation quickly. She stated the interpretation would first go to ZORACES and then be published in the interpretation manual. She stated, in the long-term, code amendments to MMC and LCP could be processed.

Mayor Pierson stated there was a printed and standing interpretation of the code that should be considered.

In response to Assistant City Attorney Rusin, Mayor Pierson stated he had noted MMC 17.40.040 seemed vague. He stated he wanted feedback from staff on how best to clarify the issue.

Assistant City Attorney Rusin stated clarifying the standard interpretation that floor area in MMC 17.40.040 referred to TDSF was an easy change. He stated changing how covered patios were interpreted under TDSF would be more complicated.

Councilmember Mullen stated an item should be brought before ZORACES for robust public discussion. He stated it was important to consider unintended consequences.

Mayor Pierson stated the issue needed more discussion at a future meeting.

Mayor Pro Tem Peak stated the Council needed to make a decision on the project based on the existing code.

In response to Mayor Pro Tem Peak, Planning Director Blue stated this was an area of the code that could use clarification.

Assistant City Attorney Rusin stated this could be clarified with other issues like the classification of rural residential beachfront properties.

City Manager Feldman stated she would work with Planning Director Blue on scheduling an item to go to ZORACES.

The question was called and the motion carried 4-1, Councilmember Wagner dissenting.

RECESS Mayor Pierson recessed the meeting 9:57 p.m. The meeting reconvened at 10:03 p.m. with all Councilmembers present.

B. An Ordinance Amending Section 2.52.040 Malibu Municipal Code Chapter 2.52 (Emergency Services Organization)
Recommended Action: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 467 Amending Section 2.52.040 (Disaster Council Powers and Duties) in Chapter 2.52 (Emergency Services Organization) of Title 2 (Administration and Personnel) of the Malibu Municipal Code to Require the Disaster Council to Comply with the California Emergency Services Act and to Meet at Least Once Annually and finding the same exempt from the provisions of the California Environmental Quality Act; 2) Direct staff to schedule the second reading and adoption of Ordinance No.467 for the August 10, 2020 Regular City Council Meeting; and 3) Adopt Resolution 20-40 agreeing to the rules and regulations established by the California Governor's Office of Emergency Services pursuant to the provisions of government code section 8585.5 relating to relative to workers' compensation benefits for registered disaster service worker volunteers; and repealing Resolution No. 91-85.

Public Safety Manager Dueñas presented the staff report.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1)

introduce on first reading Ordinance No. 467 Amending Section 2.52.040 (Disaster Council Powers and Duties) in Chapter 2.52 (Emergency Services Organization) of Title 2 (Administration and Personnel) of the Malibu Municipal Code to Require the Disaster Council to Comply with the California Emergency Services Act and to Meet at Least Once Annually and finding the same exempt from the provisions of the California Environmental Quality Act; 2) direct staff to schedule the second reading and adoption of Ordinance No.467 for the August 10, 2020 Regular City Council Meeting; and 3) adopt Resolution 20-40 agreeing to the rules and regulations established by the California Governor's Office of Emergency Services pursuant to the provisions of government code section 8585.5 relating to relative to workers' compensation benefits for registered disaster service worker volunteers; and repealing Resolution No. 91-85.

Assistant City Attorney Rusin read the title of the ordinance.

In response to Councilmember Wagner, City Manager Feldman stated Volunteers on Patrol were classified as disaster service workers with the Los Angeles County Sheriff's Department

The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Cliffside Drive Proposed Utility Underground Assessment District
Recommended Action: 1) Accept a deposit in the amount of $200,000 from homeowners on Cliffside Drive; and 2) Provide direction to staff on forming a utility underground assessment district for Cliffside Drive.

Public Works Director DuBoux presented the staff report.

Mark DiPaola stated he bought his property 10 years ago and built a house six years ago. He stated he was aware of fire danger. He stated undergrounding utilities would contribute to fire safety and the rural beauty of the neighborhood.

Councilmember Mullen thanked Mr. DiPaola for participating in the meeting and organizing his neighbors. He stated undergrounding utilities would contribute to fire safety and aesthetic beauty. He stated he was impressed by the neighborhood stepping up.

Councilmember Wagner encouraged the people west of Fernhill to underground their utilities.

In response to Mayor Pro Tem Peak, Mr. DiPaola stated he had approached a few neighbors on the other block of Cliffside Drive to see if they would like to lead undergrounding efforts for their block. He stated it would save money to underground as a larger group but they were not interested.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1) accept a deposit in the amount of $200,000 from homeowners on Cliffside Drive; and 2) direct staff to begin work to form a utility underground assessment district for Cliffside Drive.

Mayor Pierson thanked Mr. DiPaola for his efforts.

City Manager Feldman stated the estimated staff costs of $25,000 would be paid for from the deposit. She stated staff would inform the Council and the property owners if consultant costs would exceed the deposit.

The question was called and the motion carried unanimously.

B. Dume Drive and Fernhill Drive Speed Humps

Recommended Action: 1) Receive recommendation from the Public Safety Commission on placing speed humps on Dume Drive and on Fernhill Drive between Grayfox Street and Cliffside Drive; and 2) Provide direction to staff and if, the direction is to proceed with the placement of speed humps on Dume Drive and on Fernhill Drive between Grayfox and Cliffside Drive, add this project to the Work Plan for Fiscal Year 2020-2021.

Public Works Director DuBoux presented the staff report.

John Mazza stated a condition of the Conditional Use Permit (CUP) for Malibu Elementary School was to mitigate traffic issues. He stated he heard at a Public Safety Commission meeting that speed humps could not be placed on a street as steep as Grayfox Street. He encouraged reassessing the height of speed humps on Zumirez Drive. He indicated support for approving the speed humps.

Jane Albrecht stated Dume Drive and Fernhill Drive were critical routes for the Los Angeles County Fire Department. She stated Point Dume residents were not involved in this process. She stated when speed humps were previous considered each resident received a mailer and the Los Angeles County Fire Department had been concerned about response time. She stated some speed humps had been added on Point Dume where people wanted them. She stated there was additional signage to slow people down.

Councilmember Mullen stated Ms. Albrecht made compelling arguments about first responders. He stated he was interested in hearing from the Councilmembers who lived in Point Dume.

Councilmember Farrer stated she had speed humps on her street that had helped slow down cars, but stated it was not a thoroughfare like Dume Drive. She expressed concerned about speeds and driving maneuvers on Dume Drive and stated it could benefit from speed humps. She stated she did not believe speed humps would have a made a difference to first responders during the Woolsey Fire.

In response to Councilmember Farrer, Public Works Director Duboux stated speed tables were the same height as speed humps but speed tables were longer. He stated he did not know exactly what impact speed tables would have versus speed humps.

Councilmember Farrer discussed the need for people to drive responsibly. She stated enforcement could help but it was hard to maintain a high level of enforcement. She stated the Council had received correspondence in favor of speed humps.

Mayor Pro Tem Peak stated he just looked up speed tables and it appeared people may be able to drive over them faster. He stated in 2012 he received petitions for speed humps for specific streets but there were also a few people on these streets who were very vocally opposed. He stated the number of students at the school and construction workers rebuilding from the Woolsey Fire may have changed things. He stated he was alarmed by how quickly people were driving on Dume Drive. He stated he had heard from discussions with the Los Angeles County Fire Department that speed humps would not significantly slow down emergency response because they could be driven over safely when driving the speed limit. He stated speed humps could be removed but in most places they were installed the neighbors usually grew to like them.

Councilmember Wagner stated it was important to carefully consider the height of speed humps. He stated fire trucks would handle driving over speed humps. He stated visible stripping encouraged people to notice speed humps and slow down.

Councilmember Mullen stated everyone in the Ramirez Canyon neighborhood he lived in liked speed humps. He stated speed humps did not provide a hindrance for emergency response.

In response to Mayor Pro Tem Peak, Public Works Director DuBoux stated the speed limit would not be modified based on the most recent speed survey. He stated having speed humps may modify the results of the next speed survey.

Councilmember Wagner stated speed humps could reduce the number of people speeding through Point Dume when PCH was congested.

Mayor Pro Tem Peak stated if residents on other streets in Point Dume wanted to add speed humps they should contact the Council. He stated he had heard complaints about speeding on Birdview Avenue and Cliffside Drive.

Mayor Pierson his neighborhood had speed humps that helped slow down most people.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1) receive recommendation from the Public Safety Commission on placing speed humps on Dume Drive and on Fernhill Drive between Grayfox Street and Cliffside Drive; and 2) direct staff to add this project to the Work Plan for Fiscal Year 2020-2021. The question was called and the motion carried unanimously.

C. Procedures Required for Election of a Directly Elected Mayor or Strong Mayor
Recommended Action: Receive report and provide desired direction, if any.

Assistant City Attorney Rusin presented the staff report.

Jo Drummond indicated support for a strong mayor.

Lance Simmens indicated opposition to district elections. He stated lawyers should not be able to bully cities into changing the form of government when there was not racially discriminatory voting in the City. He discussed his service as the Assistant Executive Director of the U.S. Conference of Mayors. He stated changing the form of government had far reaching impacts. He recommended delaying consideration of this item until after the November 3, 2020 General Municipal Election.

Vicki D was not present at the time of the hearing.

Kraig Hill recommended the Council begin the process to create a City charter. He stated there were hybrid city structures available to a charter city. He stated a charter city could allow more compensation for Councilmembers and require a certain percentage of employees live in the City. He indicated support for a directly elected Mayor. He stated new district maps should not to be drawn unless the district efforts moved forward.

Councilmember Mullen stated the Council's actions should be needs-driven. He stated he did not see a need to change the City's form of government, especially when resources were already taxed.

Councilmember Farrer stated she began researching this issue after she was elected to learn more. She stated she found good information from the International City/County Management Association. She stated of the 482 cities in California, 477 used the Council-manager form of government. She stated the cities that did not use that form of government were among the largest cities. She stated Malibu did not have the pool of candidates necessary to elect a qualified strong mayor. She stated efforts to change the form of government would be a drain on resources. She stated waiving permit fees was important for rebuilding but had significant impacts on the budget. She stated there were budget constraints caused by the Woolsey Fire and COVID-19.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to receive and file a report on procedures required for election of a directly elected mayor or strong mayor.

Councilmember Wagner thanked Assistant City Attorney Rusin for preparing a balanced report. He stated 125 cities in California were charter cities. He stated a number of community members had expressed interest in a directly elected mayor. He stated switching to a directly elected mayor would not seriously disrupt City operations. He indicated support for proceeding with creating a charter commission.

Mayor Pierson expressed concern the City did not have the bandwidth to begin the charter city process. He stated he had some concerns regarding a directly elected mayor and wanted to maintain diversity in representation. He stated he had not had many people approach him about changing the City's form of government. He expressed concern this type of item would need more public participation. He stated if there were significant public interest, residents should bring forward a petition.

Councilmember Mullen stated it was challenging to find qualified candidates for City Council and that it was a part-time job. He stated the City had a small pool of people to pull from for candidates. He stated he was in favor of an elected representative who did not rely on their elected position for their primary income. He stated some charter cities had a Council-manager form of government. He stated becoming a charter city had been proposed as part of a school district separation effort. He stated significant changes to the form of government should be considered at an in-person meetings. He stated if there were significant public interest, residents should bring forward a petition.

Councilmember Farrer stated only five cities in California elected a strong mayor.

Councilmember Wagner indicated support for a directly elected mayor.

Mayor Pierson stated this was not the time to form a charter committee.

The motion carried 4-1, Councilmember Wagner dissenting.

ITEM 7 COUNCIL ITEMS

A. Los Angeles County Sheriff's Department's Use of Force
Recommended Action: 1) Discuss the Los Angeles County Sheriff's Department's use of force; and 2) Consider authorizing the Mayor to send a letter to the Los Angeles County Board of Supervisors and Sheriff Alex Villanueva regarding the Los Angeles County Sheriff's Department's use of force policy.

City Manager Feldman stated staff was seeking direction on if and how staff should draft a letter.

Clinton Brown was not present at the time of the hearing.

Mayor Pro Tem Peak indicated support for sending a letter that encouraged the Los Angeles County Sheriff's Department to give officers proper use of force training and expressed that the City did not want to see violent incidents like those recently seen around the country.

In response to Mayor Pierson, Mayor Pro Tem Peak stated he had seen good restraint of force during recent protests but sometimes tensions had gotten out of hand. He stated more experienced law enforcement officers were better at de-escalating situations.

Councilmember Wagner stated he had served a Reserve Deputy Sheriff. He stated existing training prepared officers for scenarios where de-escalation was needed. He stated some Sheriff's Deputies received special training for situations that would need de-escalation, such as spousal abuse and responding to incidents with people experiencing homelessness. He stated the Los Angeles County Sheriff's Department had around 10,000 Deputies. He stated one bad officer may not represent an entire department. He stated it was important that specially trained Deputies be deployed for the right situations.

Councilmember Farrer stated Deputies faced challenging situations in the field and there were special teams for unique challenges such as the Mental Evaluation Team, teams responding to incidents with people experiencing homelessness, and juvenile teams. She indicated support for sending a letter expressing support for the Los Angeles County Sheriff's Department and stressing the importance common sense restraint in the use of force. She stated she believed the Los Angeles County Sheriff's Department was working on appropriate use of force and the proposed letter was not a response to specific concerns in the Malibu area.

Councilmember Mullen stated he often worked with law enforcement officers in his role as a firefighter. He stated recent protests had been sparked by an incident in another state when a person is custody lost his life. He stated people were talking about defunding police agencies and there had been riots around the country. He stated law enforcement officers had a very challenging job. He stated the law enforcement officers he worked with were very professional and very careful with their actions. He expressed concern a world without law enforcement professionals would be less safe. He stated training was important and officers could receive even more training to prevent tragic incidents. He indicated support for sending a letter expressing support for law enforcement officers and appropriate training.

Mayor Pierson stated a few weeks ago he had a conversation with a law enforcement officer who was upset with officers in other areas that had killed people unnecessarily and demeaned a profession dedicated to serving the public. He stated it was challenging for large organizations to locate and address problematic individuals. He stated Deputies serving the Malibu area seemed to do a good job helping the community. He indicated support for sending a letter

expressing support for the Los Angeles County Sheriff's Department and expressing the importance of training.

Mayor Pro Tem Peak indicated support for sending a letter to the Los Angeles County Sheriff Alex Villanueva and the Los Angeles County Board of Supervisors expressing support for the Los Angeles County Sheriff's Department and encouraging proper use of force training for their difficult jobs.

Councilmember Mullen indicated support Mayor Pro Tem Peak's comments.

Councilmember Wagner stated it was important to specifically support the Deputies during the COVID-19 emergency.

CONSENSUS

By consensus, the Council authorized the Mayor to send a letter to the Los Angeles County Board of Supervisors and Los Angeles County Sheriff Alex Villanueva expressing appreciation for the Los Angeles County Sheriff's Department and its work during the COVID-19 pandemic and encouraging specialized training on the use of force for all Deputes to assist them in their dedicated service to the community.

B. Legislation Position Letters – Assembly Bills 2167 and AB 2178, and Senate Bills 378, SB 801 and SB 862 (Mayor Farrer)

Recommended Action: At the request of Mayor Farrer, 1) authorize the Mayor to send the following legislature position letters: A) In opposition to Assembly Bill (AB) 2167, legislation intended to address problems associated with insurance availability and pricing in fire-prone areas; B) In support of AB 2178, which would add Power Safety Shut-Offs (PSPS) as a cause for declaring a state of emergency, potentially providing a source of funding for costs accrued during these events; C) In support of Senate Bill (SB) 378, which would require numerous provisions related to an electrical investor-owned utility's (IOU) decision to proactively shut off power; D) In support of SB 801, which would establish new requirements on electrical corporations regarding deployment of backup electrical resources to customers receiving medical baseline allowance and living in a high fire-threat district and would require the corporation's program to provide backup electrical resources in consultation with local disability rights advocates; and E) In support of SB 862, which adds PSPS as a cause for declaring a state of emergency and requires coordination with local governments; and 2) Direct the City's lobbyist to closely monitor these legislation and report to the City on the bill's status or any significant modifications.

Councilmember Farrer presented the staff report.

Clinton Brown was not present at the time of the hearing.

MOTION Mayor Pro Tem Peak moved and Councilmember Mullen seconded a motion to: 1) authorize the Mayor to send the following legislature position letters: A) in

opposition to Assembly Bill (AB) 2167, legislation intended to address problems associated with insurance availability and pricing in fire-prone areas; B) in support of AB 2178, which would add Power Safety Shut-Offs (PSPS) as a cause for declaring a state of emergency, potentially providing a source of funding for costs accrued during these events; C) in support of Senate Bill (SB) 378, which would require numerous provisions related to an electrical investor-owned utility's (IOU) decision to proactively shut off power; D) in support of SB 801, which would establish new requirements on electrical corporations regarding deployment of backup electrical resources to customers receiving medical baseline allowance and living in a high fire-threat district and would require the corporation's program to provide backup electrical resources in consultation with local disability rights advocates; and E) in support of SB 862, which adds PSPS as a cause for declaring a state of emergency and requires coordination with local governments; and 2) direct the City's lobbyist to closely monitor these legislation and report to the City on the bill's status or any significant modifications.

Councilmember Farrer stated the City's lobbyist would keep staff informed as these items moved forward.

The question was called and the motion carried unanimously.

C. COVID SMART – Support (Mayor Pro Tem Pierson)

Recommended Action: At the request of Mayor Pro Tem Pierson, authorize the Mayor to submit a letter endorsing the COVID SMART program for Malibu businesses, encouraging restaurants and businesses in Malibu to participate and become certified in the program, and permitting the COVID SMART organization to use the City of Malibu name and logo in its promotional materials.

Mayor Pierson presented the report. He stated he was very concerned about small businesses surviving COVID-19.

Steve Uhring questioned if the training program had been studied and would really create a COVID-19 safe environment. He expressed concern even the discounted pricing would be cost prohibitive for local businesses. He stated City sponsorship was a valuable commodity.

Kraig Hill questioned what the City's role would be with the business. He stated other companies offered similar services and the City should consider taking it out to bid. He stated the City had a program for using the City logo. He expressed concern that advertising the City as COVID SMART may draw more visitors to the City.

John Mazza was not present at the time of the hearing.

Suzanne Zimmer was not present at the time of the hearing.

Mayor Pierson stated the program did not provide a guarantee that people would not get COVID-19 but would provide reassurance that businesses were doing everything they could to be safe. He stated the program was backed by the Association of Professionals in Infection Control and Epidemiology. He stated Kathy Eldon had brought the program to his attention. He stated the company behind the program was trying to help teach people how to be safe and clean. He stated he read Mr. Mazza's letter and the response from Robert Tercek.

Councilmember Mullen commended the entrepreneurs for coming up with a program to help businesses respond to COVID-19. He expressed concern that businesses might feel obligated to pay for this training. He stated it may be more appropriate for this to be discussed and sponsored by the Malibu Chamber of Commerce.

Mayor Pierson stated the Malibu Chamber of Commerce was in support of the item and had asked him to bring it to the Council. He stated people were scared to go in businesses and that was hurting businesses. He stated training and consistent signage could help people feel more confident in shopping.

Councilmember Wagner stated businesses could find free information online to implement safety measures. He expressed concern people might avoid businesses that could not afford the program. He stated he had once brought forward an opportunity from a company providing free storm drains but it was considered a project that should go out to bid. He stated COVID SMART was already using the name Malibu in its advertising.

Mayor Pierson stated the program for Malibu businesses was $20 per employee, not $30,000.

Councilmember Farrer stated there was free information online about safety measures. She stated this program had uniform messaging and logos but stated there was also information was available on the County's website. She stated it was up to businesses to determine if they thought the program had value. She stated it would be more appropriate for the Malibu Chamber of Commerce to endorse the program.

Mayor Pro Tem Peak stated he was not convinced the City should endorse the program.

MOTION Mayor Pro Tem Peak moved and Councilmember Wagner seconded a motion to table endorsing the COVID SMART program for Malibu businesses. The question was called and the motion carried 4-1, Mayor Pierson dissenting.

D. Horizon Hills Fire Safe Council (Councilmember Mullen)
Recommended Action: At the request of Councilmember Mullen, authorize the Mayor to provide a letter to the Horizon Hills Fire Safe Council pledging support and guidance from the City in the Fire Safe Council's fuel reduction and outreach

efforts in the Horizon Hills area of Malibu.

Councilmember Mullen presented the report.

Councilmember Wagner stated it would be a valuable resource.

Councilmember Mullen stated fire preparedness needed to be supported by small community groups.

MOTION Councilmember Wagner moved and Councilmember Mullen seconded a motion to authorize the Mayor to provide a letter to the Horizon Hills Fire Safe Council pledging support and guidance from the City in the Fire Safe Council's fuel reduction and outreach efforts in the Horizon Hills area of Malibu. The question was called and the motion carried unanimously.

ADJOURNMENT

At 11:57 p.m., Mayor Pierson adjourned the meeting.

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

_____
KAREN FARRER, Mayor

ATTEST:

_____
HEATHER GLASER, City Clerk
(seal)

City Council Meeting
08-24-20
Item 3.B.4.

Council Agenda Report

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

Prepared by: Nicole Benyamin, Assistant Civil Engineer

Reviewed by: Adam Chase, Assistant Public Works Director/City Engineer

Approved by: Reva Feldman, City Manager

Date prepared: June 9, 2020 Meeting date: August 24, 2020

Subject: Professional Services Agreement for On-Call Traffic Engineering Services

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RECOMMENDED ACTION: Authorize the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. (Kimley-Horn) to provide On-Call Traffic Engineering Services.

FISCAL IMPACT: Funding for these services was included in the Adopted Budget for Fiscal Year 2020-2021 in Account No. 100-3008-5125 (Public Works Traffic Engineering). The agreement amount is per the compensation schedule attached to the agreement and is based on an hourly rate for services rendered.

WORK PLAN: The On-Call Traffic Engineering Services will be utilized on various Adopted Work Plan items on an as-needed basis.

DISCUSSION: The On-Call Traffic Engineering Services agreement provides various traffic engineering services to the City including performing plan checking for traffic related issues, reviewing traffic impact analysis, parking studies, speed studies surveys, traffic control and traffic signal plans, collecting and analyzing traffic data, maintenance of pavement managing system, traffic counts and other traffic related services.

In May 2020, the City issued a Request for Proposals (RFP) for On-Call Traffic Engineering Services. On May 28, 2020 the City received six proposals. All proposals were reviewed and evaluated by a selection panel. The selection panel identified Kimley-Horn as the most qualified for this project. Kimley-Horn has successfully

performed these services for the City during the previous years and is familiar with the City and its traffic engineering services requirements and expectations.

Staff recommends authorizing the City Manager to execute a professional services agreement with Kimley-Horn and Associates, Inc. (Kimley-Horn) for traffic engineering services.

ATTACHMENT: Professional Services Agreement with Kimley-Horn and Associates, Inc.

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of August 24, 2020 by and between the City of Malibu (hereinafter referred to as the "City"), and Kimley-Horn and Associates, Inc. (hereinafter referred to as "Consultant").

The City and the Consultant agree as follows:

R E C I T A L S

A. The City does not have the personnel able and/or available to perform the services required under this Agreement.

B. The City desires to contract out for consulting services for certain projects relating to On-Call Traffic Engineering Services.

C. The Consultant warrants to the City that it has the qualifications, experience and facilities to perform properly and timely the services under this Agreement.

D. The City desires to contract with the Consultant to perform the services as described in Exhibit A of this Agreement.

NOW, THEREFORE, the City and the Consultant agree as follows:

1.0 SCOPE OF THE CONSULTANT'S SERVICES. The Consultant agrees to provide the services and perform the tasks set forth in the Scope of Work, attached to and made part of this Agreement, except that, to the extent that any provision in Exhibit A conflicts with this Agreement, the provisions of this Agreement govern. The Scope of Work may be amended from time to time by way of a written directive from the City.

2.0 TERM OF AGREEMENT. This Agreement will become effective on August 24, 2020, and will remain in effect for a period of three years from said date unless otherwise expressly extended and agreed to by both parties or terminated by either party as provided herein.

3.0 CITY AGENT. The City Manager, or her designee, for the purposes of this Agreement, is the agent for the City; whenever approval or authorization is required, Consultant understands that the City Manager, or her designee, has the authority to provide that approval or authorization.

4.0 COMPENSATION FOR SERVICES. The City shall pay the Consultant for its professional services rendered and costs incurred pursuant to this Agreement in accordance with Exhibit A Scope of Services and Exhibit B Compensation Schedule. No additional compensation shall be paid for any other expenses incurred, unless first approved by the City Manager, or her designee.

4.1 The Consultant shall submit to the City, by no later than the 10th day of each month, its bill for services itemizing the fees and costs incurred during the previous month. The City shall pay the Consultant all uncontested amounts set forth in the Consultant's bill within 30 days after it is received.

5.0 CONFLICT OF INTEREST. The Consultant represents that it presently has no interest and shall not acquire any interest, direct or indirect, in any real property located in the City which may be affected by the services to be performed by the Consultant under this Agreement. The Consultant further represents that in performance of this Agreement, no person having any such interest shall be employed by it.

5.1 The Consultant represents that no City employee or official has a material financial interest in the Consultant's business. During the term of this Agreement and/or as a result of being awarded this contract, the Consultant shall not offer, encourage or accept any financial interest in the Consultant's business by any City employee or official.

5.2 If a portion of the Consultant's services called for under this Agreement shall ultimately be paid for by reimbursement from and through an agreement with a developer of any land within the City or with a City franchisee, the Consultant warrants that it has not performed any work for such developer/franchisee within the last 12 months, and shall not negotiate, offer or accept any contract or request to perform services for that identified developer/franchisee during the term of this Agreement.

6.0 GENERAL TERMS AND CONDITIONS.

6.1 Termination. Either the City Manager or the Consultant may terminate this Agreement, without cause, by giving the other party ten (10) days written notice of such termination and the effective date thereof.

6.1.1 In the event of such termination, all finished or unfinished documents, reports, photographs, films, charts, data, studies, surveys, drawings, models, maps, or other documentation prepared by or in the possession of the Consultant under this Agreement shall be returned to the City. If the City terminates this Agreement without cause, the Consultant shall prepare and shall be entitled to receive compensation pursuant to a close-out bill for services rendered and fees incurred pursuant to this Agreement through the notice of termination. If the Consultant terminates this Agreement without cause, the Consultant shall be paid only for those services completed in a manner satisfactory to the City.

6.1.2 If the Consultant or the City fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Consultant or the City violate any of the covenants, agreements, or stipulations of this Agreement, the Consultant or the City shall have the right to terminate this Agreement by giving written notice to the other party of such termination and specifying the effective date of such termination. The Consultant shall be entitled to receive compensation in accordance with the terms of this Agreement for any work satisfactorily completed hereunder. Notwithstanding the foregoing, the Consultants shall not be relieved of liability for damage sustained by virtue of any breach of this Agreement and any payments due under this Agreement may be withheld to off-set anticipated damages.

6.2 Non-Assignability. The Consultant shall not assign or transfer any interest in this Agreement without the express prior written consent of the City.

6.3 Non-Discrimination. The Consultant shall not discriminate as to race, creed, gender, color, national origin or sexual orientation in the performance of its services and duties pursuant to this Agreement, and will comply with all applicable laws, ordinances and codes of the Federal, State, County and City governments.

6.4 Insurance. The Consultant shall submit to the City certificates indicating compliance with the following minimum insurance requirements no less than one (1) day prior to beginning of performance under this Agreement:

(a) Workers Compensation Insurance as required by law. The Consultant shall require all subcontractors similarly to provide such compensation insurance for their respective employees.

(b) Comprehensive general and automobile liability insurance protecting the Consultant in amounts not less than $1,000,000 for personal injury to any one person, $1,000,000 for injuries arising out of one occurrence, and $500,000 for property damages or a combined single limit of $1,000,000. Each such policy of insurance shall:

1) Be issued by a financially responsible insurance company or companies admitted and authorized to do business in the State of California or which is approved in writing by City.

2) Name and list as additional insured the City, its officers and employees.

3) Specify its acts as primary insurance.

4) Contain a clause substantially in the following words: "It is hereby understood and agreed that this policy shall not be canceled nor materially changed except upon thirty (30) days prior written notice to the City of such cancellation or material change."

5) Cover the operations of the Consultant pursuant to the terms of this Agreement.

6.5 Indemnification. Consultant shall indemnify, defend with counsel approved by City, and hold harmless City, its officers, officials, employees and volunteers from and against all liability, loss, damage, expense, cost (including without limitation reasonable attorneys fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with Consultant's negligence, recklessness or willful misconduct in the performance of work hereunder or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage which is caused by the sole active negligence or willful misconduct of the City. The Consultant shall promptly pay any final judgment rendered

against the City (and its officers, officials, employees and volunteers) with respect to claims determined by a trier of fact to have been the result of the Consultant's negligent, reckless or willful misconduct. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this Agreement.

6.6 Compliance with Applicable Law. The Consultant and the City shall comply with all applicable laws, ordinances and codes of the federal, state, county and city governments, including, without limitation, Malibu Municipal Code Chapter 5.36 Minimum Wage.

6.7 Independent Contractor. This Agreement is by and between the City and the Consultant and is not intended, and shall not be construed, to create the relationship of agency, servant, employee, partnership, joint venture or association, as between the City and the Consultant.

6.7.1. The Consultant shall be an independent contractor, and shall have no power to incur any debt or obligation for or on behalf of the City. Neither the City nor any of its officers or employees shall have any control over the conduct of the Consultant, or any of the Consultant's employees, except as herein set forth, and the Consultant expressly warrants not to, at any time or in any manner, represent that it, or any of its agents, servants or employees are in any manner employees of the City, it being distinctly understood that the Consultant is and shall at all times remain to the City a wholly independent contractor and the Consultant's obligations to the City are solely such as are prescribed by this Agreement.

6.8 Copyright. No reports, maps or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the Consultant.

6.9 Legal Construction.

(a) This Agreement is made and entered into in the State of California and shall in all respects be interpreted, enforced and governed under the laws of the State of California.

(b) This Agreement shall be construed without regard to the identity of the persons who drafted its various provisions. Each and every provision of this Agreement shall be construed as though each of the parties participated equally in the drafting of same, and any rule of construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

(c) The article and section, captions and headings herein have been inserted for convenience only and shall not be considered or referred to in resolving questions of interpretation or construction.

(d) Whenever in this Agreement the context may so require, the masculine gender shall be deemed to refer to and include the feminine and neuter, and the

singular shall refer to and include the plural.

6.10 Counterparts. This Agreement may be executed in counterparts and as so executed shall constitute an agreement which shall be binding upon all parties hereto.

6.11 Final Payment Acceptance Constitutes Release. The acceptance by the Consultant of the final payment made under this Agreement shall operate as and be a release of the City from all claims and liabilities for compensation to the Consultant for anything done, furnished or relating to the Consultant's work or services. Acceptance of payment shall be any negotiation of the City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by the City shall not constitute, nor be deemed, a release of the responsibility and liability of the Consultant, its employees, sub-consultants and agents for the accuracy and competency of the information provided and/or work performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by the City for any defect or error in the work prepared by the Consultant, its employees, sub-consultants and agents.

6.12 Corrections. In addition to the above indemnification obligations, the Consultant shall correct, at its expense, all errors in the work which may be disclosed during the City's review of the Consultant's report or plans. Should the Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by the City, and the cost thereof shall be charged to the Consultant.

6.13 Files. All files of the Consultant pertaining to the City shall be and remain the property of the City. The Consultant will control the physical location of such files during the term of this Agreement and shall be entitled to retain copies of such files upon termination of this Agreement.

6.14 Waiver; Remedies Cumulative. Failure by a party to insist upon the performance of any of the provisions of this Agreement by the other party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such party's right to demand compliance by such other party in the future. No waiver by a party of a default or breach of the other party shall be effective or binding upon such party unless made in writing by such party, and no such waiver shall be implied from any omissions by a party to take any action with respect to such default or breach. No express written waiver of a specified default or breach shall affect any other default or breach, or cover any other period of time, other than any default or breach and/or period of time specified. All of the remedies permitted or available to a party under this Agreement, or at law or in equity, shall be cumulative and alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right of remedy.

6.15 Mitigation of Damages. In all such situations arising out of this Agreement, the parties shall attempt to avoid and minimize the damages resulting from the conduct of the other party.

6.16 Partial Invalidity. If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will

nevertheless continue in full force without being impaired or invalidated in any way.

6.17 Attorneys' Fees. The parties hereto acknowledge and agree that each will bear his/her or its own costs, expenses and attorneys' fees arising out of and/or connected with the negotiation, drafting and execution of the Agreement, and all matters arising out of or connected therewith except that, in the event any action is brought by any party hereto to enforce this Agreement, the prevailing party in such action shall be entitled to reasonable attorneys' fees and costs in addition to all other relief to which that party or those parties may be entitled.

6.18 Entire Agreement. This Agreement constitutes the whole agreement between the City and the Consultant, and neither party has made any representations to the other except as expressly contained herein. Neither party, in executing or performing this Agreement, is relying upon any statement or information not contained in this Agreement. Any changes or modifications to this Agreement must be made in writing appropriately executed by both the City and the Consultant.

6.19 Notices. Any notice required to be given hereunder shall be deemed to have been given by depositing said notice in the United States mail, postage prepaid, and addressed as follows:

CITY:	Reva Feldman City Manager City of Malibu 23825 Stuart Ranch Road Malibu, CA 90265-4861 TEL (310) 456-2489 x 224 FAX (310) 456-2760	**CONSULTANT:**	Sri Chakravarthy Project Manager Kimley-Horn and Associates, Inc. 660 S Figueroa St. Ste. 2050 Los Angeles, CA 90017 TEL (213) 261-4037

6.20 Warranty of Authorized Signatories and Acceptance of Facimile or Electronic Signatures. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign. The Parties agree that this Contract, agreements ancillary to this Contract, and related documents to be entered into in connection with this Contract will be considered signed when the signature of a party is delivered by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.

7.0 GENERAL TERMS AND CONDITIONS. (City and Consultant initials required at EITHER 7.1 or 7.2)

7.**1 Disclosure Required.** By their respective initials next to this paragraph, City and Consultant hereby acknowledge that Consultant is a “consultant” for the purposes of the California Political Reform Act because Consultant’s duties would require him or her to make one or more of the governmental decisions set forth in Fair Political Practices Commission Regulation 18700.3(a) or otherwise serves in a staff capacity for which disclosure would

otherwise be required were Consultant employed by the City. Consultant hereby acknowledges his or her assuming-office, annual, and leaving-office financial reporting obligations under the California Political Reform Act and the City's Conflict of Interest Code and agrees to comply with those obligations at his or her expense. Prior to consultant commencing services hereunder, the City's Manager shall prepare and deliver to consultant a memorandum detailing the extent of Consultant's disclosure obligations in accordance with the City's Conflict of Interest Code.

City Initials _____
Consultant Initials _____

7.2 Disclosure not Required. By their initials next to this paragraph, City and Consultant hereby acknowledge that Consultant is not a "consultant" for the purpose of the California Political Reform Act because Consultant's duties and responsibilities are not within the scope of the definition of consultant in Fair Political Practice Commission Regulation 18700.3(a) and is otherwise not serving in staff capacity in accordance with the City's Conflict of Interest Code.

City Initials _____
Consultant Initials SC

This Agreement is executed on _____, 2020, at Malibu, California, and effective as of August 24, 2020.

CITY OF MALIBU:

_____
REVA FELDMAN, City Manager

ATTEST:

_____
HEATHER GLASER, City Clerk
(seal)

CONSULTANT:

Greg Kyle
By: Gregory S. Kyle, Sr. Vice President

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

_____
CHRISTI HOGIN, City Attorney

By: Sri Chakravarthy, P.E 73629

KHACA
12

Exhibit A

SCOPE OF SERVICES

I. Engineering Services

A. Engineering Services

When requested:

1. Analyze CITY'S needs and prepare, recommend, and administer long-range and short-range programs consistent with the economic capabilities of the City.
2. Review and comment on planning programs and land development projects.
3. Recommend regulations and ordinances pertaining to engineering matters.
4. Advise CITY as to engineering and construction financing available from other governmental agencies and, when so requested, prepare and initiate application for such funding.
5. Perform technical plan review of public improvement plans submitted to the CITY, including, but not limited to, street improvements, sewer plans, storm drain plans, traffic-related plans (signal, signing and striping, traffic control, etc.) and grading plans.

B. City Traffic Engineering Services

When requested:

1. In the capacity of City Traffic Engineer, advise and assist CITY's departments, commissions, committees, and City Council and provide interface with regional and State transportation agencies.
2. Assess the potential traffic impact of proposed development/redevelopment projects.
3. When requested, prepare engineering reports to the City Council in response to requests for traffic calming and traffic control device installations and modifications such as stop signs, speed humps, crosswalks, traffic channelization and speed zones.
4. Prepare grant applications for funding from federal, state, and regional agencies for traffic safety studies and improvements.
5. Prepare Highway Performance Monitoring System (HPMS) data to submit to regional agencies.
6. Identify, review, and develop recommendations for corrective measures at locations experiencing unusually high accident rates.
7. Provide technical advice to CITY's staff about the maintenance and operation of CITY's traffic signal facilities, and any other traffic related items.
8. Prepare feasibility/concept plan studies and recommendations.
9. Collect and analyze traffic data.
10. Perform speed studies surveys and analysis.
11. Provide drafting and computer aided drafting support.
12. Perform traffic signal and stop sign warrant analysis.

13. Perform sight distance analysis.

C. Development Review and Control

When requested:

1. Check all improvement plans for facilities under the jurisdiction of CITY and prepared by private developers including traffic impact analysis reports, parking studies, and other traffic reports.
2. Provide plan checking services for traffic control plans.
3. Participate in meeting with City staff associated with various development and improvement projects
4. Establish performance/labor and material bond amounts, grading bond amounts, and development fee amounts when required.
5. Provide field inspection during construction, the issuance of a Certificate of Occupancy, of such improvements by private developers, and at the proper time, recommend acceptance of the work.
6. Provide educational seminars/presentations to members of the public.
7. Provide such necessary and related functions as are normal practice of CITY in the CITY Engineering review of private developments.

D. Capital Projects

When requested:

1. Prepare the design, construction plans, specifications, estimates and contract documents.
2. Perform concept and feasibility studies.
3. Provide design surveying, construction surveying, and construction observation together with construction administration.
4. Coordinate with utility companies in the relocation of affected utilities.
5. Process the plans and specifications through other agencies for review and approval in connection with special funding programs and permits when required.
6. Provide field observation during construction of capital improvements by contractors, and at the proper time, recommend acceptance of the work.

E. Pavement Management System (PMS) Update

1. Prepare PMS update which is completed every 3 years (last update done in 2016). Update should follow similar format as current PMS document. Any revisions to format or content of PMS manual shall first be approved by the City Engineer.
2. Prepare/recommend an action plan in order to achieve a Pavement Condition Index (PCI) of 70 or above for all City streets. Details of what to include in the action plan shall be discussed with City staff.

II. Additional Engineering Services

CITY may from time to time have the need for other services not specifically listed in Paragraph I, Engineering Services for which CONSULTANT has necessary experience and capabilities to provide such services including, but not limited to, real property services, environmental planning, municipal planning, and related work. CITY, through its City Manager, Assistant City Manager, Director of Public Works and/or City Engineer, may authorize CONSULTANT to perform such selected services on an as needed basis.

EXHIBIT B

Compensation Schedule

KIMLEY-HORN AND ASSOCIATES, INC.

HOURLY BILLING RATES

SUPPORT STAFF	$95.00
CADD OPERATOR / TECHNICIAN	$110.00
DESIGNER	$130.00
ANALYST I	$125.00
ANALYST II	$135.00
PROJECT SUPPORT STAFF	$145.00
PROFESSIONAL I	$165.00
PROFESSIONAL II	$195.00
SENIOR PROFESSIONAL I	$210.00
SENIOR PROFESSIONAL II	$250.00
PRINCIPAL	$275.00

EXPENSES

OFFICE EXPENSES (Allocation)…… 5%
(Covers direct expenses, such as in-house duplicating and blueprinting, local mileage, telephone calls, electronic messaging, postage, and word processing)

Other Direct Costs: Outside Printing/Reproduction, Delivery Services/USPS, Misc. Field Equipment/Supplies, and Travel Expenses will be billed at cost plus 10%. Mileage will be billed at the Federal Rate.

Subconsultants: Billed at cost plus 10%.

Client#: 25320 KIMLHORN

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/05/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Greyling Ins. Brokerage/EPIC
3780 Mansell Road, Suite 370
Alpharetta, GA 30022

CONTACT NAME: Jerry Noyola
PHONE (A/C, No, Ext): 770-552-4225 FAX (A/C, No): 866-550-4082
E-MAIL ADDRESS: jerry.noyola@greyling.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : National Union Fire Ins. Co.	19445
INSURER B : Aspen American Insurance Company	43460
INSURER C : New Hampshire Ins. Co.	23841
INSURER D : Lloyds of London	085202
INSURER E :	
INSURER F :	

INSURED
Kimley-Horn and Associates, Inc.
421 Fayetteville Street, Suite 600
Raleigh, NC 27601

COVERAGES CERTIFICATE NUMBER: 20-21 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			5268169	04/01/2020	04/01/2021	EACH OCCURRENCE	$1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$500,000
	X Contractual Liab						MED EXP (Any one person)	$25,000
							PERSONAL & ADV INJURY	$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$2,000,000
	POLICY X PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$2,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			4489663	04/01/2020	04/01/2021	COMBINED SINGLE LIMIT (Ea accident)	$2,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB X OCCUR			CX005FT20	04/01/2020	04/01/2021	EACH OCCURRENCE	$5,000,000
	X EXCESS LIAB CLAIMS-MADE						AGGREGATE	$5,000,000
	DED X RETENTION $0							$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			015893685 (AOS)	04/01/2020	04/01/2021	X PER STATUTE / OTH-ER	
A	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		015893686 (CA)	04/01/2020	04/01/2021	E.L. EACH ACCIDENT	$1,000,000
							E.L. DISEASE - EA EMPLOYEE	$1,000,000
							E.L. DISEASE - POLICY LIMIT	$1,000,000
D	Professional Liab			B0146LDUSA2004949	04/01/2020	04/01/2021	Per Claim $2,000,000 Aggregate $2,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: On-Call Traffic Engineering Services; Sri Chakravarthy. The City, its officers & employees are named as Additional Insureds with respects to General & Automobile Liability where required by written contract. The above referenced liability policies with the exception of workers compensation & professional liability are primary & non-contributory where required by written contract. Should any of the above described policies be cancelled by the issuing insurer before the expiration date thereof, 30 days' written notice (except 10 days for nonpayment of premium) will be provided to the Certificate Holder.

CERTIFICATE HOLDER

City of Malibu
City Manager
23815 Stuart Ranch Road
Malibu, CA 90265

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
ANY PERSON OR ORGANIZATION WHOM YOU BECOME OBLIGATED TO INCLUDE AS AN ADDITIONAL INSURED AS A RESULT OF ANY CONTRACT OR AGREEMENT YOU HAVE ENTERED INTO.	PER THE CONTRACT OR AGREEMENT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II - Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

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C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III - Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

© Insurance Services Office, Inc., 2012

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
ANY PERSON OR ORGANIZATION WHOM YOU BECOME OBLIGATED TO INCLUDE AS AN ADDITIONAL INSURED AS A RESULT OF ANY CONTRACT OR AGREEMENT YOU HAVE ENTERED INTO.	PER THE CONTRACT OR AGREEMENT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II - Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III - Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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City Council Meeting
08-24-20
Item 3.B.5.

Council Agenda Report

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

Prepared by: Lisa Soghor, Assistant City Manager

Approved by: Reva Feldman, City Manager

Date prepared: August 10, 2020 Meeting date: August 24, 2020

Subject: Vacation and Sick Leave Cash-Out Provision

RECOMMENDED ACTION: Adopt Resolution No. 20-45 amending the Personnel System Rules and adopting a revised Vacation and Sick Leave Cash-Out Provision.

FISCAL IMPACT: There is minimal fiscal impact associated with the recommended action. Staff vacation accruals are an ongoing financial liability for the City and are reflected in the City's Comprehensive Annual Financial Report. Any unused vacation time must be paid to employees when they separate from the City. The only fiscal impact is the timing of when these funds are paid.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: Administrative Guideline No. 3.7.8. provides employees some flexibility in determining their use of leave time by establishing a policy by which full-time employees can cash out unused vacation and sick time. The cash-out provision currently stipulates that full-time employees may cash out up to eighty (80) hours of vacation time each calendar year provided that the employee has a minimum of eighty hours (80) of vacation time remaining after the cash-out. Only full-time employees are eligible to cash out leave time.

Administrative Guideline No. 3.7.2 establishes the rate at which employees earn vacation and the maximum amount of vacation time employees may accrue. Full-time employees may accrue up to 192 hours of vacation time.

The City maintains employees' unused vacation and sick time as an ongoing financial liability. According to the guidelines, upon resignation or termination from employment,

regular full-time employees shall be paid for all unused accrued vacation leave at the regular hourly rate to a maximum of 192 hours.

At this time, as many families grapple with the economic effects of the COVID-19 pandemic and the safer at home orders, staff, who normally would have taken spring and summer vacations, are remaining at work. Consequently, many staff are reaching their accrual limits for vacation time. Management is recommending that the vacation cash-out provision be amended to allow eligible employees to cash out an unlimited number of hours of unused vacation time provided that they retain a minimum of eighty (80) hours of vacation time. Staff recommends that the existing sick leave cash-out provision remain unchanged.

On January 21, 2015, the City Council adopted Resolution No. 15-08 establishing personnel system rules, including the Vacation and Sick Leave Cash-Out Provision. Resolution No. 20-45 amends the Personnel System Rules and adopts the revised Vacation and Sick Leave Cash Out Policy.

On August 7, 2020, the Administration and Finance Subcommittee recommended that the Council approve the revised Vacation and Sick Leave Cash-Out Provision.

ATTACHMENTS:

1. Resolution No. 20-45
2. Revised Administrative Guideline No. 3.7.8

RESOLUTION NO. 20-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING PERSONNEL SYSTEM RULES SECTION 3 OF RESOLUTION NO. 15-08

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

SECTION 1. On January 21, 2015, the Personnel System Rules were adopted by the City Council by Resolution No. 15-08.

SECTION 2. Section 14.9 of RULE XIV of the Personnel System Rules established Vacation, Sick and Other Leave.

SECTION 3. The City of Malibu hereby amends 14.9 of RULE XIV of the Personnel System Rules as follows:

RULE XIV. VACATION, SICK AND OTHER LEAVE

14.9 Cash Out Leave

A. A regular full-time employee may cash out up to eighty (80) hours of sick time annually provided that the employee has a minimum of eighty (80) hours of sick time remaining after the cash out. Employees may cash out up to eighty (80) hours of sick time each calendar year.

B. A regular full-time employee may cash out an unlimited number of hours of vacation time annually provided that the employee has a minimum of eighty (80) hours of vacation time remaining after the cash out. Employees may cash out an unlimited number of hours of vacation time each calendar year.

SECTION 4. 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 24th day of August 2020.

_____
MIKKE PIERSON, Mayor

ATTEST:

_____
HEATHER GLASER, City Clerk
(seal)

ATTACHMENT 1

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

VACATION AND SICK LEAVE CASH-OUT PROVISION

Purpose

Vacation and sick leave cash-out provision is provided to employees to allow them flexibility in determining use of leave time. This policy is most beneficial for those employees that have accrued the maximum amount of leave time and are forced to "use or lose" the time.

Policy

Vacation Time

A regular full-time employee may cash out an unlimited number of hours of vacation time annually provided that the employee has a minimum of eighty (80) hours of vacation time remaining after the cash-out. Employees may cash out an unlimited number of hours of vacation time each calendar year.

Sick Time

A regular full-time employee may cash out up to eighty (80) hours of sick time annually provided that the employee has a minimum of eighty (80) hours of sick time remaining after the cash-out. Employees may cash out up to eighty (80) hours of sick time each calendar year.

A "Request to Use Vacation or Sick Leave Cash-Out" form must be submitted to Administrative Services for verification and qualifying signatures for eligibility.

City Council Meeting
08-24-20
Item 3.B.6.

Council Agenda Report

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

Prepared by: Elizabeth Shavelson, Assistant to the City Manager

Approved by: Reva Feldman, City Manager

Date prepared: August 12, 2020 Meeting date: August 24, 2020

Subject: Community Development Block Grant Subrecipient Agreement Between the City of Malibu and the Boys and Girls Club Malibu

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RECOMMENDED ACTION: Authorize the City Manager to execute Community Development Block Grant (CDBG) Subrecipient Agreement with Boys and Girls Club Malibu.

FISCAL IMPACT: There is no fiscal impact to the General Fund associated with the recommended action. Funding for this agreement will come from the City's Community Development Block Grant Fund.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal year 2020-2021. It is part of normal staff operations.

DISCUSSION: On August 10, 2020, the City Council held a public hearing and approved the use of $47,000 of CDBG and COVID-19 CDBG funds for the Boys and Girls Club Malibu (BGCM) to provide childcare services and remote learning support during the COVID-19 pandemic to income-qualified households. In order for the City to distribute funds to the BGCM in accordance with CDBG guidelines, the City needs to have a CDBG Subrecipient Agreement in place with BGCM. The CDBG Subrecipient Agreement between the City of Malibu and the BGCM is provided as Attachment 1.

ATTACHMENT: CDBG Subrecipient Agreement Between the City of Malibu and the BGCM

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
SUBRECIPIENT AGREEMENT
BETWEEN *CITY OF MALIBU*
AND
BOYS AND GIRLS CLUB MALIBU

This agreement is entered this **24** of **August 2020** by and between the **City of Malibu** hereinafter called the **("CITY")** and **Boys and Girls Club Malibu**, hereinafter called the "CONTRACTOR", located at **30215 Morning View Dr., Malibu, CA 90265** and is made with reference to the following agreements.

The CITY has entered into an Agreement with the United States of America through its Department of Housing and Urban Development (HUD) to execute the LOS ANGELES COUNTY Community Development Block Grant (CDBG) Program under the Housing and Community Development Act of 1974, Public Law 93-383, as amended, hereinafter called the "Act," and

WHEREAS, the CITY wishes to engage the SUBRECIPIENT to assist the CITY in utilizing such funds;

NOW, THEREFORE, it is agreed between the parties hereto that;

1. THE SCOPE OF SERVICE

The SUBRECIPIENT will be responsible for administering the **Child-Care Services for Income-Qualified Households Program** with **$47,000 in prior year unallocated** CDBG Program funds, **B-15-UC-06-0505**, in a manner satisfactory to the CITY and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Community Development Block Grant Program:

A. Activities

The **Child-Care Services for Income-Qualified Households Program** includes **child-care activities including virtual learning supervision, homework assistance, tutoring, reading, arts and crafts, recreation, English language development courses and social skills development. for children under the age of thirteen. CDBG funds will be used for child-care financial assistance (scholarships).**

B. Levels of Accomplishment

In addition to the normal administrative services required as part of this Agreement, the Subrecipient agrees to provide the following levels of program services: **childcare for 53 number of children at the Boys and Girls Club Malibu.**

C. Performing Monitor

The CITY will monitor the performance of the SUBRECIPIENT against goals and performance standards required herein. Substandard performance as determined by the CITY will constitute non-compliance with this agreement. If action to correct such substandard performance is not taken by the SUBRECIPIENT within a reasonable period of time after being notified by the CITY, contract suspension or termination procedures will be initiated.

2. TIME OF PERFORMANCE

Services of the SUBRECIPIENT shall start on the execution date of the contract, **August 24, 2020**, and end on the **June 30, 2021.** The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which the SUBRECIPIENT remains in control of CDBG funds or other assets including program income for no more than two (2) additional years.

3. METHOD OF PAYMENT

It is expressly agreed and understood that the total amount to be paid by the CITY under this contract shall not exceed **$47,000**. Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in the Program Budget, Exhibit A herein and in accordance with performance.

Payments may be contingent upon certification of the SUBRECIPIENT's financial management systems in accordance with the standards specified in 2 CFR Part 200.

4. NOTICES

Communication and details concerning this contract shall be directed to the following contract representatives:

Grantee	Subrecipient
Kasey Earnest	**Lisa Soghor**
Executive Director	**Assistant City Manager**

Address of CITY is as follows:

City of Malibu
ATTN: Lisa Soghor
23825 Stuart Ranch Road
Malibu, CA, 90265

Address of CONTRACTOR

Boys and Girls Club Malibu
ATTN: Kasey Earnest
30215 Morning View Dr
Malibu, CA 90265

5. SPECIAL CONDITIONS

The SUBRECIPIENT agrees to comply with the requirements of Title 24 Code of Federal Regulations, Part 570 of the U.S. Department of Housing and Urban Development regulations concerning Community Development Block Grant (CDBG) and all federal regulations and policies issued pursuant to these regulations. The SUBRECIPIENT further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

6. GENERAL CONDITIONS

A. General Compliance

The SUBRECIPIENT agrees to comply with all applicable federal, state and local laws and regulations governing the funds provided under this agreement.

B. Amendments

The CITY or SUBRECIPIENT may amend this Agreement at any time provided that such amendments make a specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the CITY's governing body. Such amendments shall not invalidate this Agreement, or relieve or release the CITY or SUBRECIPIENT from its obligations under this Agreement.

The CITY may, at its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of, the activities to be undertaken as part of this agreement, such modifications will be incorporated only by written amendments signed by both the CITY and SUBRECIPIENT.

C. Patent Rights

If this agreement results in any discovery or invention which may develop in the course of or under contract, the CITY reserves the right to royalty-free, non-exclusive and irrevocable license to use and to authorize others to use, the work for government purpose.

D. Copyright

If this agreement results in any copyrightable material, the CITY and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work for government purpose.

E. Suspension or Termination

In accordance with 24 CFR 85.43, either party may terminate this contract at any time given written notices to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date such as termination. Partial terminations of the Scope of Service in Paragraph 1.A above may only be undertaken with the prior approval of the CITY. In compliance with 24 CFR 85.44 and in the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other material reported by SUBRECIPIENT under this Agreement shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

The CITY may also suspend or terminate this Agreement, in whole or in part, if SUBRECIPIENT materially fails to comply with any term of this Agreement, or with any of the rules, regulations, or provisions referred to herein; and the CITY may declare the SUBRECIPIENT ineligible for any further participation in the CITY contracts, in addition to other remedies as provided by law. In the event there is probable cause to believe the SUBRECIPIENT is incompliant with any applicable rules or regulations, the CITY may withhold up to fifteen percent (15) of said contract funds until such time as the SUBRECIPIENT is found to be in compliance by the CITY, or is otherwise adjudicated to be in compliance.

F. County Lobbyist Ordinance **(*APPLICABLE TO ALL CONTRACTS*)**

The SUBRECIPIENT affirms that in the procurement and performance of this contract, it was and is in compliance with Los Angeles County Ordinance No. 93-0031.

G. Federal Anti-Lobbying Provision **(*APPLICABLE TO CONTRACTS $100,000 and OVER*)**

The SUBRECIPIENT affirms that in the procurement and performance of this contract, it was and is in compliance with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352).

H. Awards to Parties on Federal Excluded Parties List (EPLS)

The SUBRECIPIENT affirms that it is not on the Federal Excluded Parties List, and agrees to comply with 2 CFR Part 200 – Appendix II(A), which prohibits Federal funds as contract awards to any entity on the Federal Excluded Parties List maintained on www.sam.gov.

7. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standard

The SUBRECIPIENT agrees to comply with 2 CFR Part 200 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all cost incurred.

2. Cost Principles

The SUBRECIPIENT shall administer its program in conformance with 2 CFR Part 200 Subpart E "Cost Principles" as applicable; for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record-Keeping

1. Records to be Maintained

The SUBRECIPIENT shall maintain all records by the Federal regulations specified in 24 CFR 570.506 and 24 CFR 84.53 and that are pertinent to the activities to be funded under this Agreement. Such records shall include but not limited to:

a. Records providing a full description of each activity undertaken;
b. Records demonstrating that each activity undertaken meets one the National Objectives of the CDBG program;
c. Records required to determine the eligibility of activities;
d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
f. Financial records as required by 2 CFR Part 200; and
g. Other records necessary to document compliance with Subpart K of 24 CFR 570.

2. Retention

The SUBRECIPIENT shall comply with Los Angeles County Auditor-Controller requirement (Auditor Controller Contract Accounting and Administration Handbook, Accounting and Financial Reporting, Section 3.1, Retention) and retain all records pertinent to expenditures incurred under this contract for a period of five (5) years after the termination of all activities funded under this agreement, or after the resolution of all Federal audit findings, whichever occurs later. Records for non-expendable property acquired with funds under this contract shall be retained for five (5) years after final disposition of such property. Records for any displaced person must be kept for five (5) years after he/she has received final payment.

3. Client Data

The SUBRECIPIENT shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not limited to, client name, address, income level, ethnicity, female head of household, or other basis for determining eligibility, and a description of services provided. Such information shall be made available to the CITY monitors or their designees for review upon request.

4. Property Records

The SUBRECIPIENT shall maintain real property inventory records which identify properties purchased, improves or sold. Properties retained shall continue to meet eligibility criteria and shall conform with the "Changes in Use" restrictions specified in 24 CFR 570.503(b)(7)(i)(ii).

5. National Objectives

The SUBRECIPIENT agrees to maintain documentation that demonstrates that the activities carried out with funds provided under this contract meet one or more of the CDBG program's national objectives:

1) benefit low-to moderate-income persons,
2) aid in the prevention or elimination of slums or blight,
3) Meet community development needs having a particular urgency – as defined in 24 CFR 570.208.

6. Close-Outs and Reversion of Assets

Per 24 CFR 570.503(b)(7)(i)(ii), SUBRECIPIENT obligation to the CITY shall not end until close-out requirements are completed within 30 days after expiration of this contract. Activities during this close-out period shall include, but are limited to: making final payments, disposing of program assets {including the return of all unused materials, equipment, unspent cash advances, program income, balances, and receivable accounts to the CITY }, and determining the custodianship of records.

7. Audits & Inspections

All SUBRECIPIENT records with respect to any matters covered by this agreement shall be made available to the CITY, grantor agency, their designees or the Federal Government, at any time during normal business hours, as often as the CITY deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the SUBRECIPIENT within 30 days after receipt by the SUBRECIPIENT. Failure of the SUBRECIPIENT to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The SUBRECIPIENT hereby agrees to have an annual agency audit conducted in accordance with current CITY policy concerning SUBRECIPIENT audits.

C. Reporting and Payment Procedures

1. Budgets

The SUBRECIPIENT will submit a detailed contract budget of a form and content prescribed by the CITY for approval. The CITY and the SUBRECIPIENT may agree to revise the budget from time to time in accordance with existing CITY policies.

2. Program Income

The SUBRECIPIENT shall report quarterly all program income as defined at 24 CFR 570.500(a) generated by activities carried out with CDBG funds made available under this contract. The use of program income by the SUBRECIPIENT may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balances on hand. All unused program income shall be returned to the CITY at the end of the contract period. Any interest earned on cash advances from U.S. Treasury is not program income and shall be remitted promptly to the Grantee.

3. Indirect Cost

If indirect costs are charges, the SUBRECIPIENT will develop an indirect cost allocation plan in accordance with 2 CFR Part 200.414(e), for determining the appropriate CITY share of administrative costs and shall submit such plan to CITY for approval, prior to the execution of the contract.

4. Payment Procedures

The CITY will pay to the SUBRECIPIENT funds available under this contract based upon information submitted by the SUBRECIPIENT and consistent with any approved budget and CITY policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the SUBRECIPIENT and not to exceed actual cash requirements. Payments will be adjusted by the CITY in accordance with advance fund and program income balances available in SUBRECIPIENT accounts. In addition, the CITY reserves the right to liquid funds available under this contract for costs incurred by the CITY on behalf of the SUBRECIPIENT.

D. Procurement

1. Compliance

The SUBRECIPIENT shall comply with current CITY policy concerning the purchase of equipment and shall maintain an inventory of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the CITY upon termination of this contract.

2. Procurement Standards

The SUBRECIPIENT shall procure materials in accordance with the requirements of 2 CFR Part 200.318-329, covering utilization and disposal of property.

3. Relocation, Acquisition and Displacement

The SUBRECIPIENT agrees to comply with 24 CFR 570.606 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) relating to the acquisition and disposition of all real property utilizing grant funds, and to the displacement of persons, businesses, nonprofit organizations and farms occurring as a direct result of any acquisition of real property utilizing grant funds. The SUBRECIPIENT agrees to comply with applicable CITY Ordinances, Resolutions, and Policies concerning displacement of individuals from their residences.

8. PERSONNEL & PARTICIPANT CONDITIONS

I. Civil Rights

a. Compliance

The SUBRECIPIENT agrees to comply with all local and State civil laws and with:

- Title VI of the Civil Rights Act of 1964 as amended
- Title VIII of the Civil Rights Act of 1964 as amended
- Section 109 of Title I of the Housing and Community Development Act 1974
- Section 504 of Rehabilitation Act of 1973
- Architectural Barriers Act of 1968
- Americans with Disabilities Act of 1990
- Age Discrimination Act of 1975
- Fair Housing Act
- Executive Order 11063
- Executive Order 11246 as amended by Executive Orders 11375, 11478, 12086, and 12107
- Executive Order 12372.

J. Nondiscrimination

The SUBRECIPIENT will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital status, or status with regard to public assistance. The SUBRECIPIENT will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include but are not limited to following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay of other forms of compensation, and selection for training including apprenticeship. The SUBRECIPIENT agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

K. Section 504

The SUBRECIPIENT agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973, 929 U.S.C. 706 which prohibits discrimination against the handicapped in any federally assisted program. The CITY shall provide the SUBRECIPIENT with any guidelines necessary for compliance with that portion of the regulations in force during the term of this contract.

L. Conduct

a. Conflict of Interest

The SUBRECIPIENT agrees to abide by the provisions of 2 CFR Part 200.318 (c)(1)(2) with respect to conflicts of interest, and covenants that it presently has no financial interest and shall not acquire any financial interest direct or indirect, which would conflict in any manner or degree with the performance of services required under this contract. The SUBRECIPIENT further covenants that in the performance of this contract no person having such a financial interest shall be employed or retained by the SUBRECIPIENT hereunder. These conflicts of interest provisions apply to any person who is an employee, agent consultant, officer, or elected official or appointed official of the Grantee, or of any designated public agencies or Subrecipients which are receiving funds under the CDBG Entitlement program.

b. Religious Organization

The SUBRECIPIENT agrees that funds provided under this contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j).

9. WARRANTY OF AUTHORIZED SIGNATORIES AND ACCEPTANCE OF FACSIMILE OR ELECTRONIC SIGNATURES

Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign. The Parties agree that this Contract, agreements ancillary to this Contract, and related documents to be entered into in connection with this Contract will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.

10. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the CITY and the SUBRECIPIENT for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the CITY and the SUBRECIPIENT with respect to this Agreement.

Failure to comply or act with respect to any section of the agreement shall constitute a violation and material breach of contract upon which the CITY, through its CITY MANAGER or designee may immediately cancel, terminate or suspend this Contract.

IN WITNESS WHEREOF, the APPROVING BODY has caused this Agreement to be subscribed and attested by the CITY MANAGER hereof, and the SUBRECIPIENT has subscribed the same through its authorized officer, the day, month and year first above written.

SUBRECIPIENT

Agency:

By: 8/12/20
Typed Name: Kasey Earnest
Title: Executive Director

"CITY "

CITY OF MALIBU

By:
Reva Feldman
City Manager

Attest:

By:
Heather Glaser
City Clerk

Approved as to Form:

By: THIS DOCUMENT HAS BEEN REVIEWED BY THE CITY ATTORNEY'S OFFICE
Christi Hogin
City Attorney

Los Angeles County Development Authority
County of Los Angeles
Project Description and Activity Budget

Contract No. Version 0

PROJECT	OPERATING AGENCY
Project No: 602251-20 Title: Malibu COVID-19 Childcare Services Funding Period: To: 6/30/2021 Jurisdiction: Malibu	**Organization** Name: City of Malibu Type: Participating City LACDA Program Mgr: Jeffrey Badre

Project Administration

Elizabeth Shavelson
Assistant to the City Manager
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone: (424) 395-6430
Email: eshavelson@malibucity.org

Eligibility Summary

Funding Source: CDBG
HUD Code: 05L Child Care Services
Eligibility Citation: 570.201(e)
National Objective: LMC
Nat. Objective Citation: 570.208(a)(2) (i)(B)
Est. Accomplishments: 53 Performance Indicator: People (General)

Activity Summary

This new COVID-19 program provides childcare for income-qualified households, through the Boys and Girls Club of Malibu (BGCM), during the school day for students (aged 5-13) in local public schools that are not scheduled to open in Fall 2020 but will instead continue distance learning. Childcare activities include virtual learning supervision, homework assistance, tutoring, reading, arts and crafts, recreation, English language development courses, and social skills development.

Program participants will also be able to partake in the BGCM Wellness Center's no-cost, mental health and wellness services. Services include individual counseling, support groups, and family

counseling in support of such issues as academic stress, family strife, anxiety, grief and loss, eating disorders, friendships, and bullying. This program is 100% CDBG-funded.

CDBG funds are used for non-personnel costs.

Special Conditions

MONITORING OF SUBRECIPIENT: The Operating Agency is responsible for monitoring the activities of the subrecipient for: program implementation, compliance with federal and County financial requirements, including the requirements and compliance with all other applicable regulations for a minimum of five (5) years after the expiration of the contract.

SUBRECIPIENT AGREEMENT/CONSULTANT SERVICES: The Operating Agency shall execute a professional services agreement with each consultant/contractor prior to incurring any costs or distributing any CDBG or ESG funds in compliance with federal contractual requirements.

Program Management Mitigation Conditions

Operating Agency will monitoring subrecipient for income-qualification of households applying for childcare services.

Environmental Mitigation Conditions

None.

Contracted Services/Subrecipients

City of Malibu utilizes Boys and Girls Club of Malibu as subrecipient for the childcare program.

Funding Summary

Cost Category	Amount
Uncategorized	$47,000.00
Total	**$47,000.00**

Service Area

Region	Population	Low/Mod Pop	
Malibu	15,475	3,380	
Grand Total:	**15,475**	**3,380**	**21.84% Low/Mod**

City Council Meeting
08-24-20
Item 3.B.7.

Council Agenda Report

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

Prepared by: Mary Linden, Executive Assistant

Approved by: Reva Feldman, City Manager

Date prepared: August 10, 2020 Meeting date: August 24, 2020

Subject: Las Virgenes-Malibu Council of Governments Amended Joint Exercise of Powers Agreement

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RECOMMENDED ACTION: Adopt Resolution No. 20-44, approving the Las Virgenes-Malibu Council of Governments (COG) Amended and Restated Joint Exercise of Powers Agreement (JPA) as recommended by the COG's Governing Board.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: Prior to the formation of this region's council of governments, it was the practice of the area City Managers to meet informally from time to time to exchange and share ideas and information among the cities. Over time, it became apparent that there was a growing need for the cities to address regional issues and subjects of mutual interest with the goal of developing a unified and consistent voice on regional policies, legislation, etc. In 1985, the five cities in the region (Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake Village) created a formal association titled the Las Virgenes Malibu Conejo Council of Governments (COG) through a Joint Exercise of Powers Agreement (JPA).

In May 2020, the COG Governing Board voted to have COG counsel prepare an Amended and Restated JPA to:

1. Change the official name of the Council of Governments from "Las Virgenes Malibu Conejo Council of Governments" to "Las Virgenes Malibu Council of Governments"

2. Permit an Alternate Governing Board Representative to participate in the proceedings of the Governing Board when that Member's Governing Board Representative is physically present
3. Change the date of the elections of the President and Vice President from the first regular meeting of the Governing Board held in May of each calendar year to the first regular meeting of the Governing Board held in January of each calendar year
4. Change the terms of the President and Vice President from commencing on July 1 and expiring on the following July 1 to commencing immediately following the elections and expiring immediately following the elections which are conducted at the first regular meeting of the Governing Board held in January of the following year.

The COG's Executive Director submitted a memorandum dated July 7, 2020 (Attachment 3) requesting that each City Council adopt a resolution approving the Las Virgenes-Malibu Council of Governments Amended and Restated Joint Powers Agreement (Attachment 2). The Council is therefore requested to approve Resolution No. 20-44 (Attachment 1) as recommended by the COG's Governing Board. The approved Joint Powers Agreement will be included with and made part of the Resolution.

ATTACHMENTS:

1. Resolution No. 20-44
2. Las Virgenes-Malibu Council of Governments Amended and Restated Joint Powers Agreement
3. July 7, 2020 Memo from the COG Executive Director

RESOLUTION NO. 20-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING THE LAS VIRGENES MALIBU COUNCIL OF GOVERNMENTS AMENDED AND RESTATED JOINT POWERS AGREEMENT

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

SECTION 1. Recitals.

A. The City of Agoura Hills, the City of Hidden Hills, the City of Calabasas, the City of Malibu, and the City of Westlake Village (collectively the "Members") previously entered into a Joint Exercise of Powers Agreement, dated as of August 11, 1989 (the "JPA Agreement") pursuant to which the Las Virgenes Malibu Council of Governments (the "LVMCOG") was formed.

B. The Members desire to amend and restate the JPA Agreement to: 1) Change the official name of the Council of Governments from "Las Virgenes Malibu Conejo Council of Governments" to "Las Virgenes Malibu Council of Governments;" 2) Permit an Alternate Governing Board Representative to participate in the proceedings of the Governing Board when that Member's Governing Board Representative is physically present; 3) Change the date of the elections of the President and Vice President from the first regular meeting of the Governing Board held in May of each calendar year to the first regular meeting of the Governing Board held in January of each calendar year; and 4) Change the terms of the President and Vice President from commencing on July 1 and expiring on the following July 1 to commencing immediately following the elections and expiring immediately following the elections which are conducted at the first regular meeting of the Governing Board held in January of the following year (the "JPA Amendment").

SECTION 2. The City Council does hereby approve the attached JPA Amendment and authorizes the Mayor to execute the JPA Amendment for and on behalf of the City.

SECTION 3. 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 24th day of August 2020.

_____
MIKKE PIERSON, Mayor

ATTEST:

_____
HEATHER GLASER, City Clerk
(seal)

ATTACHMENT 1

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

LAS VIRGENES MALIBU COUNCIL OF GOVERNMENTS

(A JOINT POWERS AUTHORITY)

This Joint Exercise of Powers Agreement ("Agreement") is made and entered into by and between the public entities (collectively, "Members") whose names are set forth on Exhibit A, attached hereto and incorporated herein by this reference, pursuant to Section 6500 et seq. of the Government Code and other applicable law:

WITNESSETH:

The parties hereto do agree as follows:

Section 1. Recitals. This Agreement is made and entered into with respect to the following facts:

A. Historically, the Las Virgenes Malibu Council, an informal association of elected officials and city managers of the Members, has played a valuable role in serving as a forum for the exchange of ideas and information among its member cities; however, the growing need for the cities in Las Virgenes Malibu area of Los Angeles County to develop and implement their own subregional policies and plans and voluntarily and cooperatively resolve differences among themselves requires a more representative and formal structure;

B. The public interest requires a joint powers agency to conduct studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and subregional basis through the establishment of a council of governments;

C. The public interest requires that an agency explore areas of inter-governmental cooperation and coordination of government programs and provide recommendations and solutions to problems of common and general concern to its Members;

D. The public interest requires that an agency with the aforementioned goals not possess the authority to compel any of its members to conduct any activities or implement any plans or strategies that they do not wish to undertake (except for the payment of dues, if any);

E. Each Member is a governmental entity established by law with full powers of government in legislative, administrative, financial, and other related fields;

F. Each Member, by and through its legislative body, has determined that a subregional organization to assist in planning and voluntary coordination among the cities

in Las Virgenes Malibu area of Los Angeles County is required in furtherance of the public interest, necessity and convenience; and

G. Each Member, by and through its legislative body, has independently determined that the public interest, convenience and necessity requires the execution of this Agreement by and on behalf of each such Member.

Section 2. Creation of Separate Legal Entity. It is the intention of the Members to create, by means of this Agreement, a separate legal entity within the meaning of Section 6503.5 of the Government Code. Accordingly, there is hereby created a separate legal entity which shall exercise its powers in accordance with the provisions of this Agreement and applicable law.

Section 3. Name. The name of the said separate legal entity shall be the Las Virgenes Malibu Council of Governments ("LVMCOG").

Section 4. Purpose and Powers of the LVMCOG.

A. Purpose of LVMCOG. The purpose of the creation of the LVMCOG is to provide a vehicle for the Members to voluntarily engage in regional and cooperative planning and coordination of government services and responsibilities to assist the Members in the conduct of their affairs. It is the clear intent among the Members that the LVMCOG shall not possess the authority to compel any of its members to conduct any activities or implement any plans or strategies that they do not wish to undertake (except for the payment of dues). The goal and intent of the LVMCOG is one of voluntary cooperation among cities for the collective benefit of cities in the Las Virgenes Malibu area of Los Angeles County.

B. Common Powers. The LVMCOG shall have, and may exercise, the following powers:

(1) Serve as an advocate in representing the Members of the Las Virgenes Malibu Council of Governments at the regional, state and federal levels on issues of importance to the Las Virgenes Malibu area of Los Angeles County;

(2) Serve as a forum for the review, consideration, study, development and recommendation of public policies and plans with regional significance;

(3) Assemble information helpful in the consideration of problems peculiar to the Members;

(4) Utilize Member resources or presently existing public and public/private groups to carry out its programs and projects;

(5) Explore practical avenues for voluntary intergovernmental cooperation, coordination and action in the interest of local public welfare and improving the administration of governmental services;

(6) Assist in coordinating subregional planning efforts and in resolving conflicts among the cities in the Las Virgenes Malibu area of Los Angeles County as they work toward achieving planning goals;

(7) Build a consensus among the Members on the implementation of policies and programs for addressing subregional and regional issues;

(8) Make and enter into contracts, including contracts for the services of engineers, consultants, planners, attorneys and single purpose public/private groups;

(9) Employ agents, officers and employees;

(10) Apply for, receive and administer a grant or grants under any federal, state, or regional programs;

(11) Receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity;

(12) Acquire, construct, lease, manage, maintain, own and operate any buildings, works, or improvements;

(13) Incur debts, liabilities and obligations;

(14) Sue and be sued; and

(15) Delegate power to the Executive Director, except as otherwise provided in this Agreement.

C. Exercise of Powers. The LVMCOG shall, in addition, have all implied powers necessary to perform its functions. It shall exercise its powers only in a manner consistent with the provisions of applicable law, this Agreement and the Bylaws. In accordance with Government Code Section 6509, the powers of the LVMCOG shall be exercised in the manner prescribed in the Joint Exercise of Powers Act, Government Code Sections 6500 et seq., as that Act now exists and may hereafter be amended, and shall be subject to the restrictions upon the manner of exercising such powers that are imposed upon the City of Calabasas, a general law city, in the exercise of similar powers.

Section 5. Creation of Governing Board. There is hereby created a Governing Board for the LVMCOG ("Governing Board") to conduct the affairs of the LVMCOG. The Governing Board shall be constituted as follows:

A. Designation of Governing Board Representatives. One council member shall be designated as a representative of the Governing Board by the city council of each of the Members (“Governing Board Representative”).

B. Designation of Alternate Governing Board Representatives. One person shall be designated as an alternate representative of the Governing Board by the

legislative body of each of the Members ("Alternate Governing Board Representative") to serve in the absence of the Governing Board Representative.

C. Eligibility. No person shall be eligible to serve as a Governing Board Representative or an Alternate Governing Board Representative unless that person is, at all times during the tenure of that person as a Governing Board Representative or Alternate Governing Board Representative, a member of the legislative body of one of the appointing Members. Should any person serving on the Governing Board fail to maintain the status as required by this Section 5, that person's position on the Governing Board shall be deemed vacated as of the date such person ceases to qualify pursuant to the provisions of this Section 5 and the Member shall be entitled to appoint a qualified replacement.

D. Compensation. Governing Board Representatives and Governing Board Representative Alternates shall receive no compensation but may be reimbursed for expenses necessarily and reasonably incurred in connection with their service on the LVMCOG.

Section 6. Use of Public Funds and Property. The LVMCOG shall be empowered to utilize for its purposes, public and private funds, property and other resources received from the Members and from other sources. Subject to the approval of the Governing Board of the LVMCOG, the Members shall participate in the funding of the LVMCOG in such a manner as the Governing Board shall prescribe, subject to the provisions of Section 24 of this Agreement. Where applicable, the Governing Board of the LVMCOG may permit one or more of the Members to provide in kind services, including the use of property, in lieu of devoting cash to the funding of the LVMCOG's activities.

Section 7. Functioning of Governing Board.

A. Voting and Participation. Each Member may cast only one vote for each issue before the Governing Board through its representatives. An Alternate Governing Board Representative may vote in the proceedings of the Governing Board only in the absence of that Member's Governing Board Representative. Governing Board Representatives and Alternate Governing Board Representatives seated on the Governing Board shall be entitled to participate and vote on matters pending before the Governing Board only if such person is physically present at the meeting of the Governing Board and if the Member which that Governing Board Representative or Alternate Governing Board Representative represents has timely and fully paid dues as required by this Agreement and the Bylaws.

B. Proxy Voting. No absentee ballot or proxy shall be permitted.

C. Quorum. A quorum of the Governing Board shall consist of a majority of its total voting membership.

D. Committees. As needed, the Governing Board may create permanent or ad hoc advisory committees to give advice to the Governing Board on such matters as

may be referred to such committee by the Governing Board. All committees shall have a stated purpose before they are formed and shall remain in existence until they are dissolved by the Governing Board. Persons shall be appointed to such committees by the Governing Board and each such appointee shall serve at the pleasure of the Governing Board. Committees, unless otherwise provided by law, this Agreement, the Bylaws or by direction of the Governing Board, may be composed of representatives to the Governing Board and other persons.

E. Actions. Actions taken by the Governing Board shall be by a majority of the voting representatives of the Governing Board which are present with a quorum in attendance, unless by a provision of applicable law, this Agreement, the Bylaws or by direction of the Governing Board, a higher number of votes is required to carry a particular motion.

Section 8. Duties of the Governing Board. The Governing Board shall be deemed, for all purposes, the policy making body of the LVMCOG. All of the powers of the LVMCOG, except as may be expressly delegated to others pursuant to the provisions of applicable law, this Agreement, the Bylaws or by direction of the Governing Board, shall be exercised by and through the Governing Board.

Section 9. Roberts Rules of Order. The substance of Roberts Rules of Order shall apply to proceedings of the Governing Board, except as may otherwise be provided by provisions of applicable law, this Agreement, the Bylaws or by direction of the Governing Board.

Section 10. Meetings of Governing Board. The Governing Board shall, by means of the adoption of Bylaws, establish the dates and times of regular meetings of the Governing Board. The location of each such meeting shall be as directed by the Governing Board.

Section 11. Election of the President and Vice President. The President shall be the chairperson of the Governing Board, shall conduct all meetings of the Governing Board and perform such other duties and functions as required of such person by provisions of applicable law, this Agreement, the Bylaws or by the direction of the Governing Board. The Vice President shall serve as President in the absence of the President and shall perform such duties as may be required by provisions of applicable law, this Agreement, the Bylaws, or by the direction of the Governing Board or the President.

A Governing Board Representative shall be elected annually to the position of President, and a different Governing Board Representative shall be elected to the position of Vice President of the Governing Board at the first regular meeting of the Governing Board held in January of each calendar year. The terms of office of the President and Vice President shall commence immediately following the elections and expire immediately following the elections which are conducted at the first regular meeting of the Governing Board held in January of the following calendar year.

If there is a vacancy, for any reason, in the position of President or Vice President, the Governing Board shall forthwith conduct an election and fill the vacancy for the unexpired term of such prior incumbent. The President and Vice President shall serve at the pleasure of the Governing Board.

Section 12. Executive Director. The Governing Board may appoint by a majority vote of the total voting membership a person to be Executive Director on any basis it desires including, but not limited to, a contract or employee basis. The Executive Director shall not be a Governing Board Representative, an Alternate Governing Board Representative, or an elected or appointed official of any Member. The Executive Director shall be the chief administrative officer of the LVMCOG. The Executive Director shall receive such compensation as may be fixed by the Governing Board. The Executive Director shall serve at the pleasure of the Governing Board and may be relieved from such position at any time, without cause, by a majority of the total voting membership of the Governing Board taken at a regular, adjourned regular or special meeting of the Governing Board. The Executive Director shall perform such duties as may be imposed upon that person by provisions of applicable law, this Agreement, the Bylaws, or by the direction of the Governing Board.

Section 13. Designation of Treasurer and Auditor. The Governing Board shall, in accordance with applicable law, designate a qualified person to act as the Treasurer for the LVMCOG and a qualified person to act as the Auditor of the LVMCOG. If the Governing Board so designates and, in accordance with provisions of applicable law, a qualified person may hold both the office of Treasurer and the office of Auditor of the LVMCOG. The compensation, if any, of a person or persons holding the offices of Treasurer and Auditor shall be set by the Governing Board.

Section 14. Duties of Treasurer and Auditor. The Treasurer shall have charge of the depositing and custody of all funds held by the LVMCOG. The Treasurer shall perform such other duties as may be imposed by provisions of applicable law, including those duties described in Section 6505.5 of the Government Code, and such duties as may be required by the Governing Board. The Auditor shall perform such functions as may be required by provisions of applicable law, this Agreement, the Bylaws and by the direction of the Governing Board.

Section 15. Designation of Other Officers and Employees. The Governing Board may employ such other officers or employees as it deems appropriate and necessary to conduct the affairs of the LVMCOG.

Section 16. Obligations of LVMCOG. The debts, liabilities and obligations of the LVMCOG shall be the debts, liabilities or obligations of the LVMCOG alone. No Member of the LVMCOG shall be responsible, directly or indirectly, for any obligation, debt or liability of the LVMCOG, whatsoever.

Section 17. Control and Investment of LVMCOG Funds. The Governing Board shall adopt a policy for the control and investment of its funds and shall require

strict compliance with such policy. The policy shall comply, in all respects, with all provisions of applicable law.

Section 18. Implementation Agreements. When authorized by the Governing Board, affected Members may execute an Implementation Agreement for the purpose of authorizing the LVMCOG to implement, manage and administer area-wide and regional programs in the interest of the local public welfare. The costs incurred by the LVMCOG in implementing a program, including indirect costs, shall be assessed only to those Members who are parties to that Implementation Agreement.

Section 19. Term. The LVMCOG created pursuant to this Agreement shall continue in existence until such time as this Agreement is terminated. This Agreement may not be terminated except by an affirmative vote of a majority of the then total voting membership of the Governing Board.

Section 20. Application of Laws to LVMCOG Funds. The LVMCOG shall comply with all applicable laws in the conduct of its affairs, including, but not limited to, the Ralph M. Brown Act. (Section 54950 et seq., of the Government Code.)

Section 21. Members.

A. Withdrawal. A Member may withdraw from the LVMCOG by filing its written notice of withdrawal with the President of the Governing Board 60 days before the actual withdrawal. Such withdrawal shall be effective at 12:00 o'clock a.m. on the last day of that 60-day period. The withdrawal of a Member shall not in any way discharge, impair or modify the voluntarily-assumed obligation of the withdrawn Member in existence as of the effective date of its withdrawal. Withdrawal of a Member shall not affect the remaining Members. A withdrawn Member shall not be entitled to the return of any funds or other assets belonging to the LVMCOG, until the effective date of termination of this Agreement, except that a withdrawn Member shall be entitled to the balance of the annual dues paid for the year by that Member which were intended for the remaining part of that year. Withdrawal from any Implementation Agreement shall not be deemed withdrawal from the LVMCOG.

B. Non-Payment of Dues. If a Member fails to pay dues within three months of the annual dues assessment as required under Section 23 of this Agreement and the Bylaws, and after a 30-day written notice is provided to that Member, the Member shall be deemed to be suspended from this Agreement and the LVMCOG. When a Member is suspended, no representative of that Member shall participate or vote on the Governing Board. Such a Member shall be readmitted only upon the payment of all dues then owed by the Member, including dues incurred prior to the suspension and during the suspension.

C. Admitting New Members. New Members may be admitted to the LVMCOG upon an affirmative vote of a majority of the total voting membership of the Governing Board provided that such a proposed new Member is a city or other public

agency whose jurisdiction, or part thereof, lies within or immediately adjacent to, the Las Virgenes Malibu area of Los Angeles County. Admission shall be subject to such terms and conditions as the Governing Board may deem appropriate.

Section 22. Interference with Function of Members. The Governing Board shall not take any action which constitutes an interference with the exercise of lawful powers by a Member of the LVMCOG.

Section 23. Dues of Members. The Members of the LVMCOG shall be responsible for the payment to the LVMCOG, annually, of dues, if any, in the amounts periodically budgeted by the Governing Board, as and for the operating costs of the LVMCOG, as provided in the Bylaws.

Section 24. Disposition of Assets. Upon the winding up and dissolution of the LVMCOG, after paying or adequately providing for the debts and obligations of the LVMCOG, the remaining assets of the LVMCOG shall be distributed to the parties to this Agreement in proportion to their contributions to the LVMCOG during its existence, pursuant to Government Code Section 6512.

Section 25. Amendment. This Agreement may be amended at any time with the consent of a majority of the then members by a majority vote of the legislative body of each Member.

Section 26. Effective Date. The effective date ("Effective Date") of this Agreement shall be October 1, 1998, if all of the Members adopt and sign this Agreement by a majority vote of the legislative body of each Member. If any of the Members have not signed this Agreement by October 1, 1998, then the Effective Date of this Agreement shall be the date by which all of the Members adopt and sign this Agreement.

The Members of this Joint Powers Agreement have caused this Agreement to be executed on their behalf, respectively, as follows:

DATED: _____ CITY OF _____

_____

MAYOR

ATTEST: _____

CITY CLERK

EXHIBIT A

MEMBERS

City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301
Attention: Nathan Hamburger
City Manager

City of Hidden Hills
6165 Spring Valley Road
Hidden Hills, California 91302
Attention: Kerry Kallman
City Manager

City of Calabasas
100 Civic Center Way
Calabasas, California 91302
Attention: Raymond Taylor
Interim City Manager

City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265
Attention: Reva Feldman
City Manager

City of Westlake Village
31200 Oak Crest Drive
Westlake Village, California 91361
Attention: Rob de Geus
City Manager

Memorandum

DATE: July 7, 2020

TO: Agoura Hills City Council
Calabasas City Council
Hidden Hills City Council
Malibu City Council
Westlake Village City Council

FROM: Terry Dipple, Executive Director, Las Virgenes-Malibu COG

SUBJECT: Amended and Restated Joint Exercise of Powers Agreement

OVERVIEW

The purpose of this memorandum is to present the Amended and Restated Joint Exercise of Powers Agreement of the Las Virgenes-Malibu Council of Governments with changes as directed by the Governing Board, to the member cities for adoption by the respective City Councils.

BACKGROUND

Prior to the formation of the Council of Governments, the area city managers would meet informally to exchange ideas and information among the cities; however, there appeared to be a growing need for the cities to address regional issues and provide a unified voice on regional policies, legislation, and plans, which required a more representative and formal structure. In 1998, each City Council adopted the Joint Exercise of Powers Agreement, which formed the COG.

In May 2020 the COG Governing Board voted to have COG counsel prepare the attached Amended and Restated JPA Agreement to: 1) Change the official name of the Council of Governments from “Las Virgenes Malibu Conejo Council of Governments” to “Las Virgenes Malibu Council of Governments”; 2) Permit an Alternate Governing Board Representative to participate in the proceedings of the Governing Board when that Member’s Governing Board Representative is physically present; 3) Change the date of the elections of the President and Vice President from the first regular meeting of the Governing Board held in May of each calendar year to the first regular meeting of the Governing Board held in January of each calendar year; and 4) Change the terms of the President and Vice President from commencing on July 1 and expiring on the following July 1 to commencing immediately following the elections and expiring immediately following the elections which are conducted at the first regular meeting of the Governing Board held in January of the following year.

ATTACHMENTS

- Sample Resolution
- Amended and Restated Joint Exercise of Powers Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF _____ APPROVING THE LAS VIRGENES MALIBU COUNCIL OF GOVERNMENTS AMENDED AND RESTATED JOINT POWERS AGREEMENT

WHEREAS, the City of Agoura Hills, the City of Hidden Hills, the City of Calabasas, the City of Malibu, and the City of Westlake Village (collectively the "Members") previously entered into a Joint Exercise of Powers Agreement, dated as of August 11, 1989 (the "JPA Agreement") pursuant to which the Las Virgenes Malibu Council of Governments (the "LVMCOG") was formed;

WHEREAS, the Members desire to amend and restate the JPA Agreement to: 1) Change the official name of the Council of Governments from "Las Virgenes Malibu Conejo Council of Governments" to "Las Virgenes Malibu Council of Governments"; 2) Permit an Alternate Governing Board Representative to participate in the proceedings of the Governing Board when that Member's Governing Board Representative is physically present; 3) Change the date of the elections of the President and Vice President from the first regular meeting of the Governing Board held in May of each calendar year to the first regular meeting of the Governing Board held in January of each calendar year; and 4) Change the terms of the President and Vice President from commencing on July 1 and expiring on the following July 1 to commencing immediately following the elections and expiring immediately following the elections which are conducted at the first regular meeting of the Governing Board held in January of the following year (the "JPA Amendment");

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF _____ DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1. JPA Amendment. The attached JPA Amendment is hereby approved and the Mayor is hereby authorized and directed, for and on behalf of the City, to execute the JPA Amendment in substantially the form hereby approved, such approval to be conclusively evidenced by his or her execution and delivery thereof.

Section 2. Effective Date. This resolution shall take effect from and after the date of approval and adoption hereof.

PASSED, APPROVED AND ADOPTED this __th day of _____, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SAMPLE

BY:

_____

MAYOR

ATTEST:

_____

CITY CLERK

SAMPLE

AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT

LAS VIRGENES MALIBU COUNCIL OF GOVERNMENTS

(A JOINT POWERS AUTHORITY)

This Joint Exercise of Powers Agreement ("Agreement") is made and entered into by and between the public entities (collectively, "Members") whose names are set forth on Exhibit A, attached hereto and incorporated herein by this reference, pursuant to Section 6500 et seq. of the Government Code and other applicable law:

WITNESSETH:

The parties hereto do agree as follows:

Section 1. Recitals. This Agreement is made and entered into with respect to the following facts:

A. Historically, the Las Virgenes Malibu Council, an informal association of elected officials and city managers of the Members, has played a valuable role in serving as a forum for the exchange of ideas and information among its member cities; however, the growing need for the cities in Las Virgenes Malibu area of Los Angeles County to develop and implement their own subregional policies and plans and voluntarily and cooperatively resolve differences among themselves requires a more representative and formal structure;

B. The public interest requires a joint powers agency to conduct studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and subregional basis through the establishment of a council of governments;

C. The public interest requires that an agency explore areas of inter-governmental cooperation and coordination of government programs and provide recommendations and solutions to problems of common and general concern to its Members;

D. The public interest requires that an agency with the aforementioned goals not possess the authority to compel any of its members to conduct any activities or implement any plans or strategies that they do not wish to undertake (except for the payment of dues, if any);

E. Each Member is a governmental entity established by law with full powers of government in legislative, administrative, financial, and other related fields;

F. Each Member, by and through its legislative body, has determined that a subregional organization to assist in planning and voluntary coordination among the cities

in Las Virgenes Malibu area of Los Angeles County is required in furtherance of the public interest, necessity and convenience; and

G. Each Member, by and through its legislative body, has independently determined that the public interest, convenience and necessity requires the execution of this Agreement by and on behalf of each such Member.

Section 2. Creation of Separate Legal Entity. It is the intention of the Members to create, by means of this Agreement, a separate legal entity within the meaning of Section 6503.5 of the Government Code. Accordingly, there is hereby created a separate legal entity which shall exercise its powers in accordance with the provisions of this Agreement and applicable law.

Section 3. Name. The name of the said separate legal entity shall be the Las Virgenes Malibu Council of Governments ("LVMCOG").

Section 4. Purpose and Powers of the LVMCOG.

A. Purpose of LVMCOG. The purpose of the creation of the LVMCOG is to provide a vehicle for the Members to voluntarily engage in regional and cooperative planning and coordination of government services and responsibilities to assist the Members in the conduct of their affairs. It is the clear intent among the Members that the LVMCOG shall not possess the authority to compel any of its members to conduct any activities or implement any plans or strategies that they do not wish to undertake (except for the payment of dues). The goal and intent of the LVMCOG is one of voluntary cooperation among cities for the collective benefit of cities in the Las Virgenes Malibu area of Los Angeles County.

B. Common Powers. The LVMCOG shall have, and may exercise, the following powers:

(1) Serve as an advocate in representing the Members of the Las Virgenes Malibu Council of Governments at the regional, state and federal levels on issues of importance to the Las Virgenes Malibu area of Los Angeles County;

(2) Serve as a forum for the review, consideration, study, development and recommendation of public policies and plans with regional significance;

(3) Assemble information helpful in the consideration of problems peculiar to the Members;

(4) Utilize Member resources or presently existing public and public/private groups to carry out its programs and projects;

(5) Explore practical avenues for voluntary intergovernmental cooperation, coordination and action in the interest of local public welfare and improving the administration of governmental services;

(6) Assist in coordinating subregional planning efforts and in resolving conflicts among the cities in the Las Virgenes Malibu area of Los Angeles County as they work toward achieving planning goals;

(7) Build a consensus among the Members on the implementation of policies and programs for addressing subregional and regional issues;

(8) Make and enter into contracts, including contracts for the services of engineers, consultants, planners, attorneys and single purpose public/private groups;

(9) Employ agents, officers and employees;

(10) Apply for, receive and administer a grant or grants under any federal, state, or regional programs;

(11) Receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity;

(12) Acquire, construct, lease, manage, maintain, own and operate any buildings, works, or improvements;

(13) Incur debts, liabilities and obligations;

(14) Sue and be sued; and

(15) Delegate power to the Executive Director, except as otherwise provided in this Agreement.

C. Exercise of Powers. The LVMCOG shall, in addition, have all implied powers necessary to perform its functions. It shall exercise its powers only in a manner consistent with the provisions of applicable law, this Agreement and the Bylaws. In accordance with Government Code Section 6509, the powers of the LVMCOG shall be exercised in the manner prescribed in the Joint Exercise of Powers Act, Government Code Sections 6500 et seq., as that Act now exists and may hereafter be amended, and shall be subject to the restrictions upon the manner of exercising such powers that are imposed upon the City of Calabasas, a general law city, in the exercise of similar powers.

Section 5. Creation of Governing Board. There is hereby created a Governing Board for the LVMCOG ("Governing Board") to conduct the affairs of the LVMCOG. The Governing Board shall be constituted as follows:

A. Designation of Governing Board Representatives. One council member shall be designated as a representative of the Governing Board by the city council of each of the Members (“Governing Board Representative”).

B. Designation of Alternate Governing Board Representatives. One person shall be designated as an alternate representative of the Governing Board by the

legislative body of each of the Members ("Alternate Governing Board Representative") to serve in the absence of the Governing Board Representative.

C. Eligibility. No person shall be eligible to serve as a Governing Board Representative or an Alternate Governing Board Representative unless that person is, at all times during the tenure of that person as a Governing Board Representative or Alternate Governing Board Representative, a member of the legislative body of one of the appointing Members. Should any person serving on the Governing Board fail to maintain the status as required by this Section 5, that person's position on the Governing Board shall be deemed vacated as of the date such person ceases to qualify pursuant to the provisions of this Section 5 and the Member shall be entitled to appoint a qualified replacement.

D. Compensation. Governing Board Representatives and Governing Board Representative Alternates shall receive no compensation but may be reimbursed for expenses necessarily and reasonably incurred in connection with their service on the LVMCOG.

Section 6. Use of Public Funds and Property. The LVMCOG shall be empowered to utilize for its purposes, public and private funds, property and other resources received from the Members and from other sources. Subject to the approval of the Governing Board of the LVMCOG, the Members shall participate in the funding of the LVMCOG in such a manner as the Governing Board shall prescribe, subject to the provisions of Section 24 of this Agreement. Where applicable, the Governing Board of the LVMCOG may permit one or more of the Members to provide in kind services, including the use of property, in lieu of devoting cash to the funding of the LVMCOG's activities.

Section 7. Functioning of Governing Board.

A. Voting and Participation. Each Member may cast only one vote for each issue before the Governing Board through its representatives. An Alternate Governing Board Representative may vote in the proceedings of the Governing Board only in the absence of that Member's Governing Board Representative. Governing Board Representatives and Alternate Governing Board Representatives seated on the Governing Board shall be entitled to participate and vote on matters pending before the Governing Board only if such person is physically present at the meeting of the Governing Board and if the Member which that Governing Board Representative or Alternate Governing Board Representative represents has timely and fully paid dues as required by this Agreement and the Bylaws.

B. Proxy Voting. No absentee ballot or proxy shall be permitted.

C. Quorum. A quorum of the Governing Board shall consist of a majority of its total voting membership.

D. Committees. As needed, the Governing Board may create permanent or ad hoc advisory committees to give advice to the Governing Board on such matters as

may be referred to such committee by the Governing Board. All committees shall have a stated purpose before they are formed and shall remain in existence until they are dissolved by the Governing Board. Persons shall be appointed to such committees by the Governing Board and each such appointee shall serve at the pleasure of the Governing Board. Committees, unless otherwise provided by law, this Agreement, the Bylaws or by direction of the Governing Board, may be composed of representatives to the Governing Board and other persons.

E. Actions. Actions taken by the Governing Board shall be by a majority of the voting representatives of the Governing Board which are present with a quorum in attendance, unless by a provision of applicable law, this Agreement, the Bylaws or by direction of the Governing Board, a higher number of votes is required to carry a particular motion.

Section 8. Duties of the Governing Board. The Governing Board shall be deemed, for all purposes, the policy making body of the LVMCOG. All of the powers of the LVMCOG, except as may be expressly delegated to others pursuant to the provisions of applicable law, this Agreement, the Bylaws or by direction of the Governing Board, shall be exercised by and through the Governing Board.

Section 9. Roberts Rules of Order. The substance of Roberts Rules of Order shall apply to proceedings of the Governing Board, except as may otherwise be provided by provisions of applicable law, this Agreement, the Bylaws or by direction of the Governing Board.

Section 10. Meetings of Governing Board. The Governing Board shall, by means of the adoption of Bylaws, establish the dates and times of regular meetings of the Governing Board. The location of each such meeting shall be as directed by the Governing Board.

Section 11. Election of the President and Vice President. The President shall be the chairperson of the Governing Board, shall conduct all meetings of the Governing Board and perform such other duties and functions as required of such person by provisions of applicable law, this Agreement, the Bylaws or by the direction of the Governing Board. The Vice President shall serve as President in the absence of the President and shall perform such duties as may be required by provisions of applicable law, this Agreement, the Bylaws, or by the direction of the Governing Board or the President.

A Governing Board Representative shall be elected annually to the position of President, and a different Governing Board Representative shall be elected to the position of Vice President of the Governing Board at the first regular meeting of the Governing Board held in January of each calendar year. The terms of office of the President and Vice President shall commence immediately following the elections and expire immediately following the elections which are conducted at the first regular meeting of the Governing Board held in January of the following calendar year.

If there is a vacancy, for any reason, in the position of President or Vice President, the Governing Board shall forthwith conduct an election and fill the vacancy for the unexpired term of such prior incumbent. The President and Vice President shall serve at the pleasure of the Governing Board.

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agency whose jurisdiction, or part thereof, lies within or immediately adjacent to, the Las Virgenes Malibu area of Los Angeles County. Admission shall be subject to such terms and conditions as the Governing Board may deem appropriate.

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The Members of this Joint Powers Agreement have caused this Agreement to be executed on their behalf, respectively, as follows:

DATED: _____ CITY OF _____

_____

MAYOR

ATTEST: _____

CITY CLERK

EXHIBIT A

MEMBERS

City of Agoura Hills
30001 Ladyface Court
Agoura Hills, California 91301
Attention: Nathan Hamburger
City Manager

City of Hidden Hills
6165 Spring Valley Road
Hidden Hills, California 91302
Attention: Kerry Kallman
City Manager

City of Calabasas
100 Civic Center Way
Calabasas, California 91302
Attention: Raymond Taylor
Interim City Manager

City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265
Attention: Reva Feldman
City Manager

City of Westlake Village
31200 Oak Crest Drive
Westlake Village, California 91361
Attention: Rob de Geus
City Manager

Council Agenda Report

City Council Meeting
08-24-20
Item 4.A.

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Richard Mollica, Assistant Planning Director

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: August 12, 2020 Meeting Date: August 24, 2020

Subject: Appeal No. 20-009 - Appeal of Planning Commission Resolution No. 20-46 (29623 Cuthbert Road; Owner/Appellant, Colby Family Trust)

RECOMMENDED ACTION: Adopt Resolution No. 20-48 (Attachment A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA); granting Appeal No. 20-009 (Attachment B) and approving Coastal Development Permit (CDP) No. 19-005 to allow for a new single-family residence, second unit, swimming pool/spa, and onsite wastewater treatment system (OWTS), including Site Plan Review (SPR) Nos. 19-072 and 20-013 for construction of the residence and second unit above 18 feet in height, and Minor Modification (MM) No. 19-010 for a 13 percent reduction of the rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

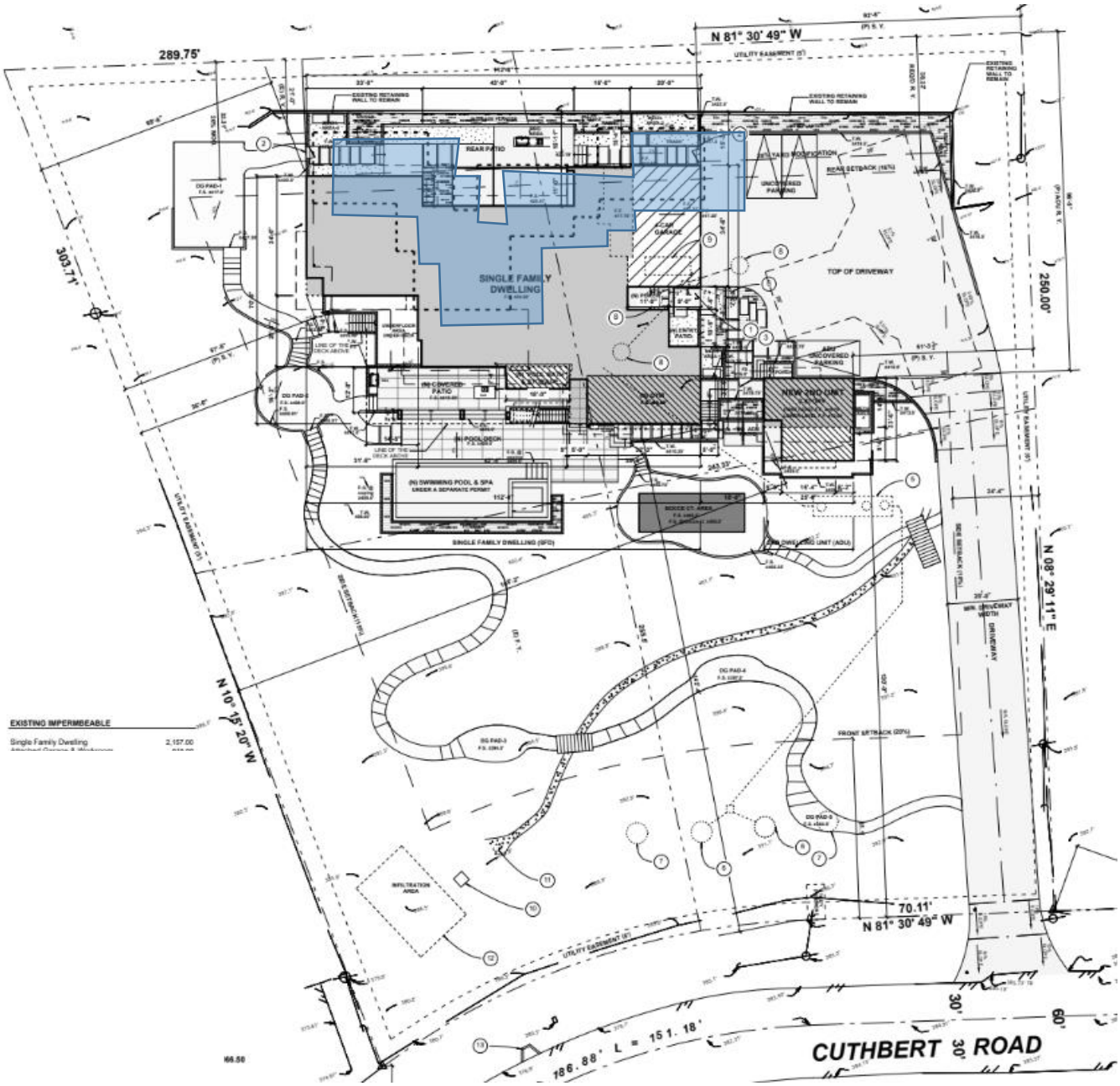
FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item is not included in the Adopted Work Plan for Fiscal Year 2019-2020. Processing this application is part of normal staff operations.

DISCUSSION: The matter is an appeal of the Planning Commission's denial of CDP No. 19-005, SPR Nos. 19-072 and 20-013 and Minor Modification No. 19-010 to replace a home lost in the November 2018 Woolsey Fire. While the new home is located further from the rear property line, it does extend further towards the street as shown in Figure 1 below. In addition, the size of the replacement structure is more 10 percent the size of the previously home and is therefore being processed with a CDP, rather than as a ministerial

like-for-like rebuild under a Planning Verification.[1] The appeal document is included as Attachment B.

Figure 1 – Proposed Site Plan and Previously Existing Development Footprint



Source: Sheet A-1.0 of Project Plans (Attachment 2)

On April 14, 2020, the Planning Director approved an Administrative Coastal Development Permit (ACDP) for the project.[2] Pursuant to Local Coastal Program (LCP) Local

[1] Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.6(A), replacement of a structure destroyed by natural disaster is exempt from a CDP if the replacement structure is for the same use, is located in the same place on the site and does not increase in size by more than 10 percent.

[2] This new home qualified for processing as an administrative coastal development permit (ACDP) pursuant to Local Implementation Plan (LIP) Section 13.13.1 because the application did not include a variance request and the subject

Implementation Plan (LIP) Section 13.13.6, this approval was reported to the Planning Commission on April 20, 2020. At that hearing the application was pulled from the Consent Calendar by a commissioner for discussion and three of the five commissioners voted in favor to instead process the application as a regular CDP with a full public hearing.[3] Thus, the application was noticed for a public hearing and returned to the Commission at the June 1, 2020 meeting (Attachment C). The Planning Commission held the public hearing on the application and voted to instruct staff to bring back a resolution for denial[4] which was adopted on June 15, 2020 (Attachment D).

In adopting Planning Commission Resolution No. 20-46, the Planning Commission determined that the project 1) did not comply with the two-thirds rule, 2) did not meet the required 100-foot setback from an adjacent parkland containing Environmentally Sensitive Habitat Area (ESHA), 3) would adversely affect neighborhood character, and 4) could not meet all the required minor modification findings to reduce the rear yard setback.

The owner/appellant, Colby Family Trust, subsequently submitted an appeal of the Planning Commission's decision to deny the project. This agenda report sets forth grounds for granting the appeal and approving the project denied by the Planning Commission.

Project Description

The proposed scope of work is as follows:

1. 6,182.5 sq. ft. single-family residence, including attached garage;
2. 899 sq. ft. foot two-story, second unit;
3. 651 sq. ft. covered patio;
    a. Total Development Square Footage (TDSF) of 7,732.5 sq. ft.
4. Swimming pool (45 ft. by 17 ft., 6 in.);
5. Spa (10 ft. by 10 ft.);
6. Pool and spa equipment (to be fully screened);
7. 1,187 sq. ft. partially cantilevered deck attached to the residence;
8. 179 sq. ft. partially cantilevered deck for the second unit;
9. 7,240 square feet of new hardscaping (includes pool deck (758 sq. ft.), patio/barbeque area (816 sq. ft.) and driveway expansion (3,208 sq. ft.) for fire department including new turn around and widening from 10 to 20 ft.)
10. Entry gate (6 ft. high, view permeable above 42 in.);
11. 330 sq. ft. bocce ball court;
12. 12,667 sq. ft. of irrigated landscaping;
13. New OWTS;
14. 458 cubic yards of non-exempt grading;
15. New retaining walls up to six feet in height;
16. SPR No. 19-072 to construct residence higher than 18 feet;

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property is not located within the Appeal Jurisdiction as indicated on the Post-LCP Permit and Appeal Jurisdiction Map 2. ACDP applications may be approved by the Planning Director and reported to the Planning Commission.

[3] Mazza, Uhring and Marx in favor, Jennings and Weil dissenting.

[4] Mazza, Uhring and Marx in favor, Jennings and Weil dissenting.

17. SPR No. 20-013 to construct second unit higher than 18 feet; and
18. MM No. 19-010 to reduce the rear yard setback by 13 percent (from 38.32 to 33 ft., 4 in.)

The project plans are included as Attachment 2 in Attachment C.

APPEAL TO THE CITY COUNCIL

The appellant contends that the Commission's findings are not supported by the evidence. The appellant also contends the application did not receive a fair and impartial hearing due to the lateness of the meeting and the fact that the project was the last item on the agenda.

The appellant's specific arguments regarding the findings are summarized below in *italics* using phrases taken from the appeal. The full text of the appeal document can be found in Attachment B. Following the appellant's stated appeal argument is a staff summary response.

The Planning Commission agenda report, which recommends approval of the project, is included as Attachment C. The Planning Commission agenda report includes a complete overview of the surrounding area, project conformance with the LCP and Malibu Municipal Code (MMC), and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 20-46 denying the project is included as Attachment D.

APPEAL ITEM 1A*:* *"Planning Commission Finding 1 - The project fails to comply with the Local Coastal Program or Malibu Municipal Code (MMC). Specifically, the architectural plans do not comply with the two-thirds rule (Local Implementation Plan (LIP) Section 3.6(K)(2) or MMC Section 17.40.040(A)(13)(b)."*

The finding is not supported by the evidence. The Planning Department confirmed in the staff report that the project does comply, and no evidence was presented to the contrary by the Planning Commission. Also, the project architect provided additional documentation to the Planning Department showing that only a minor portion of the building is 2 stories high and the rest of the area over 18' in height is due to a high ceiling and not to a 2nd story (floor area where you can stand), confirming that the project does comply.

Staff Response

LIP Section 3.6(K)(2) and MMC Section 17.40.040(A)(13)(b) are referred to as the two-thirds rule, and they appear in the code as subsections of the zoning standards pertaining to Residential Structure Size and TDSF. The two-thirds rule addresses the massing of structures by limiting the area of the second floor to no more than two-thirds the area of the first floor.

The LCP language reads as follows:

> Notwithstanding any other provision of this Chapter, the total development square footage for a structure greater than 18 feet in height shall not be greater than permitted for single-story construction. Any portion of the structure above 18 feet in height shall not exceed two-thirds the first floor area, and shall be oriented so as to minimize view blockage from adjacent properties.

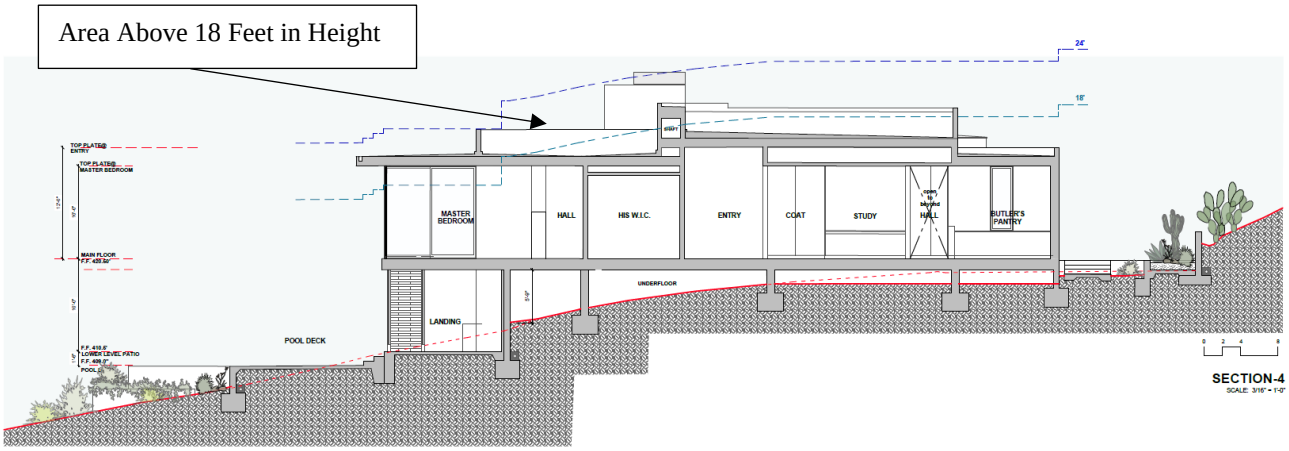
The language of the MMC is the same except the second sentence reads:

> The second floor area plus the area of vaulted ceilings above eighteen (18) feet in height shall not exceed two-thirds the first floor area, and shall be oriented so as to minimize view blockage from adjacent properties.

As shown in Table 3 in the Planning Commission agenda report (Attachment C), the proposed TDSF for the project is 7,732.5 square feet. That area is comprised of the proposed structure, garage and second unit. Since both the residence and second unit involve construction over 18 feet, both were evaluated for two-thirds rule compliance. The first-floor area and the portion of the proposed residence below 18 feet totals 6,173 square feet. According to both the LCP and MMC the allowable second floor and the portion of the proposed residence above 18 feet could be up to 4,115.33 square feet in size. The project proposes 3,358 square feet of second story and portions of the building above 18 feet in height and therefore, meets the two-thirds rule. The area of the second unit below 18 feet is 542 square feet and the area above is proposed to be 357 square feet or exactly two-thirds.

Compliance with LIP Section 3.6(K)(2) and MMC Section 17.40.040(A)(13)(b) is visually demonstrated by the applicant and included in the project plans including Sheet A-1.4 entitled Two-Thirds Attachment (Figure 2). This design was chosen because it complements the site's topography by following the contours of the descending slope of the site visually lowering the overall profile of the house. Furthermore, the proposed design provides for lower building massing than a traditional two-story design.

Figure 2: Two-Thirds Exhibit



Source: Project Plans

The Planning Commission, following a new interpretation of the two-thirds rule it had adopted in denying a CDP application for a new residence at 33608 Pacific Coast Highway, based the denial on finding that the covered patio areas of the main residence should not be included in the two-thirds calculation of the main residence and that instead only the interior floor area should have been utilized in the calculation. The hearing on the instant Project occurred before the July 13, 2020, City Council meeting where the Council overturned the Planning Commission's decision on the 33608 Pacific Coast Highway project and upheld the City's longstanding interpretation that covered areas that extend greater than six feet must be counted for TDSF and two-thirds rule calculations. This interpretation has been consistently applied by the City except for a one-year period in 2008. The consequence of not counting these covered areas could allow for owners to create large covered areas to their homes which would expand with few limits and would add to the bulk and mass of a structure. Such actions would be conflict with TDSF limitations which are designed to limit the size of structures. Under this standard, as described above, the Project complies with the two-thirds rule.[5]

APPEAL ITEM 1B: *Planning Commission Finding 1 - "The proposed development is not consistent with LIP Section 3.6(F)(6) or MMC Section 17.40.040(A)(6)(f) because the 100-foot setback from the parkland containing Environmentally Sensitive Habitat Area to the north has not been provided."*

This finding is not supported by the evidence. The Planning Department informed the commissioners that according to the LCP ESHA and Marine Resources Map the ESHA was approximately 120 feet to the north on the parcel owned by the State. It was determined that there was no impact to recreation opportunities or ESHA so a 100' setback is not required. The house not only does not violate any ESHA buffer, but the homeowners and architect had increased the setback from a distant ESHA zone so as to be even further away from the distant ESHA zone.

[5] City Council Resolution No. 20-39, Section 3, Finding A.

Staff Response

The project site is adjacent to parkland and the Zuma Ridge Trail according to the LCP Park Lands Map. The trail is labeled as “Zuma Ridge Motorway” on Figure 3. The project site is not in a designated Environmentally Sensitive Habitat Area (ESHA). In addition, based on review of the City’s ESHA Maps and aerial photos, the nearest ESHA areas are in excess of 100 feet from the northern property line of the subject property. However, the LCP ESHA and Marine Resources Map identifies ESHA approximately 120 feet to the north, on a parcel the owned by the U.S. Government. Because of the identification of ESHA on the adjacent parcel shown on the LCP’s ESHA maps, the City Biologist reviewed the proposed project plans for conformance with the LCP’s ESHA requirements. The primary concern was whether the required fuel modification area from the project would result in ESHA impacts. The applicant demonstrated that the proposed fuel modification zone falls within existing fuel modification areas of the homes to the west and east and the water tank[6] that is located to the north.

Figure 3: Zuma Ridge Motorway Trail on Federal Park Land

Source: CityGIS

LIP Section 3.6(F)(6) regarding parkland setbacks applies to the proposed project due to its location. However, the proposed development is in compliance with LIP Section

[6] Staff confirmed with the Los Angeles County Water District 29 that annual brush clearing takes place around the water tank.

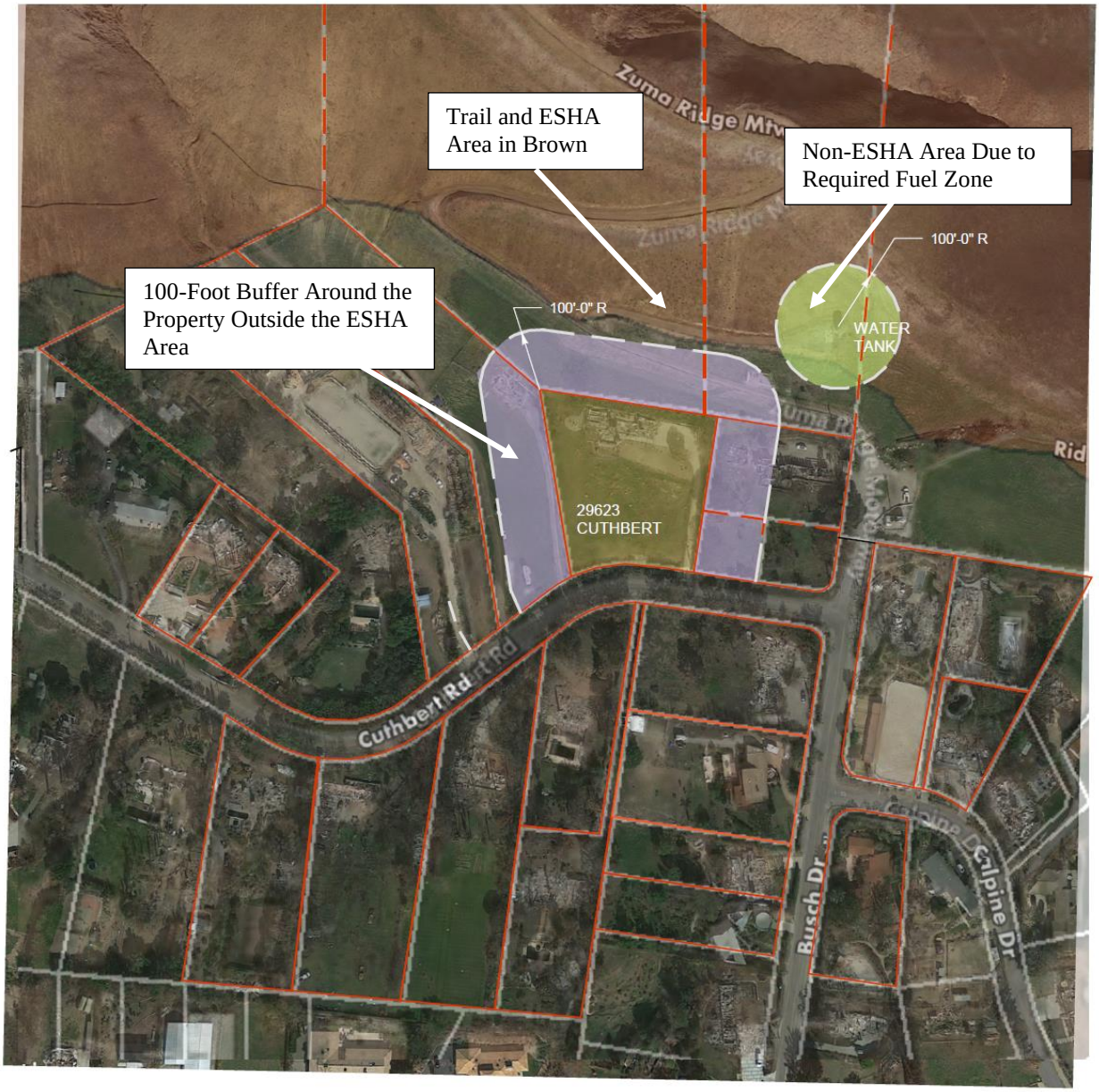
3.6(F)(6) because the proposed project is in excess of 100 feet from ESHA and the trail (which are the parkland resources). LIP Section 3.6(F)(6) states:

> Setbacks from parklands. New development adjacent to parklands, where the purpose of the park is to protect the natural environment and ESHA, shall be sited and designed to minimize impacts to habitat and recreational opportunities, to the maximum extent feasible. Natural vegetation buffer areas shall be provided around parklands. Buffers shall be of a sufficient size to prevent impacts to parkland resources, but in no case shall they be less than 100 feet in width.

The Planning Commission concluded the language of this section required either a 100-foot setback from any parkland parcel or a request for a variance from the 100-foot setback requirement. In general the purpose of the required buffer is to prevent impacts to parkland resources or the use and enjoyment of the parkland.

Furthermore, to confirm that no sensitive resources or public use impacts would take place as a result of the subject project, the applicant requested review of the proposed development by the National Park Service. The National Park Service confirmed that the proposed development, including its associated fuel modification zones would have no impact on sensitive park resources (Attachment E) and would be consistent with a long-standing agreement with the prior property owner. Given this confirmation that no parkland resources would be affected by the proposed project, a variance from LIP Section 3.6(F)(6) is not required because no sensitive resources are located within 100 feet of the project. Figure 4 which was prepared by the applicant demonstrates how the trail is further than 100 feet from the property. In addition, the ESHA resources are to the north of the trail, more than 100 feet from the proposed residence.

Figure 4: 100-Foot Radius from the Adjacent Trail



Source: Applicant

In addition, the proposed replacement structure is 12 feet, 4 inches further from the rear property line than the previous residence, so a greater setback is being provided, increasing the distance of the fuel modification area from the ESHA compared to what had taken place in the past. A variance from the parkland setback requirement of LIP Section 3.6(F)(6) is not required.

APPEAL ITEM 2*: Planning Commission Finding 2 - "...the large size of the proposed home is inconsistent with character of the neighborhood." "All of the required findings to grant the site plan review cannot be made. Specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that of the surrounding properties."*

This finding is not supported by the evidence. The Commission has misused the phrase "neighborhood character" to justify denying the project. The location at issue is Cuthbert Road facing the park, an area that no longer has any definable neighborhood character because 19 out of 20 homes burned to the ground in the Woolsey Fire. Letters of support were received from 23 long-time Malibu residents, all of whom want the home to be built and the neighborhood to begin the recovery from Woolsey Fire. The story poles have been up since January 12th and no complaints from any neighbor or anyone walking along the fire road have been received.

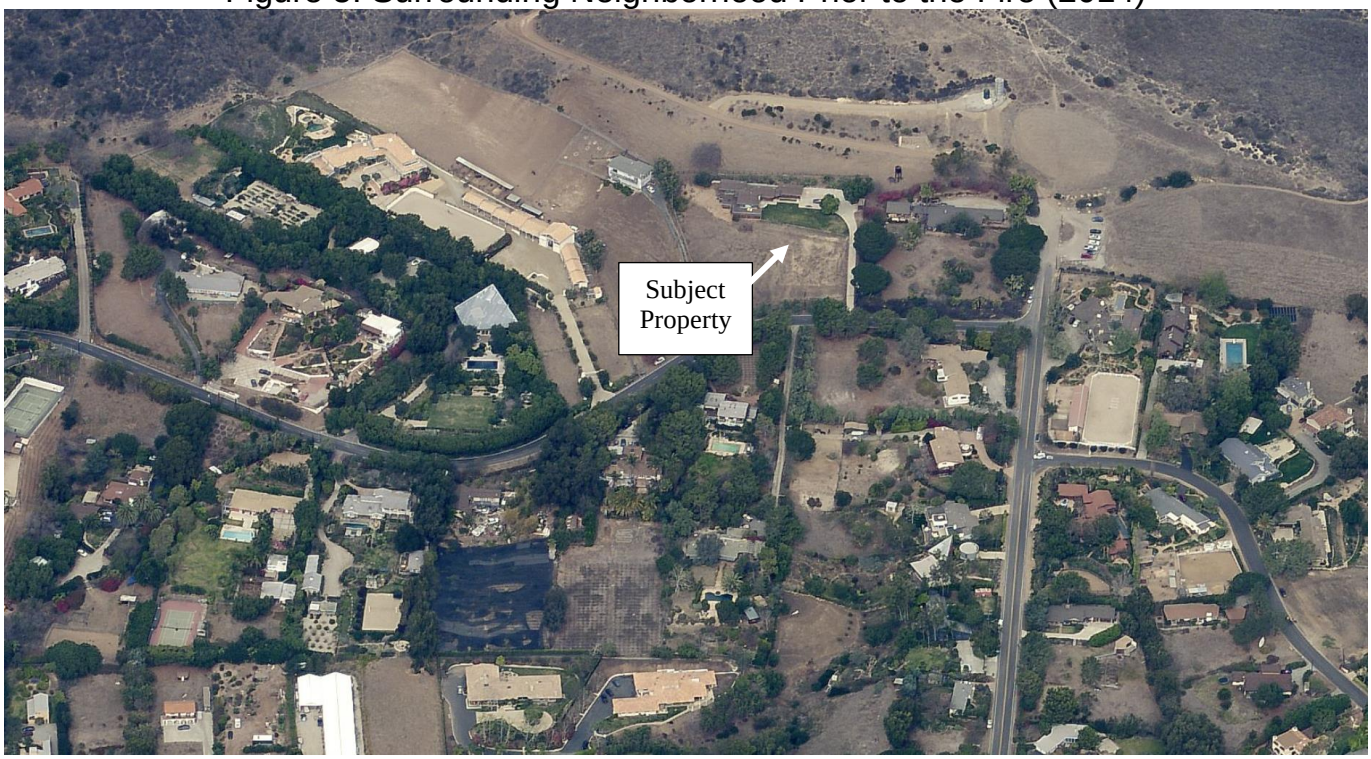
Staff Response

The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the November 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that that were destroyed are currently taking part in the City's fire rebuild efforts. The other affected properties have not yet submitted applications. The Commission recently approved another fire rebuild home on Cuthbert, including a site plan review for height over 18 feet, and with similar square footage for the main residence of 5,932 square feet.[7]

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property and to the southwest, to maximize ocean views (Figure 5). Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height, and bulk. On March 6, 2020, staff visited the site to inspect the story poles after installation. As demonstrated by the story poles and as shown in Figure 4, the project's location on the site, height, and bulk is compatible with other development in the adjacent area in that the area has historically been developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. Many properties were developed with larger homes and multiple accessory structures. No correspondence or public comments objecting to the project or expressing concerns about adverse neighborhood impacts have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet for which the SPRs are requested, would have an adverse effect on neighborhood character.

[7] 30130 Cuthbert Road, Planning Commission Resolution No. 20-37, adopted April 6, 2020

Figure 5: Surrounding Neighborhood Prior to the Fire (2014)



Source Connect Explorer

While not required for conformance review by City codes or Council direction, the applicant included for reference a table showing the Los Angeles County Tax Assessor's Records for properties within a 500-foot radius of the subject property (Attachment 5 of Attachment C), based on the Commission's past interest in nearby home sizes. This County square footage information is not the equivalent of the City's TDSF metric since it is based on the assessor's rules for property valuation and not TDSF specifically. For example, the Los Angeles County Assessor data generally includes the habitable building square footage only, and does not include garages, covered patios and some other accessory structures as TDSF would.

The required finding that the project does not adversely affect neighborhood character should not rely solely on residential structure size. Other, equally important factors that affect neighborhood character, among other things, are visibility of the residence from public viewing places, height, and massing. The proposed Project complies with the City's TDSF requirements, and importantly the portions of the project over 18 feet in height (which are the portions that require site plan review) are consistent with the neighborhood, both as it existed and as it is being rebuilt, and are not objectionable for their mass, height, bulk or visibility . There is no evidence of an adverse effect on neighborhood character from the project.

APPEAL ITEM 3: *Planning Commission Finding 3 – "All of the required findings to grant the minor modification to reduce the rear yard setback cannot be made. Specifically, given the size of the parcel, alternative building pad locations are available that do not require a reduced rear yard setback."*

This finding is not supported by the evidence. No alternative locations are available because the view of the neighbor will be affected if the house is relocated to the lower portion of the property. The neighbor next door supports the building of our home. Moving the house forward would impact our neighbors view corridor and he is opposed to that.

We want to build on the existing pad so that there will be no additional disturbances to the land and no additional grading, not only for the house itself, but also to accommodate the fire department's requirements for a T-turnaround. Building on the existing pad will keep a lower profile.

Staff Response

The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38 feet, 4 inches to 33 feet, 4 inches. The previously existing residence that was destroyed by fire had a nonconforming rear yard setback of only 21 feet. So, while the new replacement residence is proposing a minor modification for the rear yard compared to the *required* rear yard setback, this will actually result in the residence being 12 feet, 4 inches *further* from the property line than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, so additional grading is avoided, while increasing the rear yard setback compared to the original home. Furthermore, the increased rear yard setback also increases the distance between the proposed residence and the parkland and trail adjacent to the subject property. Adjacent properties also have reduced setbacks and have historically been built in-line with each other to maintain views (Figure 5). In addition, other building pads in the area also have reduced rear yard and other setbacks, so it is not anticipated that the proposed development will adversely affect neighborhood character (See Figure 3for pre-fire aerial).

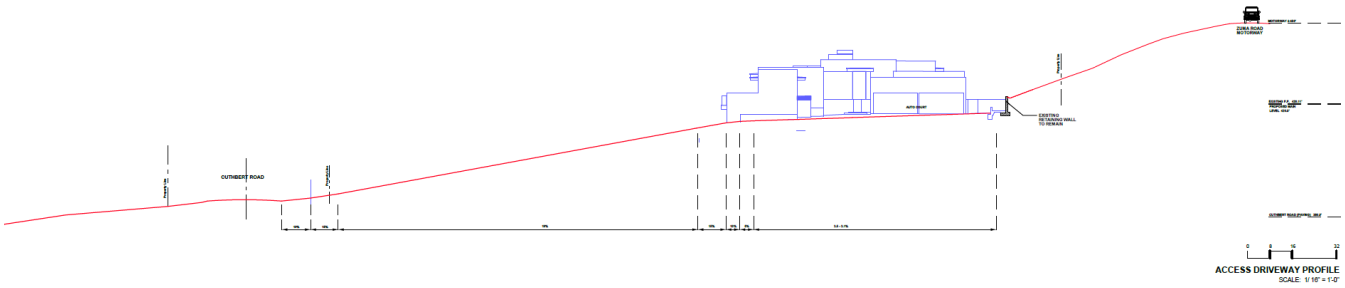
Figure 5 – Aerial Photograph of Adjacent Properties

Source: CityGIS

The Planning Commission concluded that given the size of the parcel the house could be moved further away from the rear property line while staying within the existing development pad. While the project could be re-sited to another location on the subject parcel, the proposed improvements are sited on previously disturbed areas on the property to utilize the existing access to the site.

Alternative locations were considered, but any other location is considered more impactful due to the amount of additional grading and soil disturbance needed. Development within the southern portion of the parcel would require more grading, land disturbance, and construction on slopes and would not be the least environmentally damaging alternative. The site is characterized by a slope that descends from the rear property line towards the street adjacent to the front property line. The previously approved building pad and flat areas are located at the rear of the property and the minor modification allows for the reuse of those areas (Figure 6). Relocating the house to the center of the lot would also be inconsistent with the City's Hillside Development ordinance which encourages the use of the existing building pad or other flat areas on the site to avoid construction on steeper slopes. In addition, as discussed earlier and as demonstrated in Figure 4, moving the proposed development to the center of the property could result in view impacts for neighboring properties. As proposed the development will keep a low profile, utilize the site topography and be in-line with surrounding development.

Figure 6: Site Topography



Source: Applicant Plans

APPEAL ITEM 4: *There was a lack of fair and impartial hearing.*

The lack of an impartial hearing: Commissioners Marx, Uhring and Mazza have demonstrated a pattern of looking for non-valid reasons to delay, block or deny any CDP application for a home larger than 5,000 square feet.! Planning commissioners Uhring, Marx and Mazza identified fake, contrived and improper reasons for blocking and delaying the application, as explained below.

Further, while Zoom is the safest method to convene given the pandemic, it also comes with significant technical challenges and is almost impossible to refute false statements. The Zoom meeting had started at 6:30 pm. By 11:00 p.m. the commissioners were clearly exhausted after discussing the other projects for approximately 1 1/2 hours each prior to ours. The commissioners only spent 22 minutes discussing our project. It was not a fair and impartial hearing.

The commissioners were uninterested in listening to Richard Mollica's and Bonnie Blue's responses to their claims. You can see and hear that Mazza was coughing and shuffling papers, thus interrupting Mollica's audio as sound was cutting in and out, especially during Mollica's 2/3 rule compliance explanation. During his claim of the 2/3 rule Mazza said, "I'm tired," and proceeded with contrived calculations while Bonnie Blue is shaking her head "No" in disagreement." The planning department and the available speakers all informed the three commissioners that the proposed home is compliant with any "2/3 rule".

It was claimed by Commissioner Uhring that the 100 foot setback from an Environmentally Sensitive Habitat Area (ESHA) was not met. The planning staff showed that the property is not in an ESHA or ESHA Buffer, as shown on the LCP ESHA and Marine Resource map. The city biologist has confirmed we are not within 100 feet of an ESHA. The planning staff has confirmed we are 120 feet from the ESHA. The National Park Service has provided documentation that our property is approximately 150 feet away from the ESHA and that the brush clearance and "fuel modification" area meets the county's 100 FOOT setback rule. In addition, our house was built in 1955, before the Parks Service acquired the park property. In our plans, we have moved the house farther away from the park from its prior location.

There was 1:30 left of our 15 minutes and we never got to use that time for our responses.

Staff Response

Upon review of the meeting, staff was able to confirm that the Planning Commissioners conducted the meeting in a manner consistent with the applicable rules of order. In addition, the meeting was properly noticed and conducted. The applicant was given the opportunity to speak, both initially and for rebuttal, after the other speakers had concluded, in compliance with the City's rules for public hearings. They concluded their comments of their own volition even though they could have spoken for approximately an additional one minute and thirty seconds. They were granted a full opportunity to be heard and were not cut off, but rather chose not to use that time. Once the public hearing is concluded there is no further right or opportunity to speak unless the Chair, or a majority of the Commission, request additional testimony or response to aid deliberations. While the applicant apparently wished to speak again while the Commissioners were discussing the merits of the project, the applicant has no right to do so. While it can be frustrating to those who wish to speak more, public comment must be limited so that deliberations and decisions can be made by the Commission and conducted in a timely manner. Prior to the final vote by the Planning Commission, the Chair did allow the applicant and his team one final opportunity to speak. The applicant has not provided evidence of improper bias, and any imperfection will be cured by this de novo hearing before the City Council.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the project. The Planning Department 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 Sections 15301(l) and 15303(a) - Demolition of one single-family residence and accessory structures, and construction of a new single-family residence and accessory structures. The Planning Department 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).

PUBLIC CORRESPONDENCE: To date, staff has not received any public correspondence on the appeal.

PUBLIC NOTICE: On July 30, 2020, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Attachment F).

SUMMARY: Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Resolution No. 20-48, granting the appeal and approving ACDP No. 19-005, SPR No. 19-072, SPR 20-013 and Minor Modification No. 19-012.

ATTACHMENTS:

A. Resolution No. 20-48
B. Appeal No. 20-001
C. June 1, 2020 Planning Commission Agenda Report
    1. Planning Commission Resolution No. 20-46
    2. Project Plans
    3. Department Review Sheets
    4. Story Pole Photographs
    5. Neighborhood Character Exhibit Prepared by Applicant
    6. Public Correspondence
    7. Radius Map
    8. Public Hearing Notice
D. Planning Commission Resolution No. 20-46
E. National Park Service Correspondence
F. Public Hearing Notice

RESOLUTION NO. 20-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING APPEAL NO. 20-009 AND COASTAL DEVELOPMENT PERMIT NO. 19-005 TO ALLOW FOR A NEW SINGLE-FAMILY RESIDENCE, SECOND UNIT, SWIMMING POOL/SPA, AND ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING SITE PLAN REVIEW NOS. 19-072 AND 20-013 FOR CONSTRUCTION OF THE RESIDENCE AND SECOND UNIT ABOVE 18 FEET IN HEIGHT, AND MINOR MODIFICATION NO. 19-010 FOR A 13 PERCENT REDUCTION OF THE REAR YARD SETBACK TO REPLACE A HOME DESTROYED IN THE 2018 WOOLSEY FIRE, LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 29623 CUTHBERT ROAD (COLBY FAMILY TRUST).

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

SECTION 1. Recitals.

A. On August 12, 2019, an application for an Administrative Coastal Development Permit (ACDP) No. 19-005, Site Plan Review (SPR) No. 19-072, SPR No. 20-013 and Minor Modification (MM) No. 19-010 to allow for the construction of a single-family residence and associated development on a Woolsey Fire affected parcel was submitted to the Planning Department by Daniela Rechtszasd. The application was routed to the City Biologist, City Environmental Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District 29 (LACWD29) for review.

B. On October 3, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On January 3, 2020, the application was deemed complete.

D. On March 6, 2020, staff visited the site to view the story poles.

E. On April 9, 2020, 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 subject property.

F. At the April 20, 2020, Regular Planning Commission meeting, the Planning Director reported approval of the ACDP to the Planning Commission. The Planning Commission voted in favor to bring back the item as a full coastal development permit (CDP) with a full public hearing.

G. On May 7, 2020, 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 subject properties.

H. On June 1, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record and directed staff to return with a Resolution for denial.

I. On June 15, 2020, the Planning Commission adopted Resolution No. 20-46 denying the project.

J. On June 25, 2020 the property owner, Colby Family Trust filed an appeal to Planning Commission's decision.

K. On July 30, 2020, 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 radius of 500 feet from the subject property and all interested parties.

L. On August 24, 2020, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports including the agenda report for the June 1, 2020, Planning Commission Meeting, public testimony, and other information in the record.

SECTION 2. Appeal of Action.

The appeal filed by the appellant contends that the findings for denial of the project are not supported by the evidence, or the decision is not supported by the findings. Specifically, the appellant contends that the four findings stating the proposed project is not consistent with the City's Local Coastal Program (LCP) are not supported by law or substantial evidence. Appellant also alleges it was denied a fair and impartial hearing.

SECTION 3. Findings for Granting the Appeal.

Based on evidence in the record and in the Council Agenda Report for the project, the City Council hereby makes the following findings of fact, grants the appeal challenging the findings made by the Planning Commission in denying the CDP application, denies the appeal's allegation that a fair and impartial hearing was not granted, and finds that substantial evidence in the record supports the required findings for approval of the project. In addition, the analysis, findings of fact, and conclusions set forth by staff in the Council Agenda Report and Planning Commission Agenda Report, as well as the testimony and materials considered by the Planning Commission and City Council are incorporated herein as though fully set forth. The Council hereby adopts staff's analysis and conclusions from the staff report regarding each of the asserted grounds for appeal and the reasons the appeal is granted to approve the project. In summary:

A. The Council finds that the project is consistent with the residential development standards pertaining to the two-thirds rule (Local Implementation Plan Section 3.6(K)(2) and Malibu Municipal Code (MMC) Section 17.40.040(A)(13)(b)). The first-floor area and the portion of the proposed residence below 18 feet totals 6,173 square feet. According to both the LCP and MMC the allowable second floor and the portion of the proposed residence above 18 feet could be up to 4,115.33 square feet in size. The project proposes 3,358 square feet of second story and portions of the building above 18 feet in height and therefore meets the two-thirds rule. In addition, the area of the second unit below 18 feet is 542 square feet and the area above is proposed to be 357 square feet or exactly two-thirds the area below.

Council also finds that the project complies with LIP section 3.6(F)(6)'s requirement of a buffer of 100-feet from parkland resources. The Project is more than 100 feet from the Zuma Ridge Motorway Trail and the ESHA located on the adjacent parkland. The Project will not impact the Environmental Sensitive Habitat Area (ESHA) located in the park or recreational opportunities in the park because of this distance and the fact that the project's fuel modification will be within the fuel modification of the adjacent homes. The nearest ESHA resources are more than 120 feet from the proposed project. Furthermore, to confirm that no sensitive resources or public use impacts would take place as a result of the subject project, the applicant requested review of the proposed development by the National Park Service. The National Park Service confirmed that the proposed development, including its associated fuel modification zones would have no impact on sensitive park resources. The proposed replacement structure is also 12 feet, 4 inches further from the rear property line than the previous residence, so a greater setback is being provided, increasing the distance of the Project and fuel modification area from the ESHA compared to what had taken place in the past.

C. The evidence in the record demonstrates that the proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The Council finds that the proposed project is consistent with the RR-2 zoning designation and does not adversely impact neighborhood character. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area; an area has historically been developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean.

D. The Council finds all the findings required for a minor modification to the rear yard setback have been met. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, and increases the previously existing rear yard setback when compared to the original home. The reduced rear yard setback will also allow the proposed residence to be sited in a manner consistent with neighboring properties. Lastly, the minor modification will keep development on the existing flat portions of the lot, prevent development on steeper slopes, and avoid development that falls into the category of hillside development.

E. The Council finds the Planning Commissioners conducted the meeting in a manner consistent with the applicable rules of order, and provided applicant both notice and an opportunity to be heard in conformance with those standards. The applicant has not presented evidence of inappropriate bias, conflict of interest or an unfair or impartial hearing. In addition, any such violation would be cured by the de novo hearing held before the City Council.

In conclusion, as detailed above and in the record, the evidence supports the required findings for approval of the proposed Project and that it is consistent with the Malibu Municipal Code (MMC) and LCP standards. The evidence also demonstrates a fair and impartial hearing was provided. Additional evidence in the record supports the findings required for the project, as discussed below.

SECTION 4. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council has analyzed the proposed project. 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 Sections 15303(a) New Construction or Conversion of Small Structures, 15303(d) New Construction or Conversion of Small Structures, and 15303(e) New Construction or Conversion of Small Structures. The City Council 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).

SECTION 5. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(b) and 13.9, the City Council adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system (OWTS), including SPR No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and MM No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre (RR-2) zoning district at 29623 Cuthbert Road (Colby Family Trust).

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, LAWD29 and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards, inclusive of the requested SPRs and MM.

2. Staff studied various project alternatives but was determined that the proposed project was the least environmentally damaging alternative. The proposed project includes reconstruction of a residence and attached garage, a second unit, pool, new OWTS, landscaping and hardscape improvements that was destroyed by fire that will be located within the limits of the previously disturbed building pad. The proposed project results in no significant adverse biological or visual impacts and is the least environmentally damaging feasible alternative.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height (LIP Section 13.27)

1. The agenda report details the project conformance review with all applicable standards and policies. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications. The Commission recently approved a fire rebuild home on Cuthbert, including a site plan review for height over 18 feet.

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property, to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020, staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. No correspondence or public comments objecting to the project have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is an existing trail located 65 feet north of the property and at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 23 feet, 11 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because the surrounding properties have views oriented in a different direction, away from the project. Based on staff's evaluation and site inspections, it was determined that the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height for a Secondary Residential Unit (LIP Section 13.27)

1. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. Similar to the proposed residence, the second residential unit will share a similar roof height. As previously discussed, surrounding residence development consists of both one and two-story development that exceeds 18 feet in height that share similar orientation to maximize views toward the Pacific Ocean. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020 staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to neighboring development. Other properties in the neighborhood also have included detached accessory structures. The Commission recently approved an application including a detached second residential unit. Based on conformance with development standards, characteristics of the surrounding topography, and existing development, the proposed second residential unit is not expected to have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant’s project. As discussed previously, there is a trail located 65 feet north of the property at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff’s site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City’s General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with development located on neighboring properties. The maximum height of the proposed second residential unit is 22 feet, 10 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction. Based on staff's evaluation and site inspections, it was determined that the proposed second residential unit will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. Minor Modification for a reduction of the rear yard setback (LIP Section 13.27)

LIP Section 13.27 requires that the City makes three findings in consideration and approval of a minor modification to reduce the required rear yard setback up to 20 percent. The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38-feet, 4-inches to 33-feet, 4-inches for the proposed single-family residence. Based on evidence in the record, the findings in support of MM No. 19-010 are made herein.

1. As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. The previously existing residence that was destroyed by fire had a 21 foot rear yard setback. The proposed single-family residence is sited 33-feet 4-inches from the northern rear yard property line, which is 12 feet 4 inches further than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, while increasing the setback compared to the original home. Surrounding properties along Cuthbert Road consist of long, narrow lots with single-family residences commonly constructed within the required yard setbacks similar to proposed project. Since other building pads in the area have reduced rear yard setbacks, the proposed development will not adversely affect neighborhood character.

3. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

E. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property is located below the Zuma Ridge Trail which is considered a scenic resource. Since the project is located adjacent to a scenic resource, the findings set forth in LIP Section 6.4 are enumerated herein.

1. An analysis of the project's potential visual impact was conducted through site inspections, and review of the architectural plans. The proposed structure as demonstrated by the story poles will be at a lower elevation than the trail. As a result, when the proposed development is viewed from the trail, views of the ocean and surrounding hills will not be impacted. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

2. As discussed in Finding E1, as conditioned, the project will not have significant adverse scenic or visual impacts.

3. As discussed in Finding A3, the project is the least environmentally damaging feasible alternative.

3. As discussed in Finding E1, the project is not expected to result in any significant adverse impact because of the existing topography and the fact that the proposed development is located downslope from the trail. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

4. As discussed in Finding E1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources because of its location.

F. Hazards (LIP Chapter 9)

1. On October 14, 2019, the City geotechnical staff determined the proposed project, constructed in accordance with the recommendations from the project's geotechnical consultant, is consistent with the LCP after completed its reviewed of the following reports:

- Geotechnical Engineering Investigation Reports prepared by Craig Phillips Engineering & Design (dated October 4, 2019);
- SubSurface Designs, Inc. (dated May 2, 2019);
- Architectural Plans prepared by Daniela Rechtszasd (dated August 5, 2019);
- Grading and Drainage Plans prepared by Daniela Rechtszasd (dated July 15, 2019);
- Partial Structural Plans prepared by Craig Phillips Engineering & Design (dated July 25, 2019), and
- OWTS plan prepared by Lawrence Young.

In the reports, site-specific conditions are evaluated, and recommendations are provided to address any pertinent issues. The subject property is not located within a liquefaction hazard zone and it was stated that the project will not increase the liquefaction risk which presently exists within the subject property. The reports concluded that the project site is suitable for development provided the recommendations of the reports are followed.

Fire Hazard

The entire city limits of Malibu are located in a high fire hazard area. However, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. The LACFD serves the City, as well as the California Department of Forestry, if needed. In the event of major fire, the County has mutual aid agreements with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Nonetheless, the applicant will be required to record a deed restriction acknowledging and assuming the hazard risk of fires at the site. The deed restriction shall indemnify and hold the City and City staff harmless against any liability of the permitted project as the entire parcel is in a high risk wildfire zone area.

2. The proposed project will incorporate all recommendations contained in the previously referenced geotechnical reports. As such, the proposed project will neither be subject to nor increase the instability of the site or structural integrity from geologic, flood, fire, or other hazards. City geotechnical staff, the City Public Works Department and LACFD have reviewed the project and determined it to be consistent with all relevant policies and regulations regarding potential hazards.

3. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have significant impacts on site stability or structural integrity. City geotechnical staff and the Public Works Department have conditioned the project to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

4. As previously discussed in Finding 3 of Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

5. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

6. As previously discussed in Finding 3 of Section A and Finding 1 of this section, the proposed project, as designed and conditioned, will not have significant adverse impacts on sensitive resources, including but not limited to hazards in conformance with the LCP.

SECTION 6. City Council Approval.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 19-005, SPR 19-072, SPR No. 20-013, and MM No. 19-010 subject to the following conditions, that are applicable to the project, as noted below.

SECTION 7. Conditions of Approval.

1. The property owners, 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 for the project described herein. The scope of work approved includes:

    a. 6,182.5 square foot single-family residence, including attached garage;
    b. 899 square foot two-story, second dwelling unit;
    c. 651 square foot covered patio;
        i. Total Development Square Footage (TDSF) of 7,732.5 square feet
    d. New swimming pool measuring 45 feet long by 17 feet 6 inches wide;
    e. New spa measuring 10 feet long by 10 feet wide ;

f. Associated swimming pool and spa equipment (to be fully screened);
g. 1,187 partially cantilevered deck attached to the proposed residence;
h. 179 square foot partially cantilevered deck for the second residential unit;
i. 758 square foot new impermeable pool deck on grade;
j. New six-foot entry gate (view permeable above 42 inches);
k. 330 square foot bocce ball court;
l. 12,667 square feet of new irrigated landscaping;
m. 7,240 square feet of new hardscaping including the pool deck;
n. New OWTS;
o. 458 cubic yards of non-exempt grading;
p. New retaining walls up to six feet in height;
q. New 816 square foot impermeable patio and outdoor barbecue area;
r. Expansion of existing impermeable driveway from 10 feet wide to 20 feet wide for a total of 1,832 square feet and expansion of top of the driveway to accommodate a fire truck turnaround for a total of 1,376 square feet.

Discretionary Requests:

1. SPR No. 19-072 to allow for construction of the residence up to 24 feet in height for a flat roof;
2. SPR No. 20-013 to allow for construction of the second residential unit up to 24 feet in height for a flat roof, and
3. MM No. 19-010 to allow for a 13 percent reduction of the required rear yard setback from 38.32 feet to 33 feet, 4 inches.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, on April 2, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the June 1, 2020, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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 development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, and City Public Works Department, as applicable. Notwithstanding this review, all required permits 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 and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

Cultural Resources

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, 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. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires 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.

Lighting

14. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes is prohibited.

15. Night lighting for sports courts or other private recreational facilities shall be prohibited.

16. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

17. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.

18. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

19. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

20. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Fencing and Walls

21. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

Biology/Landscaping

22. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

23. Prior to the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that as been signed off by the Building Safety Department.

24. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

25. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.

26. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.

27. Invasive plant species, as determined by the City of Malibu, are prohibited.

28. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

29. Prior to final plan check approval, the property owner / applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29

30. No non-native plant species shall be approved greater than 50 feet from the residential structure.

31. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

32. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

33. Up-lighting of landscape is prohibited.

34. Necessary boundary fencing shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40-inches high, and have a space greater than 14-inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.

35. Prior to the issuing a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

Environmental Health

36. The final landscape plan (Sheet L 1.0) must show the proposed OWTS, including the treatment tank, dispersal area(s), and lines of connection. All setbacks must be maintained to trees and large vegetation, per MMC Chapter 15.42.

37. Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

38. A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

39. The final design report shall contain the following information (in addition to the items listed above).
    a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
    b. Sewage and effluent pump design calculations (as applicable).
    c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
    d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system

shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

40. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.

41. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

42. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

43. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

44. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

45. A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Please note only original "wet signature" documents are acceptable.

46. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

47. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

48. City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

49. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Geology

50. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

51. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

Grading/Drainage/Hydrology

52. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

53. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

54. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
    a. Is located within or adjacent to ESHA, or
    b. Includes grading on slopes greater than 4 to 1.

    Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

55. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.

b. Prohibits the discharge of trash.
c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
d. Elimination of non-storm water discharges.

56. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

57. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.

58. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The QQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofitrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
    f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
    g. Measures to treat and infiltrate runoff from impervious areas;
    h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
    i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

59. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

60. The project engineer shall sign the final plans prior to the issuance of construction permits.

61. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
    a. Public Works Department general notes;
    b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
    c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic

system, and areas disturbed for the installation of the detention system shall be included within the area delineated;

d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;

e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;

f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and

g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

62. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

Public Works

63. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

Swimming Pool / Spa / Water Feature

64. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).

65. Pool and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).

66. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.

67. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;

b. There are sufficient BMPs in place to prevent soil erosion; and

c. The discharge does not reach in to the MS4 or to the ASBS (including tributaries)

68. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

69. A sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)" shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

70. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Construction/Framing

71. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

72. Construction 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 construction activities shall be permitted on Sundays or City-designated holidays.

73. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

74. A construction management plan shall be approved by the Public Works Director to manage construction traffic, including grading truck trips, in order to minimize impacts on traffic and emergency access.

Demolition/Solid Waste

75. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

76. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

77. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

78. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

79. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.

80. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

81. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.

82. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Colors and Materials

83. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. All windows shall be comprised of non-glare glass.

84. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

Deed Restrictions

85. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide

a copy of the recorded document to the Planning Department prior to final Planning Department approval.

86. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

87. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth above. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

88. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.

89. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Fixed Conditions

90. This coastal development permit shall run with the land and bind all future owners of the property.

91. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 8. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 24tht day of August 2020.

MIKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:
THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-48 was passed and adopted by the City Council of the City of Malibu at the regular meeting held on the 24th day of August 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

HEATHER GLASER, City Clerk
(seal)

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

COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

Actions Subject to Local Appeal: Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person, and any decision of the Planning Commission may be appealed to the City Council by an aggrieved person.

Deadline and Fees: Pursuant to LIP Section 13.20.1, an appeal shall be filed with the City Clerk within 10 days following the date of action for which the appeal is made, as indicated in the decision. If the tenth day falls on a weekend or a City-recognized holiday, the deadline shall extend to the close of business at City Hall on the first business day (whether whole or partial) following the weekend or a City-recognized holiday. Appeals shall be accompanied by the filing fee of $500 as specified by the City Council.

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23525 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, extension 245.

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?
   CDP-19-005

2. On what date was the decision made which you are appealing?
   June 15, 2020 Planning Commission Resolution

3. Who made the decision you are appealing?

   ☐ Planning Director ■ Planning Commission

4. What is the address of the project site at issue?
   29623 Cuthbert Road

Part II. Appeal Summary

1. Indicate your interest in the decision by checking the appropriate box.

   ■ I am the Applicant for the project

   ☐ I am the neighbor

   ☐ Other (describe)_____

Recycled Paper

ATTACHMENT B

2. If you are not the applicant, please indicant the applicant's name:

_____

3. Indicate the nature of your appeal.

   a) Are you appealing the ☐ approval or ■ the denial of the application or ☐ a condition of approval?

   b) Each approval is accompanied by a list of specific conditions. If you are appealing one or more of the conditions of approval, list the condition number and state the grounds for your appeal. (Attach extra sheets if necessary.)

   _____

4. Check the appropriate box(es) to indicate which of the following reasons forms the basis of your appeal:

   ■ The findings or conditions are not supported by the evidence, or the decision is not supported by the findings: or

   ■ There was a lack of fair or impartial hearing: or

   ■ The decision was contrary to law.

   You must next provide a specific statement in support of each of the bases for appeal that you have checked above. Appeals that are stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

   See attached summary of notice of appela document entitled "Notice of Appeal Summary"

   Each coastal development permitting decision made by the Planning Director or the Planning Commission is accompanied by written findings. The written findings set forth the basis for the decision. If you have checked the first box in this section as a ground for your appeal, you must indicate the specific finding(s) you disagree with and give specific reasons why you believe the finding(s) is/are not supported by the evidence or why the decision is not supported by the findings. Appeals stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

   See attached notice of appeal summary, attached letter from National Parks superintendent, and attached letter from Santa Monica Mountains NRA Law Enforcement Ranger

Recycled Paper

Part III. Appeal Checklist

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

1. ☐ Completed Appeal Checklist (This form with appellant's signature)

2. ☐ Appeal Fee $500

   The appeal fee must be submitted in the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. ☐ Certified Public Notice Property Owner and Occupant Addresses and Radius Map

   Public Notice of an appeal must conform to the manner in which the original notice was given.

   - 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.

Part IV. Signature and Appellant Information

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or otherwise deficient, the appeal is ineffective and the filing fee may be returned. IN ORDER TO PERFECT AN APPEAL, ALL APPEAL SUBMITTALS MUST BE COMPLETE BY THE DEADLINE. NO EXTENSIONS WILL BE ALLOWED FOR APPELLANTS WHO ONLY PARTIALLY COMPLY WITH THESE REQUIREMENTS AS OF THE DEADLINE. IF AN APPEAL IS NOT PERFECTED BY THE DEADLINE, THE DECISION BECOMES FINAL.

Trevor Colby
PRINT APPELLANT'S NAME

(310) 430-3964
TELEPHONE NUMBER

APPELLANT'S SIGNATURE

June 25, 2020
DATE

Appellant's mailing address: 30765 Pacific Coast Hwy., #446 Malibu, CA 90265

Appellant's email address: tcolby1@me.com

OFFICE USE ONLY

Action Appealed: _____

Appeal Period: _____

Date Appeal Form and required documents submitted: _____ Received by: _____

Appeal Completion Date: _____ by: _____
(Name, Title)

Recycled Paper

Commission Agenda Report

Planning Commission Meeting
06-01-20
Item 5.A.

To: Chair Jennings and Members of the Planning Commission

Prepared by: Richard Mollica, Assistant Planning Director

Approved by: Bonnie Blue, Planning Director

Date prepared: May 21, 2020 Meeting date: June 01, 2020

Subject: Coastal Development Permit No. 19-005, Site Plan Review Nos. 19-072 and 20-013, Minor Modification No. 19-010 – An application for a new single-family residence and associated development

Location: 29623 Cuthbert Road, not within the appealable coastal zone
APN: 4469-008-010
Owners: Colby Family Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-46 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 19-005 to allow for a new single-family residence (SFR) with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system (OWTS), including Site Plan Review (SPR) No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and Minor Modification (MM) No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre (RR-2) zoning district at 29623 Cuthbert Road (Colby Family Trust).

DISCUSSION: This agenda item is before the Commission as a result of the May 4, 2020, Planning Commission Meeting where the proposed project was reported to the Planning Commission as an Administrative Coastal Development Permit (ACDP). At that hearing, the item was pulled from the consent calendar and three of the five Planning Commissioners voted in favor to bring back the item as a full public hearing pursuant to LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12. The issues raised during that meeting have been addressed in the report below.

This agenda report provides a project overview, summary of surrounding land uses and project setting, the specific project scope of work, analysis of the project's consistency with applicable Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.

Project Overview

The subject parcel is irregularly shaped and is located along the north side of Cuthbert Road, as seen in Figures 1a and 1b. The previously existing 2,772 square foot residence that was destroyed in the 2018 Woolsey Fire was originally constructed in 1955. In 2004, the California Coastal Commission issued Coastal Development Permit Waiver No. 4-02-096 to allow for the construction of an 817 square foot addition, enclosure of the existing breezeway, extension of the porch and deck, and renovation of the OWTS.

Figure 1a – Project Area Aerial (2018)

Source: City of Malibu GIS – *please note that all property lines are approximate*.

Figure 1b – Project Area Aerial (2018)

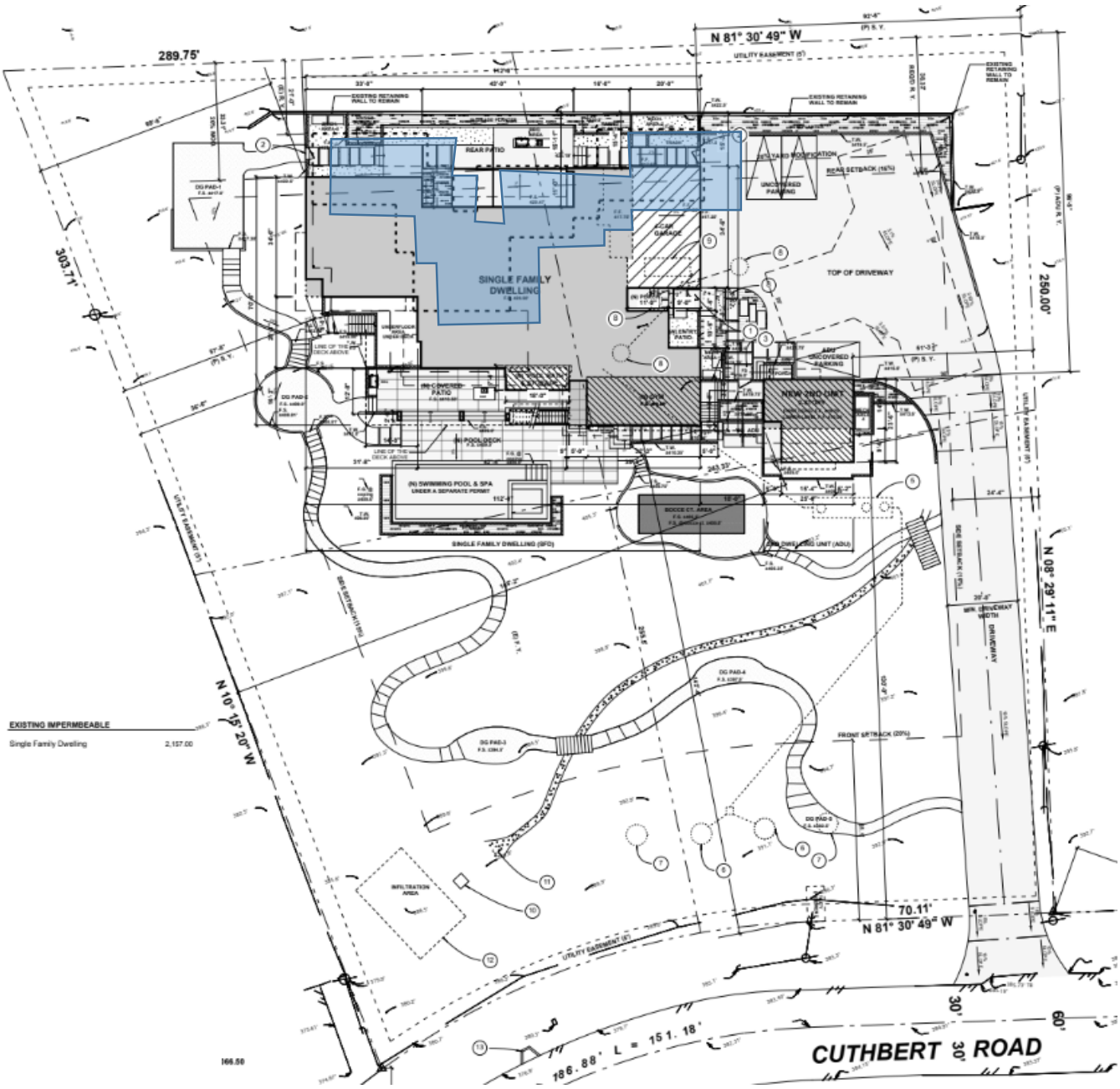
Source: CONNECT Explorer

The property owner has chosen to build a new replacement residence and accessory development that complies with current development standards by processing a CDP, rather than construct a like-for-like fire rebuild. The proposed project includes a 6,182.5 square foot split level single-family residence including a attached garage, 651 square foot covered patio, and a detached two-story 899 square foot second residential unit. The project proposes 7,732.5 square feet of TDSF. The proposed residence is designed to take advantage of the footprint of the previously existing development and existing driveway alignment to minimize site disturbance. The site will continue to be accessed from the existing driveway that accesses Cuthbert Road. Figure 2 demonstrates the difference between the proposed development and existing development shown in blue.

SPR Nos. 19-072 and 20-013 have been included to allow for a flat roof on both the main residence and second residential unit, not to exceed 24 feet in height. On January 12, 2020, story poles demonstrating the location, height, and bulk of the proposed project were placed on-site to aid in the visual analysis of private and public views (Attachment 4 - Story Pole Photographs). Staff performed a site visit on March 6, 2020, to assess the visual impacts of the site and determined that there would be no adverse effects on private views or on public views from scenic viewing areas. While the site is visible from the trail located to the north, the trail is at a higher elevation and overlooks the residence and therefore views from the trail will not impacted by the proposed development.

Similarly, the rear yard setback of the previously existing residence was legal non-conforming with existing standards, measuring approximately 21 feet, instead of 38 feet. The applicant has requested MM No. 19-010 to allow for a 33 foot rear yard setback. This is to allow for the replacement structure to share a similar setback to the previously existing residence and utilize the existing disturbed building pad and access driveway.

Figure 2 – Proposed Site Plan and Previously Existing Development Footprint



Source: Sheet A-1.0 of Project Plans (Attachment 2)

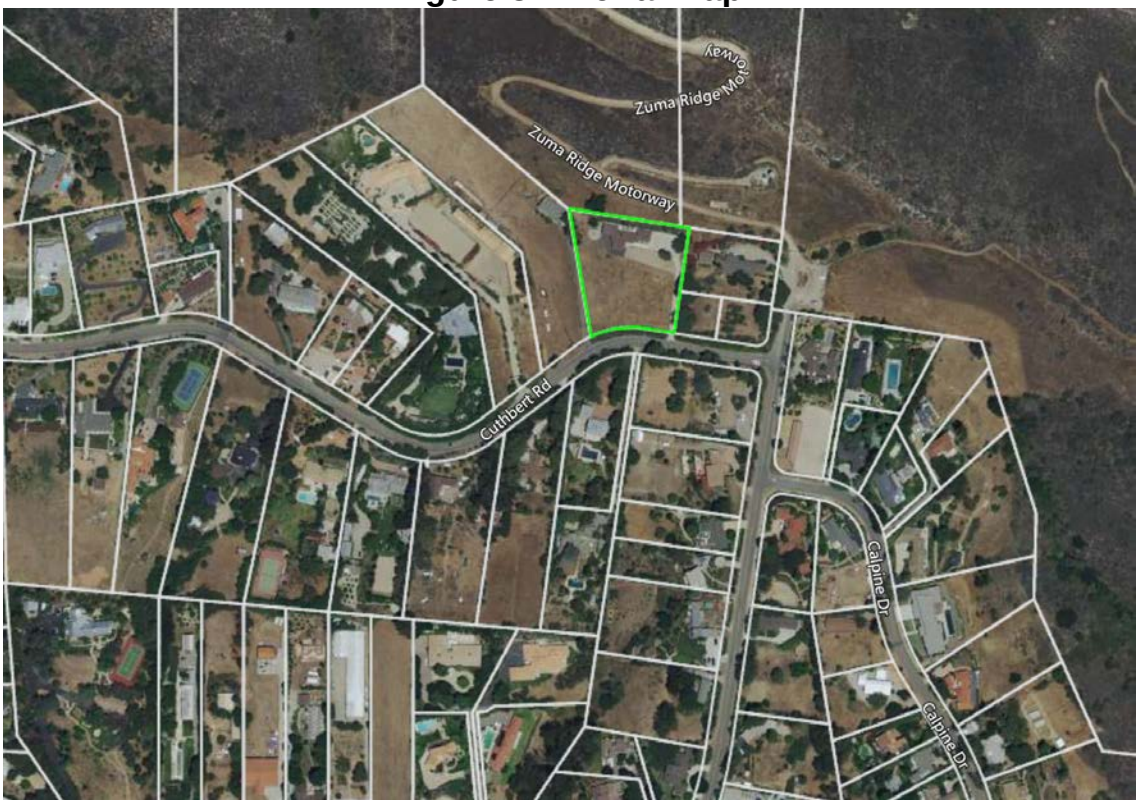
Although the majority of the proposed principal residence and garage are sited on the same building pad area as the previously existing development, the design of the proposed development steps down as the slope descends towards Cuthbert Road, and the portions of the structure over 18 feet in height are located on the south side of the residence. By following the site's topography, the proposed development will be below the elevation of the trail and will not impede views from the trail..

Hillside Residential Development standards pursuant to MMC Sections 17.40.040(A)(20) and 17.62.070 do not apply to this project as the project is not sited on slopes steeper than 30 percent when measured with ten-foot contours, and the project does not meet the definition of hillside development pursuant to MMC Section 17.02.060[1].

Surrounding Land Uses and Project Setting

As shown on Figure 3, the subject property is located in the Malibu Park residential neighborhood. As discussed, the parcel is currently vacant as the result of the Woolsey Fire and the owner proposes to redevelop the subject parcel.

Figure 3 – Aerial Map



Source: City GIS

[1] Pursuant to MMC Section 17.02.060 Hillside residential development means a residential development occurring on a parcel of land on the inland side of Pacific Coast Highway on a proposed development area located on slopes over thirty percent and which will result in grading on slopes over 30 percent, as calculated on a slope analysis utilizing ten foot contour lines.

The project site does not contain mapped trails on it; however, it is adjacent to the Zuma Ridge Trail according to the LCP Park Lands Map. This trail is labeled as "Zuma Ridge Motorway" on Figure 3. Additionally, the property is not in a designated Environmentally Sensitive Habitat Area (ESHA). However, the LCP ESHA and Marine Resources Map identifies ESHA approximately 120 feet to the north on a parcel the owned by the U.S. Government. Because of the identification of ESHA on the adjacent parcel shown on the LCP's ESHA maps, the City Biologist reviewed the proposed project plans for conformance with the LCP's ESHA requirements. The primary concern was whether fuel modification from the project would result in ESHA impacts. The applicant demonstrated that the proposed fuel modification zone falls within existing fuel modification areas of the homes to the west and east and the water tank[2] that is located to the north.

Furthermore, due to the fact that the proposed project will not impact any ESHA or sensitive resources because it is located within the fuel modification zones of existing development LIP Section 3.6(F)(6) regarding parkland setbacks does not apply. LIP Section 3.6(F)(6) states that buffers shall be required when they are required to prevent impacts to parkland resources or when development has the potential to impact the use and enjoyment of the parkland. Since no fuel modification impacts to the park will result, no variance from the parkland setback is required.

The property is located in an area primarily developed with one and two-story single-family residences with accessory development, and is zoned RR-2. The property is an infill lot bordered to the south, east and west by single-family residences. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.

Table 1 – Surrounding Land Uses

Direction	Address	Lot Size	Zoning	Land Use
North	APN 4469-002-900	39.5 acres	RR-2/ POS	Vacant
	APN 4467-001-903	16.7 acres	POS	Vacant
South	26936 Cuthbert Rd.	1.05 acres	RR-2	Single-Family Residence
	5617 Busch Dr.	1.14 acres	RR-2	Single-Family Residence
West	29675 Cuthbert Rd.	2.46 acres	RR-2	Single-Family Residence
East	5555 Busch Dr.	.76 acre	RR-2	Single-Family Residence
	APN 4469-008-015	.23 acre	RR-2	Vacant

Source: City GIS

While not required for conformance review by City codes or Council direction, the applicant has included for reference, at the Commission's request, a table showing the Los Angeles County Tax Assessor's Records for properties within a 500-foot radius of the subject property (Attachment 5). This County square footage information is not the equivalent of

[2] Staff confirmed with the Los Angeles County Water District 29 that annual brush clearing takes place around the water tank.

the City's total development square footage (TDSF) metric since it is based on the assessor's rules for property valuation.

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel. The subject site is proportion in size to adjacent lots as shown in Table 1.

Table 2 – Total Property Data	
Lot Depth	255 feet six inches
Lot Width	243 feet four inches
Gross Lot Area	63,547 square feet
Area Comprised of 1:1 Slopes	0 square feet
Net Lot Area*	63,547 square feet

*Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 slopes.

Project Description

The proposed scope of work is as follows:

a. 6,182.5 square foot single-family residence, including attached garage;
b. 899 square foot two-story, second dwelling unit;
c. 651 square foot covered patio;
    i. TDSF of 7,732.5 square feet
d. New swimming pool measuring 45 feet long by 17 feet 6 inches wide;
e. New spa measuring 10 feet long by 10 feet wide;
f. Associated swimming pool and spa equipment (to be fully screened);
g. 1,187 partially cantilevered deck attached to the proposed residence;
h. 179 square foot partially cantilevered deck for the second residential unit;
i. 758 square foot new impermeable pool deck on grade;
j. New six-foot entry gate (view permeable above 42 inches);
k. 330 square foot bocce ball court;
l. 12,667 square feet of irrigated landscaping;
m. 7,240 square feet of new hardscaping including the pool deck;
n. New OWTS;
o. 458 cubic yards of non-exempt grading;
p. New retaining walls up to six feet in height;
q. New 816 square foot impermeable patio and outdoor barbecue area;
r. Expansion of existing impermeable driveway from 10 feet wide to 20 feet wide for a total of 1,832 square feet and expansion of top of the driveway to accommodate a fire truck turnaround for a total of 1,376 square feet.

Discretionary Requests:

1. SPR No. 19-072 to allow for construction of the residence up to 24 feet in height for a flat roof;
2. SPR No. 20-013 to allow for construction of the second residential unit up to 24 feet in height for a flat roof, and

3. MM No. 19-010 to allow for a 13 percent reduction of the required rear yard setback from 38.32 feet to 33 feet, 4 inches.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a coastal development permit must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only findings in the following chapters are applicable to the proposed project: Coastal Development Permit (including the required findings for the SPRs and MM), Scenic, Visual and Hillside Resource Protection and Hazards.[3] These chapters are discussed in the *LIP Findings* section of this report. Additionally, the proposed project is subject to the Landscape Water Conservation Ordinance (MMC Chapter 17.53) as the project is proposing a new landscape area of 500 square feet or more.

LIP Conformance Analysis

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 3 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, inclusive of the requested SPRs and MM.

[3] The ESHA, Native Tree Protection, Transfer of Development Credits, Shoreline and Bluff Development, Public Access, and Land Division findings are neither applicable nor required for the proposed project.

Zoning (LIP Chapter 3)

The proposed project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary and indicates the proposed project meets those standards, inclusive of the requested SPRs and MM.

Table 3 – LCP Non-Beachfront Zoning Conformance			
Development Requirement	**Allowed/Required**	**Proposed**	**Comments**
SETBACKS			
Front Yard	65 feet	130 feet	Complies
Rear Yard	*38 feet, 4 inches*	*33 feet, 4 inches*	*Minor Modification*
East Side Yard (10% - min)	24 feet, 4 inches	31 feet, 4 inches	Complies
West Side Yard (25% - cumulative)	36 feet, 5 inches	57 feet, 8 inches	Complies
PARKING			
Enclosed	2	4	Complies
Unenclosed	2	3	Complies
TOTAL DEVELOPMENT SQUARE FOOTAGE	8,032 square feet	7,732.5 square feet	Complies
1st Floor x 2/3rds = 2nd Floor sq. ft. (SFR)	6,173 sq. ft. x 2/3 = 4,115.33 sq. ft.	3,358 square feet	Complies
1st Floor x 2/3rds = 2nd Floor sq. ft. (2nd residential unit)	52 sq. ft. x 2/3 = 368 sq. ft.	357 square feet	Complies
IMPERMEABLE COVERAGE	19,067 square feet	17,460 square feet	Complies
HEIGHT (SFR)	*18 feet*	*23 feet, 11 inches (Flat roof)*	*Site Plan Review*
HEIGHT (2nd residential unit)	*18 feet*	*22 feet, 10 inches (Flat roof)*	*Site Plan Review*
NON-EXEMPT GRADING	1,000 cu. yd.	458 cu. yd.	Complies
FENCES/WALLS/HEDGES/GATES			
Front Yard	6 ft.; lower 42 in. view impermeable	6 ft.; lower 42 in. view impermeable	Complies
Rear Yard	6 ft.	6 ft.	Complies
Side Yards	6 ft.	6 ft.	Complies
Retaining Walls	6 ft.	6 ft.	Complies

The project includes construction of a new 6130.5 square foot residence and attached garage, 899 square foot secondary residential unit, pool, new OWTS, landscaping, hardscape improvements, and 458 cubic yards of non-exempt grading. As designed with

the included discretionary requests, the proposed project conforms to all applicable residential development standards and has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.

Grading (LIP Chapter 8)

Table 4 – LCP Grading Conformance						
	Exempt*			**Non-Exempt**	**Remedial**	**Total**
	R&R**	**Understructure**	**Safety*****			
Cut	5,344	97	215	194	0	5,850
Fill	5,344	0	353	264	0	5,961
Total	**10,688**	**97**	**568**	**458**	0	**11,811**
Import	0	0	138	70	0	208
Export	0	97	0	0	0	**97**

All quantities listed in cubic yards unless otherwise noted
**R&R= Removal and Re-compaction*
***Exempt grading includes all R&R, understructure, and safety grading.*
****Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds, and any other increases in driveway width above 15 feet required by the LACFD).*

As demonstrated in Table 4, the project includes 10,688 cubic yards of exempt removal and re-compaction to prepare the existing pad for redevelopment, 97 cubic yards of exempt understructure grading proposed for the swimming pool, and 458 cubic yards of non-exempt grading for decks, covered patios, for swimming pool/spa, and walkways. The project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual and resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The proposed project was analyzed for impact on cultural resources as part of an archeological report submitted for review. The Phase I Archaeological Study, dated June 2019, prepared by Robert J. Wlodarski (H.E.A.R.T.) for the project site concluded that the discovery of significant resources was minimal.

Nevertheless, a condition of approval is included in the resolution which states that in the event that potentially important cultural resources are found in the course of geological resting or during construction, 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.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval are required to be implemented prior to the issuance of a grading permit and during construction. These conditions require the preparation and approval of a Grading and Drainage Plan, and a Local Storm Water Pollution Prevention Plan, prior to the issuance of grading permits.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an OWTS consisting of a 3,634-gallon treatment tank with an Ultraviolent (UV) Disinfection Unit and two seepage pits and two future seepage pits. The OWTS has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. As conditioned, the existing OWTS will be properly abandoned in accordance with City Environmental Health Administrator requirements. The subject system will meet all applicable requirements, and operating permits will be required. An operation and maintenance contract and recorded covenant covering such shall be in compliance with City of Malibu Environmental Health requirements. In addition, conditions of approval have been included to require continued operation, maintenance and monitoring of onsite facilities.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, LAWD29 and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards, inclusive of the requested SPR and MM.

Finding 2. If the project is located between the first public road and the sea, that the project is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. Therefore, this finding does not apply. The subject parcel does not support coastal recreational uses whether directly or indirectly. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. As such, the proposed project conforms to the public access and recreation policies in Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Finding 3. The project is the least environmentally damaging alternative.

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

Alternate Project(s) – A smaller project could be proposed on the project site. However, a smaller project would still result in the need of a new OWTS to protect public health and minimize potential contamination of the groundwater table in the area. Furthermore, the project and proposed improvements will be limited to the currently disturbed and developed areas of the site. The proposed project siting results in the least amount of impact to the existing development in the surrounding area and undisturbed areas of the subject site. Therefore, the project will not result in potentially significant adverse impacts on the physical environment and it is not anticipated that a smaller project would offer significant environmental advantages.

The project could be re-sited to another location on the subject parcel. However, the proposed improvements are sited on previously disturbed areas on the property to utilize the existing access to the site. Alternative locations were considered, but any other location is considered more impactful due to the amount of additional grading and soil disturbance needed. Development within the southern portion of the parcel would require more grading, land disturbance, and construction on steep slopes and would not be the least environmentally damaging alternative.

Proposed Project – The proposed project includes reconstruction of a residence and attached garage, a second unit, pool, new OWTS, landscaping and hardscape improvements that was destroyed by fire that will be located within the limits of the previously disturbed building pad. The proposed project is the least environmentally damaging feasible alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

The subject property is not in a designated ESHA or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Furthermore, the property and its associated fuel modification zones are located within the fuel modification zones of the residences located to the south, east and west and the water tank located to the north. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height [LIP Section 13.27]

Pursuant to LIP Section 13.27.1, a site plan review is required to allow the construction over 18 feet in height, up to a maximum height of 24 feet for a flat roof (the proposed residence is 23 feet, 11 inches). LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review. Two additional findings are required pursuant to MMC Section 17.62.040(D). Based on the foregoing evidence contained within the record, the required findings for SPR No. 19-072 are made as follows:

Finding 1. The project is consistent with policies and provisions of the Malibu LCP.

With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

Finding 2. The project does not adversely affect neighborhood character.

The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications. The Commission recently approved a fire rebuild home on Cuthbert, including a site plan review for height over 18 feet.

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property, to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020, staff visited the site to inspect the story poles

after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. No correspondence or public comments objecting to the project have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

There are no significant public views of mountains, canyons or the ocean over the property from any public viewing areas on or near the property which could be impacted by the applicant’s project because the site of development is located below the elevation of an existing trail located to the north. Also, the property does not interfere with a significant public view if one were to look north toward the park from a southerly vantage point. As discussed previously, there is an existing trail located 65 feet north of the property and at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff’s site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

Finding 4. The proposed project complies with all applicable requirements of State and local law.

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

Finding 5. The project is consistent with the City's general plan and local coastal program.

The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City’s General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The proposed development is infill residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 23 feet, 11 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because surrounding properties have views oriented in a different direction, away from the project. Based on staff's evaluation and site inspections, it was determined that the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height for a Secondary Residential Unit [LIP Section 13.27]

Based on the foregoing evidence contained within the record, the required findings for SPR No. 20-013 for the height of the second unit are made as follows:

Finding 1. The project is consistent with policies and provisions of the Malibu LCP.

With the inclusion of the site plan review and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

Finding 2. The project does not adversely affect neighborhood character.

Similar to the proposed residence, the second residential unit will share a similar roof height. As previously discussed, surrounding residence development consists of both one- and two-story development that exceeds 18 feet in height that share similar orientation to maximize views toward the Pacific Ocean. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020 staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to neighboring development. Other properties in the neighborhood also have included detached accessory structures. The Commission recently approved an application including a detached second residential unit. Based on conformance with development standards, characteristics of the surrounding topography, and existing development, the proposed second residential unit is not expected to have an adverse effect on neighborhood character. Therefore, the project, as proposed and conditioned, does not adversely affect neighborhood character.

Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is a trail located 65 feet north of the property at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

Finding 4. The proposed project complies with all applicable requirements of State and local law.

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

Finding 5. The project is consistent with the City's general plan and local coastal program.

The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The proposed development is infill residential development that is consistent with development located on neighboring properties. The maximum height of the proposed second residential unit is 22 feet, 10 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction. Based on staff's evaluation and site inspections, it was determined that the proposed second residential unit will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. Minor Modification for a reduction of the rear yard setback (LIP Section 13.27)

LIP Section 13.27 requires that the City makes three findings in consideration and approval of a minor modification to reduce the required rear yard setback up to 20 percent. The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38-feet, 4-inches to 33-feet, 4-inches for the proposed single-family residence. Based on evidence in the record, the findings in support of MM No. 19-010 are made herein.

Finding 1. The project is consistent with the policies of the Malibu LCP.

As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

Finding 2. The project does not adversely affect neighborhood character.

The previously existing residence that was destroyed by fire had a 21 foot rear yard setback. The proposed single-family residence is sited 33-feet 4-inches from the northern rear yard property line, which is 12 feet 4 inches further than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, while increasing the setback compared to the original home. Surrounding properties along Cuthbert Road consist of long, narrow lots with single-family residences commonly constructed within the required yard setbacks similar to proposed project. Since other building pads in the area have reduced rear yard setbacks, the proposed development will not adversely affect neighborhood character.

Finding 3. The proposed project complies with all applicable requirements of state and local law.

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

E. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

As determined by the City Biologist the LCP ESHA and Marine Resources Map, the subject parcel does not contain ESHA. Therefore, the findings of LIP Section 4.7.6 are not applicable.

F. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

G. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property is located below the Zuma Ridge Trail which is considered a scenic resource and public viewing area. Since the project is located adjacent to a scenic resource, the findings set forth in LIP Section 6.4 are enumerated herein.

Finding 1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

An analysis of the project's potential visual impact was conducted through site inspections, and review of the architectural plans. The proposed structure as demonstrated by the story poles will be at a lower elevation than the trail. As a result, when the proposed development is viewed from the trail, views of the ocean and surrounding hills will not be impacted. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

Finding 2. The project, as conditioned, will have no significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As discussed in Finding G1, as conditioned, the project will not have significant adverse scenic or visual impacts.

Finding 3. The project, as proposed or conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the project is the least environmentally damaging feasible alternative.

Finding 4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As discussed in Finding G1, the project is not expected to result in any significant adverse impact because of the existing topography and the fact that the proposed development is located downslope from the trail. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

Finding 5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained within the LIP.

As discussed in Finding G1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources because of its location.

H. Transfer of Development Credit (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits only applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development. Therefore, LIP Chapter 7 does not apply.

I. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards must be included in support of all decisions of development located where it causes the potential to create adverse impacts upon site stability or structural integrity. The project was analyzed for hazards under LIP Sections 9.2(A)(1-7) by the City geotechnical staff and City Public Works Department, and has been determined to be consistent with all relevant LCP and MMC policies and regulations. The findings in LIP Section 9.3 are made as follows.

Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

On October 14, 2019, the City geotechnical staff determined the proposed project, constructed in accordance with the recommendations from the project's geotechnical consultant, is consistent with the LCP after completed its reviewed of the following reports:

- Geotechnical Engineering Investigation Reports prepared by Craig Phillips Engineering & Design (dated October 4, 2019);
- SubSurface Designs, Inc. (dated May 2, 2019);
- Architectural Plans prepared by Daniela Rechtszaid (dated August 5, 2019);
- Grading and Drainage Plans prepared by Daniela Rechtszaid (dated July 15, 2019);
- Partial Structural Plans prepared by Craig Phillips Engineering & Design (dated July 25, 2019), and
- OWTS plan prepared by Lawrence Young.

In the reports, site-specific conditions are evaluated, and recommendations are provided to address any pertinent issues. The subject property is not located within a liquefaction hazard zone and it was stated that the project will not increase the liquefaction risk which

presently exists within the subject property. The reports concluded that the project site is suitable for development provided the recommendations of the reports are followed.

Fire Hazard

The entire city limits of Malibu are located in a high fire hazard area. However, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. The LACFD serves the City, as well as the California Department of Forestry, if needed. In the event of major fire, the County has mutual aid agreements with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Nonetheless, the applicant will be required to record a deed restriction acknowledging and assuming the hazard risk of fires at the site. The deed restriction shall indemnify and hold the City and City staff harmless against any liability of the permitted project as the entire parcel is in a high risk wildfire zone area.

The proposed project will incorporate all recommendations contained in the previously referenced geotechnical reports. As such, the proposed project will neither be subject to nor increase the instability of the site or structural integrity from geologic, flood, fire, or other hazards. City geotechnical staff, the City Public Works Department and LACFD have reviewed the project and determined it to be consistent with all relevant policies and regulations regarding potential hazards.

Finding 2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have significant impacts on site stability or structural integrity. City geotechnical staff and the Public Works Department have conditioned the project to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously discussed in Finding 3 of Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As previously discussed in Finding 3 of Section A and Finding 1 of this section, the proposed project, as designed and conditioned, will not have significant adverse impacts on sensitive resources, including but not limited to hazards in conformance with the LCP.

J. Shoreline and Bluff Development (LIP Chapter 10)

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. The proposed project is not located near the shore. Therefore, LIP Chapter 10 does not apply.

K. Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

A. New development on any parcel or location specifically identified in the LUP or in the LIP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a bluff-top trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff-top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the subject property and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff or near a recreational area. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

L. Land Division (LIP Chapter 15)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director 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 proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) (e) and (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).

CORRESPONDENCE: The following written correspondence has been submitted to date (Attachment 6 – Public Correspondence):

- Email Dated May 6, 2020, from Brendan McBreen expressing support regarding the project;
- Email dated May 7, 2020, from Rhonda Jensen expressing support regarding the project;
- Email dated May7, 2020, from Noriko Smith expressing support for this project;
- Email dated May7, 2020, from Melanie and Michael Maguire expressing their support for this project;
- Email dated May 7, 2020, from Melissa and Domenic Mastrippolito expressing their support for this project;
- Letter dated May 7, 2020, from Sally and Mosen Dibaei expressing their support for this project;
- Email dated May 7, 2020, from Sharla and Nils Barrett expressing their support for this project;
- Letter dated May 8, 2020, from Shen Schulz expressing support for this project;
- Email dated May 9, 2020, from Shari Latta expressing support for this project;
- Letter dated May 9, 2020, from David and Rosemarie Frankle expressing their support for this project;
- Email dated May 12, 2020, from Dru Ann and Jake Jacobson expressing their support for this project;
- Email dated May 13, 2020, from Colette Kilroy and Jamey Sheridan expressing their support for this project;
- Email dated May 14, 2020, from Tammy and Ludo Malmoux expressing their support for this project;
- Email dated May 14, 2020 from Ilene and Paul Williger expressing their support for this project; and
- Email dated May 16, 2020 from Denise Andrews-Tang expressing support for this project.

PUBLIC NOTICE: On May 7, 2020, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 8).

SUMMARY: The required findings can be made that the proposed project complies with the LCP and MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-46. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-46
2. Project Plans
3. Department Review Sheets
4. Story Pole Site Photographs
5. Neighborhood Character Exhibit Prepared by the Applicant
6. Public Correspondence
7. Radius Map
8. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 19-005 TO ALLOW FOR A NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED GARAGE, A SECONDARY DWELLING UNIT, SWIMMING POOL/SPA, AND A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING SITE PLAN REVIEW NO. 19-072 FOR CONSTRUCTION OF THE RESIDENCE ABOVE 18 FEET IN HEIGHT, SPR NO. 20-013 FOR CONSTRUCTION OF THE SECOND RESIDENTIAL UNIT ABOVE 18 FEET IN HEIGHT, AND MINOR MODIFICATION NO. 19-010 FOR A 13 PERCENT REDUCTION OF THE REQUIRED REAR YARD SETBACK TO REPLACE A HOME DESTROYED IN THE 2018 WOOLSEY FIRE, LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 29623 CUTHBERT ROAD (COLBY FAMILY TRUST)

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

SECTION 1. Recitals.

A. On August 12, 2019, an application for an Administrative Coastal Development Permit (ACDP) No. 19-005, Site Plan Review (SPR) No. 19-072, SPR No. 20-013 and Minor Modification (MM) No. 19-010 to allow for the construction of a single-family residence and associated development on a Woolsey Fire affected parcel was submitted to the Planning Department by Daniela Rechtszasd. The application was routed to the City Biologist, City Environmental Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District 29 (LACWD29) for review.

B. On October 3, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On January 3, 2020, the application was deemed complete.

D. On March 6, 2020, staff visited the site to view the story poles.

E. On April 9, 2020, 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 subject property.

F. At the April 20, 2020, Regular Planning Commission meeting, the Planning Director reported approval of the ACDP to the Planning Commission. The Planning Commission voted in favor to bring back the item as a full coastal development permit (CDP) with a full public hearing.

G. On May 7, 2020, 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 subject properties.

H. On June 1, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission 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 Sections 15303(a) New Construction or Conversion of Small Structures, 15303(d) New Construction or Conversion of Small Structures, and 15303(e) New Construction or Conversion of Small Structures. The Planning Commission 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).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(b) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system (OWTS), including SPR No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and MM No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre (RR-2) zoning district at 29623 Cuthbert Road (Colby Family Trust).

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, LAWD29 and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards, inclusive of the requested SPRs and MM.

2. Staff studied various project alternatives but was determined that the proposed project was the least environmentally damaging alternative. The proposed project includes reconstruction of a residence and attached garage, a second unit, pool, new OWTS, landscaping and hardscape improvements that was destroyed by fire that will be located within the limits of the previously disturbed building pad. The proposed project results in no significant adverse biological or visual impacts and is the least environmentally damaging feasible alternative.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height (LIP Section 13.27)

1. The agenda report details the project conformance review with all applicable standards and policies. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, eight of the 20 properties within 500 feet of the subject property that that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications. The Commission recently approved a fire rebuild home on Cuthbert, including a site plan review for height over 18 feet.

Lot sizes and homes in the Malibu Park neighborhood have varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the subject property, to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020, staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is compatible with other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences in a varied size range and similar orientation to maximize views toward the Pacific Ocean. No correspondence or public comments objecting to the project have been submitted to date. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant's project. As discussed previously, there is an existing trail located 65 feet north of the property and at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 23 feet, 11 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because the surrounding properties have views oriented in a different direction, away from the project. Based on staff's evaluation and site inspections, it was determined that the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height for a Secondary Residential Unit (LIP Section 13.27)

1. With the inclusion of the site plan reviews and minor modification, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions.

2. Similar to the proposed residence, the second residential unit will share a similar roof height. As previously discussed, surrounding residence development consists of both one and two-story development that exceeds 18 feet in height that share similar orientation to maximize views toward the Pacific Ocean. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height and bulk. On March 6, 2020 staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to neighboring development. Other properties in the neighborhood also have included detached accessory structures. The Commission recently approved an application including a detached second residential unit. Based on conformance with development standards, characteristics of the surrounding topography, and existing development, the proposed second residential unit is not expected to have an adverse effect on neighborhood character.

3. There are no significant public views visible from any existing scenic areas on or near the property which could be impacted by the applicant’s project. As discussed previously, there is a trail located 65 feet north of the property at a higher elevation; however, the surrounding neighborhood is similarly developed with residential uses. Based on staff’s site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City’s General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards.

6. The proposed development is infill residential development that is consistent with development located on neighboring properties. The maximum height of the proposed second residential unit is 22 feet, 10 inches which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction. Based on staff's evaluation and site inspections, it was determined that the proposed second residential unit will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. Minor Modification for a reduction of the rear yard setback (LIP Section 13.27)

LIP Section 13.27 requires that the City makes three findings in consideration and approval of a minor modification to reduce the required rear yard setback up to 20 percent. The project proposes a 13 percent reduction of the rear yard setback required by LIP Section 3.6(G)(1) from the required 38-feet, 4-inches to 33-feet, 4-inches for the proposed single-family residence. Based on evidence in the record, the findings in support of MM No. 19-010 are made herein.

1. As previously stated in Section A, Finding 1, the project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. The previously existing residence that was destroyed by fire had a 21 foot rear yard setback. The proposed single-family residence is sited 33-feet 4-inches from the northern rear yard property line, which is 12 feet 4 inches further than the original residence. The minor modification allows the project to minimize site disturbance by utilizing the previously existing driveway and required fire truck access, while increasing the setback compared to the original home. Surrounding properties along Cuthbert Road consist of long, narrow lots with single-family residences commonly constructed within the required yard setbacks similar to proposed project. Since other building pads in the area have reduced rear yard setbacks, the proposed development will not adversely affect neighborhood character.

3. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

E. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property is located below the Zuma Ridge Trail which is considered a scenic resource. Since the project is located adjacent to a scenic resource, the findings set forth in LIP Section 6.4 are enumerated herein.

1. An analysis of the project’s potential visual impact was conducted through site inspections, and review of the architectural plans. The proposed structure as demonstrated by the story poles will be at a lower elevation than the trail. As a result, when the proposed development is viewed from the trail, views of the ocean and surrounding hills will not be impacted. It is not anticipated that the project will result in adverse scenic or visual impacts; therefore, the project is consistent with LIP Chapter 6.

2. As discussed in Finding E1, as conditioned, the project will not have significant adverse scenic or visual impacts.

3. As discussed in Finding A3, the project is the least environmentally damaging feasible alternative.

3. As discussed in Finding E1, the project is not expected to result in any significant adverse impact because of the existing topogpahy and the fact that the proposed development is located downslope from the trail. Therefore, there are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

4. As discussed in Finding E1, as conditioned, development on the site will not have significant adverse impacts on scenic and visual resources because of its location.

F. Hazards (LIP Chapter 9)

1. On October 14, 2019, the City geotechnical staff determined the proposed project, constructed in accordance with the recommendations from the project's geotechnical consultant, is consistent with the LCP after completed its reviewed of the following reports:

- Geotechnical Engineering Investigation Reports prepared by Craig Phillips Engineering & Design (dated October 4, 2019);
- SubSurface Designs, Inc. (dated May 2, 2019);
- Architectural Plans prepared by Daniela Rechtszasd (dated August 5, 2019);
- Grading and Drainage Plans prepared by Daniela Rechtszasd (dated July 15, 2019);
- Partial Structural Plans prepared by Craig Phillips Engineering & Design (dated July 25, 2019), and
- OWTS plan prepared by Lawrence Young.

In the reports, site-specific conditions are evaluated, and recommendations are provided to address any pertinent issues. The subject property is not located within a liquefaction hazard zone and it was stated that the project will not increase the liquefaction risk which presently exists within the subject property. The reports concluded that the project site is suitable for development provided the recommendations of the reports are followed.

Fire Hazard

The entire city limits of Malibu are located in a high fire hazard area. However, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. The LACFD serves the City, as well as the California Department of Forestry, if needed. In the event of major fire, the County has mutual aid agreements with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Nonetheless, the applicant will be required to record a deed restriction acknowledging and assuming the hazard risk of fires at the site. The deed restriction shall indemnify and hold the City and City staff harmless against any liability of the permitted project as the entire parcel is in a high risk wildfire zone area.

The proposed project will incorporate all recommendations contained in the previously referenced geotechnical reports. As such, the proposed project will neither be subject to nor increase the instability of the site or structural integrity from geologic, flood, fire, or other hazards. City

geotechnical staff, the City Public Works Department and LACFD have reviewed the project and determined it to be consistent with all relevant policies and regulations regarding potential hazards.

2. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have significant impacts on site stability or structural integrity. City geotechnical staff and the Public Works Department have conditioned the project to ensure that it will not have significant adverse impacts on the site stability or structural integrity.

3. As previously discussed in Finding 3 of Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. As previously discussed in Finding 1, the proposed project, as designed and conditioned, will not have adverse impacts on site stability. Compliance with standard engineering techniques and other feasible available solutions to address hazards issues will ensure that the structural integrity of the proposed development will not result in any hazardous conditions.

5. As previously discussed in Finding 3 of Section A and Finding 1 of this section, the proposed project, as designed and conditioned, will not have significant adverse impacts on sensitive resources, including but not limited to hazards in conformance with the LCP.

SECTION 5. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-005, SPR 19-072, SPR No. 20-013 and MM No. 19-010 subject to the following conditions, that are applicable to the project, as noted below.

SECTION 6. Conditions of Approval.

1. The property owners, 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 for the project described herein. The scope of work approved includes:

    a. 6,182.5 square foot single-family residence, including attached garage;
    b. 899 square foot two-story, second dwelling unit;
    c. 651 square foot covered patio;
        i. Total Development Square Footage (TDSF) of 7,732.5 square feet
    d. New swimming pool measuring 45 feet long by 17 feet 6 inches wide;
    e. New spa measuring 10 feet long by 10 feet wide ;
    f. Associated swimming pool and spa equipment (to be fully screened);
    g. 1,187 partially cantilevered deck attached to the proposed residence;
    h. 179 square foot partially cantilevered deck for the second residential unit;
    i. 758 square foot new impermeable pool deck on grade;

j. New six-foot entry gate (view permeable above 42 inches);
k. 330 square foot bocce ball court;
l. 12,667 square feet of new irrigated landscaping;
m. 7,240 square feet of new hardscaping including the pool deck;
n. New OWTS;
o. 458 cubic yards of non-exempt grading;
p. New retaining walls up to six feet in height;
q. New 816 square foot impermeable patio and outdoor barbecue area;
r. Expansion of existing impermeable driveway from 10 feet wide to 20 feet wide for a total of 1,832 square feet and expansion of top of the driveway to accommodate a fire truck turnaround for a total of 1,376 square feet.

Discretionary Requests:

1. SPR No. 19-072 to allow for construction of the residence up to 24 feet in height for a flat roof;
2. SPR No. 20-013 to allow for construction of the second residential unit up to 24 feet in height for a flat roof, and
3. MM No. 19-010 to allow for a 13 percent reduction of the required rear yard setback from 38.32 feet to 33 feet, 4 inches.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, on April 2, 2020. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

5. The applicant shall digitally submit a complete set of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the June 1, 2020, Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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 development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, and City Public Works Department, as applicable. Notwithstanding this review, all required permits 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 and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

Cultural Resources

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, 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. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires 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.

Lighting

14. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes is prohibited.

15. Night lighting for sports courts or other private recreational facilities shall be prohibited.

16. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

17. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.

18. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

19. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

20. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Fencing and Walls

21. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

Biology/Landscaping

22. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

23. Prior to the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that as been signed off by the Building Safety Department.

24. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

25. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 17.53). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22.

26. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.

27. Invasive plant species, as determined by the City of Malibu, are prohibited.

28. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

29. Prior to final plan check approval, the property owner / applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29

30. No non-native plant species shall be approved greater than 50 feet from the residential structure.

31. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

32. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

33. Up-lighting of landscape is prohibited.

34. Necessary boundary fencing shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40-inches high, and have a space greater than 14-inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.

35. Prior to the issuing a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

Environmental Health

36. The final landscape plan (Sheet L 1.0) must show the proposed OWTS, including the treatment tank, dispersal area(s), and lines of connection. All setbacks must be maintained to trees and large vegetation, per MMC Chapter 15.42.

37. Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

38. A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

39. The final design report shall contain the following information (in addition to the items listed above).
    a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
    b. Sewage and effluent pump design calculations (as applicable).
    c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
    d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
    e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

40. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.

41. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

42. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

43. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

44. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

45. A maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed onsite wastewater disposal system after construction shall be submitted. Please note only original "wet signature" documents are acceptable.

46. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

47. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

48. City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

49. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Geology

50. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

51. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

Grading/Drainage/Hydrology

52. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

53. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

54. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
    a. Is located within or adjacent to ESHA, or
    b. Includes grading on slopes greater than 4 to 1.

    Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

55. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

56. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

57. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.

58. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The QQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofitrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
    f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
    g. Measures to treat and infiltrate runoff from impervious areas;
    h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality

measure installed during construction prior to the issuance of grading or building permits; and

i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

59. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

60. The project engineer shall sign the final plans prior to the issuance of construction permits.

61. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:

a. Public Works Department general notes;
b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

62. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

Public Works

63. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

Swimming Pool / Spa / Water Feature

64. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).

65. Pool and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A).

66. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.

67. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
    a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    b. There are sufficient BMPs in place to prevent soil erosion; and
    c. The discharge does not reach in to the MS4 or to the ASBS (including tributaries)

68. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

69. A sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)" shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

70. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Construction/Framing

71. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

72. Construction 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 construction activities shall be permitted on Sundays or City-designated holidays.

73. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

74. A construction management plan shall be approved by the Public Works Director to manage construction traffic, including grading truck trips, in order to minimize impacts on traffic and emergency access.

Demolition/Solid Waste

75. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

76. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

77. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

78. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

79. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

80. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

81. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.

82. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Colors and Materials

83. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. All windows shall be comprised of non-glare glass.

84. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

Deed Restrictions

85. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

86. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

87. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth above. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

88. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.

89. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Fixed Conditions

90. This coastal development permit shall run with the land and bind all future owners of the property.

91. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 7. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of June 2020.

_____
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

_____
KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Anyone unable to submit an appeal via email should contact Patricia Salazar at (310) 456-2489, extension 245, at least two business days before the appeal deadline to arrange alternative delivery of the appeal. Appeal forms may be found online at malibucity.org/planningforms, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-46 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 1st day of June 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

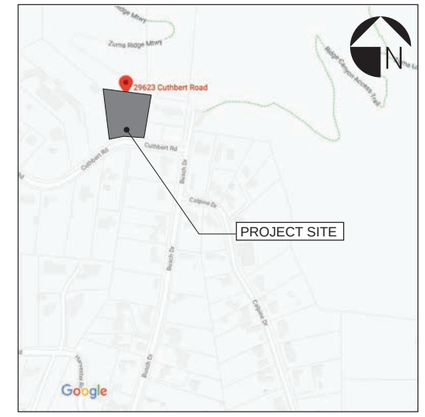
_____
KATHLEEN STECKO, Recording Secretary

FIRE RE-BUILD SFD + NEW ADU FOR:

COLBY RESIDENCE

29623 CUTHBERT ROAD, MALIBU, CA 90265

VICINITY MAP



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Received
April 2, 2020
Planning Dept.

PROJECT INFORMATION

PROJECT DESCRIPTION

FIRE REBUILD (NEW SITING) OF A SINGLE FAMILY DWELLING (SFD):
CONSISTS OF 4-BEDROOMS, 4.5 BATHROOM, STUDY AND FAMILY ROOM, WITH AN ATTACHED 4-CAR GARAGE AND DECK. NEW LOWER POOL LEVEL WITH ACCESSORY USES: RESTROOM, GYM, STORAGE AND A COVERED PATIO. NEW SWIMMING POOL AND POOL DECK. MAX. HEIGHT 23'-11"

NEW DETACHED SECOND UNIT (ADU)
2-STORIES WITH 1-BEDROOM AND 1-BATHROOM 899 Sq Ft. MAX. HEIGHT 22'-10"

OWTS
NEW OWTS UNDER A CONCURRENT PERMIT. THE EXISTING OWTS SYSTEM, WILL BE ABANDONED. NEW MICROSEPTIC WILL BE LOCATEDTO THE SOUTH OF ADU AND NEW PITS WILL BE LOCATED TO THE SOUTH OF THE PROPERTY (CLOSER TO CUTHBERT).

DRIVEWAY
PER FIRE DEPARTMENT, EXISTING DRIVEWAY TO BE WIDEN TO 20' AND AN APPARATUS "T" TURN WILL BE PROVIDED AT TOP OF DRIVEWAY

ENERGY CONSERVATION FEATURES:
A. NEW WALL, ROOF AND UNDER-FLOOR INSULATION EQUAL OR EXCEEDING TITLE 24
B. NEW ENERGY STAR EXHAUST FANS IN RESTROOM
C. NEW HIGH REFLECTANCE ROOFING MATERIAL
D. NEW DUAL GLAZE WINDOWS AND FRENCH DOORS
E. NEW ENERGY STAR KITCHEN APPLIANCES
F. NEW AIR CONDITIONING SYSTEM
G. LED LIGHTING
H. WATER CONSERVING PLUMBING FIXTURES
I. SOLAR PANEL READY

SITE

LEGAL DESCRIPTION:

LOT 21, OF TRACT N° 17351, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 441, PAGES 40 AND 41 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

LOT: 21
TRACT: 17351
APN: 4469-008-010
LOT SIZE: 63,547 sq. ft (1.46 acres) Per Survey
ESHA: NO
APPEAL JURISDICTION: NO

ZONING:

ZONING: RR-2

TOTAL IMPERVIOUS AREA

MAX. IMPERVIOUS AREA =
Net Lot Area x 30% = 63,547 sf x 30% = **19,064.10 sf**
Refer to Site Plan A1.0 for calc's and verification

TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF) CALC'S

GROSS LOT AREA = 63,547.00 sf

NET LOT AREA =
Lot Area - Street Right of Way Easement - Slopes Steeper than 1:1 =
63,547.00 - 0.00 - 0.00 (Refer to slope analisys) = **63,547.00 sf**

TOTAL DEVELOPMENT CALC'S

21,780.00	17.7%	3,855.06	+	1,000.00	4,855.06
21,780.00	10.0%	2,178.00	+	0.00	2,178.00
19,987.00	5.0%	999.35	+	0.00	999.35
63,547.00					**8,032.41**

SETBACKS

FRONT
Required 20% Lot Depth = 255.5" x 20% = 51.1'
Existing 184.25'
Proposed: SFD: 142'-4"
ADU: 130'-0"

SIDE:
Required Cumulative 25% of Lot Width= 243.33" x 25% = 60.83', Not less than 10% per side = 24.3'

Existing
East Side: SFD: 91'-2"
West Side: SFD: 68'-8"

Proposed
East Side: SFD: 92'-6"
ADU: 31'-3 1/2"
West Side: SFD: 57'-8"
ADU: 166'-2"

REAR:
Required 15% Lot Depth = 255.5' x 15% = 38.32'.
Request a Minor Modification of 13% Reduction = 38.32 - 4.96 = 33.31'
Existing 21.0'
Proposed: SFD: 33.31'
ADU: 96'-5"

HEIGHT

MAX. HEIGHT ALLOWED:
Flat Roof with SPR = 24'-0"

PROPOSED SFD: 23'-11" < 24'-0"
PROPOSED ADU: 22'-10" < 24'-0"

PARKING

REQUIRED PARKING:

SFD: 2- Covered + 2- Uncovered
ADU: 1-Uncovered

PROPOSED PARKING:

SFD: 4-Car Garage + 2- Uncovered
ADU: 1-Uncovered

BUILDING

YEAR BUILT: ORIGINAL HOUSE 1955

UNITS: PROPOSED 2-UNITS = SFD + ADU

OCCUPANCY TYPE :
SFD: RESIDENTIAL: R-3
ATTACHED GARAGE: U
ADU: RESIDENTIAL: R-3

TYPE OF CONSTRUCTION:
SFD: TYPE V-B FULLY SPRINKLERED-NFPA-13D
ADU: TYPE V-B FULLY SPRINKLERED-NFPA-13D

NUMBER OF STORIES:
SFD: ONE-STORY + ACCESSORY LOWER LEVEL= 2-STORIES
ADU: 2-STORIES

DESIGN SUMMARY

EXISTING STRUCTURE, Per PPR99-202

Description	GROSS Square Footage	10%	TOTAL
SFD	2,157.00	215.70	2,372.70
Garage & Workroom	615.00	61.50	676.50
TOTAL	**2,772.00**	277.20	**3,049.20**

PROPOSED STRUCTURE
PROPOSED SFD

Description	GROSS Square Footage
SFD	4,888.00
Attached Garage	678.00
Total SFD	**5,566.00**

PROPOSED ADU

Description	GROSS Square Footage
Main Floor	357.00
Lower Level	542.00
TOTAL	**899.00**

PROPOSED ACCESSORY STRUCTURES

Description	GROSS Square Footage
Gym	440.50
Bath-5 & Storage	124.00
Total Accessory	**564.50**

TOTAL **6,672.50**

UNCOVERED AREAS

Main Floor Deck	1,187.00
ADU Deck	179.00

PROPOSED TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF) CALC'S

EXISTING SINGLE FAMILY DWELLING (SFD)

Description	GROSS Square Footage
SFD	2,157.00
Garage & Workroom	615.00
Storage Under deck	265.00
TOTAL TDSF	**3,037.00**

PROPOSED SINGLE FAMILY DWELLING (SFD)

Description	GROSS Square Footage
Main Floor	4,888.00
Attached Garage	678.00
Porch Overhang	52.00
Gym	440.50
Bath-5 & Storage	124.00
TOTAL	**6,182.50**
Lower Level Covered Patio	651.00
TOTAL	**651.00**

PROPOSED SECOND DWELLING UNIT (ADU)

Description	GROSS Square Footage
Main Floor	357.00
Lower Level	542.00
TOTAL	**899.00**

TOTAL TDSF	**7,732.50 < 8032.41**

2/3 FLOOR AREA VERIFICATION

Refer to A-1.4 for Diagram

SINGLE FAMILY DWELLING

AREA **BELOW 18'-0":** 6,173.00 sf (2/3) 6,173.00 sf = 4,115.33 sf
AREA **ABOVE 18'-0":** 3,358.00 sf 3,358.00 < 4,115.33 = **Verifies**

2nd DWELLING UNIT

AREA **BELOW 18'-0":** 552.00 sf (2/3) 552.00 sf = 368.00 sf
AREA **ABOVE 18'-0":** 357.00 sf 357.00 < 368.00 = **Verifies**

SITE WALLS /RETAINING WALLS

(NOT PART OF THE STRUCTURE)

6" TO 2'-6" HIGH (GARDEN WALLS) : 521 LINEAL FEET
2'-6" TO 4'-6"HIGH : 292.00 LINEAL FEET
4'-6" TO 6'-0" HIGH : 142.00 LINEAL FEET

SOILS REPORT

SUBSUFRACE DESIGN, INC, APRIL 23, 2019, GEOLOGIC & SOILS ENGINEERING INVESTIGATION. PROPOSED FIRE REBUILD SFD, NEW ADU & NEW SWIMMING POOL.

SUBSUFRACE DESIGN, INC, APRIL 26, 2019, STORMWATER INFILTRATION REPORT

SUBSUFRACE DESIGN, INC, JANUARY 17, 2001, LIMITED GEOLOGIC REPORT EVALUATION OF PERCOLATION TEST HOLES.

PREVIOUS REPORTS:

GEOCONCEPTS, INC, APRIL 23, 2019, EVALUATE SUBSURFACE CONDITIONS FOR THE PROPOSED IMPROVEMENT OF THE EXISTING OWTS. REPORT SUBMITTED TO THE CITY, BUT IT IS NOT APPEAR AS IF IT WAS REVIEWED.

RALPH STONE & COMPANY, INC. DECEMBER 20, 1999 SUBSURFACE EXPLORATORY STUDIES TO EVALUATE SUBSURFACE CONDITIONS FOR THE PROPOSED CONSTRUCTION OF RESIDENTIAL ADDITIONS AND DECK. THE CITY CONDITIONALLY APPROVED THE REPORT IN MARCH 10, 2003

PROJECT INFORMATION,
Scale: N.T.S.
Date: February 10, 2019

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
ARCHITECT
5410 Village Green, Los Angeles, CA 90016
Telephone: (310) 625-0654
e-mail: recdani@gmail.com

A-0.0
ATTACHMENT 2

PROPERTY ADDRESS:

29623 CUTHBERT DRIVE
MALIBU, CA 90265

ASSESSOR'S PARCEL NO.'S:

4469-008-010 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:

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BENCHMARK:

MALIBU 212.269' 1-1/2IN IP & RE TAG 2088 8IN UP 35FT DY-6473
(1990) W C/L MERRITT DR NR C/L PROD BUSCH
DR 1.0FT W/O PP*1513749E (USE TAG)

ELEVATIONS SHOWN ON THIS SURVEY WERE CONVERTED FROM NGVD 1929 DATUM TO NAVD 1988 DATUM. NGVD 1929 PLUS APPROXIMATELY 700MM (2.3FT) EQUALS CURRENT NAVD 1988 DATUM.

NOTES:

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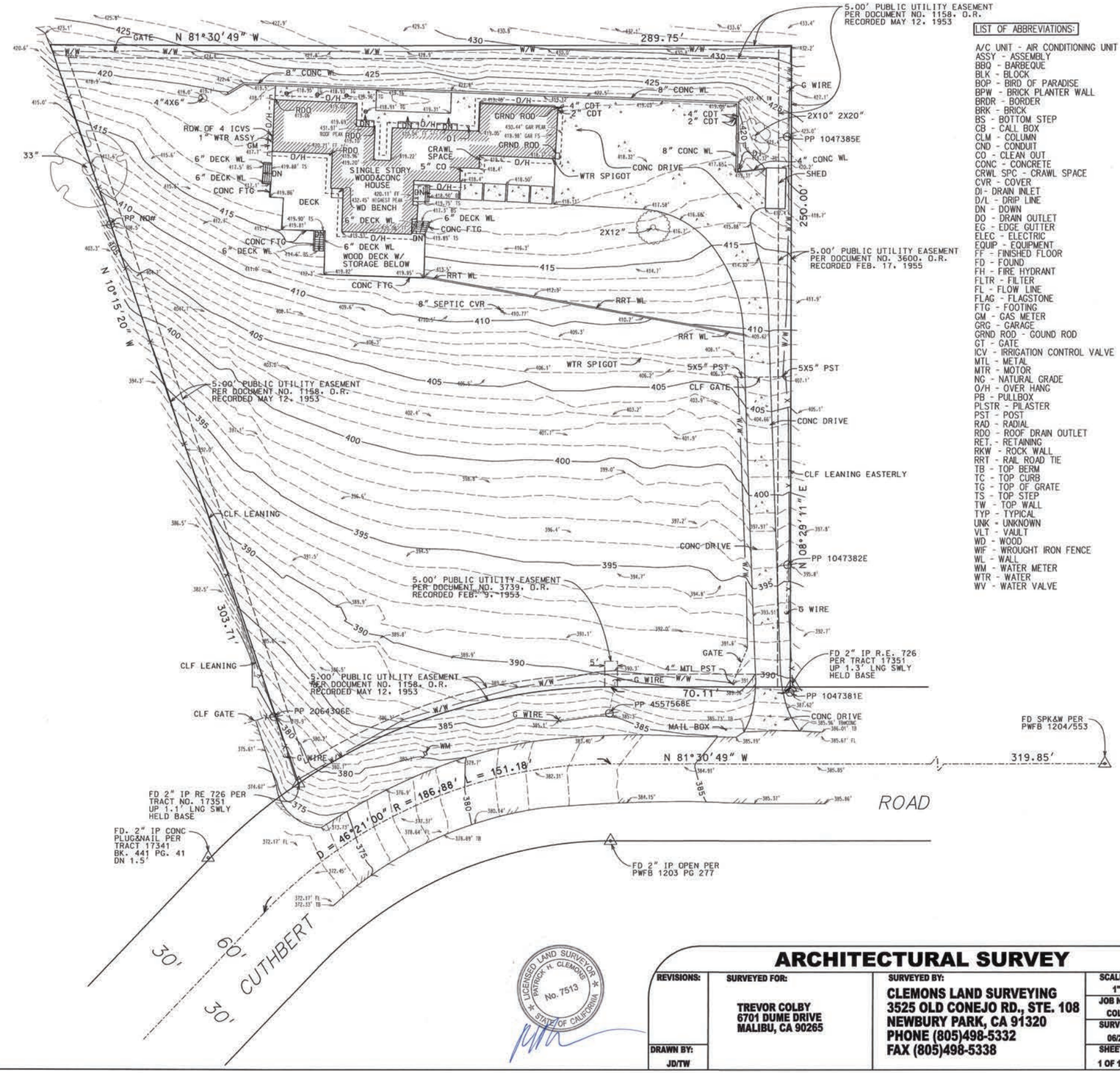
LEGEND:

PROPERTY LINE:
STREET CENTERLINE: ℄
EASEMENT:
MONUMENT:
BASIS OF BEARINGS: (B.O.B.)
STREET LIGHT (ST.LT.):
ASPHALT (A/C):
BUILDING:
CHAIN LINK FENCE (C.L.F.): X
WOOD FENCE: W
WOOD & WIRE FENCE: W/W
CONCRETE (CONC.):
MANHOLE (M.H.):
DRAIN INLET:
TREES: PINE PEPPER EUC MISC



LIST OF ABBREVIATIONS:

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20 0 20 40 60
Scale 1" = 20'

ARCHITECTURAL SURVEY

REVISIONS:	SURVEYED FOR:	SURVEYED BY:	SCALE: 1" = 20'
	TREVOR COLBY 6701 DUME DRIVE MALIBU, CA 90265	CLEMONS LAND SURVEYING 3525 OLD CONEJO RD., STE. 108 NEWBURY PARK, CA 91320 PHONE (805)498-5332 FAX (805)498-5338	JOB NO: COLBY118
DRAWN BY: JD/TW			SURVEY DATE: 06/25&27/18
			SHEET: 1 OF 1

PROPERTY ADDRESS:

29623 CUTHBERT DRIVE
MALIBU, CA 90265

ASSESSOR'S PARCEL NO.'S:

4469-008-010 (LOS ANGELES COUNTY)

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MONUMENT:
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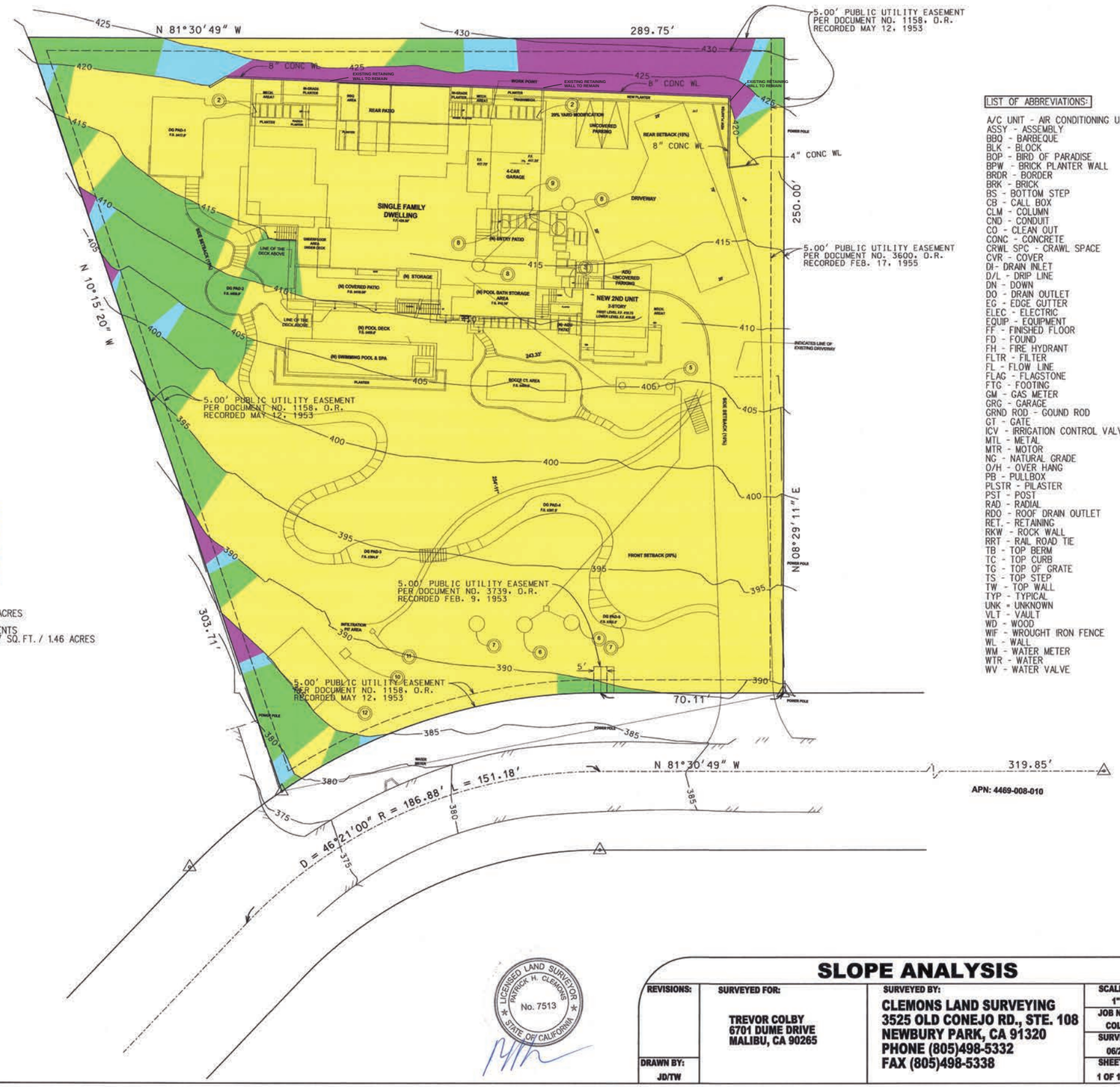
ASPHALT (A/C):
BUILDING:
CHAIN LINK FENCE (C.L.F.): X
WOOD FENCE: W
WOOD & WIRE FENCE: W/W
CONCRETE (CONC.):
MANHOLE (M.H.):
DRAIN INLET:
TREES: PINE PEPPER EUC MISC

SLOPE ANALYSIS LEGEND:

4:1 OR LESS = 52,560 SQ. FT.
4:1 TO 3:1 = 6,891 SQ. FT.
3:1 TO 2 1/2:1 = 1,210 SQ. FT.
2 1/2:1 TO 1:1 = 2,886 SQ. FT.
1:1 AND GREATER = 0 SQ.FT.
STREET EASEMENT AREA: 0 SQ.FT.
GROSS AREA = 63,547 SQ. FT. / 1.46 ACRES
NET AREA (GROSS MINUS STREET EASEMENTS AND SLOPES STEEPER THAN 1:1) = 63,547 SQ. FT. / 1.46 ACRES



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Scale 1" = 20'

LICENSED LAND SURVEYOR PATRICK H. CLEMONS No. 7513 STATE OF CALIFORNIA

SLOPE ANALYSIS

REVISIONS:	SURVEYED FOR:	SURVEYED BY:	SCALE: 1" = 20'
	TREVOR COLBY 6701 DUME DRIVE MALIBU, CA 90265	CLEMONS LAND SURVEYING 3525 OLD CONEJO RD., STE. 108 NEWBURY PARK, CA 91320 PHONE (805)498-5332 FAX (805)498-5338	JOB NO: COLBY118
DRAWN BY: JD/TW			SURVEY DATE: 06/25&27/18
			SHEET: 1 OF 1

PROPERTY ADDRESS:

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MONUMENT:
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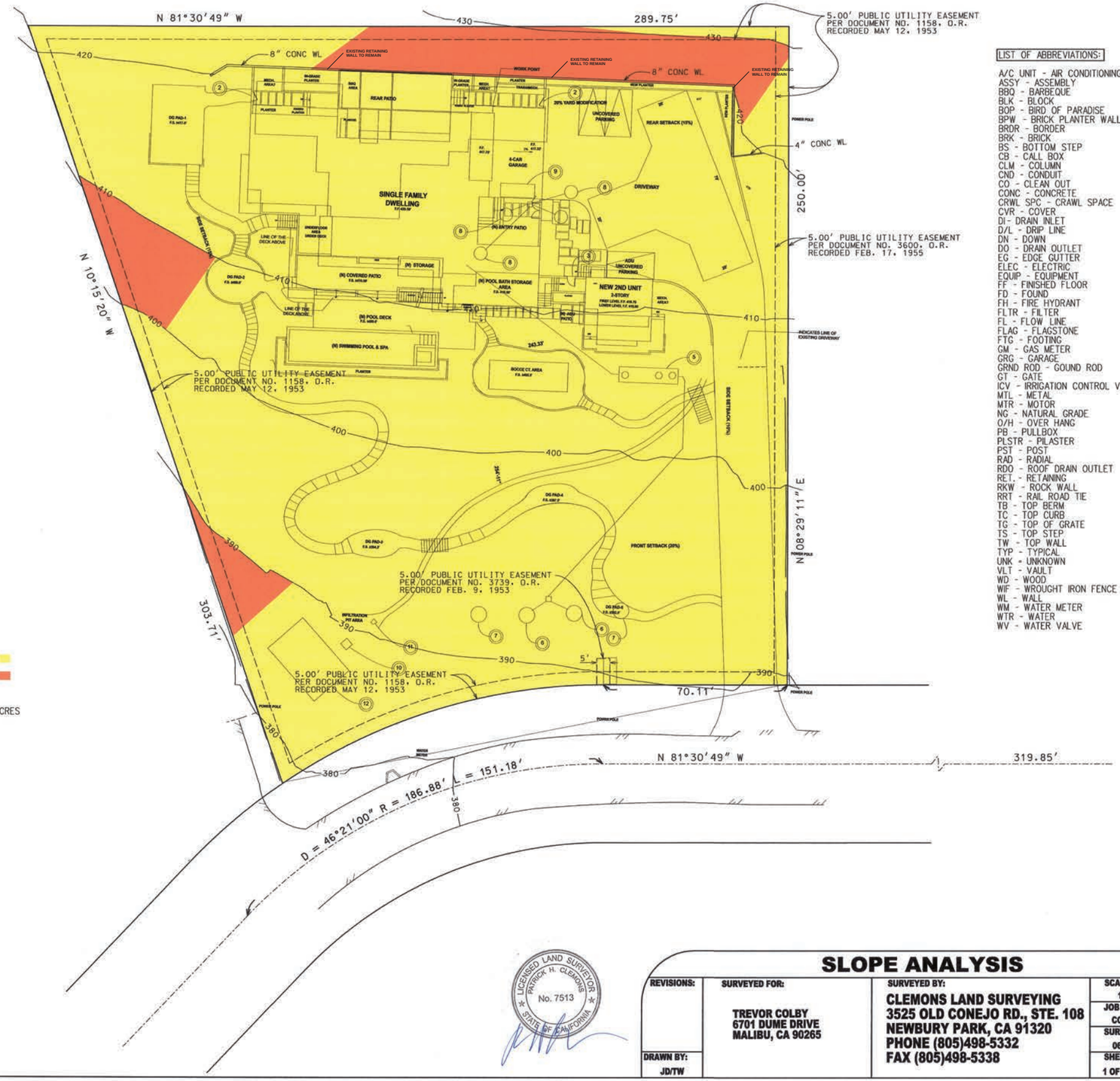
ASPHALT (A/C):
BUILDING:
CHAIN LINK FENCE (C.L.F.): — X —
WOOD FENCE: — W —
WOOD & WIRE FENCE: — W/W —
CONCRETE (CONC.):
MANHOLE (M.H.):
DRAIN INLET:
TREES: PINE PEPPER EUC MISC

SLOPE ANALYSIS LEGEND:

30% OR LESS = 58,325 SQ.FT.
30% AND GREATER = 5,222 SQ.FT.

STREET EASEMENT AREA: 0 SQ.FT.
GROSS AREA = 63,547 SQ.FT. / 1.46 ACRES



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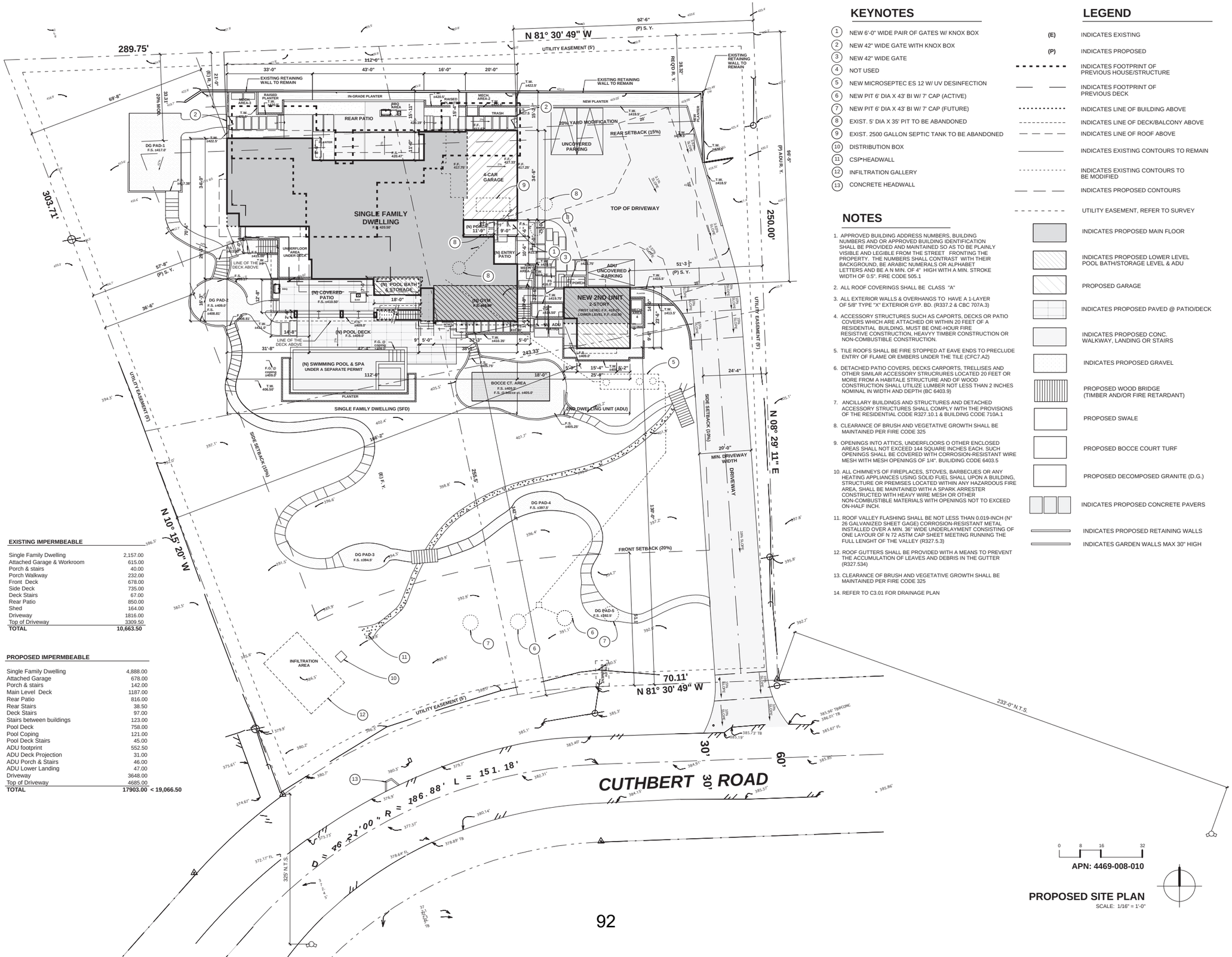

KEYNOTES

1. NEW 6'-0" WIDE PAIR OF GATES W/ KNOX BOX
2. NEW 42" WIDE GATE WITH KNOX BOX
3. NEW 42" WIDE GATE
4. NOT USED
5. NEW MICROSEPTEC ES 12 W/ UV DESINFECTION
6. NEW PIT 6' DIA X 43' BI W/ 7' CAP (ACTIVE)
7. NEW PIT 6' DIA X 43' BI W/ 7' CAP (FUTURE)
8. EXIST. 5' DIA X 35' PIT TO BE ABANDONED
9. EXIST. 2500 GALLON SEPTIC TANK TO BE ABANDONED
10. DISTRIBUTION BOX
11. CSP HEADWALL
12. INFILTRATION GALLERY
13. CONCRETE HEADWALL

LEGEND

- (E) INDICATES EXISTING
- (P) INDICATES PROPOSED
- INDICATES FOOTPRINT OF PREVIOUS HOUSE/STRUCTURE
- INDICATES FOOTPRINT OF PREVIOUS DECK
- INDICATES LINE OF BUILDING ABOVE
- INDICATES LINE OF DECK/BALCONY ABOVE
- INDICATES LINE OF ROOF ABOVE
- INDICATES EXISTING CONTOURS TO REMAIN
- INDICATES EXISTING CONTOURS TO BE MODIFIED
- INDICATES PROPOSED CONTOURS
- UTILITY EASEMENT, REFER TO SURVEY
- INDICATES PROPOSED MAIN FLOOR
- INDICATES PROPOSED LOWER LEVEL POOL BATH/STORAGE LEVEL & ADU
- PROPOSED GARAGE
- INDICATES PROPOSED PAVED @ PATIO/DECK
- INDICATES PROPOSED CONC. WALKWAY, LANDING OR STAIRS
- INDICATES PROPOSED GRAVEL
- PROPOSED WOOD BRIDGE (TIMBER AND/OR FIRE RETARDANT)
- PROPOSED SWALE
- PROPOSED BOCCE COURT TURF
- PROPOSED DECOMPOSED GRANITE (D.G.)
- INDICATES PROPOSED CONCRETE PAVERS
- INDICATES PROPOSED RETAINING WALLS
- INDICATES GARDEN WALLS MAX 30" HIGH

NOTES

1. APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS AND OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS AND BE A N MIN. OF 4" HIGH WITH A MIN. STROKE WIDTH OF 0.5". FIRE CODE 505.1
2. ALL ROOF COVERINGS SHALL BE CLASS "A"
3. ALL EXTERIOR WALLS & OVERHANGS TO HAVE A 1-LAYER OF 5/8" TYPE "X" EXTERIOR GYP. BD. (R337.2 & CBC 707A.3)
4. ACCESSORY STRUCTURES SUCH AS CAPORTS, DECKS OR PATIO COVERS WHICH ARE ATTACHED OR WITHIN 20 FEET OF A RESIDENTIAL BUILDING, MUST BE ONE-HOUR FIRE RESISTIVE CONSTRUCTION, HEAVYY TIMBER CONSTRUCTION OR NON-COMBUSTIBLE CONSTRUCTION.
5. TILE ROOFS SHALL BE FIRE STOPPED AT EAVE ENDS TO PRECLUDE ENTRY OF FLAME OR EMBERS UNDER THE TILE (CFC7.A2)
6. DETACHED PATIO COVERS, DECKS CARPORTS, TRELLISES AND OTHER SIMILAR ACCESSORY STRUCRURES LOCATED 20 FEET OR MORE FROM A HABITALE STRUCTURE AND OF WOOD CONSTRUCTION SHALL UTILIZE LUMBER NOT LESS THAN 2 INCHES NOMINAL IN WIDTH AND DEPTH (BC 6403.9)
7. ANCILLARY BUILDINGS AND STRUCTURES AND DETACHED ACCESSORY STRUCTURES SHALL COMPLY IWTH THE PROVISIONS OF THE RESIDENTIAL CODE R327.10.1 & BUILDING CODE 710A.1
8. CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 325
9. OPENINGS INTO ATTICS, UNDERFLOORS O OTHER ENCLOSED AREAS SHALL NOT EXCEED 144 SQUARE INCHES EACH. SUCH OPENINGS SHALL BE COVERED WITH CORROSION-RESISTANT WIRE MESH WITH MESH OPENINGS OF 1/4". BUILIDING CODE 6403.5
10. ALL CHIMNEYS OF FIREPLACES, STOVES, BARBECUES OR ANY HEATING APPLIANCES USING SOLID FUEL SHALL UPON A BUILDING, STRUCTURE OR PREMISES LOCATED WITHIN ANY HAZARDOUS FIRE AREA, SHALL BE MAINTAINED WITH A SPARK ARRESTER CONSTRUCTED WITH HEAVY WIRE MESH OR OTHER NON-COMBUSTIBLE MATERIALS WITH OPENINGS NOT TO EXCEED ON-HALF INCH.
11. ROOF VALLEY FLASHING SHALL BE NOT LESS THAN 0.019-INCH (N° 26 GALVANIZED SHEET GAGE) CORROSION-RESISTANT METAL INSTALLED OVER A MIN. 36" WIDE UNDERLAYMENT CONSISTING OF ONE LAYOUR OF N 72 ASTM CAP SHEET MEETING RUNNING THE FULL LENGHT OF THE VALLEY (R327.5.3)
12. ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER (R327.534)
13. CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 325
14. REFER TO C3.01 FOR DRAINAGE PLAN

EXISTING IMPERMBEABLE

Single Family Dwelling	2,157.00
Attached Garage & Workroom	615.00
Porch & stairs	40.00
Porch Walkway	232.00
Front Deck	678.00
Side Deck	735.00
Deck Stairs	67.00
Rear Patio	850.00
Shed	164.00
Driveway	1816.00
Top of Driveway	3309.50
TOTAL	**10,663.50**

PROPOSED IMPERMBEABLE

Single Family Dwelling	4,888.00
Attached Garage	678.00
Porch & stairs	142.00
Main Level Deck	1187.00
Rear Patio	816.00
Rear Stairs	38.50
Deck Stairs	97.00
Stairs between buildings	123.00
Pool Deck	758.00
Pool Coping	121.00
Pool Deck Stairs	45.00
ADU footprint	552.50
ADU Deck Projection	31.00
ADU Porch & Stairs	46.00
ADU Lower Landing	47.00
Driveway	3648.00
Top of Driveway	4685.00
TOTAL	**17903.00 < 19,066.50**

APN: 4469-008-010

PROPOSED SITE PLAN
SCALE: 1/16" = 1'-0"

PROPOSED SITE PLAN
Scale: 1/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
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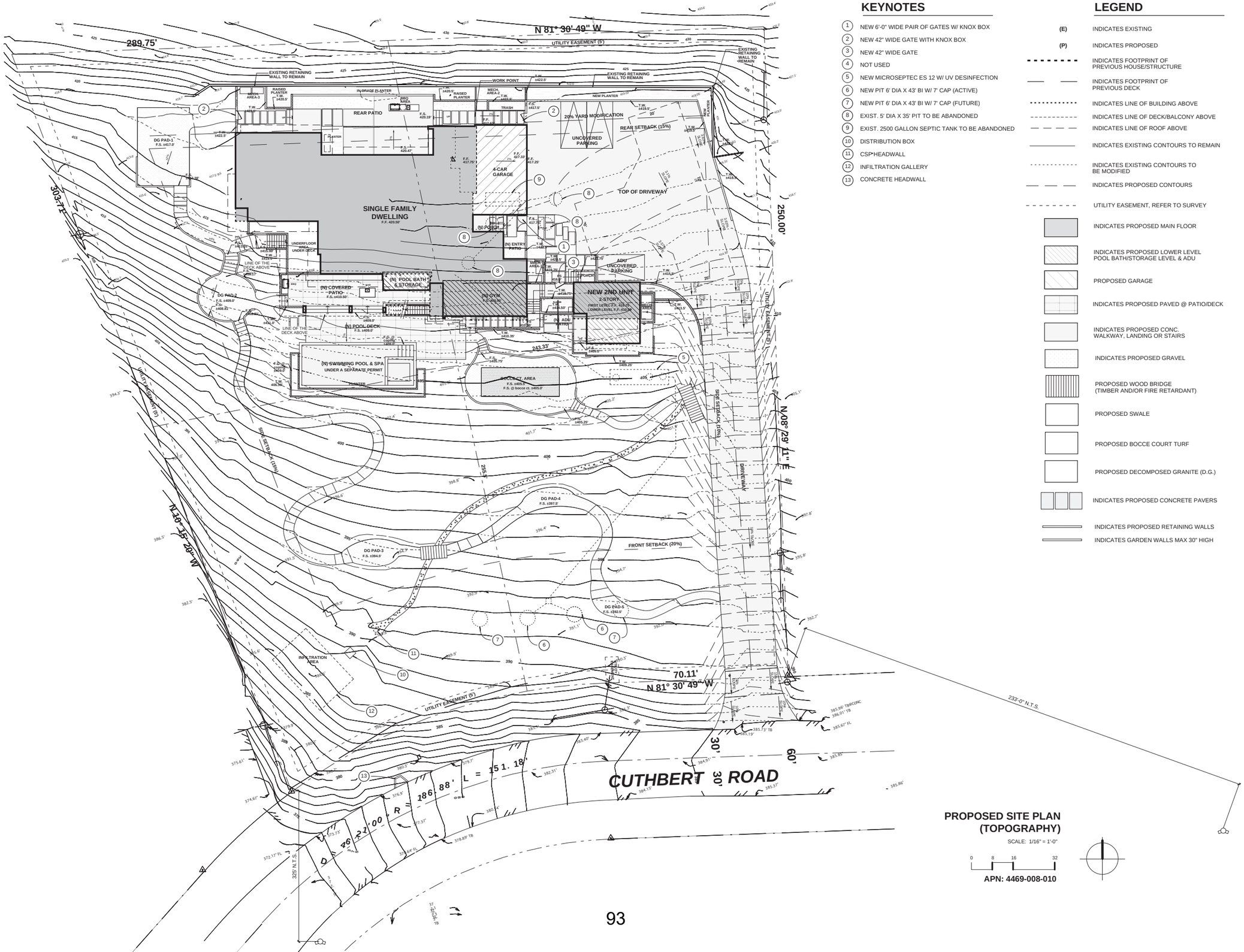

KEYNOTES

1. NEW 6'-0" WIDE PAIR OF GATES W/ KNOX BOX
2. NEW 42" WIDE GATE WITH KNOX BOX
3. NEW 42" WIDE GATE
4. NOT USED
5. NEW MICROSEPTEC ES 12 W/ UV DESINFECTION
6. NEW PIT 6' DIA X 43' BI W/ 7' CAP (ACTIVE)
7. NEW PIT 6' DIA X 43' BI W/ 7' CAP (FUTURE)
8. EXIST. 5' DIA X 35' PIT TO BE ABANDONED
9. EXIST. 2500 GALLON SEPTIC TANK TO BE ABANDONED
10. DISTRIBUTION BOX
11. CSP HEADWALL
12. INFILTRATION GALLERY
13. CONCRETE HEADWALL

LEGEND

- (E) INDICATES EXISTING
- (P) INDICATES PROPOSED
- INDICATES FOOTPRINT OF PREVIOUS HOUSE/STRUCTURE
- INDICATES FOOTPRINT OF PREVIOUS DECK
- INDICATES LINE OF BUILDING ABOVE
- INDICATES LINE OF DECK/BALCONY ABOVE
- INDICATES LINE OF ROOF ABOVE
- INDICATES EXISTING CONTOURS TO REMAIN
- INDICATES EXISTING CONTOURS TO BE MODIFIED
- INDICATES PROPOSED CONTOURS
- UTILITY EASEMENT, REFER TO SURVEY
- INDICATES PROPOSED MAIN FLOOR
- INDICATES PROPOSED LOWER LEVEL POOL BATH/STORAGE LEVEL & ADU
- PROPOSED GARAGE
- INDICATES PROPOSED PAVED @ PATIO/DECK
- INDICATES PROPOSED CONC. WALKWAY, LANDING OR STAIRS
- INDICATES PROPOSED GRAVEL
- PROPOSED WOOD BRIDGE (TIMBER AND/OR FIRE RETARDANT)
- PROPOSED SWALE
- PROPOSED BOCCE COURT TURF
- PROPOSED DECOMPOSED GRANITE (D.G.)
- INDICATES PROPOSED CONCRETE PAVERS
- INDICATES PROPOSED RETAINING WALLS
- INDICATES GARDEN WALLS MAX 30" HIGH

PROPOSED SITE PLAN (TOPOGRAPHY)

SCALE: 1/16" = 1'-0"

0 8 16 32

APN: 4469-008-010

PROPOSED SITE PLAN
GRADING
Scale: 1/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

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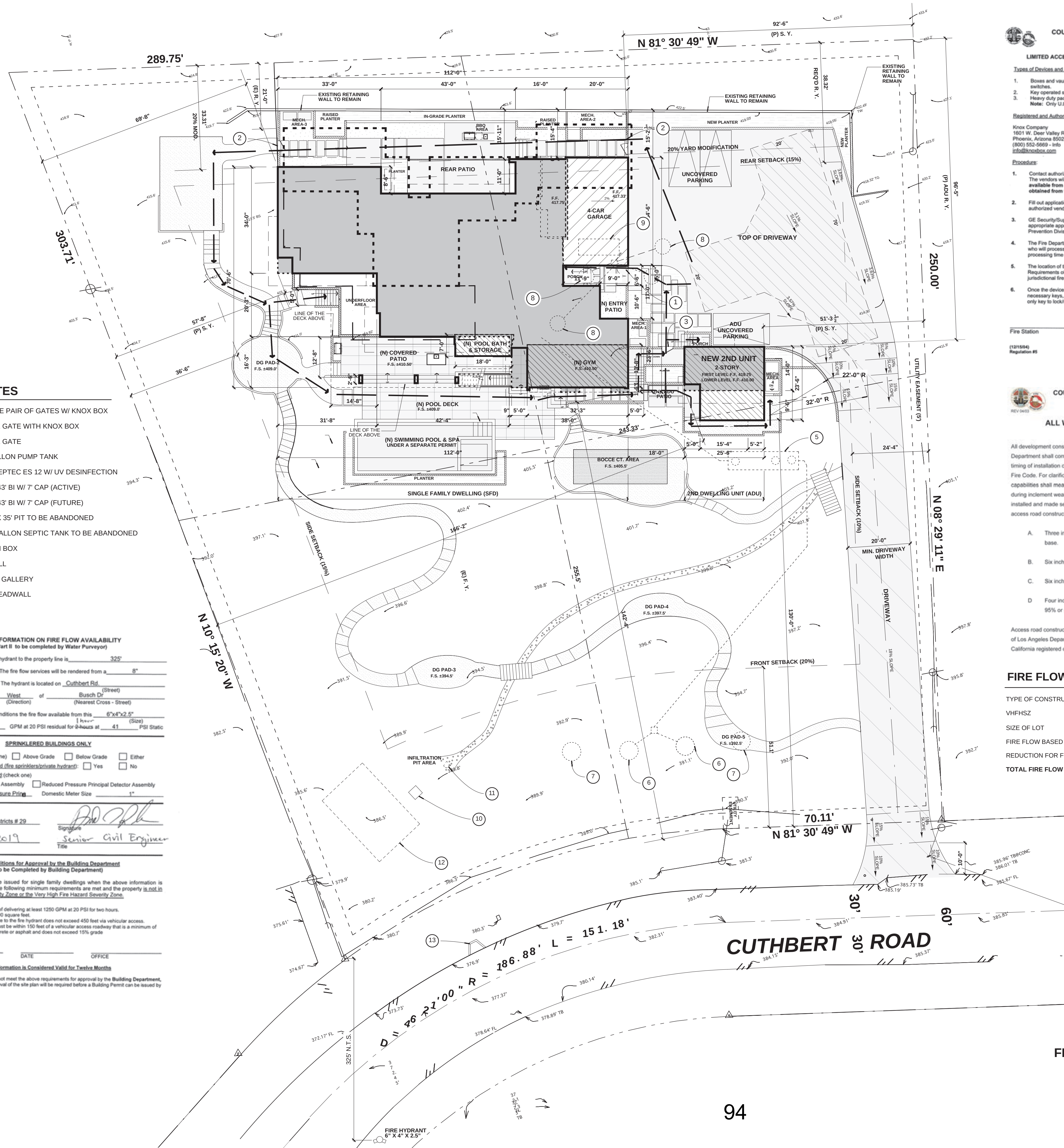

KEYNOTES

1. NEW 6'-0" WIDE PAIR OF GATES W/ KNOX BOX
2. NEW 42" WIDE GATE WITH KNOX BOX
3. NEW 42" WIDE GATE
4. NEW 1500 GALLON PUMP TANK
5. NEW MICROSEPTEC ES 12 W/ UV DESINFECTION
6. NEW 6' DIA X 43' BI W/ 7' CAP (ACTIVE)
7. NEW 6' DIA X 43' BI W/ 7' CAP (FUTURE)
8. EXIST. 5' DIA X 35' PIT TO BE ABANDONED
9. EXIST. 2500 GALLON SEPTIC TANK TO BE ABANDONED
10. DISTRIBUTION BOX
11. CSP HEADWALL
12. INFILTRATION GALLERY
13. CONCRETE HEADWALL

PART II (A) **INFORMATION ON FIRE FLOW AVAILABILITY**
(Part II to be completed by Water Purveyor)

The distance from the fire hydrant to the property line is 325' feet via vehicular access. The fire flow services will be rendered from a 8" inch diameter water main. The hydrant is located on Cuthbert Rd. (Street)

750' (Feet) West (Direction) of Busch Dr (Nearest Cross - Street)

Under normal operating conditions the fire flow available from this 6"x4"x2.5" (Size) hydrant is 1,250 GPM at 20 PSI residual for ~~2 hours~~ 1 hour at 41 PSI Static

PART II (B) **SPRINKLERED BUILDINGS ONLY**

Detector Location (check one) ☐ Above Grade ☐ Below Grade ☐ Either
Backflow protection required (fire sprinklers/private hydrant): ☐ Yes ☐ No
Type of Protection Required (check one)
☐ Double Check Detector Assembly ☐ Reduced Pressure Principal Detector Assembly
☒ Other Reduced Pressure Prin... Domestic Meter Size 1"

PART II (C)
L. A. Co. Waterworks Districts # 29 — Water Purveyor
Signature: [signature]
6/4/2019 — Date
Senior Civil Engineer — Title

PART III **Conditions for Approval by the Building Department**
(To be Completed by Building Department)

The building permit may be issued for single family dwellings when the above information is complete and shows that the following minimum requirements are met and the property is not in the High Fire Hazard Severity Zone or the Very High Fire Hazard Severity Zone.

*The water system is capable of delivering at least 1250 GPM at 20 PSI for two hours.
*The structure is less than 3,600 square feet.
*The distance from the structure to the fire hydrant does not exceed 450 feet via vehicular access.
*The proposed construction must be within 150 feet of a vehicular access roadway that is a minimum of 20 feet wide, paved with concrete or asphalt and does not exceed 15% grade

APPROVED BY ____ DATE ____ OFFICE ____

This Information is Considered Valid for Twelve Months

Where the water service does not meet the above requirements for approval by the **Building Department, Fire Prevention Division** approval of the site plan will be required before a Building Permit can be issued by the **Building Department**.

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

APPENDIX I
LIMITED ACCESS DEVICES AND SYSTEMS - INFORMATION SHEET

Types of Devices and Systems:

1. Boxes and vaults for keys or plans. May be used for enclosure of controls or switches.
2. Key operated switches for doors or power-operated security gates.
3. Heavy duty padlocks operated by special security key.
Note: Only U.L. listed devices are acceptable.

Registered and Authorized for County of Los Angeles Fire Department:

Knox Company
1601 W. Deer Valley Road
Phoenix, Arizona 85027
(800) 552-5669 - Info
info@knoxbox.com

GE Security/Supra
4001 Fairview Industrial Dr. S.E.
Salem, OR. 97302
(800) 547-0252
(800) 545-9608
ge-supra.com

Procedure:

1. Contact authorized vendor for product information sheets and application forms. The vendors will mail all information to you. **(The application forms are not available from the County of Los Angeles Fire Department; they must be obtained from the vendors.)**
2. Fill out application form, including installation address, enclose check payable to authorized vendor and mail back to the appropriate vendor
3. GE Security/Supra will then mail the application to the Fire Department for the appropriate approval signature. The application may only be approved by the Fire Prevention Division office. (Not required for Knox Company)
4. The Fire Department will then mail the approved application back to the vendor who will process the order and deliver the device to the customer. Average processing time is 7-10 days. (Not required for Knox Company)
5. The location of the device must be approved by this Department prior to mounting. Requirements of limited access device(s) installation can be obtained from the jurisdictional fire station.
6. Once the device is installed, notify the jurisdictional fire station to have the necessary keys, cards, etc., placed in the device. The Fire Department has the only key to lock/unlock this equipment.

Fire Station ____ Business Telephone ____

(12/15/04) Regulation #5 — 1 of 1 — V7-C1-S5 Limited Access Devices and Systems

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
REV 04/03

ALL WEATHER ACCESS REQUIREMENTS

All development constructed within the jurisdiction of the County of Los Angeles Fire Department shall comply with Sections 902 and 901.3 (fire apparatus access roads; timing of installation of fire protection facilities, respectively) of the Los Angeles County Fire Code. For clarification purposes of Section 902.2.2.2, the term all-weather driving capabilities shall mean a surface that will support the imposed loads of a fire apparatus during inclement weather, including normal rainfall. All weather access roads shall be installed and made serviceable prior to and during the time of construction. Permissible access road construction may include, but not be limited to the following:

A. Three inch (3") Type II A.C. pavement on four inch (4") crushed aggregate base.

B. Six inch (6") Type II A.C. pavement on native soil.

C. Six inch (6") Portland cement concrete pavement on native soil.

D. Four inch (4") crushed aggregate base (sand, gravel mix compacted to 95% or greater) with the first layer of asphalt.

Access road construction shall be governed by specifications as set forth by the County of Los Angeles Department of Public Works, or modified as prepared by a State of California registered civil engineer.

FIRE FLOW CALCULATION

TYPE OF CONSTRUCTION PER BUILDING CODE:	TYPE V-B
VHFHSZ	YES
SIZE OF LOT	63,547 SF
FIRE FLOW BASED ON THE FIRE FLOW CALC. AREA	2000 GPM
REDUCTION FOR FIRE SPRINKLERS (MAX. 50%)	1250 GPM
TOTAL FIRE FLOW REQUIRED	**1250 GPM**

0 8 16 32

APN: 4469-008-010

FIRE ACCESS SITE PLAN
SCALE: 1/16" = 1'-0"

LEGEND

- (E) INDICATES EXISTING
- (P) INDICATES PROPOSED
- INDICATES FOOTPRINT OF PREVIOUS HOUSE/STRUCTURE
- INDICATES FOOTPRINT OF PREVIOUS DECK
- INDICATES LINE OF BUILDING ABOVE
- INDICATES LINE OF DECK/BALCONY ABOVE
- INDICATES LINE OF ROOF ABOVE
- FIRE DEPARTMENT WALKWAY
- INDICATES EXISTING CONTOURS TO REMAIN
- INDICATES EXISTING CONTOURS TO BE MODIFIED
- INDICATES PROPOSED CONTOURS
- UTILITY EASEMENT, REFER TO SURVEY
- INDICATES PROPOSED MAIN FLOOR
- INDICATES PROPOSED LOWER LEVEL POOL BATH/STORAGE LEVEL & ADU
- PROPOSED GARAGE
- FIRE DEPARTMENT VEHICLE ACCESS
- INDICATES PROPOSED PAVED @ PATIO/DECK
- INDICATES PROPOSED CONC. WALKWAY, LANDING OR STAIRS
- INDICATES PROPOSED GRAVEL
- PROPOSED WOOD BRIDGE (TIMBER AND/OR FIRE RETARDANT)
- PROPOSED SWALE
- PROPOSED BOCCE COURT TURF
- PROPOSED DECOMPOSED GRANITE (D.G.)
- INDICATES PROPOSED CONCRETE PAVERS
- INDICATES PROPOSED RETAINING WALLS
- INDICATES GARDEN WALLS MAX 30" HIGH

NOTES

1. REFER TO ALL WEATHER ACCESS REQUIREMENTS FOR NEW DRIVEWAY
2. REFER TO LIMITED ACCESS DEVICES AND SYSTEMS INFORMATION SHEET FOR KNOX BOX REQUIREMENTS
3. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 501.4
4. PROVIDE A MIN. CENTER LINE RADIUS (32'-0" AT PRIVATE ACCESS ROAD ENTRANCE
5. A MIN. 5' WIDE APPROVED FIREGHTER ACCESS WALKWAY LEADING FOM ATHE FIRE DEPARTMENT ACCESS ROAD TO ALL REQUIRED OPENING IN THE BUILDINGS'S EXTERIOR WALLS SHALL BE PROVIDED FOR FIREFIGHTING AND RESCUE PURPOSES. FIRE CODE 504.1
6. APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS AND OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS AND BE A N MIN. OF 4" HIGH WITH A MIN. STROKE WIDTH OF 0.5". FIRE CODE 505.1
7. PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKING THAT INCLUDE THE WORDS **"NO PARKING- FIRE LANE"**. SIGNS SHALL HAVE A MIN. DIMENSION OF 12" WIDE X 18" HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD,OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3

FIRE HYDRANT
6" X 4" X 2.5"

FIRE ACCESS SITE PLAN
Scale: 1/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
ARCHITECT
5410 Village Green, Los Angeles, CA 90016
Telephone: 310.625.0654
e-mail: recdani@gmail.com

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ACCESS DRIVEWAY PROFILE

SCALE: 1/ 16" = 1'-0"

ACCESS DRIVEWAY PROFILE

Scale: 1/16" = 1'-0"
Date: February 10,202

LINDA + TREVOR COLBY

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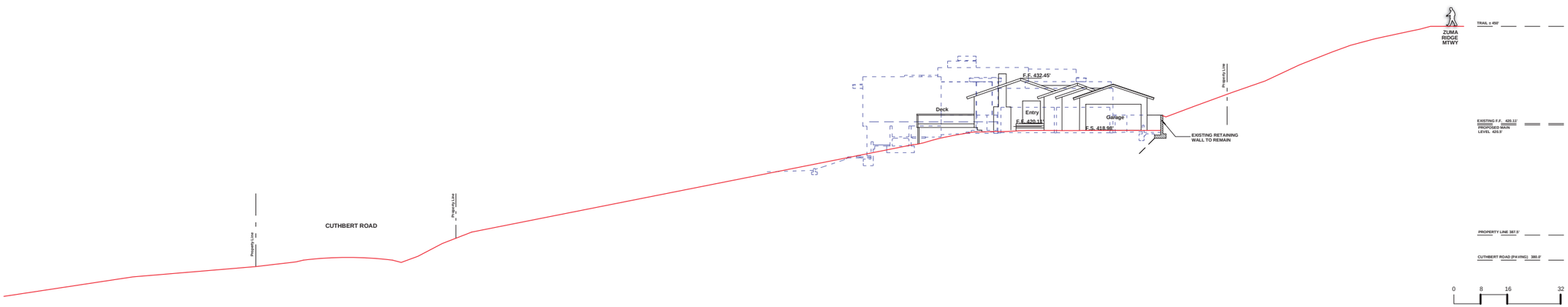
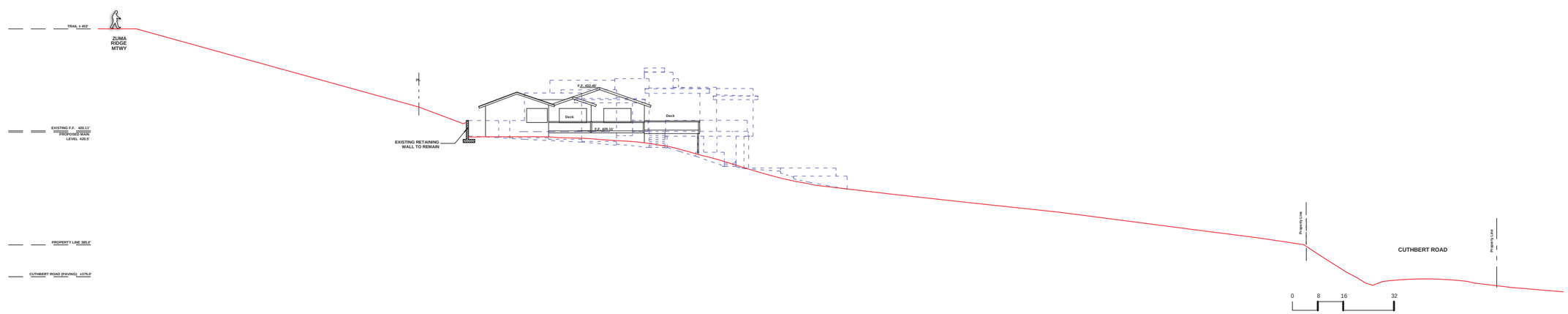


ORIGINAL HOUSE EAST ELEVATION
SCALE: 1/ 16" = 1'-0"



ORIGINAL HOUSE WEST ELEVATION
SCALE: 1/ 16" = 1'-0"

VIEW FROM DECK (WEST)

VIEW FROM DECK (WEST)

VIEW FROM DRIVEWAY (EAST)

EXISTING HOUSE ELEVATIONS & PHOTOS
Scale: 1/16" = 1'-0"
Date: February 10,202

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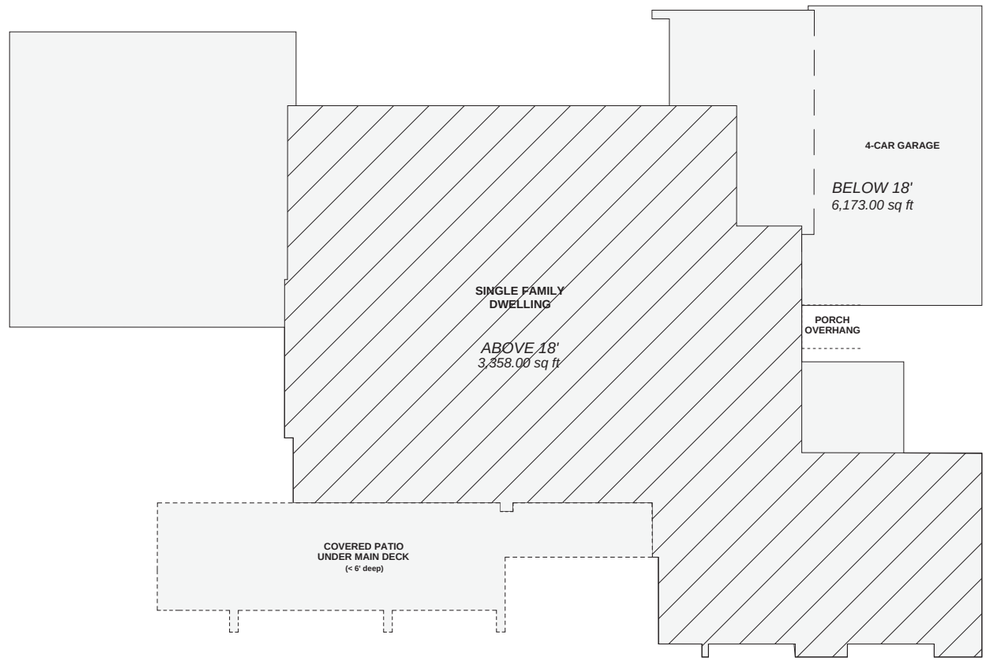

LEGEND

- AREAS BELOW 18'
- AREA ABOVE 18'

2/3 AREA PLAN DIAGRAM

SCALE: 1/8" = 1'-0"

2/3 AREA CALCULATION

SINGLE FAMILY DWELLING

AREA **BELOW 18'-0":** 6,173.00 sf (2/3) 6,173.00 sf = 4,115.33 sf

AREA **ABOVE 18'-0":** 3,358.00 sf 3,358.00 < 4,115.33 = **Verifies**

2nd DWELLING UNIT

AREA **BELOW 18'-0":** 552.00 sf (2/3) 552.00 sf = 368.00 sf

AREA **ABOVE 18'-0":** 357.00 sf 357.00 < 368.00 = **Verifies**

2/3 PLAN DIAGRAM & CALCULATIONS

Scale: 1/16" = 1'-0"
Date: February 10, 2020

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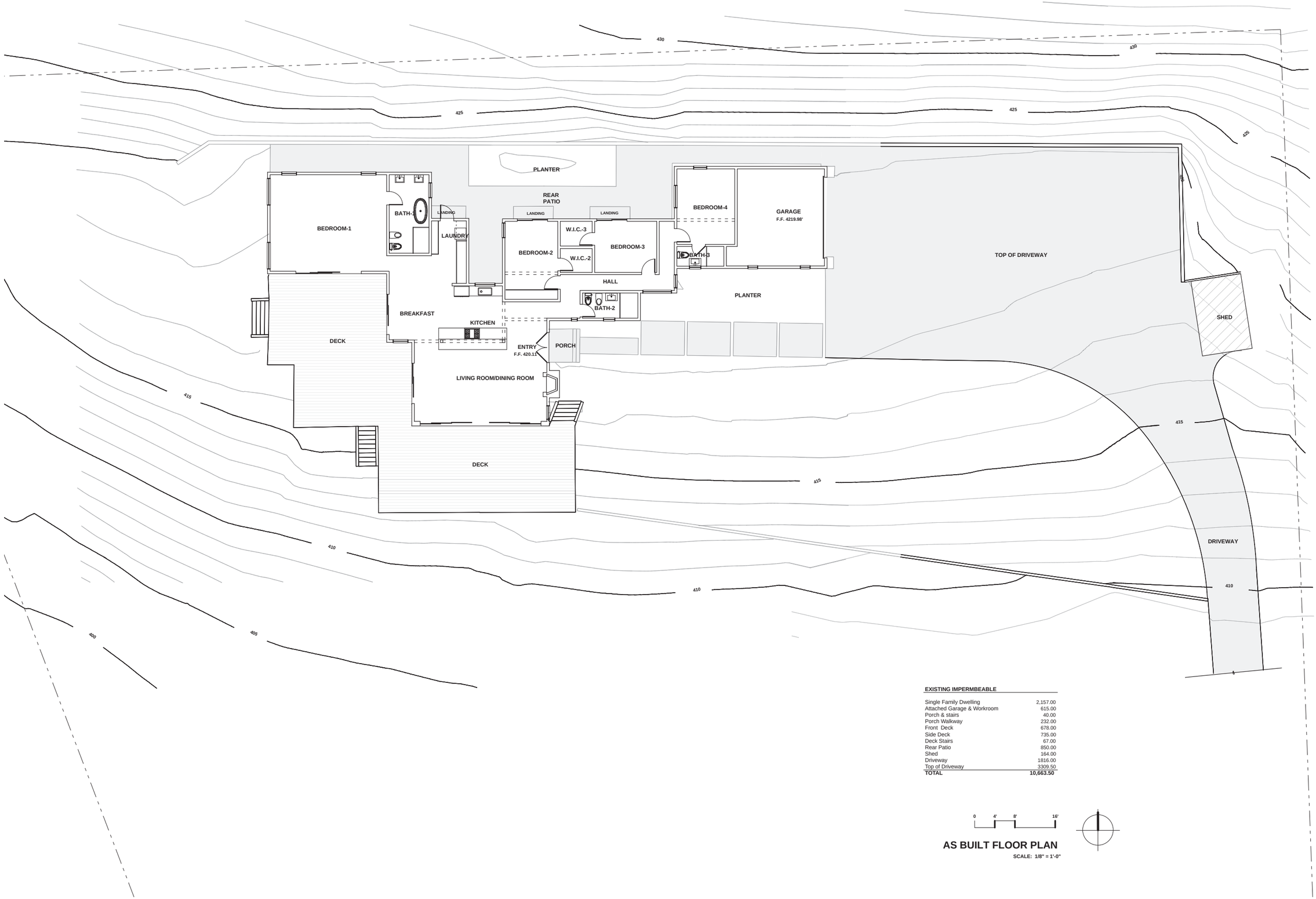

EXISTING IMPERMBEABLE

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Porch & stairs	40.00
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Front Deck	678.00
Side Deck	735.00
Deck Stairs	67.00
Rear Patio	850.00
Shed	164.00
Driveway	1816.00
Top of Driveway	3309.50
TOTAL	**10,663.50**

0 4' 8' 16'

AS BUILT FLOOR PLAN

SCALE: 1/8" = 1'-0"

AS-BUILT FLOOR PLAN
Scale: 1/8" = 1'-0"
Date: February 10, 2020

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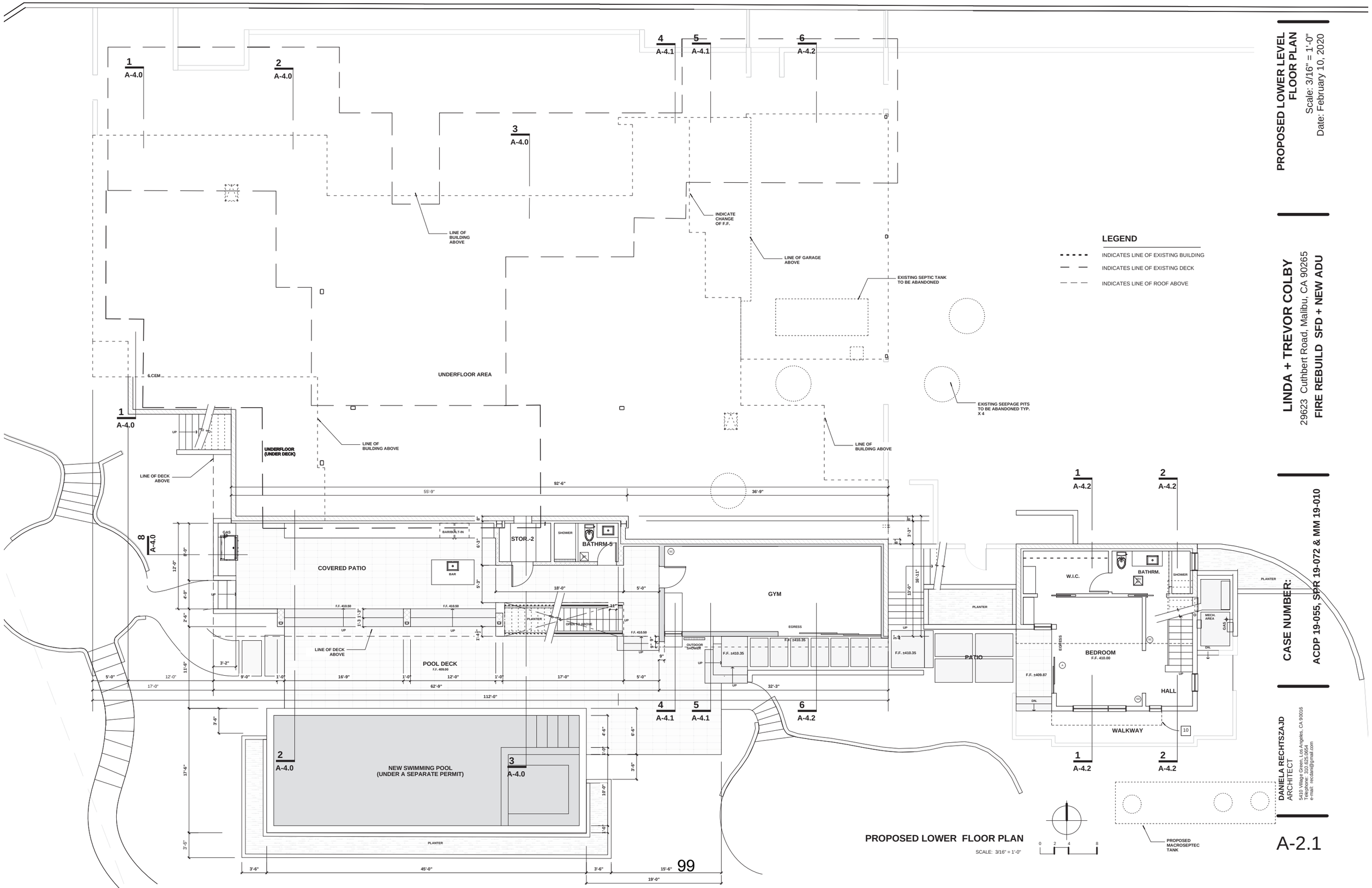

LEGEND

- INDICATES LINE OF EXISTING BUILDING
- INDICATES LINE OF EXISTING DECK
- INDICATES LINE OF ROOF ABOVE

PROPOSED LOWER FLOOR PLAN

SCALE: 3/16" = 1'-0"

PROPOSED LOWER LEVEL FLOOR PLAN
Scale: 3/16" = 1'-0"
Date: February 10, 2020

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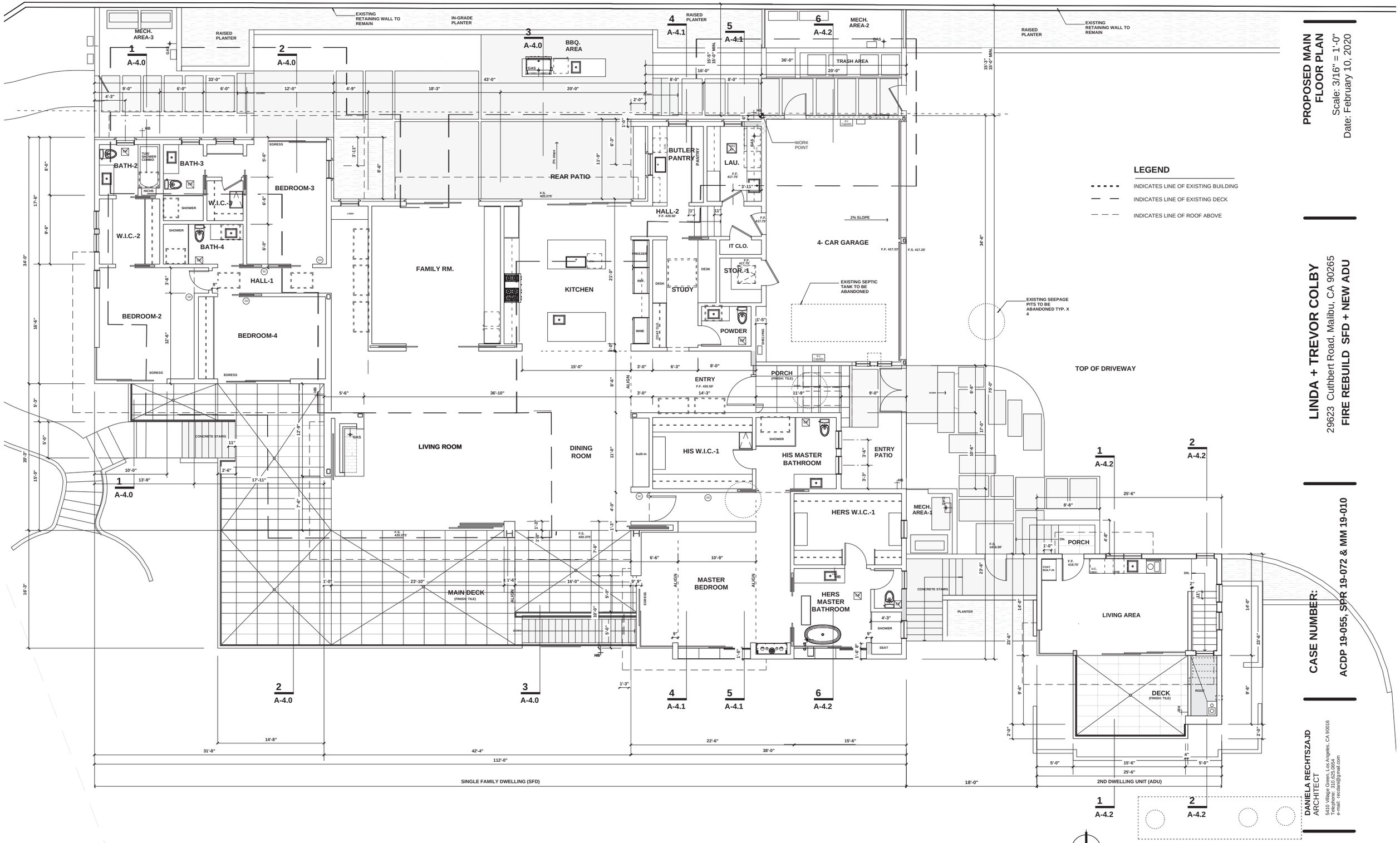

PROPOSED MAIN FLOOR PLAN

SCALE: 3/16" = 1'-0"

PROPOSED MAIN FLOOR PLAN
Scale: 3/16" = 1'-0"
Date: February 10, 2020

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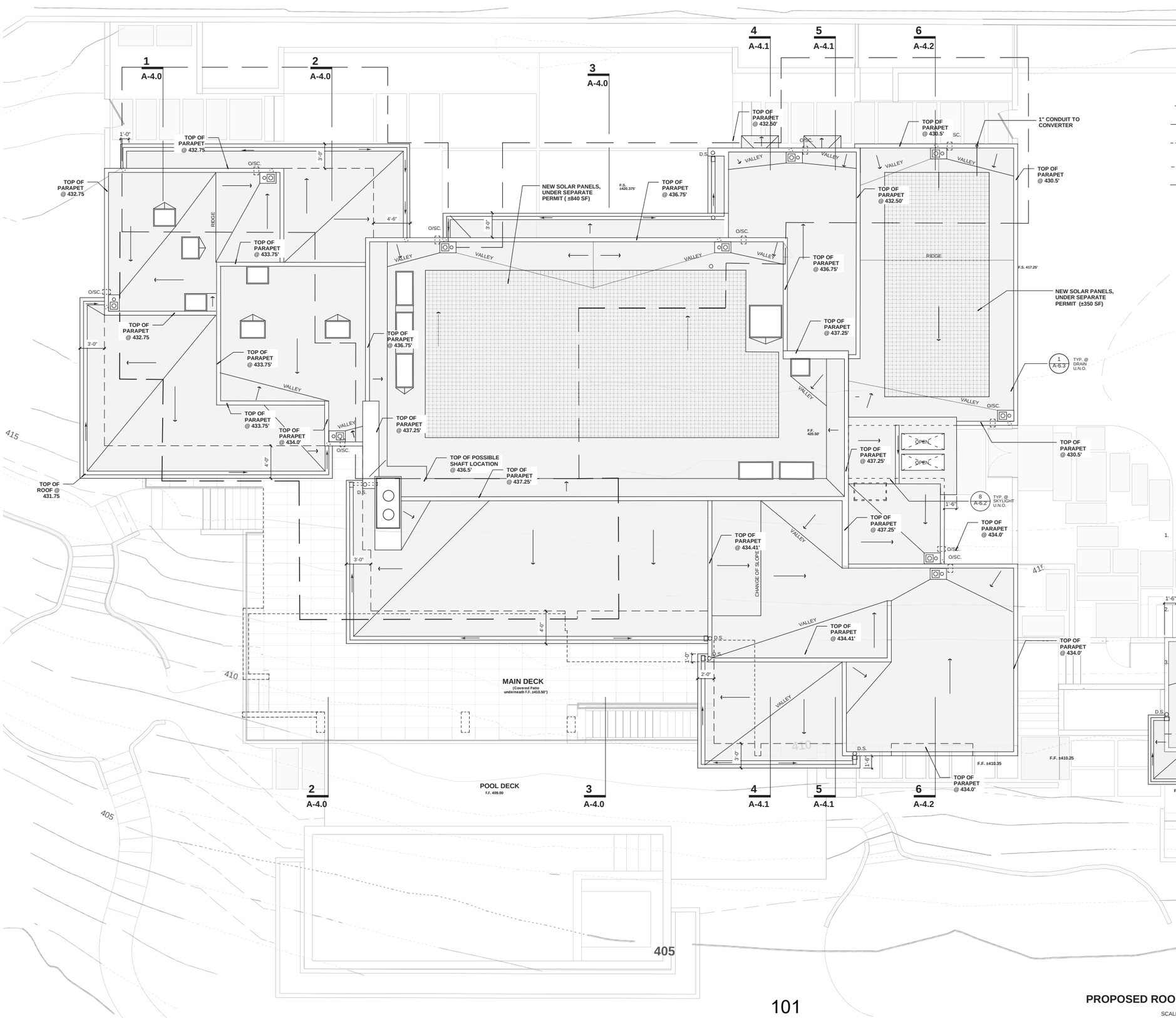

LEGEND

- INDICATES ROOF SLOPE
- INDICATES LINE OF MAIN FLOOR BELOW
- INDICATES LINE OF BUILDING LOWER LEVEL (POOL LEVEL)
- INDICATES EXIST. CONTOURS TO BE MODIFIED
- INDICATES PROPOSED CONTOURS
- INDICATES ROOF DRAIN
- G. INDICATES GUTTER
- D.S. INDICATES DOWNSPOUT
- CR. INDICATES CRICKET
- INDICATES FLAT ROOF
- INDICATES DECK
- INDICATES LOW PROFILE DORMER VENT
- O/SC. OVERFLOW SCUPPER

ROOFING SPECIFICATIONS

1. ROOF MATERIALS TO BE CLASS "A"
2. ROOF SLOPE 1/4" -1/2" PER 1'-0" (LOW SLOPE): ROOFING TO BE SIKA-SARNAFIL, G410-15FB ENERGY SMART ,SINGLE-PLY, PVC THERMOPLASTIC MEMBRANE, 60-mils MIN., ADHERED (SARNACOL) OVER MECHANICALLY FASTENED COVER BOARD. ROOFING SYSTEM TO BE INSTALLED PER MANUFACTURER'S SPECIFICATION. ICC-ESR-1157. -**FIRE ASSEMBLY SYSTEM-1, REFER TO REFER TO 2 & 3/A-2B.2**
   ENERGY SMART REFLECTIVE GRAY
   3-YEAR EMMISSIVITY: 0.88
   3-YEAR REFLECTIVITY: 0.66
   3-YEAR SRI: 80

PROPOSED ROOF PLAN
SCALE: 3/16" = 1'-0"

PROPOSED ROOF PLAN
Scale: 3/16" = 1'-0"
Date: February 10, 2020

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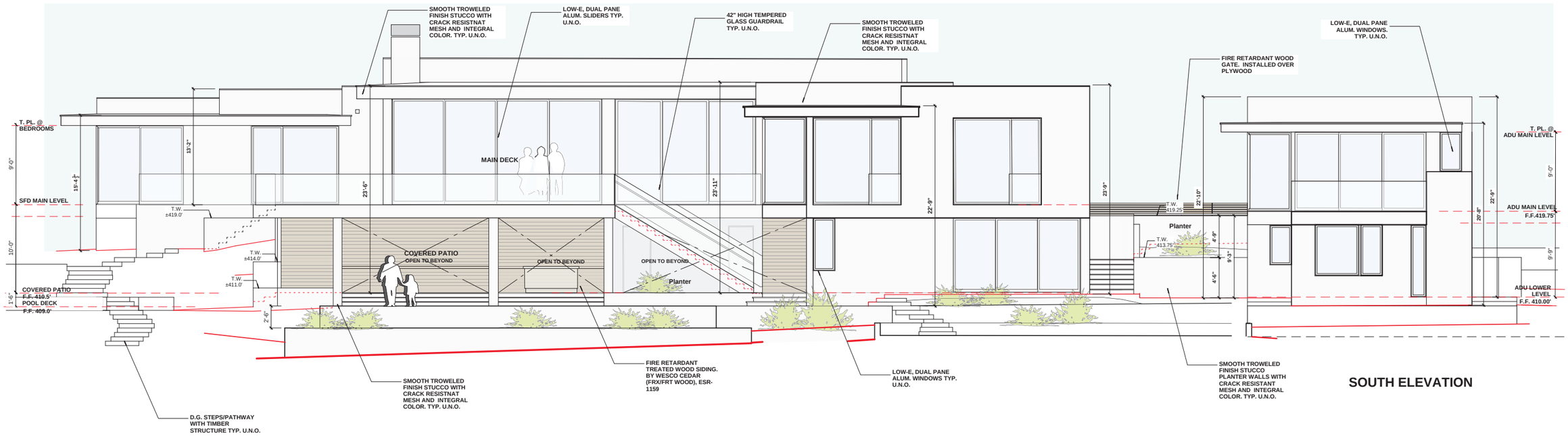
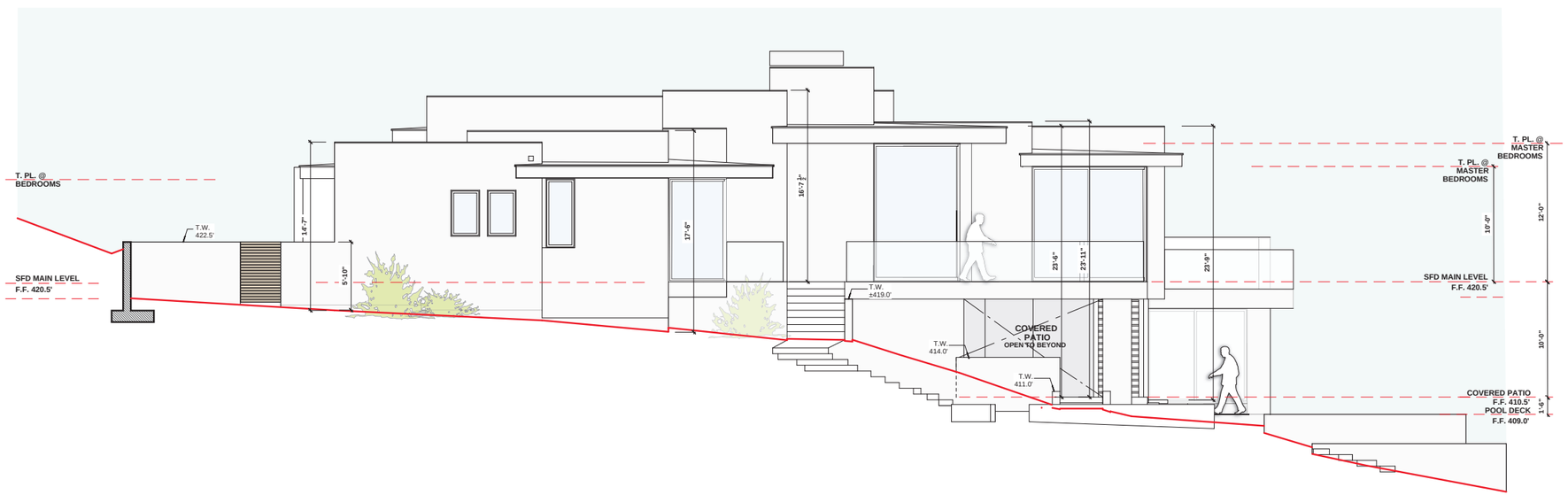
E-mail: rechtsz@gmail.com

A-2.3



SOUTH ELEVATION



WEST ELEVATION

ELEVATIONS

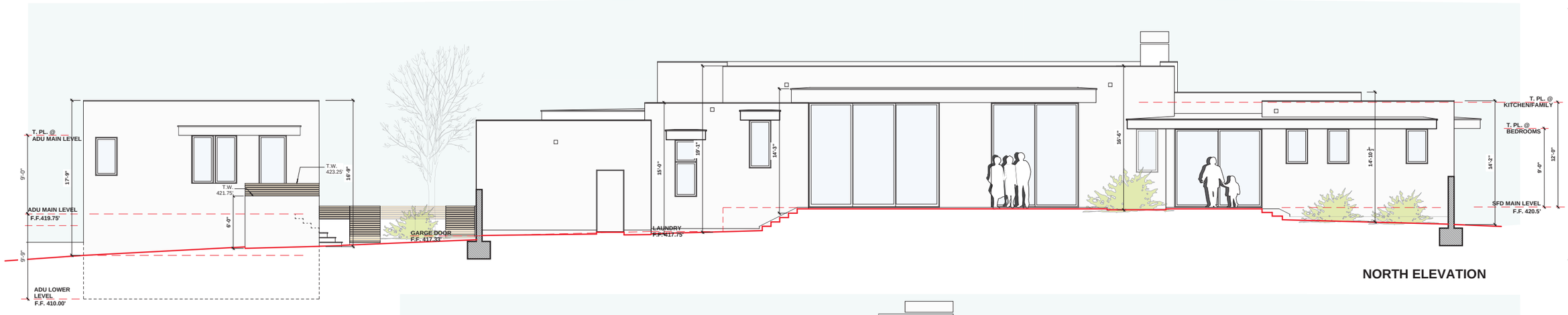
Scale: 3/16" = 1'-0"
Date: February 10, 2019

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

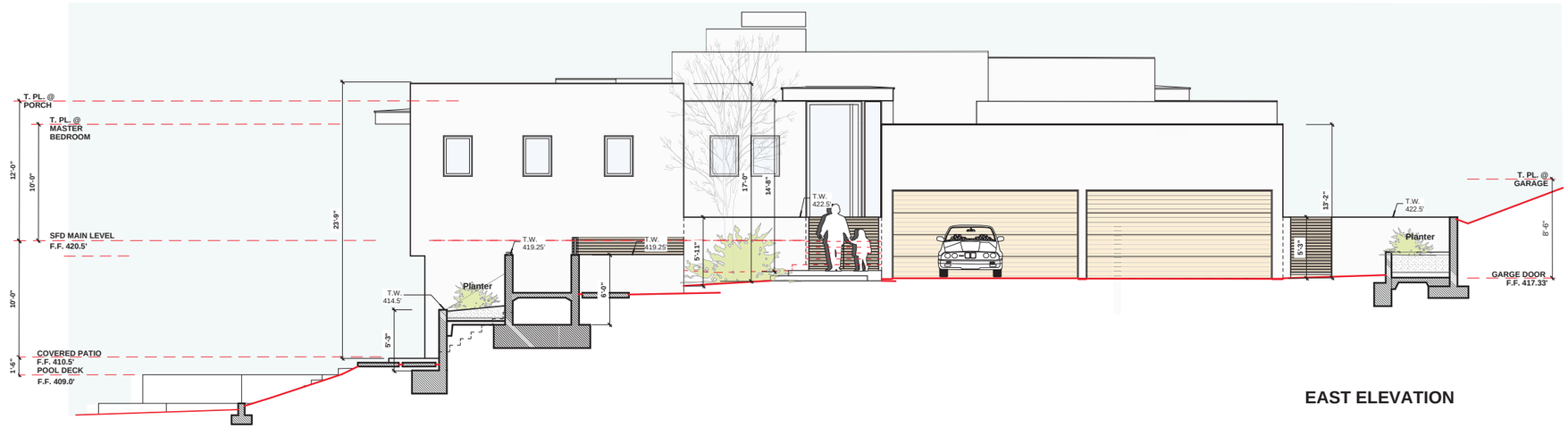
CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
ARCHITECT
5410 Village Green, Los Angeles, CA 90016
Telephone: (310) 825-2064
e-mail: drecht@gmail.com

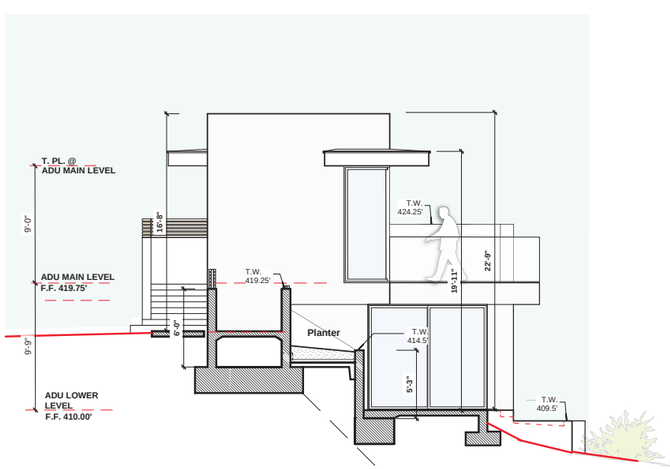
A-3.0



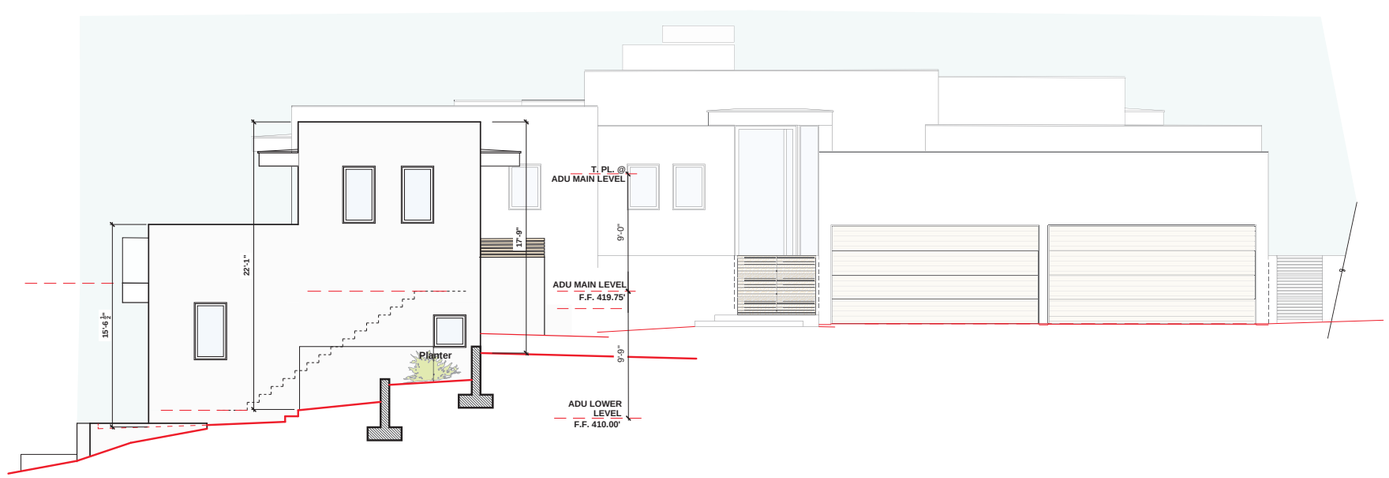
NORTH ELEVATION



EAST ELEVATION



ADU WEST ELEVATION



ADU EAST ELEVATION

ELEVATIONS

Scale: 3/16" = 1'-0"
Date: February 10, 2019

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
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5410 Village Green, Los Angeles, CA 90016
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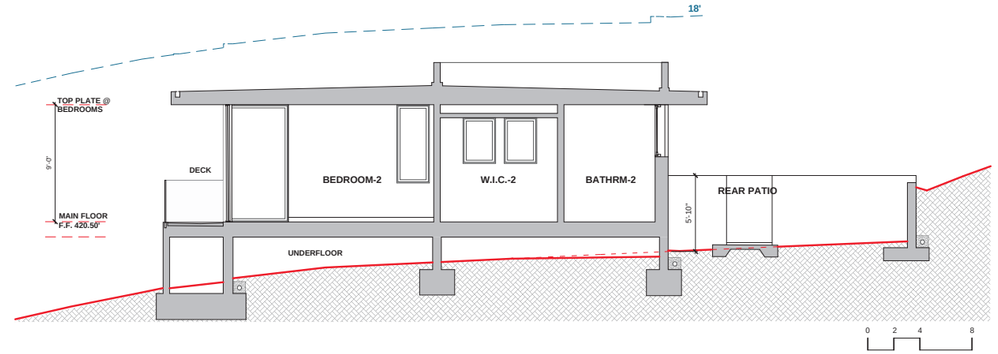
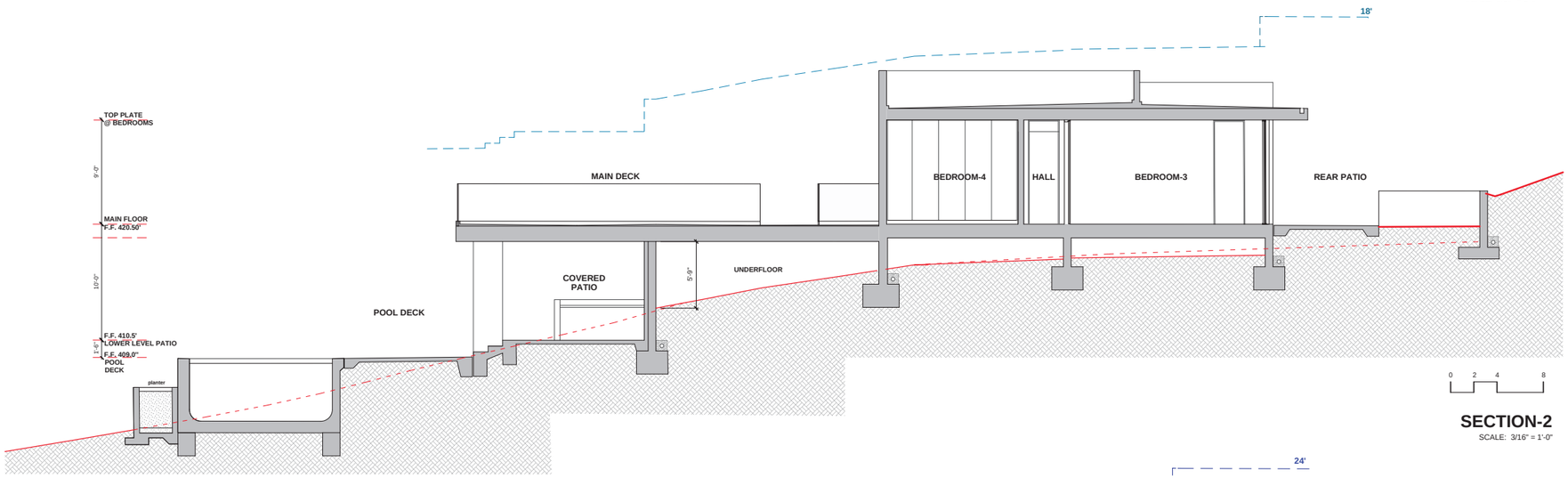
e-mail: rectsaid@gmail.com

A-3.1



SECTION-1

SCALE: 3/16" = 1'-0"



SECTION-2

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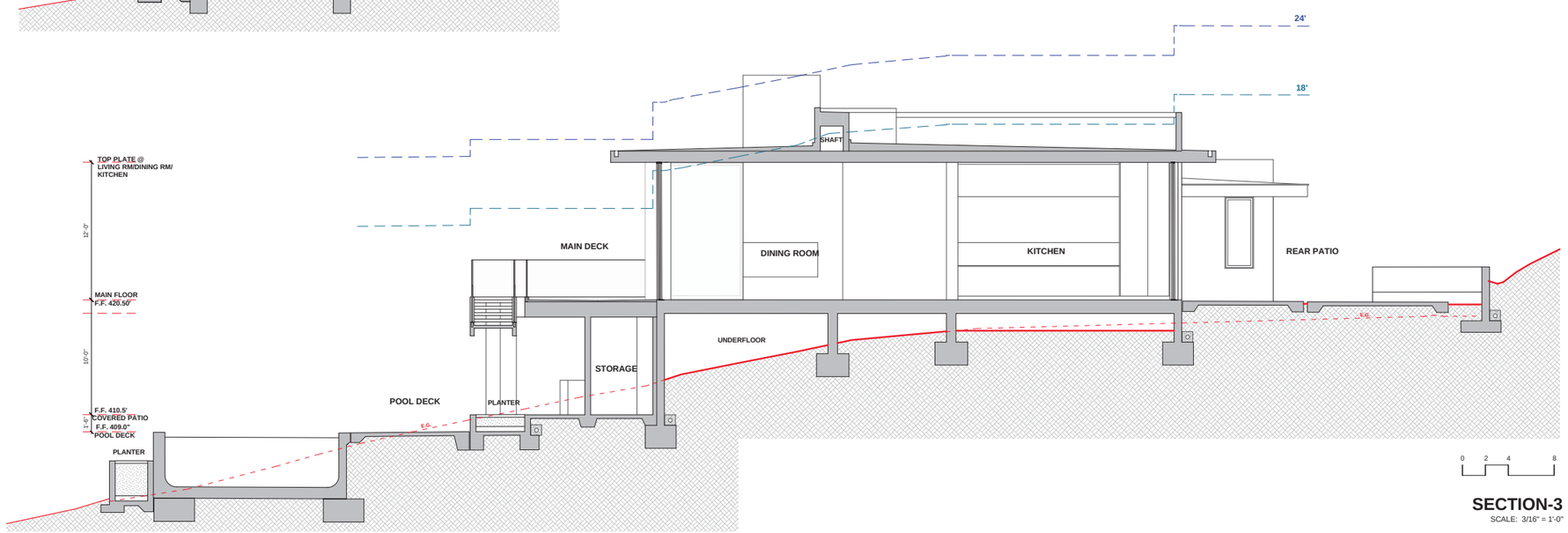


SECTION-3

SCALE: 3/16" = 1'-0"

SECTIONS

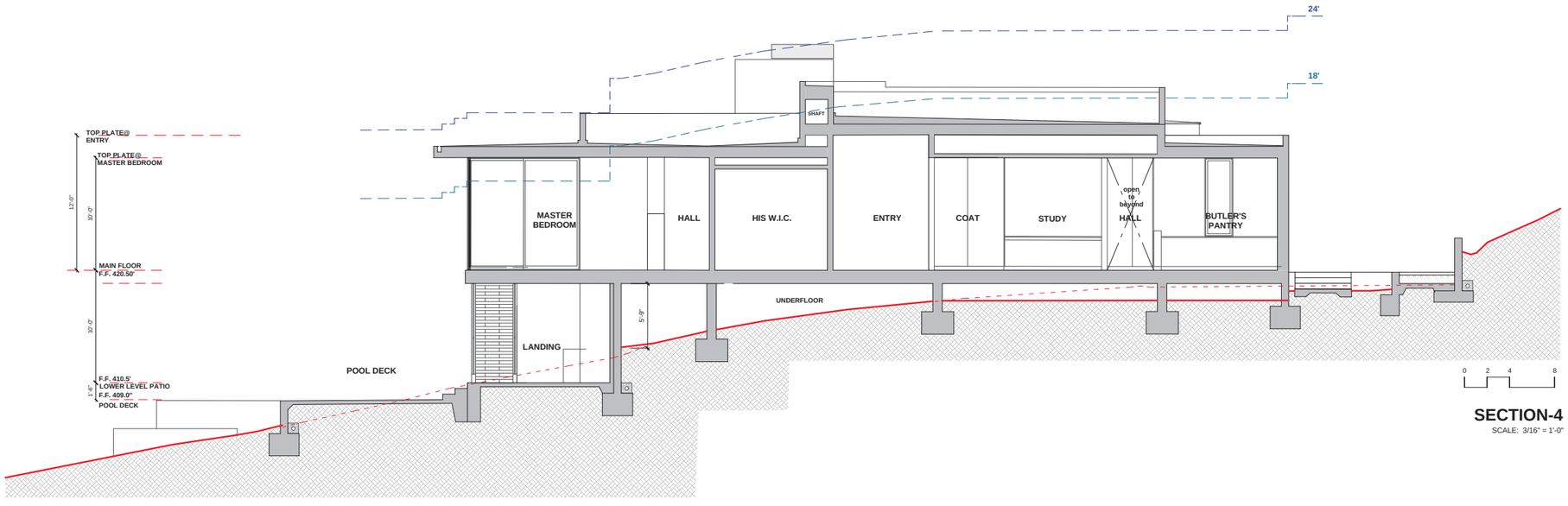
Scale: 3/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

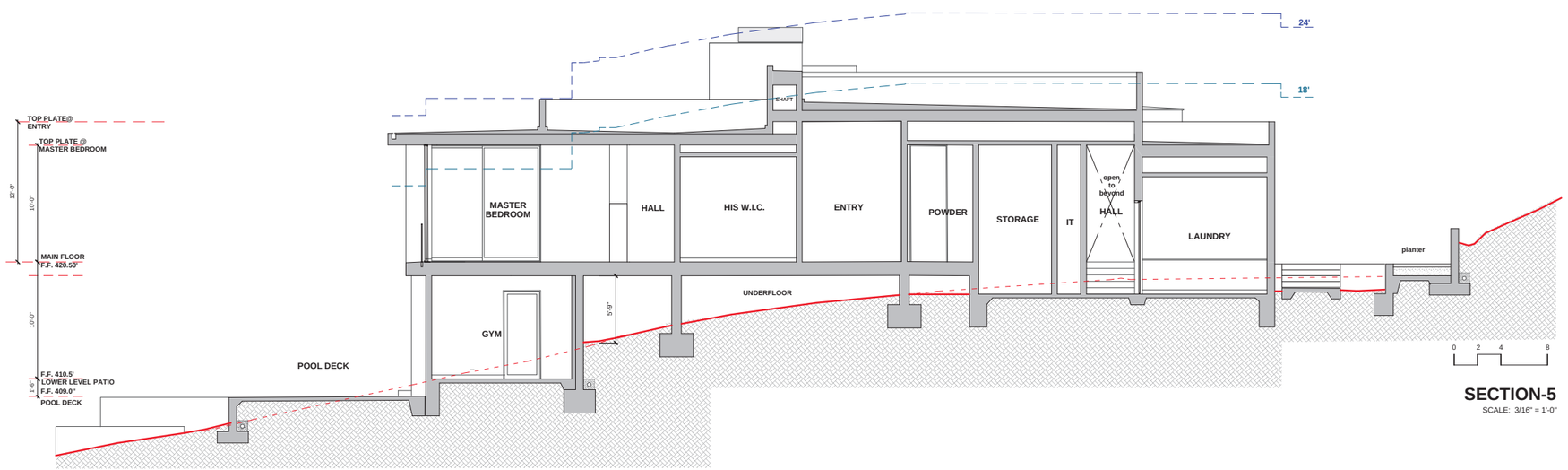
DANIELA RECHTSZAJD
ARCHITECT
5410 Village Green, Los Angeles, CA 90016
Telephone: 310.272.6254
e-mail: rechtsz@gmail.com

A-4.0



SECTION-4

SCALE: 3/16" = 1'-0"



SECTION-5

SCALE: 3/16" = 1'-0"

SECTIONS

Scale: 3/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
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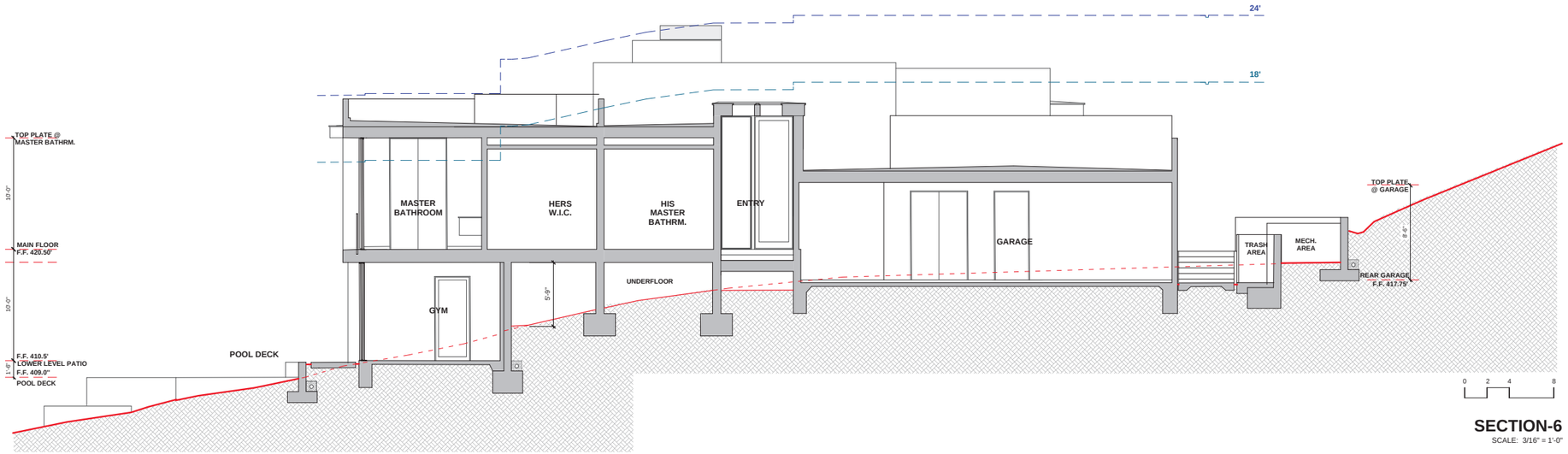
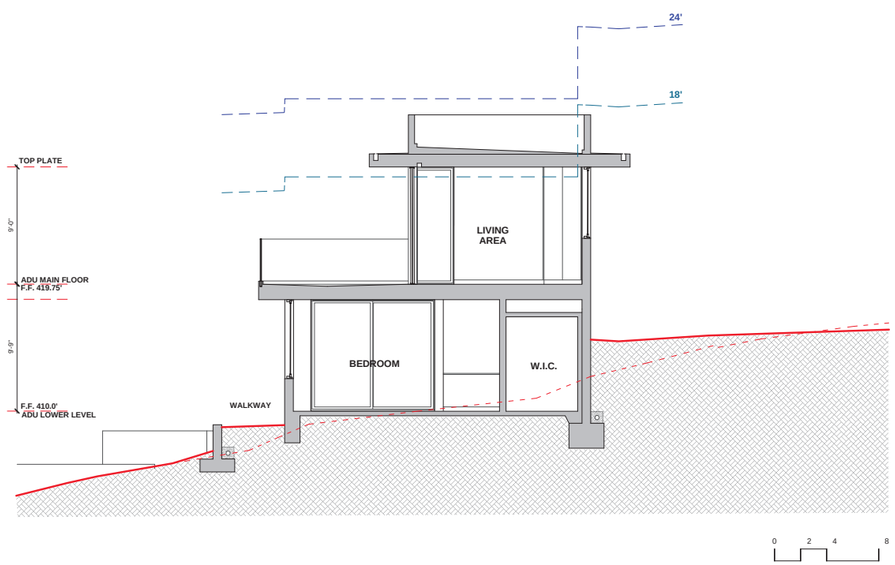
5410 Village Green, Los Angeles, CA 90016
Telephone: 310.625.0654
e-mail: recdan@gmail.com

A-4.1



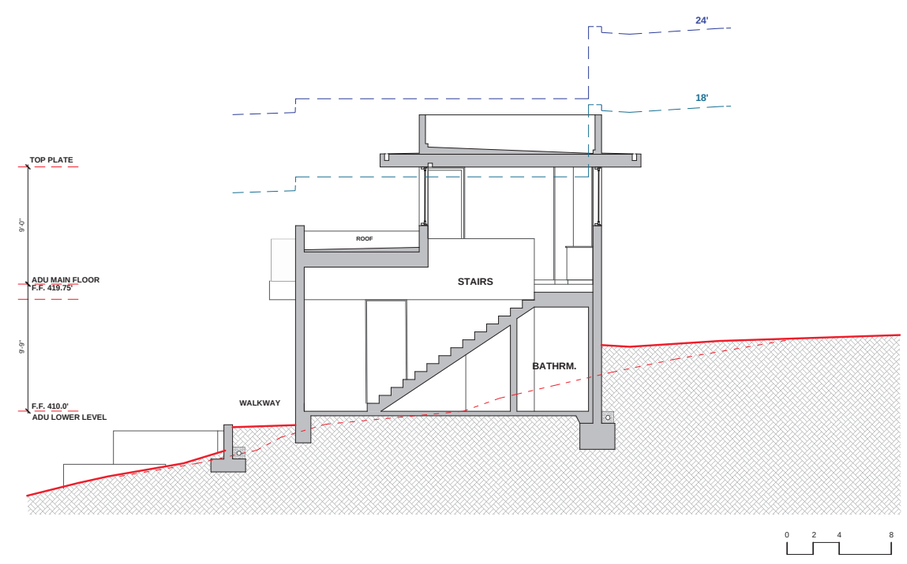
SECTION-6

SCALE: 3/16" = 1'-0"



SECTION-7

SCALE: 3/16" = 1'-0"



SECTION-8

SCALE: 3/16" = 1'-0"

SECTIONS

Scale: 3/16" = 1'-0"
Date: February 10, 2020

LINDA + TREVOR COLBY
29623 Cuthbert Road, Malibu, CA 90265
FIRE REBUILD SFD + NEW ADU

CASE NUMBER:
ACDP 19-055, SPR 19-072 & MM 19-010

DANIELA RECHTSZAJD
ARCHITECT
5410 Village Green, Los Angeles, CA 90016
Telephone: 310.625.0654
e mail: rexdanie@gmail.com

A-4.2

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist **DATE:** 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER:	ACDP 19-055
JOB ADDRESS:	29623 CUTHBERT RD
APPLICANT / CONTACT:	Daniela Rechtszasd
APPLICANT ADDRESS:	5410 Village Green Los Angeles, CA 90016
APPLICANT PHONE #:	(310) 625-0654
APPLICANT FAX #:	
APPLICANT EMAIL:	recdani@gmail.com
PLANNER:	To Be Assigned
PROJECT DESCRIPTION:	Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Dave Crawford

____ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

X The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

____ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Signature Date 9/3/19

Additional requirements/conditions may be imposed upon review of plan revision

Rev 05/29/2018

City of Malibu

Biology • Planning Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 317-1950 · www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Daniela Rechtszasd recdani@gmail.com	
Project Address:	**29623 Cuthbert Road** Malibu, CA 90265	
Planning Case No.:	ACDP 19-055	
Project Description:	Fire rebuild (new siting and more than 10%), new 2nd unit, new pool, NOWTS to be processed as DMW	
Date of Review:	September 3, 2019	
Reviewer:	Dave Crawford	Signature:
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: dcrawford@malibucity.org

SUBMITTAL INFORMATION

Site Plans:	8/12/19
Site Survey:	8/12/19
Planting Plan:	8/12/19
Irrigation/Hydrozone/ water budget Plan:	8/12/19
Grading Plans:	8/12/19
OWTS Plan:	8/12/19
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Other:	
Previous Reviews:	

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE** Please respond to the listed review comments and provide any additional information requested.
	☒	**APPROVED** The proposed project
Environmental Review Board:	☐	This project has the potential to impact ESHA and may require review by the Environmental Review Board

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 201,018 gallons per year. The Estimated Applied Water Use (EAWU) totals 116,873 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. Prior to installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.

   B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

   C. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 9.22. (form attached)

   D. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks District No. 29, please provide landscape water use approval from that department. For approval contact:

      Nima Parsa
      Address: 23533 West Civic Center Way, Malibu, CA 90265-4804
      Email: Nparsa@DPW.LACOUNTY.GOV (preferred)
      Phone: (310) 317-1389

      Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.

   E. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

   F. Invasive plant species, as determined by the City of Malibu, are prohibited.

   G. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).

H. No non-native plant species shall be approved greater than 50 feet from the residential structure.

I. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

J. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.).

K. Necessary boundary fencing of any single area exceeding ½ acre shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40 inches high, and have a space greater than 14 inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.

2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

-o0o-

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file
Planning Department

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator **DATE:** 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER:	ACDP 19-055
JOB ADDRESS:	29623 CUTHBERT RD
APPLICANT / CONTACT:	Daniela Rechtszasd
APPLICANT ADDRESS:	5410 Village Green Los Angeles, CA 90016
APPLICANT PHONE #:	(310) 625-0654
APPLICANT FAX #:	
APPLICANT EMAIL:	recdani@gmail.com
PROJECT DESCRIPTION:	Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

✓ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ NOT REQUIRED
☑ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Signature: [signature] Date: August 20, 2019

Rev 141008

City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Daniela Rechtszasd recdani@gmail.com		
Project Address:	**29623 Cuthbert Road** Malibu, California 90265		
Planning Case No.:	ACDP 19-055		
Project Description:	Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.		
Date of Review:	August 20, 2019		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Daniela Rechtszasd: Plans dated 8-5-2019 (received by Planning 8-12-2019)
Grading Plans:	Daniela Rechtszasd: Plans dated 7-15-2019
Landscape Plans:	Amy Ross: Plans dated 7-9-2019
OWTS Plan:	Larry Young: OWTS plan received 8-12-2019
OWTS Report:	Larry Young: OWTS report dated 7-15-2019; Percolation test report dated 7-15-2019; Fixture unit worksheet dated 7-15-2019
Geology Report:	SubSurface Designs: Limited geologic report dated 5-2-2019; Geologic and soils report dated 4-23-2019
Miscellaneous:	OWST Assessment form by Ely Jr. dated 1-30-2019
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☐	**NOT REQUIRED**
	☒	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Landscape Plans:** The final landscape plan (Sheet L1.0) must show the proposed OWTS, including the treatment tank, dispersal area(s), and lines of connection. All setbacks must be maintained to trees and large vegetation, per Malibu Municipal Code (MMC) Section 15.42.

2) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). All labels on the final OWTS plan must be clearly legible. Please also show the existing OWTS to be abandoned.

3) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS.
All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

   The final OWTS design submittal shall contain the following information (in addition to the items listed above).

   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

   b. Sewage and effluent pump design calculations (as applicable).

c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

4) **Existing OWTS to be Abandoned:** Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the Malibu Municipal Code.

5) **Worker Safety Note and Abandonment of Existing OWTS:** The following note shall be added to the plan drawings included with the OWTS final design: "*Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.*"

6) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

7) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.

8) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

9) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. ***Please note only original "wet* signature" documents are acceptable**.

10) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. ***Please submit a certified* copy issued by the City of Malibu Recorder**.

11) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

12) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

13) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

14) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

15) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

29623 CUTHBERT ROAD
MALIBU, CA 90265

FIRE REBUILD
ACDP 19-055

S.F.D.:	5 Bedroom/76 Fixture Units (N)
GUEST HOUSE:	1 Bedroom/10 Fixture Units (N)
TREATMENT TANK:	3,634 Gallon MicroSepTec ES12 with UV Disinfection Unit (N)
ACTIVE:	2 - 6' x 43' BI w/7' Cap (N) (projected; P-02, P-03)
FUTURE:	2 - 6' x 43' BI w/7' Cap (N) (projected; P-01, P-04)
PERC RATE:	9,264 gpd/11.4 gpsf (proj; P-01)
	15,783 gpd/19.5 gpsf (proj; P-02)
	9,225 gpd/11.4 gpsf (proj; P-03)
	8,829 gpd/10.9 gpsf (proj; P-04)
DESIGNER:	Larry Young, REHS 3738
REFERENCE:	Larry Young: OWTS design report dated 7-15-2019
	SubSurface Designs: Limited geologic report dated 5-2-2019

NOTES:

1. This conformance review is for a fire rebuild of a 5 bedroom (76 fixture units) new single family dwelling and a 1 bedroom (10 fixture units) new guest house. The new advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

2. This review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.

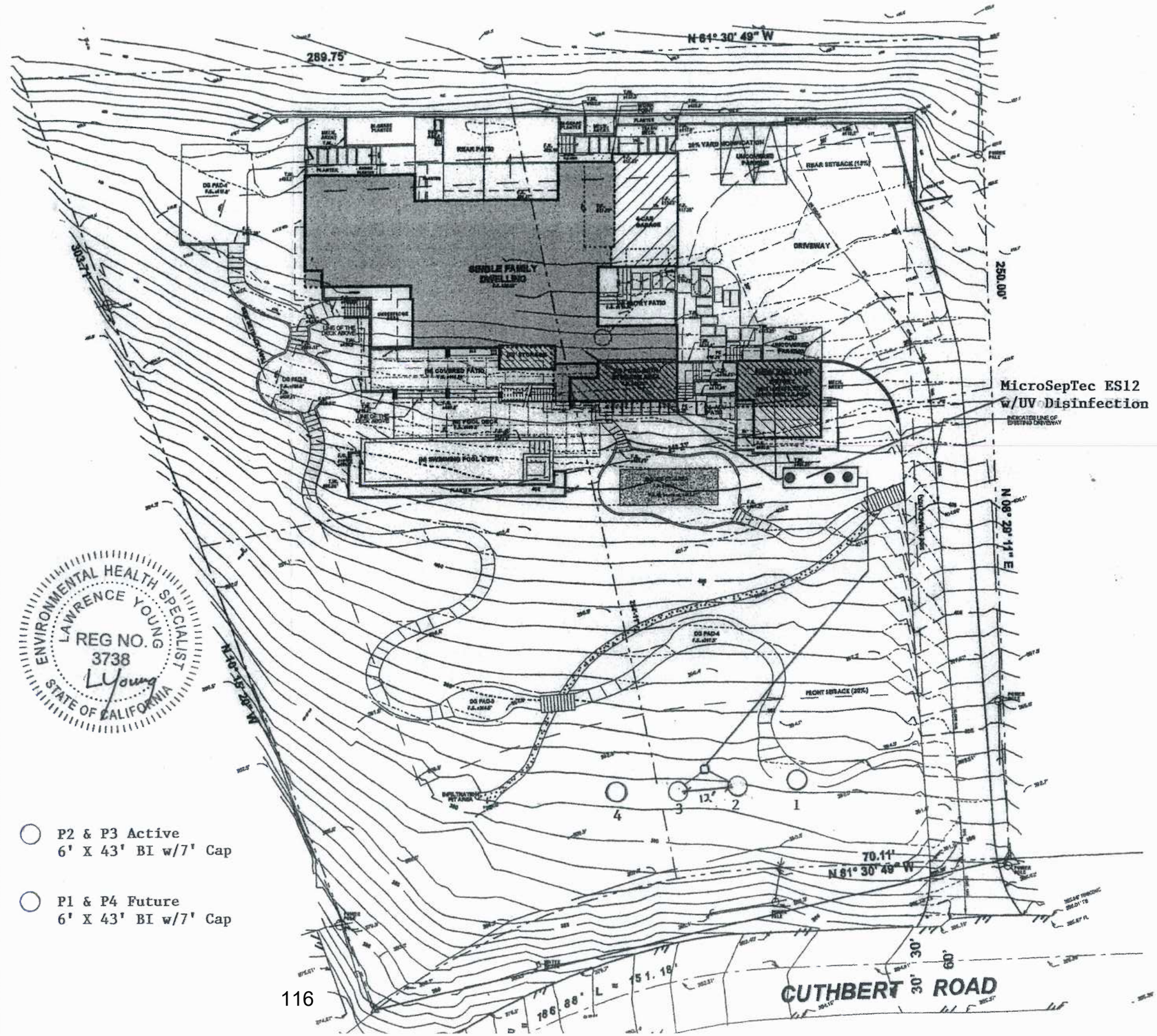
3. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE: 8/20/19

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS



○ P2 & P3 Active
6' X 43' BI w/7' Cap

○ P1 & P4 Future
6' X 43' BI w/7' Cap

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

RECEIVED
NOV 07 2019
PLANNING DEPT.

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department **DATE:** 8/12/2019

FROM: City of Malibu Planning Department

TO: Malibu Planning Department and/or Applicant
FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment	Yes
The project DOES NOT require Fire Department Plan Review	____
The required fire flow for this project is 1250 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)	____
The project is required to have an interior automatic fire sprinkler system.	Yes
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	Yes

Conditions below marked "not approved" shall be corrected on the site plan and resubmitted for Fire Department approval.

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	X	____
Required and/or proposed Fire Department Vehicular Turnaround	X	____
Required 5 foot wide Fire Department Walking Access (including grade %)	X	____
Width of proposed driveway/access roadway gates	X	____

*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

**Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

SIGNATURE _____ DATE 10-17-19

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department **DATE:** 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER:	ACDP 19-055
JOB ADDRESS:	29623 CUTHBERT RD
APPLICANT / CONTACT:	Daniela Rechtszasd
APPLICANT ADDRESS:	5410 Village Green Los Angeles, CA 90016
APPLICANT PHONE #:	(310) 625-0654
APPLICANT FAX #:	
PROJECT DESCRIPTION:	Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.

City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	October 14, 2019	**Review Log #:**	**4379**
Site Address:	29623 Cuthbert Road		
Lot/Tract/PM #:	n/a	**Planning #:**	**ACDP 19-055**
Applicant/Contact:	Daniela Rechtszasd, recdani@gmail.com	**BPC/GPC #:**	
Contact Phone #:	(310) 625-0654 **Fax #:**	**Planner:**	**Didier Murillo**
Project Type:	Fire rebuild (new siting and >10%), new second unit, new swimming pool, new retaining walls, new Onsite Wastewater Treatment System (to be processed as a DMW), new on-site storm water detention system		

Submittal Information

Consultant(s)/Report Date(s): *(Current submittal(s) in **Bold**.)* Ref:	Craig Phillips Engineering & Design (Phillips, PE 69673): **10-4-19** SubSurface Designs, Inc. (Mahn, RCE 60293; Pongracz-Bartha, CEG 2370): 4-26-19, 4-23-19 SubSurface Designs, Inc. (Pongracz-Bartha, CEG 2370): 5-2-19 Lawrence Young (REHS # 3738): 7-15-19 (two reports) Ref: GeoConcepts, Inc.: 1-17-01; Ralph Stone and Company:12-20-99 Architectural Plans prepared by Daniela Rechtszasd dated August 5, 2019. Grading and Drainage Plans prepared by Daniela Rechtszasd dated July 15, 2019. Partial Structural Plans prepared by Craig Phillips Engineering & Design dated July 25, 2019. OWTS plan prepared by Lawrence Young, undated
Previous Reviews:	Ref: 8-28-19, 9-26-11, 5-15-03, 3-10-03, 11-29-00

Review Findings

Planning Review

☒ The rebuild and new development project is **APPROVED** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage approval.

☐ The rebuild and new development project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The referenced geotechnical reports, supporting geologic report for the OWTS, percolation and design reports for the OWTS, OWTS plan, Architectural plans, and Grading plans were reviewed by the City from a geotechnical perspective. Based on the submitted information and a site reconnaissance, the project comprises rebuilding a single-family residence that was damaged by the Woolsey Fire. Construction entails building a new 5,372 square foot two-story single-family residence with an attached four-car garage, a detached 899 square foot two-story second dwelling unit, a 483 square foot lower level gym/bath storage area, swimming pool and spa, decks, covered patio, flatwork, and retaining walls. Grading consists of 2,718 yards of R & R; 97 yards of cut under structure; 189 yards of cut and 66 yards of fill for safety; 126 yards of cut and 290 yards of fill non-exempt; and 56 yards of export. A new onsite wastewater treatment system (OWTS) will be constructed that consists of a new treatment tank system and two 6' diameter x 43" BI seepage pits with 7, caps and 100% expansion. The existing OWTS components will be properly abandoned.

Review Comments:

1. Approved.

Building Plan-Check Stage Review Comments:

1. The Project Geotechnical Consultant recommends that the proposed retaining wall to be constructed east of the existing driveway can be supported by foundations extending into the underlying soil (Qns), although they state that the underlying soil is unsuitable for supporting the proposed residence and second unit (they recommend R & R grading). Please provide laboratory tests and calculations that demonstrate the Qns is suitable for the proposed retaining wall foundation.
2. The Project Geotechnical Consultant recommend using a minimum #3 reinforcing bar for floor slabs and concrete decking. Since the on-site soils has a medium to high expansion, the Project Geotechnical Consultant should discuss and substantiate the adequacy of the recommended minimum steel reinforcement for highly expansive soils.
3. Considering the highly expansive nature of some of underlying materials, the consultant should discuss and substantiate the adequacy of the recommended depth of embedment of 24 inches below the lowest adjacent grade.
4. Considering the highly expansive nature of some of underlying materials, the consultant should discuss and substantiate the adequacy of the recommended 2 inches of sand underneath concrete decks.
5. Please clearly show the Code-required foundation setbacks from descending slopes on the plans for the proposed structures, as appropriate.
6. The Project Geotechnical Consultant recommends sloping surfaces around the pool by 5% if planters will be placed next to the pool. Please show this on the Grading and Drainage plans.
7. Please include sections on the Grading plans that show the limits and depths of the R & R grading across the site as per the recommendations of the Project Geotechnical Consultant.
8. The soil on site is considered *corrosive* according to Appendix C, Soil Corrosivity of the Malibu Geotechnical Guidelines. Please incorporate recommendations on the plans to mitigate the effects of corrosive soil.

9. Include the following note on all the Foundation Plans: *"All foundation excavations must be observed and approved by the Project Geotechnical Engineer prior to placement of reinforcing steel."* Indicate the bearing material for the proposed foundations on the plans.

10. Include the following note on the foundation plans, as appropriate: "*The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for the City's files. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, and a map depicting the locations of the piles"*.

11. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms. Geologic conditions exposed during grading must be depicted on an as-built geologic map. **This comment must be included as a note on the grading plans.**

12. Two sets of final grading, retaining wall, swimming pool/spa, second unit, and residence plans (**APPROVED BY BUILDING AND SAFETY)** incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Geotechnical Engineering Review by: _____ *10/14/2019*

Ali Abdel-Haq, G.E. #2308, Exp. 12-31-19 Date
Geotechnical Engineering Reviewer (805-496-1222)
Email: ali@geodynamics-inc.com

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

GeoDynamics, Inc.
Applied Earth Sciences
Geotechnical Engineering & Engineering Geology Consultants

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading, retaining wall, second unit, swimming pool, and residence plans, incorporating the Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**

2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Swimming pool plans.

3. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.*"

4. The Foundation Plans for the proposed swimming pool and spa shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.

5. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Project Geotechnical Consultant's recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.

6. Show the onsite wastewater treatment system on the Site Plan.

7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.

8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.

2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Project Geotechnical Consultant, on the Plans.

2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department **DATE:** 8/12/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER:	ACDP 19-055
JOB ADDRESS:	29623 CUTHBERT RD
APPLICANT / CONTACT:	Daniela Rechtszasd
APPLICANT ADDRESS:	5410 Village Green Los Angeles, CA 90016
APPLICANT PHONE #:	(310) 625-0654
APPLICANT FAX #:	
APPLICANT EMAIL:	recdani@gmail.com
PROJECT DESCRIPTION:	Fire rebuild (new siting and more than 10%), new second unit, new pool, and new OWTS to be processed as DMW. Site plan review for height and Minor Modification for setbacks is requested.

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

____ The following items described on the attached memorandum shall be addressed and resubmitted.

X The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

SIGNATURE

DATE 09/05/19

Rev 120910

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Danh Duong, Assistant Civil Engineer DD

Date: September 5, 2019

Re: Proposed Conditions of Approval for 29623 Cuthbert Rd ACDP 19-055

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

STREET IMPROVEMENTS

1. This project proposes to construct improvements within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way. For projects on Dume Drive, Grayfox Street, Fernhill Drive and Wildlife Road the City received a Safe Routes to School Grant for improving pedestrian safety. Any proposed street improvements along these streets shall consider the potential impact on the existing conditions, such as but not limited to decomposed granite and wood ties.

GRADING AND DRAINAGE

2. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
    - Is located within or adjacent to ESHA, or
    - Includes grading on slopes greater than 4:1
    - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary

erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources

3. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**

STORMWATER

4. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

5. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP

shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.

6. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    - Site Design Best Management Practices (BMP's)
    - Source Control BMP's
    - Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
    - Drainage Improvements
    - A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.
    - A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
    - The WQMP shall be submitted to Public Works Department and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANOUS

7. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

8. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

    - The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    - There are sufficient BMPs in place to prevent soil erosion; and
    - The discharge does not reach into the MS4 or to the ASBS (including tributaries)

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating **"It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)."** The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

Received
March 6, 2020
Planning Dept.

ATTACHMENT 4

29623 CUTHBERT RD
EXHIBIT "A"
Properties within 500' RADIUS

	ADDRESS	LOT SIZE (Sq Ft)	LOT SIZE (Acres)	ZONING	MAX. TDSF	TDSF	YEAR BUILT	REMARKS
1	29685 CUTHBERT RD	111,040.00	2.55	RR2	9,036.06	10,107.00	1978	House + barn (permits city onbase)
2	29715 CUTHBERT RD	140,758.00	3.23	RR2	9,630.42	8,890.00	1972	APR NO. 08-080 CDPE No. 08-086, CE No. 08-145
3	29623 CUTHBERT RD	63,579.00	1.46	RR2	8,034.01	7,732.50	1955	
4	5617 BUSCH DR	49,690.00	1.14	RR2	7,339.00	6,693.00	1950	APRWF No. 19-035
5	5640 BUSCH DR	34,932.00	0.8	RR2	6,170.00	6,160.00	1952	
6	5580 BUSCH DR	46,715.00	1.07	RR2	7,190.81	4,625.00	1964	
7	5600 CALPINE DR	39,670.00	0.91	RR2	6,644.00	4,514.00	1978	PVWF-19-187
8	29718 CUTHBERT RD	65,887.00	1.51	RR2	8,149.00	4,476.00	1975	
9	5606 CALPINE DR	20,530.00	0.47	RR2	4,633.00	3,968.00	1968	SPR-19-106
10	29757 CUTHBERT RD	107,165.00	2.46	RR2	8,958.56	3,650.00	1975	
11	29652 CUTHBERT RD	77,190.00	1.77	RR2	8,714.56	3,278.00	1951	
12	29675 CUTHBERT RD	107,165.00	2.46	RR2	8,958.56	3,210.00	1975	
13	5655 BUSCH DR	26,249.00	60	RR2	5,301.96	3,054.00	1994	
14	5555 BUSCH DR	54,949.00	1.26	RR2	7602.51	3,004.00	1956	
15	5637 BUSCH DR	25,869.00	0.59	RR2	5,263.96	3,000.00	1965	
16	29636 CUTHBERT RD	45,624.00	1.05	RR2	7,136.26	2,998.00	1959	
17	5625 BUSCH DR	50,089.00	1.15	RR2	7,359.51	2,996.00	1959	
18	29737 CUTHBERT RD	26,293.00	0.6	RR2	5,306.36	2,987.00	1968	
19	29630 CUTHBERT RD	46,964.00	1.08	RR2	7,203.26	2,829.00	1959	
20	29710 CUTHBERT RD	71,756.00	1.65	RR2	8,442.86	2,560.00	1978	

29623
CUTHBERT RD.
EXHIBIT "A.1"
29623
Cuthbert Rd.
MALIBU
District 3
Cuthbert Road
MALIBU
District 3
Busch Drive

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:37 PM
To: Aakash Shah
Subject: Fw: Letter of Support for 29623 Cuthbert Rd.

Hello Aakash,

This correspondence was received regarding the 29623 Cuthbert Road project. I am forwarding it to you so that you may include it in your agenda report.

Thank you,

Kathleen

From: Brendan McBreen [redacted]
Sent: Wednesday, May 6, 2020 1:33 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby <tlcolby@me.com>
Subject: Letter of Support for 29623 Cuthbert Rd.

Dear Planning Commissioners

We are writing in support of Trevor and Linda Colby and the rebuild of their Cuthbert home.
We've known the Colby's for over 20 years. We were neighbors on Pt. Dume and our children all went to the local schools together.
We have seen their plans and renderings and think they are building a beautiful house appropriate for the Malibu Park neighborhood.
As long time Malibu residents (1963 and 1972 respectively) we appreciate the more rural aspects of the community. The Colby's are fortunately "inheriting" the most beautiful mature cacti that mass the front and the back of their property that you rarely see anymore. It's got to be at least 40 years old. The home they are proposing is sited beautifully on the property tucked into the hillside and compliments all the native cacti around it. It's so great to see that they are sensitive to the site and the more rural aspect of the neighborhood.
We look forward to your support of this project enabling this long time Malibu family to build their new home.

Sincerely
Brendan abd Jeanne McBreen
[redacted]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:39 PM
To: Aakash Shah
Subject: Fw: Colby New Build 29623 Cuthbert Road, Malibu

Correspondence for your report

From: Rhonda Jensen[redacted]
Sent: Thursday, May 7, 2020 6:00 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: tlcolby@me.com [redacted]
Subject: Colby New Build 29623 Cuthbert Road, Malibu

Re: Linda and Trevor Colby, 29623 Cuthbert Road , Malibu

Dear Planning Commission,

We are writing to give our support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. As long-time Malibu residents, they have developed meaningful connections and have been active in the community. Linda and I served on the Malibu High School PTSA board together.

We have seen their plans and feel that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1997, they deeply value Malibu 's organic landscape and preserving its natural environment. As fire victims, they are taking measures to make the house more fire resistant. We are residents of Malibu Park and believe that their safer, more eco-friendly home will be a great benefit to our neighborhood which has suffered through so much.

We encourage the committee to support the approval of this home so that the Colby's can move forward. It is important to start bringing local families back to our community. Thank you for your consideration.

Sincerely,
Rhonda Jensen Mosser
[redacted]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:49 PM
To: Aakash Shah
Subject: Fw: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

---

From: NORIKO SMITH [redacted]
Sent: Thursday, May 7, 2020 10:25 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby [redacted]
Subject: Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commissioners,

We are writing to give our support for Linda and Trevor Colby and the rebuild of their home. We have known them for 20 years and our children went to Children's Creative Workshop, Point Dume Marine Science School and Malibu Middle and High School together. As long-time Malibu residents, they have been active in the community, have developed meaningful connections and served as wonderful neighbors and friends. They are one of the most supportive and solid family in Malibu we know.

We have seen their plans and feel that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1998, they deeply value Malibu's organic landscape and preserving its natural environment. As fire victims, they are taking measures to build a safer, more eco-friendly home that will be a great benefit to the neighborhood and to Malibu in general.

We encourage the committee to support the approval of this home so that the Colby's can move forward. It is important to start bringing local families back to our community. Thank you for your consideration.

Sincerely,

Stuart and Noriko Smith

[redacted]

Aakash Shah

From:	Planning Commission
Sent:	Wednesday, May 13, 2020 3:46 PM
To:	Aakash Shah
Subject:	Fw: Linda & Trevor Colby, 29623 Cuthbert Road, Malibu
Attachments:	29623 Cuthbert Elevations.pdf

From: Melanie [redacted]
Sent: Thursday, May 7, 2020 10:15 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda & Trevor Colby [redacted]
Subject: Linda & Trevor Colby, 29623 Cuthbert Road, Malibu

Re: Linda & Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission,

Michael and I have lived in Malibu for over 26 years, 20 of them we have known Linda and Trevor Colby. They have been good friends whom we see regularly. We are writing to give our full support to Linda and Trevor Colby in rebuilding their home. We have known them for 20 years now, since our kids were in kindergarten together at Point Dume Marine Science School. Linda and I were co-leaders for our girl's Brownie then Girl Scout troop (along with Maria Daly) throughout their years at Elementary school. We've seen first hand how community driven Linda and Trevor are to support our local schools, neighborhoods, seniors, and our local government! We've continued to be good friends and are so grateful they are still in our lives!

We've lived in Malibu since 1994 and have seen many plans and homes go up over the years. The Colbys have been local residents since 1997 and it shows in their plans to build that they respect and honor their environment and neighborhood. Having lost their home to the devastating Whoolsey Fire, they are consciously choosing to build an eco-friendly home that will be safer and their design shows how they value Malibu's natural beauty especially with the architecture and organic landscape.

We strongly recommend the committee to support the approval of this home so that the Colby's can move forward, as they so deserve. Help bring our local friends back to our community by approving these plans! Thank you for your time and consideration,

Melanie & Michael Maguire
[redacted]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:44 PM
To: Aakash Shah
Subject: Fw: Letter of Support

From: Melissa mastrippolito[redacted]
Sent: Thursday, May 7, 2020 9:20 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby[redacted]
Subject: Letter of Support

Dear Planning Commission,

We are writing in support of Linda and Trevor Colby and their rebuild on Cuthbert. We met the Colbys twenty years ago when our daughters were in kindergarten at Point Dume school, and have remained close friends to this day. Not only are the Colby's amazing friends, they are true members of this community.

We have looked at the proposed plan for their home on Cuthbert and I am again so appreciative of their thoughtfulness in all that they do. The design is sensitive to the natural landscape of the Malibu Park area, blending into the topography of the sloping landscape, with a flat roof line, as well as a plan to keep the beautiful old succulents that sit around the property. In addition, the Colbys have made a point to include fire resistant and eco friendly touches such as roof top sprinklers and solar panels. As a long time resident of Malibu we are in total support of the Colby's rebuild, not only because they are great people and community members, but also because they are building a home that is in tune with the Malibu Park community. It is so important that we bring our local families back into our community, we encourage the committee to approve this plan so that the Colby's can move forward.

Thank you for your thoughtful consideration,

Melissa and Domenic Mastrippolito

[redacted]

29623 Cuthbert Road

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission,

I am writing to give my support for Linda and Trevor Colby and the rebuild of their home. They moved t ago and their two children were born and raised here. As long-time Malibu residents, they have develc connections and have been active in the community.

I have seen their plans and feel that they, along with their architect, have designed a house that compli Having lived in Malibu since 1997, they deeply value Malibu's organic landscape and preserving its nat victims, they are taking measures to make the house more fire resistant. I am a resident of Malibu Park safer, more eco-friendly home will be a great benefit to our neighborhood which has suffered through s

I encourage the committee to support the approval of this home so that the Colbys can move forward a permanently bring a local family back to our community. Thank you for your consideration.

Sincerely,

Dally & Mosen Dibaei

Signature

MOHSEN R. DIBAEI 5/7/20

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:54 PM
To: Aakash Shah
Subject: Fw: 29623 Cuthbert Road, Malibu

From: Sharla Barrett [redacted]
Sent: Thursday, May 7, 2020 5:05 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Linda Colby [redacted]
Subject: 29623 Cuthbert Road, Malibu

Dear Planning Commission,

My husband and I are writing in support of Linda and Trevor Colby and the rebuild of their home. We have known the Colby family for many years as Trevor and Nils are professional acquaintances, and our children attended Malibu Middle and High School together. They are wonderful people and have become our friends. We have watched the Colby's love and serve the Malibu schools and community. They have deep roots in Malibu.

Trevor and Linda have shared with us their architectural plans and we have witnessed how hard they have worked to design a house that perfectly suits their neighborhood. As residents of the community for 23 years, they deeply value Malibu's landscape and preserving its natural environment. We understand too they are taking measures to build a "smart" home that will better serve their community, and Malibu as a whole.

We ask the committee to support the approval of this home so that the Colby's can move forward. It is vital to bring Malibu families home. Thank you for your thoughtful consideration.

Sharla and Nils Barrett
[redacted]

Sotheby's
INTERNATIONAL REALTY

May 8th, 2020

Dear Planning Commission,

I am writing in support of Linda and Trevor Colby and their rebuild on Cuthbert. I am their real estate broker and assisted them in the purchase of the previous existing home before it was destroyed in the Woolsey Fire. Not only are the Colby's amazing friends, they are exemplary members of the Malibu community.

I have looked at the proposed plan for their home on Cuthbert and I am again so appreciative of their thoughtfulness in all that they do. The design is non-intrusive to the natural landscape of the Malibu Park area, blending into the topography of the sloping landscape, with a flat roof line, as well as a plan to keep the beautiful old succulents that sit around the property. In addition, the Colbys have made a point to include fire resistant and eco-friendly touches such as roof top sprinklers and solar panels. This will be a benefit to the neighboring home values as well as maintaining sensitivity to the natural landscaping and hiking trails nearby.

As a longtime resident of Malibu, I am in total support of the Colby's rebuild, not only because they are great people and community members, but also because they are building a home that is in tune with the Malibu Park community. I encourage the committee to approve this plan so that the Colby's can move forward with their new home in Malibu Park, this plan exemplifies the highest quality standards in architecture, fire safety and beautiful, low impact design – we encourage the Commission to vote YES to approve their plans and permits.

Kindest regards,

Shen Schulz
Sotheby's International Realty, Broker Associate
23405 PCH Malibu, CA 90265
Cel 310.980.8809 - Web. Shenrealty.com

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 3:57 PM
To: Aakash Shah
Subject: Fw: support for 29623 Cuthbert Road

From: Shari Latta[redacted]
Sent: Saturday, May 9, 2020 10:35 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: linda Colby[redacted]
Subject: support for 29623 Cuthbert Road

From: Shari Latta, Paradise Cove and business in Malibu Park

May 7, 2020

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu
Dear Planning Commission,

I want to give my support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. Both children attended Children's Creative Workshop, and I got to know the whole family very well. This is a family who appreciates the real Malibu, the beaches and mountains, and have raised their children in a respectful and thoughtful way. As long-time Malibu residents, they have developed meaningful connections and have been active in the community. Linda served on the Point Dume Marine Science and Malibu High School PTSA boards.

I know the area very well, having lived across the street from their property, as well as living on Clover Heights. I had dreams of owning that very property, with the prickly pear cactus, the open space(which they are keeping), and the sensible home that was there. The beauty of Malibu Park is that the rural feel is still there, with many horse properties, and the trails access. I spent some time looking at their story poles from all angles and believe that the planned home will fit right in with the other homes that remain. I have also looked at their plans, and know that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1997, they deeply value Malibu's organic landscape and preserving its natural environment. As fire victims, they are taking measures to make the house more fire resistant. I now spend my time at CCW Pre school, in our new home on Morning View, and care for a horse, just down the street from Cuthbert. I am very confident

that their safer, more eco-friendly home will be a great benefit to the neighborhood, which has suffered through so much. I can't wait to see the finished home!

I encourage the committee to support the approval of this home so that the Colby's can move forward. It is important to start bringing local families back to our community. Thank you for your consideration.

Sincerely,

Shari Latta

[redacted]

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission,

We are writing to give my support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. As long-time Malibu residents, they have developed meaningful connections and have been active in the community.

We have seen their plans and feel that they, along with their architect, have designed a house that compliments the neighborhood. Having lived in Malibu since 1997, they deeply value Malibu's organic landscape and preserving its natural environment. As fire victims, they are taking measures to make the house more fire resistant. I am a resident of Malibu Park and believe that their safer, more eco-friendly home will be a great benefit to our neighborhood which has suffered through so much.

We encourage the committee to support the approval of this home so that the Colbys can move forward and in order to permanently bring a local family back to our community. Thank you for your consideration.

Sincerely,

Rosemarie Frankle

Signature

David and Rosemarie Frankle

Printed Name and Address

[redacted]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 4:29 PM
To: Aakash Shah
Subject: Fw: Linda and Trevor Colby, Rebuild at 29623 Cuthbert Road, Malibu

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From: Dru Ann Jacobson [redacted]
Sent: Tuesday, May 12, 2020 3:50 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: tlcolby [redacted]
Subject: Fwd: Linda and Trevor Colby, Rebuild at 29623 Cuthbert Road, Malibu

Please find letter to please approve rebuild of home of Linda and Trevor Colby...

-----Original Message-----
From: Dru Ann Jacobson [redacted]
To: tlcolby@me.com [redacted]
Sent: Tue, May 12, 2020 1:20 pm
Subject: Linda and Trevor Colby, Rebuild at 29623 Cuthbert Road, Malibu

Dear Planning Commissioners,

Our family would like to show our support for the rebuild of the home of Linda and Trevor Colby,
located at 29623 Cuthbert Road, Malibu. We have known the Colby's since our son, and their daughter, started kindergarten together
20 years ago, at Point Dume Marine Science Elementary. Their family have been a wonderful asset and friends to our community throughout the years.
Both my husband and I are long time Malibu residents, I grew up in Malibu Park, at 5853 Busch Dr... 55 years ago.

I know the area like the back of my hand...having ridden our horses up Busch Dr. to the Zuma Cyn trail...we would go right behind the property,
and have always loved the Colby's beautiful cacti groves which miraculously survived the Woolsey Fire, although the house did not.
I grew up with the previous owners of the property and was very thrilled when the Colby's bought the home. My friend's had loved the property so much,
as do the Colby's.

I have seen the plans for the new home they want to build and I love that they are keeping the home flat-roofed, tucked into hillside and sensitive to it's
surroundings as a rural neighborhood. They are also including fire resistant and Eco friendly components to the home, which is so very important.

We feel it's so important to let our long time Malibu residents rebuild, and bring Malibu's way of life back to our community. Please approve their plans to enable
the Colby's to return home.

Sincerely,
Dru Ann and Jake Jacobson
[redacted]

Aakash Shah

From: Planning Commission
Sent: Wednesday, May 13, 2020 4:31 PM
To: Aakash Shah
Subject: Fw: Linda and Trevor Colby Coastal Development Permit

From: Colette Kilroy [redacted]
Sent: Wednesday, May 13, 2020 1:28 PM
To: Planning Commission
Cc: tcolby@me.com
Subject: Linda and Trevor Colby Coastal Development Permit

5/13/20

Dear Planning Commission,

We are writing in support of Linda and Trevor Colby and the rebuild of their home. They have been valued members of our community for 23 years. Our children have attended the Malibu schools together and Linda has generously offered her talent and time in classrooms and school activities. They are people we have been so blessed to call our friends and neighbors.

They have met with the city planners throughout the design process. They are in compliance with the city's rules and regulations. They value Malibu's landscape and neighborhood. They want to preserve its natural environment. We ask that you support the approval of this home as they move forward to establish a home after the devastating fires. We miss them and look forward to their return. They are valued community members. Thank you for your consideration.

Colette Kilroy and Jamey Sheridan
[redacted]

Sent from my iPad

Aakash Shah

From: Planning Commission
Sent: Thursday, May 14, 2020 4:46 PM
To: Aakash Shah
Subject: Fw: Letter of support for rebuild at 29623 Cuthbert Rd

Follow Up Flag: Follow up
Flag Status: Flagged

From: Tammy Malmoux [redacted]
Sent: Thursday, May 14, 2020 1:45 PM
To: Planning Commission
Cc: tlcolby[redacted]
Subject: Letter of support for rebuild at 29623 Cuthbert Rd

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission,

We are writing to give our support for Linda and Trevor Colby and the rebuild of their home. They moved to Malibu over 23 years ago and their two children were born and raised here. They are long-time Malibu residents who have been active in the community. They have also developed meaningful connections and served as wonderful neighbors and friends. We met Linda and Trevor almost 20 years ago when our children attended Children's Creative Workshop Preschool together.

We are a residents of Malibu Park and believe that their fire resistant and eco-friendly home will be a very welcomed addition to our neighborhood which has suffered through so much. We have seen their plans and feel that they have designed a house that compliments our neighborhood.

We encourage the committee to support the approval of this home so that the Colbys can begin their rebuild and move back to our community. Thank you for your consideration.

Sincerely,

Tammy and Ludo Malmoux
[redacted]

Aakash Shah

From:	Planning Commission
Sent:	Thursday, May 14, 2020 4:52 PM
To:	Aakash Shah
Subject:	Fw: 29623 Cuthbert Road, Malibu/Colby Residence
Follow Up Flag:	Flag for follow up
Flag Status:	Flagged

From: Ilene Williger[redacted]
Sent: Thursday, May 14, 2020 1:54 PM
To: Planning Commission <planningcommission@malibucity.org>
Subject: 29623 Cuthbert Road, Malibu/Colby Residence

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commissioners,

We write in support of the Colby's design, and rebuild of their home at 29623 Cuthbert Road in Malibu.

We are longtime residents of Malibu (almost thirty years), and have known Linda and Trevor for more than twenty years. They are deeply rooted in the community having raised their children here, and have been vital to the school system, always volunteering and involved in the well being of all Malibu's children.

The fires took an enormous toll on Malibu as a whole. It has been painful seeing so many of our friends and colleagues experience the loss of their homes. It is imperative that we support our residents, and get them back into their own homes.

The Colby home in particular would be a wonderful addition to Malibu Park. Paul, an architect, believes the home is well thought out architecturally, complimentary to the natural landscape, thoughtful in its eco-consciousness (solar panels and fire resistant), and would be a welcome addition to the neighborhood.

As a community, it is crucial that we move forward making our members feel stable and safe. We hope you will support and approve the Colby's project, so that they may return to living in their own home as soon as possible.

Thank you for your consideration.

Sincerely,

Ilene and Paul Williger

Re: Linda and Trevor Colby, 29623 Cuthbert Road, Malibu

Dear Planning Commission:

I am writing to give my support for Linda and Trevor Colby and rebuilding their home on Cuthbert Road. I have known Linda and Trevor for over 22 years. Our children attended the Children's Creative workshop preschool and Point Dume Marine Science Elementary School together. They have been long-time Malibu residents who are active in the Malibu community and schools where they developed meaningful friendships and have served as great neighbors. Throughout their children's education in the Malibu schools they volunteered in the classrooms and actively participated in Parent Teacher Association projects and school events. I was also a girl scout co-leader with Linda for several years where Linda assisted in the development of the girl scouts' confidence, character and leadership qualities. They are always willingly to help out their neighbors and Linda personally helped me on several occasions with childcare issues so I could work my shift at the hospital.

I have seen their plans and think they have designed a house which compliments the Malibu Park neighborhood. They are long term Malibu residents residing in Malibu since 1997 who greatly appreciate the majestic beauty of Malibu's organic landscape and desire to preserve its natural environment. They were devastated by the Woolsey fire and as fire victims, they have taken careful and painstaking measures to build a safer and eco-friendly home that will not only benefit the neighborhood but also the City of Malibu.

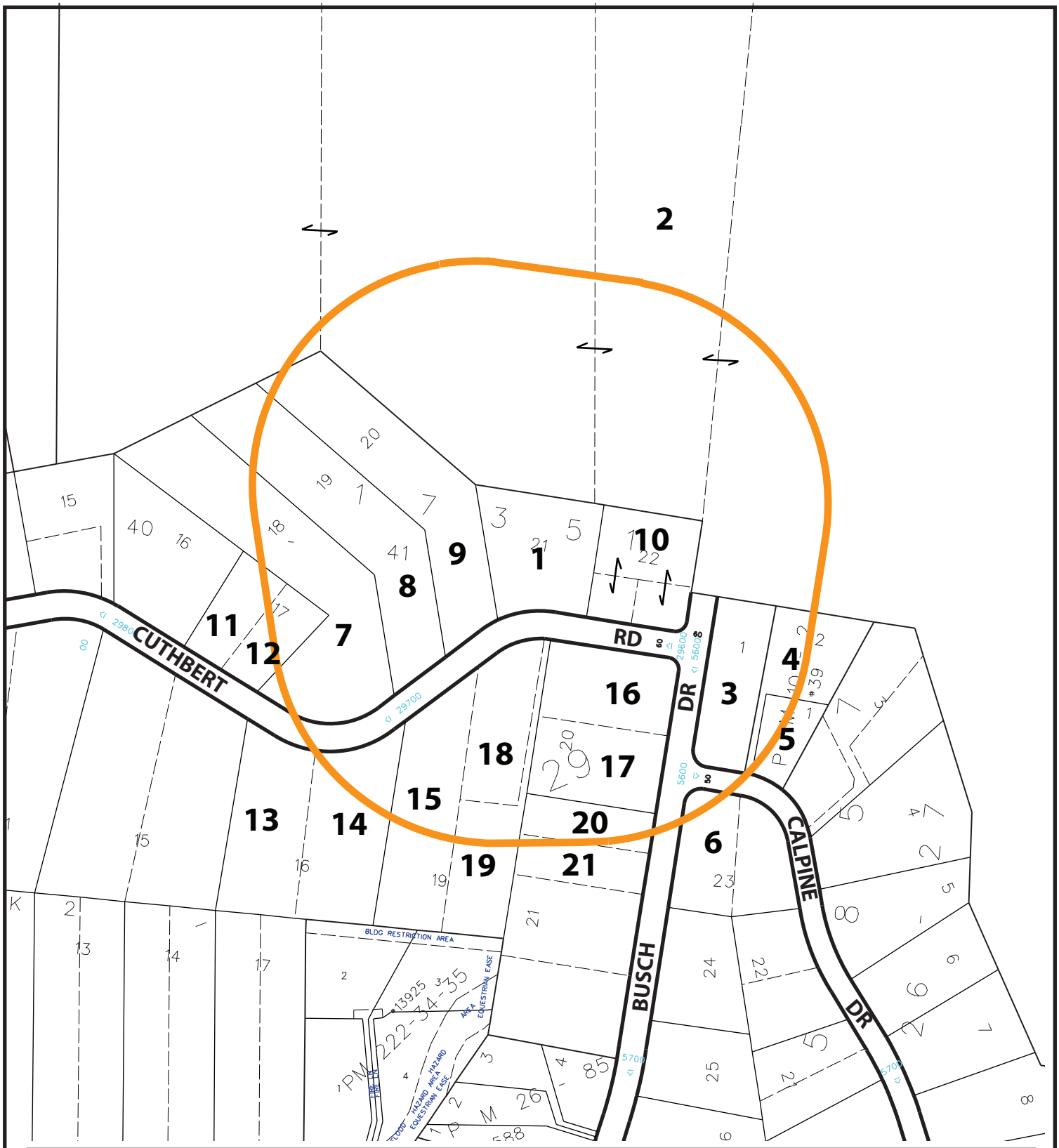
I encourage the committee to support the approval of this home so that the Colby family can move forward and heal after the Woolsey fire. It is imperative to bring local families back into our Malibu community. Thank you for your consideration.

Sincerely,

Denise Andrews-Tang

Denise Andrews-Tang, M.D

[redacted]



500 FT. RADIUS MAP

29623 CUTHBERT RD.

Quality Mapping Service
14549 Archwood St. Suite 301
Van Nuys, California 91405
Phone (818) 997-7949 - Fax (818) 997-0351
qmapping@qesqms.com

CASE NO:
DATE: 08-01-19
SCALE: 1" = 300'

QMS 19-372

NORTH

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, June 1, 2020, at 6:30 p.m.** on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order.

COASTAL DEVELOPMENT PERMIT-WOOLSEY FIRE NO. 19-005, SITE PLAN REVIEW NOS. 19-072 AND 20-013, AND MINOR MODIFICATION NO. 19-010 - An application for a new single-family residence and associated development including an attached garage, a new accessory dwelling unit (ADU), swimming pool/spa, and a new onsite wastewater treatment system, including site plan reviews for construction of the residence over 18 feet in height (maximum 24 feet), construction of the ADU over 18 feet in height, with a maximum 24 feet, and minor modification for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire

LOCATION / APN / ZONING: **29623 Cuthbert Road** / 4469-008-010 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER: Daniela Rechtszasd / Colby Family Trust
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a), (d), and (e) and 15304(b)
APPLICATION FILED: August 12, 2019
CASE PLANNER: Aakash Shah, Contract Planner, ashah@malibucity.org (310) 456-2489, ext. 385

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner. You will have an opportunity to testify at the public hearing; written comments, which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City's action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director Date: May 7, 2020

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 20-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 19-005 TO ALLOW FOR A NEW SINGLE-FAMILY RESIDENCE WITH ATTACHED GARAGE, A SECONDARY DWELLING UNIT, SWIMMING POOL/SPA, AND A NEW ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING SITE PLAN REVIEW NO. 19-072 FOR CONSTRUCTION OF THE RESIDENCE ABOVE 18 FEET IN HEIGHT, SPR NO. 20-013 FOR CONSTRUCTION OF THE SECOND RESIDENTIAL UNIT ABOVE 18 FEET IN HEIGHT, AND MINOR MODIFICATION NO. 19-010 FOR A 13 PERCENT REDUCTION OF THE REQUIRED REAR YARD SETBACK TO REPLACE A HOME DESTROYED IN THE 2018 WOOLSEY FIRE, LOCATED IN THE RURAL RESIDENTIAL-TWO ACRE ZONING DISTRICT AT 29623 CUTHBERT ROAD (COLBY FAMILY TRUST)

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

SECTION 1. Recitals.

A. On August 12, 2019, an application for an Administrative Coastal Development Permit (ACDP) No. 19-005, Site Plan Review (SPR) No. 19-072, SPR No. 20-013 and Minor Modification (MM) No. 19-010 to allow for the construction of a single-family residence and associated development on a Woolsey Fire affected parcel was submitted to the Planning Department by Daniela Rechtszasd. The application was routed to the City Biologist, City Environmental Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Fire Department, and Los Angeles County Waterworks District 29 for review.

B. On October 3, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On January 3, 2020, the application was deemed complete.

D. On March 6, 2020, staff visited the site to view the story poles.

E. On April 9, 2020, 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 subject property.

F. At the April 20, 2020, Regular Planning Commission meeting, the Planning Director reported approval of the ACDP to the Planning Commission. The Planning Commission voted in favor to bring back the item as a full coastal development permit (CDP) with a full public hearing.

G. On May 7, 2020, 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 subject properties.

H. On June 1, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. At the conclusion of the public hearing, the Commission voted 3-2 (Jennings and Weil dissenting) to direct staff to return with a resolution on the Consent Calendar denying the application and memorializing its findings and decision.

I. On June 15, 2020, the Planning Commission considered the subject resolution.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3. Coastal Development Permit Findings for Denial.

Based on evidence in the record for the subject project presented at the June 1, 2020, Planning Commission meeting, the Planning Commission hereby makes the following findings denying the application:

1. The project fails to comply with the Local Coastal Program or Malibu Municipal Code (MMC). Specifically, the architectural plans do not comply with the two-thirds rule (Local Implementation Plan (LIP) Section 3.6(K)(2) or MMC Section 17.40.040(A)(13)(b) and the required rear yard setback (MMC Section 17.40.040(A)(6)(c). Furthermore, the proposed development is not consistent with LIP Sections 3.6(F)(6)(a), 3.6(F)(6)(b), 3.6(F)(6)(c) or MMC Section 17.40.040(A)(6)(f) because the 100-foot setback from the parkland containing Environmentally Sensitive Habitat Area to the north has not been provided. In addition, the size of the proposed house is inconsistent with the character of the neighborhood and is not consistent with Malibu's General Plan, Land Use Objective 2.3, "Development of Appropriate Scale and Context" and more specifically Land Use Policy 2.3.1 which states that, "The City shall protect and preserve the unique character of Malibu's many distinct neighborhoods." Lastly the Planning Commission determined that the proposed residence is not consistent with MMC section 17.04.080 which states, "an application approved by any review body must be found consistent with the objectives, policies, general land uses, and goals of the Malibu general plan. Before it is adopted, all decisions are subject to the requirements of Government Code Section 65360."

2. All of the required findings to grant the site plan review cannot be made. Specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that of the surrounding properties.

3. All of the required findings to grant the minor modification to reduce the rear yard setback cannot be made. Specifically, given the size of the parcel, alternative building pad locations are available that do not require a reduced rear yard setback.

SECTION 4. The Planning Commission shall certify the adoption of this resolution.

PASSED AND ADOPTED this 15th day of June 2020.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Anyone unable to submit an appeal via email should contact Patricia Salazar at (310) 456-2489, extension 245, at least two business days before the appeal deadline to arrange alternative delivery of the appeal. Appeal forms may be found online at malibucity.org/planningforms, or by calling (310) 456-2489, ext. 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-46 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 15th day of June 2020 by the following vote:

AYES:	5	Commissioners:	Marx, Uhring, Weil, Mazza, Jennings
NOES:	0		
ABSTAIN:	0		
ABSENT:	0		

KATHLEEN STECKO, Recording Secretary

United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4223

June 8, 2020

DANIELA RECHTSZAJD
Architect, LEED AP BD+C
5410 Village Green, LA, CA 90016
recdani@gmail.com
310-625-0654

Dear Ms. Rechtszajd:

Thank for your letter dated June 8, 2020. In your letter, you inquired about fuels management near the Busch Road trailhead and adjacent to your client's property at 29623 Cuthert Road.

The National Park Service maintains several fuel modification zones on public lands adjacent to development that existed prior to NPS ownership. One of these fuel modification zones is on the border of your client's property (please see the attached document titled, "Zuma NW (Busch) defensible space project"). This fuel modification zone extends approximately 150 feet from the boundary between your client's property and public lands. This zone is treated annually to provide protection for adjacent development.

Please Melissa Brown at 805-391-1272 if you have any questions or need additional information.

Sincerely,

David M. Szymanski, Superintendent

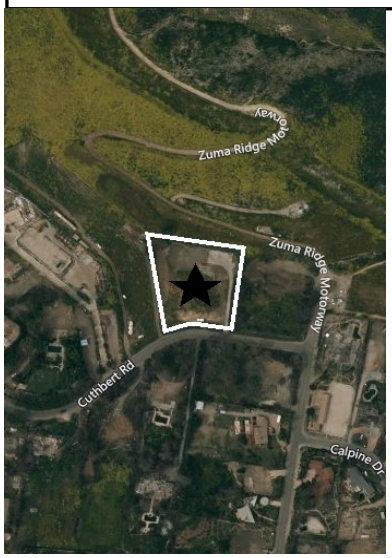
cc:

Zuma NW (Busch)
defensible space project
defensible space
NPS land
home ignition zone:
30'
100'
200'
Air photo 8/2010, map by SAMO Fire GIS
robert_s_taylor@nps.gov, 5/1/2013
scale 1:3,000 1 inch = 250 feet
N
0 50 100 200 300 400 500 Feet
NW1 1.1ac
NW2 West 2.3ac
NW2 East 1.3ac
Total area 4.7ac
NPS land
private land
NW1
NW2 West
NW2 East

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu City Council will hold a public hearing on **Monday, August 24, at 6:30 p.m**. on the project identified below which will be held via teleconference only in order to reduce the risk of spreading COVID-19 & pursuant to the Governor's Executive Orders N-25-20 and N-29-20 & the County of Los Angeles Public Health Officer's Safer at Home Order.

APPEAL NO. 20-009 — An appeal of the Planning Commission's denial of Coastal Development Permit No. 19-005 to allow for construction of a new single-family residence with attached garage, a second dwelling unit, swimming pool/ spa, and a new onsite wastewater treatment system to replace the home destroyed in the 2018 Woolsey Fire; the application includes Site Plan Review No. 19-072 for construction of the residence above 18 feet in height, Site Plan Review No. 20-013 for construction of the second dwelling unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the required rear yard setback

LOCATION / APN / ZONING:	**29623 Cuthbert Road** / 4469-008-010 / Rural Residential-Two Acre (RR-2)
APPLICANT:	Daniela Rechtszasd
OWNER / APPELLANT:	Colby Family Trust
APPLICATION FILED:	August 12, 2019
APPEAL FILED:	June 25, 2020
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15303(a), (d), and (e)
CASE PLANNER:	Richard Mollica, Assistant Planning Director, rmollica@malibucity.org (310) 456-2489, ext. 346

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner during regular business hours. You will have an opportunity to testify at the public hearing; written comments which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City's action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

BONNIE BLUE, Planning Director Date: July 30, 2020

City Council Meeting
08-24-20
Item 4.A.

Supplemental Council Agenda Report

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Richard Mollica, Assistant Planning Director

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: August 20, 2020 Meeting Date: August 24, 2020

Subject: Appeal No. 20-009 - Appeal of Planning Commission Resolution No. 20-46 (29623 Cuthbert Road; Owner/Appellant, Colby Family Trust)

RECOMMENDED ACTION: Adopt Resolution No. 20-48 (Attachment A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA); granting Appeal No. 20-009 (Attachment B) and approving Coastal Development Permit (CDP) No. 19-005 to allow for a new single-family residence, second unit, swimming pool/spa, and onsite wastewater treatment system (OWTS), including Site Plan Review (SPR) Nos. 19-072 and 20-013 for construction of the residence and second unit above 18 feet in height, and Minor Modification (MM) No. 19-010 for a 13 percent reduction of the rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

DISCUSSION: At that time that the Agenda Report for this item was prepared, the attachments associated with Appeal No. 20-001 were inadvertently excluded. Attached to this report is the Appeal Application as well as all attachments submitted by the appellant.

ATTACHMENT: Appeal No. 20-001

City of Malibu

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

COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

Actions Subject to Local Appeal: Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person, and any decision of the Planning Commission may be appealed to the City Council by an aggrieved person.

Deadline and Fees: Pursuant to LIP Section 13.20.1, an appeal shall be filed with the City Clerk within 10 days following the date of action for which the appeal is made, as indicated in the decision. If the tenth day falls on a weekend or a City-recognized holiday, the deadline shall extend to the close of business at City Hall on the first business day (whether whole or partial) following the weekend or a City-recognized holiday. Appeals shall be accompanied by the filing fee of $500 as specified by the City Council.

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23525 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, extension 245.

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?
   CDP-19-005

2. On what date was the decision made which you are appealing?
   June 15, 2020

3. Who made the decision you are appealing?

   ☐ Planning Director ■ Planning Commission

4. What is the address of the project site at issue?
   29623 Cuthbert Road

Part II. Appeal Summary

1. Indicate your interest in the decision by checking the appropriate box.

   ■ I am the Applicant for the project

   ☐ I am the neighbor

   ☐ Other (describe)_____

2. If you are not the applicant, please indicant the applicant's name:

_____

3. Indicate the nature of your appeal.

   a) Are you appealing the ☐ approval or ■ the denial of the application or ☐ a condition of approval?

   b) Each approval is accompanied by a list of specific conditions. If you are appealing one or more of the conditions of approval, list the condition number and state the grounds for your appeal. (Attach extra sheets if necessary.)

   _____
   _____

4. Check the appropriate box(es) to indicate which of the following reasons forms the basis of your appeal:

   ☐ The findings or conditions are not supported by the evidence, or the decision is not supported by the findings: or

   ☐ There was a lack of fair or impartial hearing: or

   ☐ The decision was contrary to law.

   You must next provide a specific statement in support of each of the bases for appeal that you have checked above. Appeals that are stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

   See attached summary of notice of appela document entitled "Notice of Appeal Summary"
   _____
   _____
   _____

   Each coastal development permitting decision made by the Planning Director or the Planning Commission is accompanied by written findings. The written findings set forth the basis for the decision. If you have checked the first box in this section as a ground for your appeal, you must indicate the specific finding(s) you disagree with and give specific reasons why you believe the finding(s) is/are not supported by the evidence or why the decision is not supported by the findings. Appeals stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____

Recycled Paper

Part III. Appeal Checklist

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

1. ☐ Completed Appeal Checklist (This form with appellant's signature)

2. ☐ Appeal Fee $500

   The appeal fee must be submitted in the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. ☐ Certified Public Notice Property Owner and Occupant Addresses and Radius Map

Public Notice of an appeal must conform to the manner in which the original notice was given.

- 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.

Recycled Paper

Part IV. Signature and Appellant Information

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or otherwise deficient, the appeal is ineffective and the filing fee may be returned. IN ORDER TO PERFECT AN APPEAL, ALL APPEAL SUBMITTALS MUST BE COMPLETE BY THE DEADLINE. NO EXTENSIONS WILL BE ALLOWED FOR APPELLANTS WHO ONLY PARTIALLY COMPLY WITH THESE REQUIREMENTS AS OF THE DEADLINE. IF AN APPEAL IS NOT PERFECTED BY THE DEADLINE, THE DECISION BECOMES FINAL.

Trevor Colby
PRINT APPELLANT'S NAME

[redacted]
TELEPHONE NUMBER

APPELLANT'S SIGNATURE

June 25, 2020
DATE

Appellant's mailing address: [redacted]

Appellant's email address: [redacted]

OFFICE USE ONLY

Action Appealed: Planning Commission Resolution No 20-46, June 15, 2020 denial of CDPWF 19-005

Appeal Period: June 16, 2020 through June 25, 2020

Date Appeal Form and required documents submitted: June 25, 2020 Received by: Patricia Salazsr

Appeal Completion Date: June 25, 2020 by: Patricia Salazar, Senior Administrative Analyst
(Name, Title)

29623 CUTHBERT ROAD
SUMMARY OF NOTICE OF APPEAL

The lack of an impartial hearing: Commissioners Marx, Uhring and Mazza have demonstrated a pattern of looking for non-valid reasons to delay, block or deny any CDP application for a home larger than 5,000 square feet. Planning commissioners Uhring, Marx and Mazza identified fake, contrived and improper reasons for blocking and delaying the application, as explained below.

Further, while Zoom is the safest method to convene given the pandemic, it also comes with significant technical challenges and is almost impossible to refute false statements. The Zoom meeting had started at 6:30 pm. By 11:00 p.m. the commissioners were clearly exhausted after discussing the other projects for approximately 1 1/2 hours each prior to ours. The commissioners only spent 22 minutes discussing our project. It was not a fair and impartial hearing.

The commissioners were uninterested in listening to Richard Mollica's and Bonnie Blue's responses to their claims. You can see and hear that Mazza was coughing and shuffling papers, thus interrupting Mollica's audio as sound was cutting in and out, especially during Mollica's 2/3 rule compliance explanation. During his claim of the 2/3 rule Mazza said, "I'm tired," and proceeded with contrived calculations while Bonnie Blue is shaking her head "No" in disagreement." The planning department and the available speakers all informed the three commissioners that the proposed home is compliant with any "2/3 rule".

It was claimed by Commissioner Uhring that the 100 foot setback from an Environmentally Sensitive Habitat Area (ESHA) was not met.The planning staff showed that the property is not in an ESHA or ESHA Buffer, as shown on the LCP ESHA and Marine Resource map. The city biologist has confirmed we are not within 100 feet of an ESHA. The planning staff has confirmed we are 120 feet from the ESHA. The National Park Service has provided documentation that our property is approximately 150 feet away from the ESHA and that the brush clearance and "fuel modification" area meets the county's 100 FOOT setback rule. In addition, our house was built in 1955, before the Parks Service acquired the park property. In our plans, we have moved the house farther away from the park from its prior location.

There was 1:30 left of our 15 minutes and we never got to use that time for our responses.

APPEAL ITEM 1A*: "The project fails to comply with the Local Coastal Program or Malibu Municipal Code (MMC). Specifically, the architectural plans do not comply with the two-thirds rule (Local Implementation Plan (LIP) Section 3.6(K)(2) or MMC Section 17.40.040(A)(13)(b)."*

The finding is not supported by the evidence. The Planning Department confirms in the staff report that we do comply, and Commissioner Mazza alleges the project doesn't confirm with the 2/3 rule, but he provided no evidence. Also, our architect provided additional documentation to the Planning department showing that only a minor portion of the building is 2 story high and the rest of the area over 18' in height is due to a high ceiling and not to a 2nd story (floor area where you can stand), confirming that we comply.

APPEAL ITEM 1B*:* "*The proposed development is not consistent with LIP Section 3.6(F)(6) or MMC Section 17.40.040(A)(6)(f) because the 100-foot setback from the parkland containing Environmentally Sensitive Habitat Area to the north has not been provided."*

This finding is not supported by the evidence. The three commissioners claimed falsely that the house could not be built due to an unspecified "ESHA" issue. The planning department of Malibu recognized and informed the commissioners that according to the LCP ESHA and Marine Resources Map identify the ESHA approximately 120 feet to the north on the parcel owned by the US Government, information that it was ratified by the City Biologist. Moreover, David Szymanski, Superintendent of Santa Monica Mountains NRA and Mellissa Brown Law Enforcement Ranger that the National Park Service has an approved brush clearance zone, that extends approximately 150 feet from the boundary between our property and public lands, because the Cuthbert neighborhood was there before the National Park Services purchased the

land, see attached letter and email exchange with the NSA. Due to the ESHA being 120 feet from the property, the location of the fire road, tanks and fuel modification zone, it was determined by the Planning Department that there is not impact to recreation opportunities, that is why the 100' setback is not required. The house not only does not violate any ESHA buffer, but the homeowners and architect had increased the setback from a distant ESHA zone so as to be even further away from the distant ESHA zone.

In fact, Malibu's general plan prioritizes the private property rights of homeowners as a dominant right, superior to any "view shed" rights of hikers, so much so that homeowners can require privacy hedges near trails to ensure homeowner privacy. Any impartial unbiased commissioner who was trying to follow the proper codes and laws would know that an owner's right to build a house set further back from a fire road is not terminated due to losing a home in the Woolsey fire.

See Attached Letters from National Parks Service and Santa Monica Mountains National Recreation Area.

APPEAL ITEM 2*:* "…t*he large size of the proposed home is inconsistent with character of the neighborhood." "All of the required findings to grant the site plan review cannot be made. Specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that of the surrounding properties."*

This finding is not supported by the evidence. The three commissioners have for several years now misused a phrase called "neighborhood character," a phrase which is not a binding or enforceable part of any valid Malibu development code, but which they use to delay and block entirely compliant CDP applications. Commissioners Uhring, Mazza and Marx discussed this phrase as part of their justification for voting "no" on the application, and rejected and ignored their own planning department, and six speakers, and letters from 23 long-time Malibu residents, all of whom want the home to be built and the neighborhood to begin the recovery from Woolsey, which can only happen if unbiased and professional decisions are made. The location at issue is Cuthbert Road facing the park, an area that no longer has any definable neighborhood character because 19 out of 20 homes burned to the ground in the Woolsey Fire. They also misuse the phrase "neighborhood character" to justify any delay or "no" vote by pretending that the neighborhood character is defined by the smallest nearby home.

Our story poles have been up since January 12 (162 days and counting) and we have received zero complaints from any neighbor or anyone walking along the fire road. This is a validation of additional neighborhood support.

APPEAL ITEM 3: *All of the required findings to grant the minor modification to reduce the rear yard setback cannot be made. Specifically, given the size of the parcel, alternative building pad locations are available that do not require a reduced rear yard setback.*

This finding is not supported by the evidence. No alternative locations are available because the view of our neighbor will be affected if the house is relocated to the lower portion of the property. The neighbor next door, John Goodwin, supports the building of our home, but he was not allowed to speak at the hearing despite waiting for five hours. He had applied for a Primary View Determination in 2013, see attached. Moving our house forward would impact his view corridor and he is opposed to that.

We want to build on the existing pad so that there will be no additional disturbances to the land and no additional grading, not only for the house itself, but also to accommodate the fire department's requirements for a T-turnaround. Building on the existing pad will keep a lower profile.

United States Department of the Interior

NATIONAL PARK SERVICE
Santa Monica Mountains National Recreation Area
401 West Hillcrest Drive
Thousand Oaks, California 91360-4223

June 8, 2020

DANIELA RECHTSZAJD
Architect, LEED AP BD+C
5410 Village Green, LA, CA 90016
recdani@gmail.com
310-625-0654

Dear Ms. Rechtszajd:

Thank for your letter dated June 8, 2020. In your letter, you inquired about fuels management near the Busch Road trailhead and adjacent to your client's property at 29623 Cuthert Road.

The National Park Service maintains several fuel modification zones on public lands adjacent to development that existed prior to NPS ownership. One of these fuel modification zones is on the border of your client's property (please see the attached document titled, "Zuma NW (Busch) defensible space project"). This fuel modification zone extends approximately 150 feet from the boundary between your client's property and public lands. This zone is treated annually to provide protection for adjacent development.

Please Melissa Brown at 805-391-1272 if you have any questions or need additional information.

Sincerely,

David M. Szymanski, Superintendent

cc:

Zuma NW (Busch)
defensible space project
defensible space
NPS land
home ignition zone:
30'
100'
200'
Air photo 8/2010, map by SAMO Fire GIS
robert_s_taylor@nps.gov, 5/1/2013
scale 1:3,000 1 inch = 250 feet
N
0 50 100 200 300 400 500 Feet
NW1 1.1ac
NW2 West 2.3ac
NW2 East 1.3ac
Total area 4.7ac
NPS land
private land
NW1
NW2 West
NW2 East

From: 'Brown, Melissa L [redacted]
Date: June 4, 2020 at 10:31:01 AM PDT
To: [redacted]
Cc: undefined [redacted]
Subject: Setback at 29623 Cuthbert Road

Hi Trevor,
Sorry I missed your call yesterday. I have talked to our sort of lands expert at the park and our best suggestion is to write a letter requesting clarification and support for your rebuild process:
David Szymanski
Superintendent
Santa Monica Mountains NRA
401 W Hillcrest Dr
Thousand Oaks, CA 91360

Please share this with any park neighbor who is in the process of rebuilding and hopefully we can address it all as one issue.

From what I understand the National Park Service has an approved brush clearance zone along our southern boundary of Zuma Canyon since the Cuthbert neighborhood was there before the National Park Service purchased land in the area, this brush clearance zone satisfies the counties requirement for your 100' zone around your residence. I personally would not think this would change just because your house burned down, as long as you rebuild within the footprint and do not move closer to park land I would hope the park would support your rebuild.

If there is anything further I can assist with please do not hesitate to reach out.
Melissa

Melissa Brown
Law Enforcement Ranger

Santa Monica Mountains NRA
401 W Hillcrest Dr
Thousand Oaks, CA 91360

[redacted]

City of Malibu

23825 Stuart Ranch Rd, Malibu, California 90265-4861
(310) 456-2489 FAX (310) 456-7650 www.malibucity.org

PLANNING DEPARTMENT
PRIMARY VIEW DETERMINATION

Primary View Determination: 5555 Busch Drive – John and Kathy Goodwin

On February 15, 2013, staff conducted a primary view determination at 5555 Busch Drive. Staff documented the primary view standing on an outdoor deck, located within ten feet of the exterior wall of the living room, a location chosen by the property owner. The location of the primary view determination photographs were taken from is denoted by a red star in the aerial below.

On February 15, 2013, the view from this location on the property is as follows, from east to west:

02/15/2013

02/15/2013

02/15/2013

02/15/2013

02/15/2013

02/15/2013

02/15/2013

Council Agenda Report

City Council Meeting
08-24-20
Item 4.B.

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Joyce Parker-Bozylinski, Contract Planner

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: August 12, 2020 Meeting Date: August 24, 2020

Subject: Amend Malibu Municipal Code to Authorize the Implementation of a Parking Management Plan Along Two Segments of Pacific Coast Highway (Corral Beach and Zuma Beach)

RECOMMENDED ACTION: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 469 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking), Title 10 (Vehicles and Traffic) of the Malibu Municipal Code (MMC) to create staggered overnight parking restrictions between 12:00 a.m. and 2:00 a.m. and between 2:00 a.m. and 4:00 a.m. daily in the Corral Beach and Zuma Beach areas of Pacific Coast Highway; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 469 for the September 14, 2020 Regular City Council meeting.

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

WORK PLAN: This item was included as item 4f in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: For several years, the number of vehicles parked overnight on Pacific Coast Highway (PCH) has increased, and associated adverse impacts, such as loss of public parking as vehicles stay for multiple days, trash accumulation, dumping of blackwater from recreational vehicles (RVs) and other vessels into the ocean are causing adverse effects to the community and visitors.

On January 27, 2020, the City Council adopted Ordinance No. 460, which added Chapter 10.19 (Overnight Parking) to Title 10 (Vehicles and Traffic) of the MMC. The ordinance included two areas where overnight parking restrictions could be implemented with the

issuance of a Coastal Development Permit (CDP) for sign posting. The staggered two-hour restrictions were based on the system used by the County of Los Angeles and approved by the California Coastal Commission to control overnight parking on PCH near Topanga. Without posted restrictions on overnight parking, vehicles are able to stay in one place for excessive periods of time, blocking ocean views, taking up numerous parking spaces, and facilitating camping. There are no wastewater disposal or camping facilities in these areas.

The areas addressed by Ordinance No. 460 included the Las Tunas Beach area and the Malibu Pier area. On March 2, 2020, the Planning Commission approved a CDP to allow for sign installation to implement the overnight parking rules in the Las Tunas Beach area. The signs have been installed and impose staggered parking restrictions during certain hours. A hearing on the CDP for parking restriction signs around Malibu Pier is expected to be scheduled for a later date.

On January 13, 2020, after the first reading of ordinance, the Council also directed staff to return with a code amendment to add three additional areas where the parking restrictions could be implemented with a CDP. These areas include Corral Beach, Zuma Beach, and Westward Beach. The subject ordinance before the City Council adds Corral Beach and Zuma Beach only. Overnight parking is already restricted (12:00 a.m. to 5:00 a.m.) on both sides of Westward Beach Road.

One of the concerns the Council discussed during its consideration of Ordinance No. 460 is potential impacts to the homeless population since some homeless individuals may live in RVs and other vehicles parked on PCH. At the January 13, 2020 hearing, the Council directed staff to explore options for addressing any potential impacts to the homeless. Options could include an exploration of a Safe Parking Program and a site for a temporary emergency shelter. Safe Parking Programs require that individuals sign up for the program and provide a safe place to park each night with restroom access, a security guard, and social service resources. Safe Parking Program lots are typically run by non-profit organizations that provide the services and security. On May 11, 2020, a resolution to initiate staff work on a zone text amendment (ZTA) that would allow safe parking programs with a temporary use permit was on the City Council's agenda; however, due to the number of letters and comments received on the proposed ZTA initiation prior to the meeting, upon approval of the agenda, the Council decided to postpone the item until in-person meetings resume. Currently, the Council is holding virtual meetings due to the COVID-19 pandemic.

It is interesting to note that during the pandemic when emergency parking restrictions were put in place to prohibit parking on PCH in order to support the Governor's safer at home orders, few of the overnight parkers seemed to be individuals experiencing homelessness and rather were campers and others visiting the area recreationally. After the emergency parking restrictions were lifted and since the No Parking signs have been installed, the number of overnight and long-term vehicles, particularly RVs, in the Las Tunas area has dramatically declined.

An additional concern is to protect public access to coastal resources in a manner consistent with the City's Local Coastal Program (LCP). The Coastal Act and certified LCP policies protect the public's right to access the beach at all times, thus a reasonable amount of parking should be available for beach access at all hours. The LCP also prohibits the implementation of restrictions on public parking that would impede public access to beaches, trails, or parklands, except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. The proposed ordinance is specifically intended to stagger the two-hour no parking restriction to avoid adversely impacting public access and to remain consistent with the public access and recreation policies of the Coastal Act and LCP. Staggering the two-hour nighttime restrictions ensures that there will always be parking available along PCH at night.

To implement the subject ordinance, a CDP application will be processed for the installation of signs in each location. The CDPs will provide the details on the location of the parking restrictions and will include special language to ensure that the parking restrictions are consistent with the Coastal Act and City's LCP. This additional information on the parking restriction signage would serve to avoid any potential adverse impacts to public access by informing visitors and residents that parking along both the landward side and seaward side of PCH is not restricted during the same time period, and that during the period of one restriction there is available parking along the other side of PCH or directly adjacent on the same side of PCH. It will be clear that public parking is available within the general area at all hours. For the Corral Beach area, the parking restriction signs will indicate that during the period of restricted parking along one side of PCH, parking is available on the other side of PCH. For the Zuma Beach area, the signs will indicate the location of available parking adjacent to the restricted parking on the ocean side of PCH.

Proposed Ordinance

In selecting the boundaries for both areas, staff considered the location and number of available parking spaces as well as available places to turn around to access parking on both the landward and seaward of PCH.

For the Corral Beach area, staff recommends utilizing both the landward and seaward of PCH from the west edge of West Malibu Road to the east boundary of the first single-family dwelling (26044 PCH) on the seaward side which is near Corral Canyon Road. Available turn around areas would include Corral Canyon Road and Puerco Canyon Road.

For the Zuma Beach area, staff is recommending new overnight staggered restrictions only the ocean side of PCH since parking is currently prohibited on the landward side at all times. The proposed amendment would create an east side and a west side with alternating hours between the two sides. The affected area would run from the entrance to Zuma Beach at the east end, to the east edge of Trancas Canyon bridge on the west end. This area was divided in half using the approximate halfway point of 30245 PCH, which consists of roughly 472 lineal feet of a no parking area on the ocean side, which will

provide a visual boundary between the east half and west half. Available turn around areas would be at Busch Drive, Morning View Drive and Trancas Canyon Road/Broad Beach Road.

The proposed ordinance would amend MMC Section 10.19.020, to add two new parking restriction areas, to read as follows:

10.19.020 Overnight Parking Restrictions.

> C. Corral Beach Area: PCH between the west edge of West Malibu Road to the east edge of the property line of 26044 PCH:
>
> 1. North (landward) side - No parking between 12:00 a.m. to 2:00 a.m.
> 2. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.
>
> D. Zuma Beach Area:
>
> 1. PCH between the west edge of Zuma Beach parking entrance and the east property boundary of 30245 PCH:
>
> a. South (seaward) - No parking between 12:00 a.m. to 2:00 a.m.
>
> 2. PCH between the west property boundary of 30245 PCH to the east edge of Trancas Creek bridge.
>
> a. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.

MMC Sections 10.19.30, 10.19.40 and 10.19.50 will also apply to these areas. Section 10.19.30 exempts utility, government or emergency service vehicles, Section 10.19.40 establishes fines and penalties and Section 10.19.50 requires a CDP for the placement of signs to implement the ordinance.

LCP Consistency

The intent of the staggered parking restriction is to increase parking turnover and discourage parking of recreational and commercial vehicles overnight and for extended periods. It has been observed that vehicles both private and commercial are being stored on City streets and the highway for extended periods of time. Although the restrictions would reduce the amount of available parking spaces by approximately half for a total of four hours per night, the supply of available parking for beach access would continue to exceed demand because the restriction hours apply when beach access parking demand is relatively low.

The storage of these vehicles reduces the availability of parking. The ordinance would increase parking availability using a mechanism that requires turnover but would not serve

to impede or restrict public access to beaches, trails, or parklands, consistent with the LCP's Land Use Polices. Furthermore, the storage of vehicles adjacent to public access or shorelines has an impact on public views. Public views from scenic roadways are protected by the City's LCP. Maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided, consistent with Coastal Act Section 30210 and Land Use Plan Policies 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

> *<u>Coastal Act Section 30210 states:</u> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The proposed parking ordinance will be implemented through the approval of a CDP. The CDP will require that the parking signs be clear to inform the public that parking will be available on the opposite side of the street or in an adjacent segment of the same side of the street during the no parking period. Furthermore, the staggering of the parking restriction will ensure parking is available at all times.

> *<u>LUP Policy 2.1:</u> The shoreline, parklands, beaches and trails located within the City provide a wide range of recreational opportunities in natural settings which include hiking, equestrian activities, bicycling, camping, educational study, picnicking, and coastal access. These recreational opportunities shall be protected, and where feasible, expanded or enhanced as a resource of regional, state and national importance.*

The proposed ordinance would increase parking turnover and ensure parking opportunities for both residents and visitors utilizing the shoreline, beaches, and trails.

> *<u>LUP Policy 2.9:</u> Public access and recreational planning efforts shall be coordinated, as feasible, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Los Angeles County, Los Angeles County Department of Beaches and Harbors, the Santa Monica Mountains Conservancy, and the Santa Monica Mountains Trails Council.*

The proposed parking ordinance is being implemented in a manner that is consistent the parking restrictions that have been approved for the County of Los Angeles in the portion of the PCH adjacent to the City's eastern limits, near Topanga Beach and for the City along PCH near Tuna Canyon.

> *<u>LUP Policy 2.11:</u> Public land, including rights of way, easements, dedications, shall be utilized for public recreation or access purposes, where appropriate and consistent with public safety and the protection of environmentally sensitive habitat areas.*

The proposed ordinance will affect public rights-of-way in a manner that increases the opportunities for public parking by requiring the daily turnover of parking. In addition, the daily turnover of parking will be occurring at different times for the two sides and segments of PCH which will ensure public parking is always available. Furthermore, it has been observed that oversized recreational vehicles that are parked for extended periods of time could be discharging effluent onto City streets and storm drains.

> *<u>LUP Policy 2.17:</u> Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks shall maintain lower-cost user fees and parking fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, shall be subject to a coastal development permit.*

The implementation of the parking ordinance will require a CDP for the installation of the necessary signage. Furthermore, the ordinance will ensure that parking is available on at least one side or segment of the street or highway at any given time, therefore public access will remain available at all times.

> *<u>LUP Policy 2.26:</u> Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.*

The proposed ordinance will not result in the elimination of public parking. The parking restriction will take place during the night hours when demand on public reactional areas is low. In addition, the parking restriction will be staggered to ensure parking will be available on at least one side or in one segment of the street at any time.

> *<u>LUP Policy 2.27:</u> The implementation of restrictions on public parking, which would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, imposition of maximum parking time periods, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where feasible, an equivalent number of public parking spaces shall be provided nearby as mitigation for impacts to coastal access and recreation.*

As discussed above, the proposed ordinance will not result in the elimination of public parking. The parking restrictions will take place during the night hours when demand on public reactional areas is low. In addition, the parking restrictions will be staggered to ensure parking will be available on at least one side of the street or at two adjacent locations on the same side of the street at any time. The proposed ordinance would also protect public health and safety because of threats to water quality from effluent tank

discharges associated with long-term parking by RVs and would improve scenic views in these areas by discouraging long-term parking.

ENVIRONMENTAL REVIEW: This Ordinance was assessed in accordance with the authority and criteria contained in the CEQA, the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this ordinance only establishes an overnight parking ordinance and merely authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SUMMARY: Staff recommends that the City Council introduce on first reading Ordinance No. 469 amending MMC Section 10.29.020; and 2) Direct staff to schedule second reading and adoption of Ordinance No. 469 for the September 14, 2020 Regular City Council meeting.

ATTACHMENT: Ordinance No. 469

ORDINANCE NO. 469

AN ORDINANCE OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AMENDING SECTION 10.19.020 OF CHAPTER 10.19 (OVERNIGHT PARKING) OF THE MALIBU MUNICIPAL CODE TO CREATE STAGGERED OVERNIGHT PARKING RESTRICTIONS BETWEEN 12:00 A.M. AND 2:00 A.M. AND BETWEEN 2:00 A.M. AND 4:00 A.M. DAILY IN THE CORRAL BEACH AND ZUMA BEACH AREAS OF PACIFIC COAST HIGHWAY

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

SECTION 1. Findings for Malibu Municipal Code Amendment.

The City Council hereby makes the following findings and recommends that the Malibu Municipal Code (MMC) be amended as set forth in Section 2 of this ordinance.

A. The overnight storage of vehicles on streets in the City has decreased the availability of public parking in the City. Consistent with General Plan Policy 1.3.2, the proposed parking restrictions have been imposed to facilitate the efficient use of street parking spaces.

B. City staff has documented the overnight storage of vehicles on City streets near public access points. Without posted restrictions on overnight parking, these vehicles are encouraged to stay in one place for excessive periods of time, blocking ocean views, taking up numerous parking spaces, and facilitating camping. There are no wastewater disposal or camping facilities in these parking areas.

C. The storage of these vehicles reduces the availability of parking and the purpose of this ordinance is to increase parking through the use of a mechanism that would require the turnover and increased availability of parking and would not serve to impede or restrict public access to beaches, trails, or parklands, consistent with the Local Coastal Program's Land Use Policies. Further, maximum public access opportunities and adequate parking to serve beach recreation uses would continue to be provided, consistent with Coastal Act Section 30210 and Land Use Plan Policies 2.1, 2.9, 2.11, 2.17, 2.26, and 2.27.

D. Although the restrictions would reduce the amount of available parking spaces by approximately half for a total of four hours per night, the supply of available parking for beach access would continue to exceed demand because the restriction hours are at a time of night when beach access parking demand is relatively low.

SECTION 2. Amendments to Malibu Municipal Code.

Section 10.19.20 (Overnight Parking Restrictions) of Chapter 10 (Overnight Parking), Title 10 (Vehicles and Traffic) is hereby amended, to add two additional overnight parking restriction areas, to read as follows:

C. Corral Beach Area: Pacific Coast Highway between the west edge of West Malibu Road to the east edge of the property line of 26044 Pacific Coast Highway:

1. North (landward) side - No parking between 12:00 a.m. to 2:00 a.m.
2. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.

D. Zuma Beach Area:

1. Pacific Coast Highway between the west edge of Zuma Beach parking entrance and the east property boundary of 30425 Pacific Coast Highway:

   a. South (seaward) - No parking between 12:00 a.m. to 2:00 a.m.

2. Pacific Coast Highway between the west property boundary of 30425 Pacific Coast Highway to the east edge of Trancas Creek bridge.

   a. South (seaward) side – No parking between 2:00 a.m. to 4:00 a.m.

SECTION 3. The Public Works Department shall cause signs to be placed within the City notifying motorists of the overnight parking restrictions created by this Ordinance. All such signs shall comply with the standards set forth in the California Department of Transportation Traffic Manual.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5. Environmental Review.

This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that this ordinance is not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Specifically, this

ordinance only amends the existing overnight parking ordinance to add two new areas were parking restrictions could be allowed with a Coastal Development Permit which will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

SECTION 6. Certification.

The City Clerk shall certify the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2020.

_____
MIKKE PIERSON, Mayor

ATTEST:

_____
HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE
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 Malibu Municipal Code and Code of Civil Procedure.

City Council Meeting
08-24-20
Item 4.C.

Council Agenda Report

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

Prepared by: Robert DuBoux, Public Works Director/City Engineer

Approved by: Reva Feldman, City Manager

Date prepared: August 4, 2020 Meeting date: August 24, 2020

Subject: Amend Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One

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RECOMMENDED ACTION: 1) Conduct a public hearing regarding the Report of Amended Assessments (Report) and Amended Assessment Diagram for Assessment District 2015-1; and 2) If Council overrules and denies any and all protest, objections and appeals from the public hearing, adopt Resolution No 20-43 approving the Report and the Amended Assessment Diagram for the Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One.

FISCAL IMPACT: There is no fiscal impact to this action. All costs associated with amending the Assessment District Diagram will be paid by those parcels that modified their parcels after Assessment District 2015-1 was created.

WORK PLAN: This item was included as item 8d in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: The Municipal Improvement Act of 1913 (Division 12 of the Streets & Highways Code of the State of California) (1913 Act) provides the City with the legal authority to form an assessment district to finance public improvements. Prop 218 requires that an engineer prepare a report determining the special benefits each property within the proposed assessment district receives from the proposed improvements.

On January 25, 2016, City Council adopted Resolution No. 16-06 establishing Assessment District 2015-1 to finance the design and construction of the Civic Center Water Treatment Facility, Phase 1. All 57 parcels within the Assessment District were assigned an assessment amount based upon the volume and concentration of wastewater generated by their properties.

Since the formation of Assessment District No. 2015-1, Assessment Nos. 43 and 47 (APN 4458-022-001 and 4458-022-022) were merged into one single parcel. In addition, Tract No. 70038 subdivided Assessment Nos. 15, 16, and 17 (APN 4458-018-002, 4458-018-018 and 4458-018-019) into seven separate parcels. These revisions require a modification to the Assessment District Diagram to reallocate the assessments to the appropriate parcel numbers. These revisions are reflected in the Report and the Amended Assessment Diagram. All property owners affected by this amendment were given written notice of the modifications and this public hearing.

Assessment Nos. 43 and 47

In July 2017, Assessment Nos. 43 and 47 were merged. The original Report accounted for these two parcels as commercial development and assigned the assessments based upon their wastewater flow and concentration. Since there are no changes in the existing development, the Amended Engineer's Report for Assessment Nos. 43 and 47 will combine the assessments into the new parcel.

Assessment No. 15-17

In July 2018, Tract No. 70038 subdivided Assessment Nos. 15-17 into seven separate parcels (five (5) estate-sized residential dwelling units, a gate house, and the City's Skate Park location). The original assessments for Assessment Nos. 15-17 accounted for the development of five (5), estate-sized residential dwelling units and a gatehouse. No assessments were accounted for the City's Skate Park since that use did not generate wastewater flow. Therefore, the original assessments will split between the five (5) estate size residential dwelling units and the gate house.

During the Public Hearing, Council will hear public testimony regarding the Report and Amended Assessment Diagram for Assessment District 2015-1. If Council overrules and denies any and all protest, objections and appeals received at the public hearing, Council will be asked to adopt Resolution No 20-43 approving the Report and the Amended Assessment Diagram for Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One.

ATTACHMENTS:

1. Resolution No. 20-43
2. Public Notice
3. Report of Amended Assessments
4. Amended Assessment Diagram

RESOLUTION NO. 20-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING AN AMENDMENT TO EXISTING ASSESSMENTS OF FOR CITY OF MALIBU ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY-PHASE 1) AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

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

SECTION 1. Recitals.

A. This City Council of the City of Malibu (the "City") has taken proceedings under the Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code (the "Code"), for the formation of City of Malibu Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1) (the "Assessment District") and has confirmed an assessment in the amount of $63,688,774.33, which assessment and a related diagram were recorded in the office of the Public Works Director of the City, acting as the Superintendent of Streets, and with the County Recorder of the County of Los Angeles; and

B. A notice of assessment (the "Notice of Assessment"), as prescribed in Section 3114 of the Code, has been recorded with the County Recorder of the County of Los Angeles, whereupon the assessment attached as a lien upon the property assessed within the Assessment District as provided in Section 3115 of the Code; and

C. Subsequent to the formation of the Assessment District, certain parcels of land within the Assessment District have been subdivided and the City Council now desires to approve certain amendments to the assessment levied within the Assessment District and the related diagram; and

D. A Report, an Amended Assessment Diagram and a Notice of Amended Assessment have been prepared and filed with the City Council and have been available for review by the property owners within the Assessment District; and

E. This City Council fixed August 24, 2020, at the hour of 6:30 p.m. at the regular meeting place of the City Council, City Hall, 23825 Stuart Ranch Road, Malibu, California 90265, as the time and place of hearing protests and objections to the Report, Amended Assessment Diagram, Notice of Amended Assessment and/or to the revised assessment; and

F. The City Clerk has caused notice to be given of the filing of the Report and the Amended Assessment and Amended Assessment Diagram and the time and place and purpose of said hearing, all as required by Sections 8731 and 8732 of the Code and Article XIIID, Section 4 of the California Constitution ("Article XIIID"); and

G. At the time and place stated in the aforesaid notice, a hearing was duly held by this City Council and, during the course of said hearing, the Report, Amended Assessment Diagram and Notice of Amended Assessment were duly presented and considered, all written protests and objections received, if any, were duly presented, read, heard and considered and all persons appearing at said hearing and desiring to be heard in the matter of said Report were heard, and a full, fair and complete hearing has been conducted; and

H. This City Council has considered the revised assessment proposed in the Report, Amended Assessment Diagram and Notice of Amended Assessment and the evidence presented at said hearing.

SECTION 2. The above recitals, and each of them, are true and correct.

SECTION 3. The public hearing referred to in the recitals hereof has been duly held, and each and every step in the proceedings prior to and including the hearing has been duly and regularly taken. This City Council is satisfied with the correctness of the Report, Amended Assessment Diagram and Notice of Amended Assessment.

SECTION 4. The City Council overrules and denies any and all protests, objections and appeals made in regard to these proceedings.

SECTION 5. The amount of the assessments and the costs incurred by the City in connection with the amendment described herein are shown in the Report and the amended maximum annual assessment per parcel for administrative expenses shown are confirmed and are fixed in said amounts.

SECTION 6. The amounts to be assessed against the individual parcels shown on the Amended Assessment Diagram are hereby approved and confirmed, and the City Council is authorized and directed to endorse the fact and date of such approval on the Final Report.

SECTION 7. The Amended Assessment Diagram and the Notice of Amended Assessment are to be placed on file in the office of the Superintendent of Streets, and the City Clerk is authorized and directed to record, or cause to be recorded, the Amended Assessment Diagram and the Notice of Amended Assessment in the office of the County Recorder of the County of Los Angeles as required by Sections 3114, 10401 and 10402 of the Code.

SECTION 8. This Resolution shall take effect immediately upon its adoption.

SECTION 9. 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 August 24, 2020.

_____
MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

NOTICE OF HEARING ON AMENDED ASSESSMENT
Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)
City of Malibu, County of Los Angeles

NOTICE IS HEREBY GIVEN that pursuant to the order of the City Council of the City of Malibu, there has been filed with in the office of the Public Works Director, as Superintendent of Streets, of the City of Malibu, a Report and an Amended Assessment and Amended Assessment Diagram of the parcel(s) identified in the Report for Assessment District No. 2015-1. The Report and Amended Assessment and Amended Assessment Diagram concern the assessments and proceedings confirmed by Resolution No. 16-06 of the City Council of the City of Malibu, adopted on January 25, 2016. Reference is made to the Report and all proceedings of the City Council of the City of Malibu for Assessment District No. 2015-1 for further particulars.

NOTICE IS FURTHER GIVEN that on August 24, 2020, at the hour of 6:30 p.m. a hearing will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Order (revised July 18, 2020) on the Amended Assessments, at which time all persons interested in the Amended Assessments or in the lands affected thereby, or in the bonds secured thereby, may protest against the same as provided in Part 10 of Division 10 of the Streets and Highways Code of California. No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at https://malibucity.org/video and https://malibucity.org/VirtualMeeting. Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins. Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized. Please visit https://malibucity.org/VirtualMeeting and follow the directions for signing up to speak and downloading the Zoom application.

Report of Amended Assessments

Amending Existing Assessment Nos. 15, 16, 17, 43 and 47
Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)
City of Malibu, County of Los Angeles, State of California

Pursuant to a Resolution Approving an Amendment to Existing Assessments adopted by the City Council of the City of Malibu, the undersigned does hereby apportion the assessments heretofore levied by the City Council in its proceedings in and for the captioned assessment district because of divisions, mergers or other changes with respect to the original lots, pieces and parcels of and within said assessment district which have occurred since the levy of such assessments.

This report consists of the apportioned amended assessments attached hereto as Exhibit A, including the costs of apportionment not otherwise paid by the owners of record of the changed parcels and an amended assessment diagram relating to the changed parcels attached hereto as Exhibit B, which amended diagram refers to the original recorded assessment diagram for the assessment district.

Respectfully submitted this _____ day of _____ 2020

By: _____

Exhibit A

Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)

City of Malibu, County of Los Angeles, State of California

City of Malibu Assessment District 2015-1 (Civic Center Wastewater Treatment Facility - Phase 1) City of Malibu, County of Los Angeles, State of California										
Original Assessor's Parcel Number	Original Assessment Number	Original Assessment Amount	Unpaid Assessment	New Assessor's Parcel Numbers	New Assessment Number	Original Assessment Apportioned	Unpaid Assessment Apportioned	Costs of Apportionment	Owner of Record	Maximum Annual Administrative Expenses[1]
4458-018-002	15	$0.00	$0.00	4458-018-040	63	$0.00	$0.00	$0.00	600 Spring LLC	$0.00
4458-018-018	16	$0.00	$0.00	4458-018-042	65	$0.00	$0.00	$0.00	600 Spring LLC	$0.00
				4458-018-907	67	$0.00	$0.00	$0.00	City of Malibu	$0.00
Subtotal		$0.00	$0.00			$0.00	$0.00	$0.00		$0.00
4458-018-019	17	$1,160,682.03	$1,101,478.38	4458-018-035	58	$232,136.41	$220,295.69	$600.00	600 Spring LLC	$111.39
				4458-018-036	59	$232,136.40	$220,295.67	$600.00	600 Spring LLC	$111.39
				4458-018-037	60	$232,136.40	$220,295.67	$600.00	600 Spring LLC	$111.39
				4458-018-038	61	$232,136.41	$220,295.69	$600.00	600 Spring LLC	$111.39
				4458-018-039	62	$232,136.41	$220,295.69	$600.00	600 Spring LLC	$111.39
				4458-018-041	64	$0.00	$0.00	$0.00	600 Spring LLC	$0.00
				4458-018-906	66	$0.00	$0.00	$0.00	City of Malibu	$0.00
Subtotal		$1,160,682.03	$1,101,478.38			$1,160,682.03	$1,101,478.41	$3,000.00		$556.97
4458-022-001	43	$1,669,766.23	$1,584,595.40	4458-022-030	68	$3,997,577.16	$3,793,670.19	$600.00	DB MALIBU HOLDCO LLC	$1,918.30
4458-022-022	47	$2,327,810.93	$2,209,074.79							
Subtotal		$3,997,577.16	$3,793,670.19			$3,997,577.16	$3,793,670.19	$600.00		$1,918.30
Grand Total		$5,158,259.19	$4,895,148.57			$5,158,259.19	$4,895,148.60	$3,600.00		$2,475.27

1. Maximum Annual Administrative Expenses is for Fiscal Year 20-21 and increases by the lesser of 5% over the previous year or by the change in CPI from the previous year.

Exhibit B

Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)

City of Malibu, County of Los Angeles, State of California

Sheet 1 of 2

AMENDED ASSESSMENT DIAGRAM
AMENDING ASSESSMENT NOS. 15, 16, 17, 43, AND 47
ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY – PHASE 1)
CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Filed in the office of the City Clerk of the City of Malibu this ____ day of _____, 2020

_____
City Clerk of the City of Malibu
County of Los Angeles, State of California

Recorded in the office of the Public Works Director / City Engineer this ____ day of _____, 2020

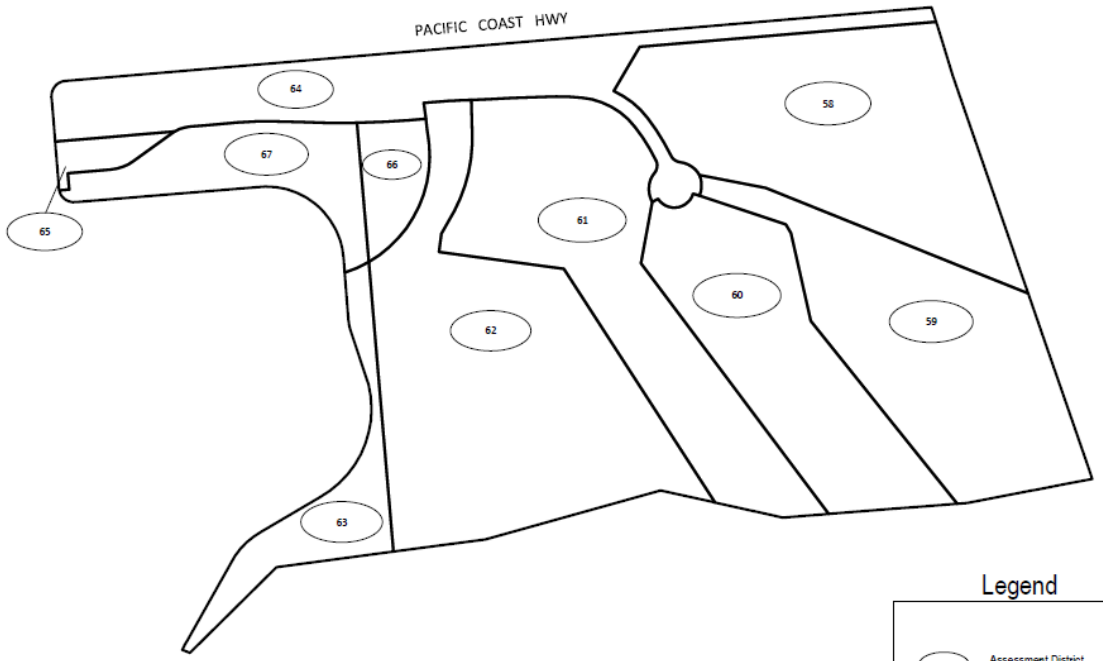
_____
Rob DuBoux, PE., Esq.
Public Works Director / City Engineer, City of Malibu

Filed this _____ day of _____, 2020, at the hour of _____ o'clock __m, in Book _____ of Maps of Assessment and Community Facilities Districts at page _____ and a Instrument No. _____, in the office of the County Recorded in the County of Los Angeles, State of California.

_____
County Recorder of the County of Los Angeles

Reference is hereby made to the Assessor maps of the County of Los Angeles for an exact description of the lines and dimensions of each lot and parcel.

This amended assessment diagram amends the assessment diagram for Assessment District No. 2015-1, (Civic Center Wastewater Treatment Facility – Phase I) City of Malibu, County of Los Angeles, State of California prior recorded at Book 194 of Maps of Assessment Districts at pages 36 and 37, in the office of the County Record for the County of Los Angeles, State of California.



Prepared by 30 Three Sixty Public Finance, Inc.

Legend

Assessment District Assessment Number

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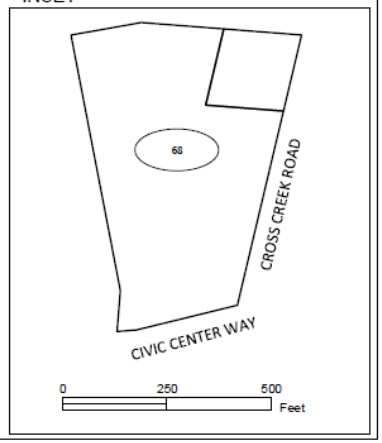


AMENDED ASSESSMENT DIAGRAM
AMENDING ASSESSMENT NOS. 15, 16, 17, 43, AND 47
ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY – PHASE 1)
CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Filed in the office of the City Clerk of the City of Malibu this ____ day of _____, 2020

_____
City Clerk of the City of Malibu
County of Los Angeles, State of California

Recorded in the office of the Public Works Director / City Engineer this ____ day of _____, 2020

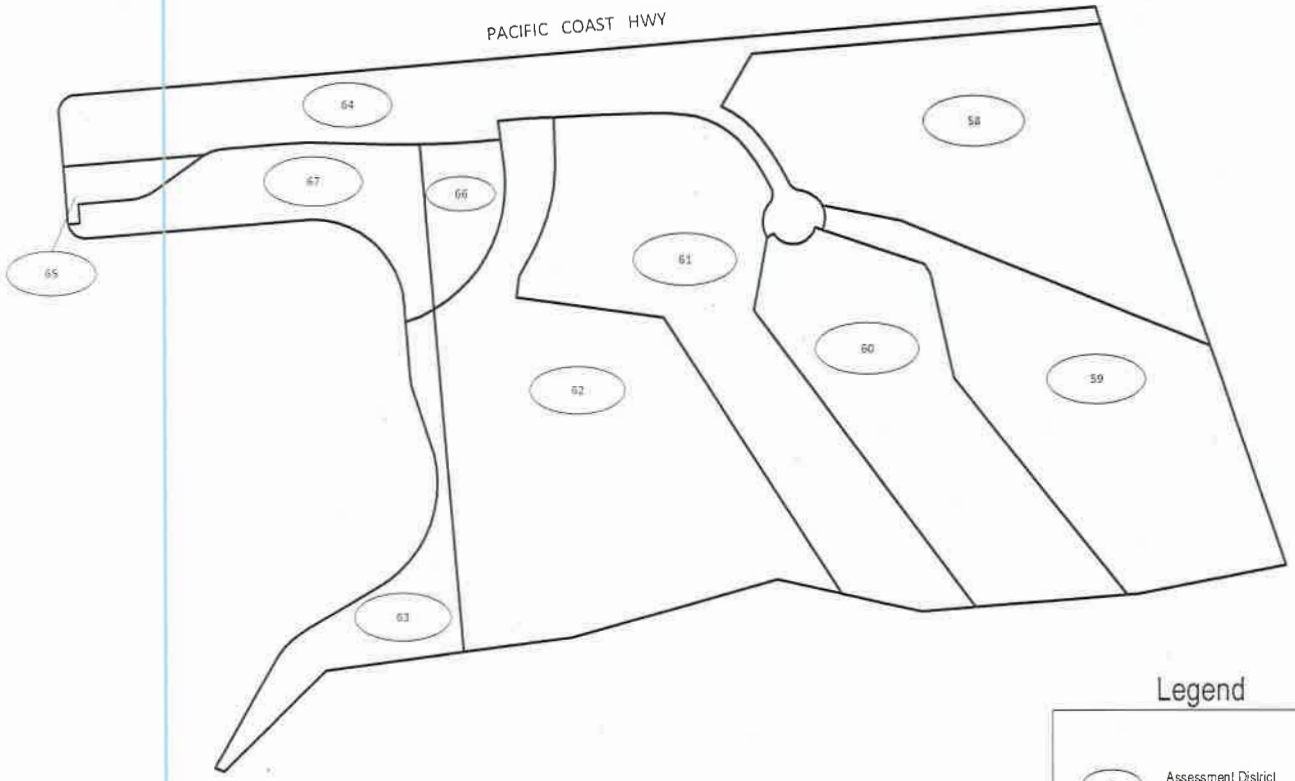
_____
Rob DuBoux, PE., Esq.
Public Works Director / City Engineer, City of Malibu

Filed this _____ day of _____, 2020, at the hour of _____ o'clock __m, in Book _____ of Maps of Assessment and Community Facilities Districts at page _____ and a Instrument No. _____, in the office of the County Recorded in the County of Los Angeles, State of California.

_____
County Recorder of the County of Los Angeles

Reference is hereby made to the Assessor maps of the County of Los Angeles for an exact description of the lines and dimensions of each lot and parcel.

This amended assessment diagram amends the assessment diagram for Assessment District No. 2015-1, (Civic Center Wastewater Treatment Facility – Phase I) City of Malibu, County of Los Angeles, State of California prior recorded at Book 194 of Maps of Assessment Districts at pages 36 and 37, in the office of the County Record for the County of Los Angeles, State of California.



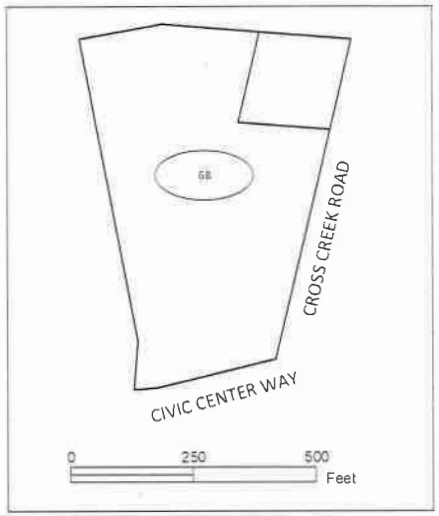
0 250 500 Feet

Prepared by 30 Three Sixty Public Finance, Inc.

Legend

Assessment District Assessment Number

INSET



ATTACHMENT 4

AMENDED ASSESSMENT DIAGRAM
AMENDING ASSESSMENT NOS. 15, 16, 17, 43, AND 47
ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY – PHASE 1)
CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
PRIOR RECORDED BOOK __ OF MAPS OF ASSESSMENT DISTRICTS AT PAGE __,
IN THE OFFICE OF THE COUNTY RECORDER FOR THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Assessment Number	Assessor Parcel Number
58	4458-018-035
59	4458-018-036
60	4458-018-037
61	4458-018-038
62	4458-018-039
63	4458-018-040
64	4458-018-041
65	4458-018-042
66	4458-018-906
67	4458-018-907
68	4458-022-030

Reference is hereby made to the Assessor maps of the County of Los Angeles for an exact description of the lines and dimensions of each lot and parcel.

Prepared by 30 Three Sixty Public Finance, Inc.

Supplemental Council Agenda Report

City Council Meeting
08-24-20
Item 4.C.

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

Prepared by: Robert DuBoux, Public Works Director/City Engineer

Approved by: Reva Feldman, City Manager

Date prepared: August 17, 2020 Meeting date: August 24, 2020

Subject: Amend Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One

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RECOMMENDED ACTION: 1) Conduct a public hearing regarding the Report of Amended Assessments (Report) and Amended Assessment Diagram for Assessment District 2015-1; and 2) If Council overrules and denies any and all protest, objections and appeals from the public hearing, adopt Resolution No 20-43 approving the Report and the Amended Assessment Diagram for the Assessment District 2015-1 Civic Center Wastewater Treatment Facility – Phase One.

FISCAL IMPACT: There is no fiscal impact to this action. All costs associated with amending the Assessment District will be paid by those parcels that modified their parcels after Assessment District 2015-1 was created.

WORK PLAN: This item was included as item 8d in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: All costs associated with amending the assessment district will be paid by those parcels that modified their parcels after Assessment District 2015-1 was created. A notice was sent to these property owners with a deadline to pay their share of the associated costs of an August 14, 2020.

The City did not receive the payments prior to the deadline of August 14, 2020. As a result, these costs will be included in the property owner's assessments. The Report of Amended Assessments was updated to include these costs.

ATTACHMENT: Updated Report of Amended Assessments.

Report of Amended Assessments

Amending Existing Assessment Nos. 15, 16, 17, 43 and 47
Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)
City of Malibu, County of Los Angeles, State of California

Pursuant to a Resolution Approving an Amendment to Existing Assessments adopted by the City Council of the City of Malibu, the undersigned does hereby apportion the assessments heretofore levied by the City Council in its proceedings in and for the captioned assessment district because of divisions, mergers or other changes with respect to the original lots, pieces and parcels of and within said assessment district which have occurred since the levy of such assessments.

This report consists of the apportioned amended assessments attached hereto as Exhibit A, including the costs of apportionment not otherwise paid by the owners of record of the changed parcels and an amended assessment diagram relating to the changed parcels attached hereto as Exhibit B, which amended diagram refers to the original recorded assessment diagram for the assessment district.

Respectfully submitted this _____ day of _____ 2020

By: _____

Exhibit A

Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)

City of Malibu, County of Los Angeles, State of California

City of Malibu Assessment District 2015-1 (Civic Center Wastewater Treatment Facility - Phase 1) City of Malibu, County of Los Angeles, State of California										
Original Assessor's Parcel Number	Original Assessment Number	Original Assessment Amount	Unpaid Assessment	New Assessor's Parcel Numbers	New Assessment Number	Original Assessment Apportioned	Unpaid Assessment Apportioned	Costs of Apportionment	Owner of Record	Maximum Annual Administrative Expenses[1]
4458-018-002	15	$0.00	$0.00	4458-018-040	63	$0.00	$0.00	$0.00	600 Spring LLC	$0.00
4458-018-018	16	$0.00	$0.00	4458-018-042	65	$0.00	$0.00	$0.00	600 Spring LLC	$0.00
				4458-018-907	67	$0.00	$0.00	$0.00	City of Malibu	$0.00
Subtotal		$0.00	$0.00			$0.00	$0.00	$0.00		$0.00
4458-018-019	17	$1,160,682.03	$1,101,410.85	4458-018-035	58	$232,136.41	$220,282.18	$1,300.00	600 Spring LLC	$111.39
				4458-018-036	59	$232,136.40	$220,282.16	$1,300.00	600 Spring LLC	$111.39
				4458-018-037	60	$232,136.40	$220,282.16	$1,300.00	600 Spring LLC	$111.39
				4458-018-038	61	$232,136.41	$220,282.18	$1,300.00	600 Spring LLC	$111.39
				4458-018-039	62	$232,136.41	$220,282.18	$1,300.00	600 Spring LLC	$111.39
				4458-018-041	64	$0.00	$0.00	$0.00	600 Spring LLC	$0.00
				4458-018-906	66	$0.00	$0.00	$0.00	City of Malibu	$0.00
Subtotal		$1,160,682.03	$1,101,410.85			$1,160,682.03	$1,101,410.86	$6,500.00		$556.97
4458-022-001	43	$1,669,766.23	$1,584,498.26	4458-022-030	68	$3,997,577.16	$3,793,437.63	$1,300.00	DB Malibu HoldCo LLC	$1,918.30
4458-022-022	47	$2,327,810.93	$2,208,939.37							
Subtotal		$3,997,577.16	$3,793,437.63			$3,997,577.16	$3,793,437.63	$1,300.00		$1,918.30
Grand Total		$5,158,259.19	$4,894,848.48			$5,158,259.19	$4,894,848.49	$7,800.00		$2,475.27

[1]Maximum Annual Administrative Expenses is for Fiscal Year 20-21 and increases by the lesser of 5% over the previous year or by the change in CPI from the prevoius year.

Exhibit B

Assessment District No. 2015-1 (Civic Center Wastewater Treatment Facility – Phase 1)

City of Malibu, County of Los Angeles, State of California

Sheet 1 of 2

AMENDED ASSESSMENT DIAGRAM
AMENDING ASSESSMENT NOS. 15, 16, 17, 43, AND 47
ASSESSMENT DISTRICT NO. 2015-1 (CIVIC CENTER WASTEWATER TREATMENT FACILITY – PHASE 1)
CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Filed in the office of the City Clerk of the City of Malibu this ____ day of _____, 2020

_____
City Clerk of the City of Malibu
County of Los Angeles, State of California

Recorded in the office of the Public Works Director / City Engineer this ____ day of _____, 2020

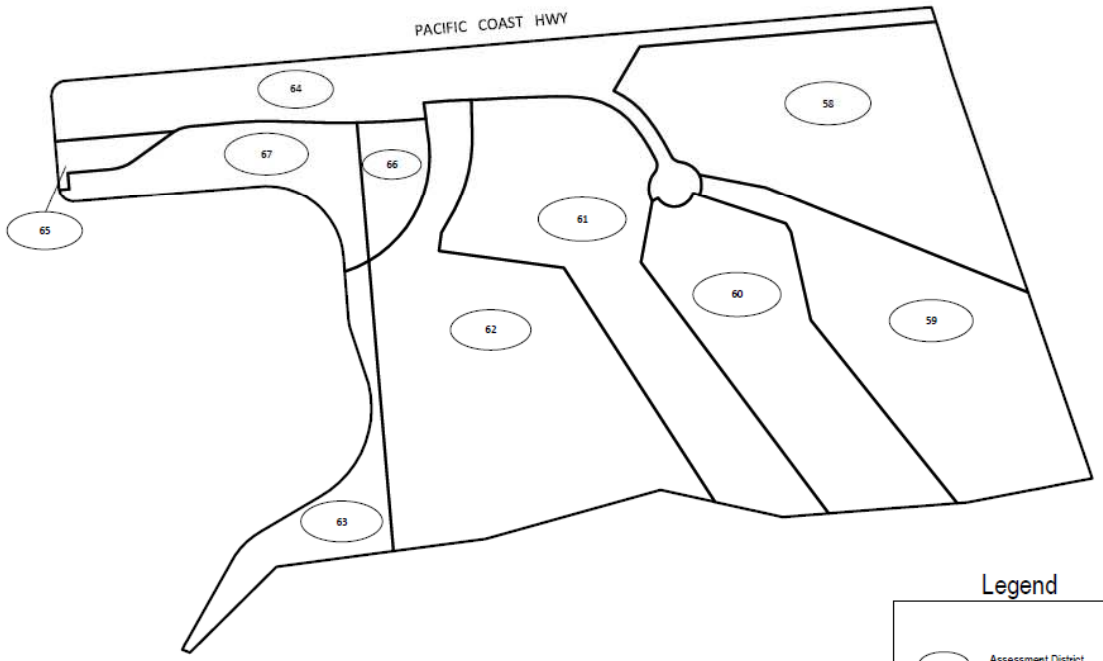
_____
Rob DuBoux, PE., Esq.
Public Works Director / City Engineer, City of Malibu

Filed this _____ day of _____, 2020, at the hour of _____ o'clock __m, in Book _____ of Maps of Assessment and Community Facilities Districts at page _____ and a Instrument No. _____, in the office of the County Recorded in the County of Los Angeles, State of California.

_____
County Recorder of the County of Los Angeles

Reference is hereby made to the Assessor maps of the County of Los Angeles for an exact description of the lines and dimensions of each lot and parcel.

This amended assessment diagram amends the assessment diagram for Assessment District No. 2015-1, (Civic Center Wastewater Treatment Facility – Phase I) City of Malibu, County of Los Angeles, State of California prior recorded at Book 194 of Maps of Assessment Districts at pages 36 and 37, in the office of the County Record for the County of Los Angeles, State of California.

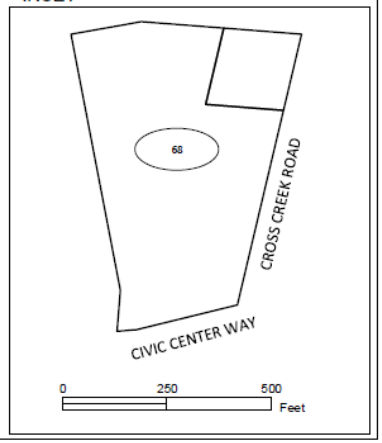


Prepared by 30 Three Sixty Public Finance, Inc.

Legend

Assessment District Assessment Number

INSET



City Council Meeting
08-24-20
Item 4.D.

Council Agenda Report

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Lilly Rudolph, Contract Planner

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: August 13, 2020 Meeting date: August 24, 2020

Subject: Appeal No. 19-006 - Appeal of Planning Commission Resolution No. 19-42 (19750 Pacific Coast Highway; Appellant: Benjamin Leeds; Applicant: Vitus Matare; Property Owner: Santa Barbara Land Company, LLC)

RECOMMENDED ACTION: Continue to a date uncertain.

ATTACHMENTS: None.

Council Agenda Report

City Council Meeting
08-24-20
Item 6.A.

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Adrian Fernandez, Principal Planner

Reviewed by: Bonnie Blue, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: August 12, 2020 Meeting Date: August 24, 2020

Subject: 5G Wireless Technology and Small Cells

RECOMMENDED ACTION: Receive and file report.

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

WORK PLAN: This item is not included in the Adopted Work Plan for Fiscal Year 2020-2021. Item 4o of the Adopted Work Plan includes updating the City's wireless communication facility ordinance.

DISCUSSION: The matter before the City Council is a brief description of 5G wireless technology and small cells due to public inquiries and questions from residents. Telecom Law firm PC (TLF) currently assists the Planning Department staff in reviewing legal and technical aspects of wireless communications facility applications. Dr. Jonathan Kramer of TLF prepared the attached memo to Council to explain 5G wireless technology and small cells. Dr. Kramer will also give a brief presentation at the City Council meeting and will be available for questions.

The Fiscal Year 2020-2021 Adopted Work Plan includes an update to the City's wireless communications facility ordinance. The update to the ordinance is expected to address new federal regulations applicable to wireless communications facilities.

ATTACHMENT: Memorandum prepared by Dr. Jonathan Kramer, dated July 28, 2020

TELECOM
LAW FIRM PC

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LOS ANGELES OFFICE

MEMORANDUM

TO: City Council of the City of Malibu, California
FROM: Dr. Jonathan L. Kramer
Date: July 28, 2020
Subject: WHAT IS 5G WIRELESS?

Dear Mayor Pierson, Mayor Pro Tempore Peak, and Councilmembers Farrer, Mullen, and Wagner:

This short memorandum addresses key points about the nascent deployment of 5G wireless services and provides a backdrop in which to better frame how we got to this point, and to describe likely 5G deployments in Malibu. I write memorandums as both a 30+ year telecommunications engineer, and as a telecommunications attorney working for local governments, including the City of Malibu.

I
Wireless Deployment:
1G through 4G Wireless Deployment

The first cellular network, which we know as 1G--then called Advanced Mobile Phone System ("AMPS")—was deployed in the early 1980s. By the end of the 1980s, over 2 million mobile users would opt for this voice-only service. Cell sites of this era tended to be located on mountaintops and along major transportation routes such as Interstate Highways. By the early 1990s, 2G—the first partially digital cellular service brought the number off mobile users to about 44 million in 1996. They were served by about 50,000 macrocell (large) cell sites. Two examples of cell sites of this era are shown in the Appendix at Figure 1 and Figure 2. While still an analog voice service, 2.5G also included early forms of text messaging.

3G, deployed in the early 2000s, continued the transition of analog cellular to fully digital and opened the door to the first all-digital Personal Communications Service ("PCS") competitors to the two legacy cellular providers licensed by the FCC to serve each market. PCS providers initially included T-Mobile and Sprint. Subscribership of cellular and PCS providers grew to more than 50 million subscribers from about 125,000 cell sites. Two examples of cell sites in this era are shown in the Appendix at Figure 3 and Figure 4.

Now in mid-2020 the world is standardizing on an international standard of signal modulation called "Long Term Evolution" ("LTE") which is deployed for 4G and 5G. LTE uses various signal modulation techniques to squeeze more information into the bits and bytes digitally transmitted over-the-air. In 2018 there were nearly 350,000 cell sites, and over half the wired-telephone users in the U.S. had given up their landline phones in favor of being wireless-only households. Today the number of cell site is closer to 375,000, but "small cell" cell sites are being added at brisk pace. Some examples of 4G wireless sites are shown in the Appendix at Figures 5, 6, and 7.

II
5G Wireless Deployment

A
More Bands of Services

With all of the groundwork set out, we now turn to 5G, the fifth generation of cellular wireless services. 5G most greatly differs from 4G not in the way the signals are formed (the modulation), but rather by the greater number higher-band frequencies that are allocated for carriers' use. Consider this automobile analogy: while 4G developed the 'fast engines' [digital] to put into cellular phones…the cars…, 5G adds many more parallel highway lanes for those fast cars to use. Continuing the analogy, at 8 a.m. on a (non-Covid) weekday, the eastbound lanes of I-10 nearing the I-405 interchange become jammed with too many cars and trucks trying to use too few lanes on both freeways. Metaphorically, 5G adds many more parallel lanes (bands of services) on both freeways for more cars and trucks headed in the same direction at the same time. Better yet, 5G permits wider 'vehicles' (here, for example, users downloading HD movies, which we will call wide-load trucks) to use more than one eastbound lane at a time. This sharing of two lanes is called 'signal bonding' and it is where several frequency bands can be temporarily connected to serve a high bandwidth need such a downloading a movie shot in 4K, then un-bonding the bands to return the use of the 'lanes' to lower-demand users, such as those typing emails or browsing the Internet.

Higher bandwidth users are expected to include self-driving cars using real-time data for navigation and collision avoidance; tele-medicine (heavy users of real-time video images); and ever increasing amounts of streaming videos.

The physics of higher frequency bands have a benefit of more available bandwidth (many more side-by-side highway lanes in our analogy), but they also have some downsides. Higher frequencies do not travel nearly far as do lower frequencies. For a different analogy, low frequency AM radio stations can be heard hundreds of miles away, but higher frequency FM radio stations cannot be heard nearly as far and are often limited to near-line of sight from the transmitter. For the reason, FM stations covering large geographic regions commonly use more than one transmitter. As an example, KCRW-FM is heard in Los Angeles on 89.9 MHz, but it is

heard in Oxnard on 89.1 MHz where KCRW is retransmitted to expand the coverage area of that station.

The bottom line for 5G is that it is not a new form of radio modulation, but rather a means of using modern transmission techniques on more and higher bands in varying combinations to provide greater bandwidth of the spectrum for current and new applications, and more users simultaneously accessing that spectrum for those increasing uses.

B

Small Cells, Existing Site Modifications, and the FCC Shot Clocks

To aid in the coverage and capacity demands of 4G, and the expanding 5G deployment, the wireless industry is moving to the use of 'small cells.' Those are cell sites defined by the FCC as having 28 cubic feet or less in equipment cabinet volume, and antennas that do not exceed 3 cubic feet in volume. The FCC has created special rules for small cells that make it very difficult for a municipality to deny the installation applications, and the Commission also adopted rules to force quick action on those applications by local government. Similarly, the FCC adopted rules in the "Spectrum Act" that require that local government approve certain types of qualifying modifications to existing cell sites. In June 2020, the FCC expanded on the meanings and scope of projects that constitute an application that mandates local government approval. Similarly, the Commission also requires local government to quickly act those Spectrum Act applications.

The Commission requires local governments to approve qualifying small cell applications and Spectrum Act applications within 60 days after the application is presented to the jurisdiction.

As discussed above, 5G providers require more sites to provide higher-frequency, higher speed signal coverage. A result of the use of higher frequencies is that those higher frequency transmissions require physically smaller antennas. For some examples of 5G cell sites already deployed in Santa Monica, please see the Appendix at Figure 8 and 9. For a comparison of an existing 5G site adjacent to a 4G site in Los Angeles, please the Appendix at Figure 10.

III

Municipal Responses to FCC Rules Changes

The FCC has made various rulemaking docket decisions and issued various declaratory rulings to help the wireless industry more rapidly deploy 4G and 5G. That rapid deployment is supported by Congressional direction and policy through the Spectrum Act and is operationalized by the FCC in its various Section 6409(a) rulings and its small cell rules, all of which to some degree restrict or preempt local decision making discretion in cell siting issues. For example, the Spectrum Act (as repeatedly interpreted by the FCC) takes away portions of local authority in considering whether to approve cell site modifications and expansions. The Commission's small cell rules make it very difficult for local governments to deny or condition those classes of site applications other than for some aesthetic issues. The FCC's shot clock rules, coupled with

California's Assembly Bill 57 (2015), deem almost all wireless projects automatically approved for construction if a local government fails to make a decision on a wireless site application within the shot clock windows established by the FCC.

Further, and tacking on to the FCC shot clock rules that automatic approve projects not timely acted upon by a local government, the Commission has further ruled that any attempt by a local government to impose any form of wireless siting moratorium is without effect on the shot clock. Essentially, a local government may adopt a moratorium, but the shot clocks and automatic approvals are unaffected by the local moratorium.

Together, these rules, regulations, and interpretations have caused many jurisdictions to modify their local wireless ordinances to (among other things) adopt aesthetic standards for small cells as permitted by the FCC; to add automatic safety conditions of approval to attach to projects deeded approved by operation of law; and to revamp their wireless applications to better comply with the changing wireless regulatory landscape.

IV
5G Wireless
Radio Frequency Safety Considerations

This memorandum would not be complete without commenting on public concerns for 5G radio emissions. Initially, it is vital to understand Malibu's legally-constrained and limited role in this regard.

In 1996 Congress passed and the President signed into law the Telecommunications Act of 1996 (the "1996 Act"). Within that law is Section 332(c)(7)(vi), which says in its entirety:

> No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [Federal Communications] Commission's regulations concerning such emissions.

Congress, in the 1996 Act, delegated the sole task of creating national RF emissions safety standards to the FCC, which the FCC adopted a year later. This is called 'field preemption' inasmuch as local governments are not allowed to adopt their own RF emissions safety standards, and they cannot even adopt the FCC standards as their own. Not surprisingly, this portion of the 1996 Act came out of the fact that various local governments around the country had adopted their own patchwork of local and differing RF emissions safety standards. Radio waves do not care about jurisdictional boundaries, thus Congress's adoption of Section 332(c)(7)(vi) took local governments out of the RF emissions safety arena with a single exception: Local government can (and Malibu does) determine for each cell site project whether the proposed emissions related to a cell project are actually planned to comply with the FCC' national rules.

Malibu is barred from considering whether any current or future radio emissions are safe. A determination of RF emissions safety is a job solely assigned by Congress to the FCC. This is why, even when faced by very concerned citizens, a local jurisdiction cannot deny a cell site project if the only basis for the denial is due to public concerns about the RF emissions. That is the settled law, and it is why any opinion regarding whether 5G (or any other "G") is safe is outside the bounds for a local government. Any change to the existing RF safety rules, and limitations on local governments, requires either a change in the law by Congress, or some FCC action.

At the end of the day, under the 1996 Act (as repeatedly narrowed by FCC interpretations) a local government jurisdiction is in the business of assessing whether a cell site project meets the legally-adopted and legally-acceptable aesthetic standards of the jurisdiction, and only determining whether a cell site project complies with the national FCC RF safety rules.

/jlk

APPENDIX

Figure 1: Self-supporting lattice tower supporting multiple cellular carriers (Newton, MA). Photograph by Dr. Jonathan Kramer.

Figure 2: Self-supporting lattice tower supporting T-Mobile antennas (Gridley, CA). Photograph by Dr. Jonathan Kramer.

Figure 3: Lattice water tank supporting T-Mobile antennas (Chico, CA).
Photograph by Dr. Jonathan Kramer.

Figure 4: Hotel supporting various cellular antennas on the rooftop and sides (Torrance, CA). Photograph by Dr. Jonathan Kramer.

Figure 5: Multi-carrier 4G site (Thousand Oaks, CA). One carrier on the stub tower, and one with antennas inside the roof of the building. Photograph by Dr. Jonathan Kramer.

Figure 6: Single-carrier 4G site (Malibu, CA). Photograph by Dr. Jonathan Kramer.

Figure 7: Single-carrier 4G site on a freestanding pole in the right of way (Malibu, CA). Photograph by Dr. Jonathan Kramer.

Figure 8: Single-carrier, single-band, three-sector 5G site on an existing traffic signal pole in the right of way (Santa Monica, CA). Photograph by Dr. Jonathan Kramer.

Figure 9: Single-carrier, single-band, two-sector 5G site on an existing traffic signal pole in the right of way (Santa Monica, CA). Photograph by Dr. Jonathan Kramer.

Figure 10: Single-carrier, two-band 5G site (left) on a light standard adjacent to a single-band 4G site (right) both in the right of way (Los Angeles, CA). Photograph by Dr. Jonathan Kramer.

City Council Meeting
08-24-20
Item 6.B.

Council Agenda Report

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

Prepared by: Lisa Soghor, Assistant City Manager

Approved by: Reva Feldman, City Manager

Date prepared: August 7, 2020 Meeting date: August 24, 2020

Subject: Review of Fiscal Year 2020-2021 Budget

RECOMMENDED ACTION: 1) Receive an update on status of Fiscal Year 2020-2021 Budget; 2) Adopt Resolution No. 20-46 amending the annual budget for Fiscal Year 2020-2021; and 3) Adopt Resolution No. 20-47 rescinding Section 2 of Resolution No. 20-36 and approving the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021 and approving the Associate Civil Engineer – Building and Safety Division Job Specification.

FISCAL IMPACT: The Adopted Budget totals $54.32 million in revenue and $63.79 million in expenses and includes General Fund annual revenue of $30.20 million and General Fund annual expenditures for ongoing City operations of $30.25 million.

If the staff recommendations in this report are approved, the General fund annual revenue will be reduced to $29.99 million, and the General Fund annual operating expenditures will be reduced to $29.54 million. Based on current information, staff projects that revenues will be decreased by $206,300 from the Adopted Budget. Staff is proposing reductions in expenditures totaling $709,161. This meets the $500,000 reduction in expenditures directed by Council on June 22, 2020. Staff recommends that this $500,000 be set aside to fund the City's increased debt service in Fiscal Year 2021-2022.

WORK PLAN: This item was included as item 6a in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: On June 22, 2020, the Council adopted the Fiscal Year 2020-2021 Budget. In consideration of the ongoing global pandemic and subsequent significant

impacts to the economy, the Council requested that staff return with a report on the status of the City's budget and to identify reductions in the City's budget including:

- Options for reducing Los Angeles County Sheriff's Department cost to the City
- Options for replacing some law enforcement services currently provided by the Los Angeles County Sheriff's Department with the California Highway Patrol
- Development of a retirement incentive program and calculations of the fiscal impact from the program
- Options to reduce $500,000 in salaries and benefits
- Options to reduce Community Services programs and activities
- Options to reduce environmental sustainability programs

The Council also directed staff to return to Council with an item to place a measure on the November 3, 2020 ballot to increase Transient Occupancy Tax (TOT) from 12% to 15%. On July 13, 2020, the Council adopted Resolution No. 20-37 ordering the submission of a proposed measure that would increase the City's TOT from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020. If the ballot measure is successful in November 2020, staff will include the projected additional revenue into future budgets at that time. The budget as currently presented does not include any additional revenue from an increase in TOT.

Update to Adopted Budget for Fiscal Year 2020-20201

Since the budget was adopted on June 22, 2020, staff has been monitoring the proposed phasing for the loosening of the Stay at Home orders by the State of California and the County of Los Angeles and the financial impact from the orders on the City's budget.

On March 19, 2020, the Governor issued Executive Order N-33-20 ordering all residents of California to stay home except as needed to maintain the operations of critical infrastructure sectors. The County issued a Health Officer Order and a series of revisions that mirrored and expanded on the Governor's Executive Order. The City is subject to the orders of the Los Angeles County Department of Public Health. On April 14, 2020, the State presented its Resilience Roadmap, a four-stage plan for modifying the State's Stay at-Home order. On May 4, 2020, the Governor issued Executive Order N-60-20, which informed local health jurisdictions and industry sectors that they may gradually reopen under new modifications and guidance provided by the State Public Health Officer on May 7, 2020. On May 26, 2020, as part of this phased reopening strategy, the County issued a new order easing restrictions on certain activities and on May 29, 2020, the State approved the County's application to move into advanced Stage 2. On June 12, 2020, the County issued a Revised Order, which allowed the re-opening of day camps, gyms and fitness centers, spectator-free professional sports, museums, tourist facilities, campgrounds, and entertainment production. On June 18, 2020, the

County Order was modified even further to allow for nail salons, tattoo shops, casinos, bars, and wineries to open with limited capacity and infection control safeguards.

As presented on June 22, 2020, the Adopted Budget for Fiscal Year 2020-2021 assumed that the County was in Stage 2 of the reopening process and would be in Stage 3 shortly.

However, on June 28, 2020, due to a spike in COVID-19 cases and hospitalizations, the State and the County amended the previous orders to require that all bars, breweries, wineries and tasting rooms close if they offered dine-in, sit-down meals. In addition to the amended order that closed bars and breweries, the County issued orders to close all beaches, beach parking lots, bike paths, piers, and access ways countywide, effective Friday, July 3, 2020, through Monday, July 6, 2020, to prevent crowding over the holiday and slow the spread of COVID-19. Surfing, walking, jogging, kayaking, paddle-boarding or any other recreational activities or gatherings were also prohibited at any State or County beach. The Revised Order also prohibited all private and public fireworks countywide. On July 1, 2020, the County backtracked even further, closing indoor dining, indoor museums, zoos and aquariums, and card rooms. On July 13, 2020, the Governor announced that counties on the State's Monitoring List for three consecutive days, which included Los Angeles County, must also close indoor operations at fitness centers, places of worship, indoor protests, offices for non-critical infrastructure sectors, personal care services, hair salons and barbershops, and malls, unless they could be modified to operate outside or by pick-up. The closure of these sectors, particularly the closure of beaches over the Fourth of July weekend, have negatively impacted multiple line items of the City's budget.

The summer season is typically the City's busiest time. The average number of visitors to local beaches is approximately 4 million people from June through August. This number does not include visitors to other non-beach areas. This summer, as a result of COVID-19 and the subsequent stay at home orders, records maintained by the Los Angeles County Lifeguards show beach attendance has been down approximately 30%. Local businesses are anecdotally reporting a drop in revenues of 75%, and local hotels are estimating that reservations are down by approximately 30% to 50%.

As discussed during the June 8, 2020 Public Hearing and the June 22, 2020 budget discussion, the Adopted Budget for Fiscal Year 2020-2021 relies on the one-time use of Southern California Edison (SCE) Settlement Funds in the amount of $3.94 million. In anticipation that these funds will not be available in Fiscal Year 2021-2022 and due to the ongoing global pandemic, staff has analyzed the current year's budget, as well as the next fiscal year's budget. In an effort to be conservative and provide the City with an ongoing solid financial structure, it is recommended that the Council make certain reductions this fiscal year in anticipation of increased debt service costs in Fiscal Year

2021-2022 and an expected decline of General Fund revenues for at least a two-year period.

Revenue

As detailed in Attachment 1, based on the most recent available data and trends from the months of May, June, and July 2020, the following reductions in revenue projections are recommended:

Decrease in Documentary Transfer Tax due to decrease in real estate sales $40,000

Decrease in Transient Occupancy Tax for Hotels and Motels due to COVID-19 closures $100,000

Decrease in Sales Tax due to COVID-19 closures $200,000

Decrease in Parking Tax due to COVID-19 closures $4,000

Decrease in Film Permits due to COVID -19 closures $40,000

Decrease in Public Works reviews due to decrease in applications $75,000

Decrease in Building Plan Check fees due to decrease in applications $75,000

Decrease in Geology/Soils due to decrease in applications $40,000

Decrease in Environmental Health due to decrease in applications $20,000

Decrease in Planning Review fees due to decrease in applications $75,000

Decrease in Community Classes fees due to decrease in programs $4,800

Decrease in Special Event fees due to COVD-19 regulations $4,000

These reductions are partly offset by a $350,000 increase in Property Taxes based on recent data received from the Los Angeles County Assessor's office and a $121,500 increase in Settlements from a Code Enforcement case and a Monsanto class action lawsuit. The changes in revenue for Fiscal Year 2020-2021 total a net decrease of $206,300.

The Council directed staff to reduce $500,000 in salaries and benefits. As part of this direction, a retirement incentive was offered to staff whereby eligible employees would receive $2,000 per year of City service as an incentive to retire. No employees were interested in the incentive program. Staff has developed an alternative plan to reduce expenditures as presented below. This plan also takes into consideration the net decline in revenues of $206,300. (Attachment 1).

The proposed changes to the budget rely on the City Council's continued commitment to maintain strong General Fund Reserves and a streamlined workplan that reflects limited resources.

1. **Staffing** – The Adopted Budget for Fiscal Year 2020-2021 provided funding for 91 full-time equivalent positions. The total of 91 full-time equivalent positions was a reduction of six full-time equivalent positions from the prior fiscal year. The Adopted Budget also included the elimination of a cost of living increase for City staff, which reduced expenses by $265,000.

   It is now recommended that 3.75 additional positions be eliminated, and one new position be established for a net reduction of 2.75 positions to reduce the City's budget for this fiscal year and future fiscal years. This would reduce the City's overall staffing number from 91.42 full-time equivalent position to 88.67 full-time equivalent positions, for a total savings of $330,000 in Fiscal Year 2020-2021. These savings will continue in future years and be reflected in those budgets.

   - Environmental Services – Due to budget constraints, the Council removed certain environmental tasks from the Fiscal Year 2020-2021 Adopted Workplan, resulting in a reduction of environmental-related tasks. As a result, the elimination of one full-time Environmental Coordinator is possible and will result in a net savings of $66,000 for Fiscal Year 2020-2021 and a net savings of $132,000 for each fiscal year thereafter.

   - Community Services – The Council removed certain Community Services events and programs, resulting in a reduction of tasks for the department. As a result of the reduced workload, the elimination of one full-time Recreation Coordinator, which is currently vacant, is possible and will result in a net savings of $77,000 for Fiscal Year 2020-2021 and a net savings of $77,000 each fiscal year thereafter.

   - Building Safety – The reductions in expenses can be achieved with a reorganization and a consolidation of certain functions, including replacing one full time, non-credentialed or licensed Environmental Sustainability Department position with a credentialed position that can assume some of the tasks currently being done by paid consultants, as well as the non-credentialed or licensed staff position. Replacing a non-credential Certified Plans Examiner with a Licensed Associate Civil Engineer and reducing the line item for Building Safety Professional Services will result in a net savings of $148,000 for Fiscal Year 2020-2021 and a net savings of $148,000 for each fiscal year thereafter. In Fiscal Year 2020-2021, the projected $50,000 cost for the Civil Engineer is offset by a $50,000 reduction in Professional Services.

- City Hall – Due to the COVID-19 pandemic, City Hall is anticipated to be open by appointment only for most of the calendar year. Additionally, staff does not anticipate that large events and other programs will happen in the building during the entire fiscal year. As a result, the elimination of the part-time City Hall Maintenance Worker is possible and will result in a net saving of $39,000 for Fiscal Year 2020-2021 and a net savings of $78,000 each fiscal year thereafter.

2. **Community Services Programming** – The Community Services Department has further reduced its programming and events offerings considering the latest COVID-19 guidance.

- Community Classes: Staff anticipates fewer in-person programs and workshops. Decreases in part-time staff hours, outside contractors and operating costs would yield a $35,000 savings.

- Senior Adults: The original budget anticipated that the Senior Center would reopen in Fall 2020. Based on the latest information regarding COVID-19, City staff recommends keeping the Senior Center closed for the remainder of the calendar year. Staff will find new ways to serve the City's senior population, including the Virtual Recreation Center. The reduction in in-person programming will provide a $14,000 savings in contract personnel and part-time salaries.

- Special Events: Currently, staff is recommending cancelling all large special events for the 2020-2021 Fiscal Year. The impacted events include Bark in the Park, Cars and Coffee, Chumash Day, Spring Spectacular, Youth Commission events, CineMalibu, and Gold Hunt. The reduction in expenditures is anticipated to be $59,000 from a decrease in part-time staff hours, outside contractors and operating costs.

- Cultural Arts: Staff is further recommending reductions in In-Person Art Exhibitions, some Arts and Education programming, Poet Laureate stipend, and Film Screenings for Fiscal Year 2020-2021. Staff would continue to produce virtual art exhibitions throughout the year. Decreases in part-time staff hours, outside contractors and operating costs would yield a $19,500 savings.

- Skate Park: Opening the Temporary Skate Park under Los Angeles County COVID-19 regulations has proved to be very staff intensive. Additionally, staff recommends hiring a security guard to assist in monitoring behavior and safety compliance at the park. These costs were unanticipated at the time of the

original budget preparation. Staff estimates that an additional $55,000 would be required to manage the Temporary Skate Park.

3. **Los Angeles County Sheriff's Department (LASD) Expenses** – With advocacy from the California Contract Cities Association, Los Angeles County has agreed to waive the .5% increase to the Liability Trust Fund in Fiscal Year 2020-2021. This results in a $40,000 reduction from the budgeted amount.

   Pursuant to Council direction, staff discussed the current LASD contract with Contract Law at the Sheriff's Department and, at this time, staff has determined that any reduction to the City's contract could compromise public safety. Due to budget reductions by the Los Angeles County Board of Supervisors that have reduced countywide staffing for targeted law enforcement services for homeless outreach services and other special services, staff does not recommend changing or reducing the current LASD contract.

4. **California Highway Patrol (CHP) Services** – The Fiscal Year 2020-2021 Adopted Budget did not include funding for on-call CHP services to provide assistance during emergency situations and Public Safety Power Shutoff (PSPS) events. Since Pacific Coast Highway (PCH) is a state-owned highway operated by Caltrans, the City can hire CHP officers to assist in managing traffic on PCH during planned power outages. Staff recommends adding $100,000 to the budget to fund these services.

   Staff also explored the possibility of replacing some LASD deputy hours with CHP officer time. Regular CHP officer hours are slightly more expensive than an LASD deputy, and while CHP overtime hours are less expensive, the City would not be ensured reliable staffing or coverage from the CHP as is provided by LASD. As stated above, staff recommends that the City continue to fully fund the LASD contract and use CHP services on an on-call basis for PSPS or other events, as needed.

5. **Film Permit Consultant** – Due to the projected $40,000 decrease in Film Permit Fees, there is a correlating $30,000 reduction in the costs for the Film Permit Consultant.

6. **Other Post-Employment Benefits (OPEB) Savings** – During the development of the Fiscal Year 2020-2021 Budget, staff used the actuarial valuation prepared in July 2018 for the City's estimated contribution. These actuarial valuations are prepared every two years for reporting to CalPERS. The City just received its new OPEB actuarial valuation, which reflects that aggressive funding in prior years has eliminated the City's unfunded liability. Based on the new valuation, the City can reduce its annual contribution by $244,000 and remain fully funded.

7. **Suspension of Deferred Compensation Matching Program** – The City offers a deferred compensation matching program to employees pursuant to Resolution No. 06-53. Employees who contribute to their deferred compensation account through ICMA-RC are eligible to receive up to $50 per paycheck in matching funds from the City. To reduce costs, it is recommended the City suspend this matching program. Suspension of the program from September 2020 through June 2021 will result in a net savings of $77,000 for Fiscal Year 2020-2021 and a net savings of $83,000 for the following fiscal year. It is recommended that the ICMA-RC Matching program be re-instated in Fiscal Year 2022-2023 if the City's finances have sufficiently stabilized.

8. **Insurance Expenses** – California Joint Powers Insurance Agency (CJPIA), the City's insurance company, sent the invoice for the City's property insurance on July 30, 2020. The rates were slightly lower than had been anticipated at the time of budget preparation. There is a $30,000 reduction to the property insurance costs attributable to the General Fund.

View Preservation Permit Fee – On July 13, 2020, the Council directed staff to bring back a discussion of the View Preservation Permit (VPP) Fee. Currently, the fee for a VPP processed through the Planning Commission is set at $2,615. The fee for a VPP processed by the Planning Director is set at $348. All applicants for VPPs to date have been able to work through the process with the foliage owner, and a Planning Commission determination has not been necessary. Staff has not received any feedback about the fee amount other than related to Big Rock area homeowners.

The reason for the difference in the fees is that there are significantly more staff time and resources involved in these two types of permits. Refer to Malibu Municipal Code (MMC) Section 17.45.060 (Attachment 4). For each type, the claimant must attempt to reach an agreement with the foliage owner through: 1) informal discussions; 2) mediation; and 3) binding arbitration. If these are successful, the Planning Director simply documents the agreement to memorialize the VPP, as described in the excerpt from MMC Section 17.45.060 (Attachment 5). No meetings, site visits, agenda reports, or hearings are required.

However, if the three steps above do not produce an agreement between the claimant and foliage owner, there are additional options for staff to process the VPP through the Planning Commission. Planners and administrative staff are involved. Staff takes in the application, arranges and conducts site visits at both the claimant and foliage owners' properties, prepares a public notice for publishing and mailing (including the cost of postage and publishing), prepares a staff report and draft permit, prepares for and staffs a public hearing on the item, and finalizes the permit based on the Commission's action.

General Fund Reserve – The Adopted Budget for Fiscal Year 2020-2021 reflected a projected General Fund Undesignated Reserve at June 30, 2021 of $22.83 million. The August revisions would add $500,000 for a projected reserve of $23.33 million. This number will be further refined once the City's auditors have audited Fiscal Year 2019-2020. The projected reserve is 70% of the annual operating budget. This exceeds the City's goal of maintaining a minimum of 50% of the operating budget in reserves and exceeds the 65% goal necessary to retain the highest credit rating for the City. The total projected General Fund Reserve balance (including Designated and Undesignated Reserves, the SCE Woolsey Fire Settlement, and the FEMA/CalOES liability) at June 30, 2021 is $24.4 million.

It should be noted that the projected reserve of 70% is based on the one-time use of SCE Settlement Funds, Special Revenue funds, and grants. If the use of these funds were eliminated, the projected General Fund reserve would be 64% of the annual operating budget.

The Administration and Finance Subcommittee (A&F) met on August 7, 2020 and recommended that the City Council approve the recommended budget adjustments. A&F also recommended the approval of the Associate Civil Engineer – Building and Safety Division Job Specification. Due to budget constraints, the Subcommittee did not recommend revising the View Preservation Permit fee at this time.

ATTACHMENTS:

1. August Revisions of Fiscal Year 2020-2021 Annual Budget
2. Resolution No. 20-46
3. Resolution No. 20-47
4. View Preservation Permit – MMC 17.45.060

2020-2021 PROPOSED BUDGET AMENDMENTS

Account	Description	Amount	Detail
REVENUE			
	TOTAL ADOPTED REVENUE BUDGET	**$ 54,342,141**	
	Total Adopted General Fund Budget	**$ 30,201,850**	
General Fund			
100-0000-3111	Property Tax	350,000	Increase per data from LA County Assessor's office
100-0000-3131	Documentary Transfer Tax	(40,000)	Reduce due to decrease in real estate sales
100-0000-3133	Transient Occupancy Tax - Hotels and Motels	(100,000)	Reduce due to COVID-19 Closures
100-0000-3137	Sales Tax	(200,000)	Reduce due to COVID-19 Closures
100-0000-3138	Parking Tax	(4,000)	Reduce due to COVID-19 Closures
100-0000-3202	Film Permits	(40,000)	Reduce due to COVID-19 Closures
100-0000-3431	Public Works Reviews	(75,000)	Reduce to to decrease in applications
101-0000-3410	Building Plan Check Fees	(75,000)	Reduce to to decrease in applications
101-0000-3412	Geo Soils	(40,000)	Reduce to to decrease in applications
101-0000-3414	Environmental Health	(20,000)	Reduce to to decrease in applications
101-0000-3421	Planning Review Fees	(75,000)	Reduce to to decrease in applications
100-0000-3470	Community Classes Fees	(4,800)	Reduce to correlate with decrease in programs
100-0000-3471	Special Event Fees	(4,000)	Reduce to correlate with decrease in events
100-0000-3901	Settlements	121,500	Settlements paid from Monsato Class Action Lawsuit & Code Enforcement
	Total Proposed General Fund Revenue Amendments	(206,300)	
	Total Revised General Fund Revenue Budget	29,995,550	
	TOTAL PROPOSED AMENDED REVENUE BUDGET	**54,135,841**	
EXPENDITURES			
	TOTAL ADOPTED EXPENDITURE BUDGET	**63,787,919**	
	Total Adopted General Fund Operating Expenditures	30,251,541	
General Fund			
100-XXXX-4101	All Departments - FT Salaries and Benefits	(330,261)	Elimination of FT Salaries and Benefits (3.75 FTE)
100-4007-4102	Communtity Classes - PT Salaries and Benefits	(5,000)	Elimination of PT Salaries for Community Classes due to COVID-19
100-4007-5000	Community Classes - Operating & Maintenance	(30,000)	Elimination of O&M for Community Classes due to COVID-19
100-4008-4102	Senior Adults- PT Salaries and Benefits	(4,000)	Elimination of PT Salaries for Senior Adults due to COVID-19
100-4008-5000	Senior Adults - Operating & Maintenance	(10,000)	Elimination of O&M for Senior Adults due to COVID-19
100-4011-4102	Special Events - PT Salaries and Benefits	(14,000)	Elimination of PT Salaries for Special Events due to COVID-19
100-4011-5000	Special Events - Operating & Maintenance	(45,000)	Elimination of O&M for Special Events due to COVID-19
100-4012-4102	Cultural Arts - PT Salaries and Benefits	(4,500)	Elimination of PT Salaries for Cultural Arts due to COVID-19
100-4012-5000	Cultural Arts - Operating & Maintenance	(15,000)	Elimination of O&M for Cultural Arts due to COVID-19
100-4005-4102	Skate Park - PT Salaries and Benefits	35,000	Add additional staffing due to COVID-19 regulations
100-4005-5107	Skate Park - Contract Personnel	20,000	Add security guard to monitor compliance with regulations
100-7031-5115/5116	Public Safety LA County Sheriff's Services	(40,000)	Reduction of .5% of LTF Charge per LA County
100-7031-5100	Public Safety California Highway Patrol Services	100,000	Add funding for CHP on-call services for emergency response
100-7054-5117	Finance - Film Permit Consultant	(30,000)	Reduction to costs for Film Permit Consultant
100-7059-4217	Other Post Employment Benefits	(244,000)	Reduce per Actuarial Valuation dated 7-21-2020
100-XXXX-4210	Deferred Maintenance Matching Program (ICMARC)	(62,400)	Suspend ICMARC Matching Program
100-XXXX-4210	City Property Insurance	(30,000)	Reduction per CJPIA bill dated 7-30-20
101-2004-4101	Building Safety - FT Salaries and Benefits	50,000	Add Associate Civil Engineer Position (1FTE)
101-2004-5100	Building Safety - Professional Services	(50,000)	Reduction of professional services due to addition of staff engineer
	Total Proposed General Fund Expenditure Amendments	(709,161)	
	Total Revised General Fund Operating Expenditure Budget	29,542,380	
	TOTAL PROPOSED AMENDED EXPENDITURE BUDGET	**63,078,758**	

ATTACHMENT 1

RESOLUTION NO. 20-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING THE 2020-2021 ANNUAL BUDGET

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

SECTION 1. Since the adoption of the 2020-2021 annual budget on June 22, 2020, the City has determined that additional reductions, expenditures, and adjustments are necessary, which require amending the Adopted Budget for Fiscal Year 2020-2021.

SECTION 2. The 2020-2021 annual budget is hereby amended as shown in Exhibit A. The 2020-2021 annual budget adopted June 22, 2020, by Resolution No. 20-34 as modified by Exhibit A shall be the official municipal budget for the City of Malibu.

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

PASSED, APPROVED AND ADOPTED this 24th day of August 2020.

_____
MIKKE PIERSON, Mayor

ATTEST:

_____
HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

Exhibit A

2020-2021 PROPOSED BUDGET AMENDMENTS

Account	Description	Amount	Detail
REVENUE			
	TOTAL ADOPTED REVENUE BUDGET	**$54,342,141**	
	Total Adopted General Fund Budget	**$30,201,850**	
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	Total Revised General Fund Revenue Budget	29,995,550	
	TOTAL PROPOSED AMENDED REVENUE BUDGET	**54,135,841**	
EXPENDITURES			
	TOTAL ADOPTED EXPENDITURE BUDGET	**63,787,919**	
	Total Adopted General Fund Operating Expenditures	30,251,541	
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101-2004-5100	Building Safety - Professional Services	(50,000)	Reduction of professional services due to addition of staff engineer
	Total Proposed General Fund Expenditure Amendments	(709,161)	
	Total Revised General Fund Operating Expenditure Budget	29,542,380	
	TOTAL PROPOSED AMENDED EXPENDITURE BUDGET	**63,078,758**	

RESOLUTION NO. 20-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU RESCINDING SECTION 2 OF RESOLUTION NO. 20-36 AND APPROVING THE AUTHORIZED POSITIONS AND SALARY RANGES FOR FISCAL YEAR 2020-2021 AND APPROVING THE ASSOCIATE CIVIL ENGINEER – BUILDING AND SAFETY DIVISION JOB SPECIFICATION

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

SECTION 1. On June 22, 2020, the City Council adopted Resolution No. 20-36 approving the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021.

SECTION 2. Since June 22, 2020, changes to the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021 are needed.

SECTION 3. Section 2 of Resolution No. 20-36 is hereby rescinded.

SECTION 4. The Associate Civil Engineer – Building and Safety Division Job Specification, as set forth in Exhibit A, is hereby approved.

SECTION 5. The City Council has reviewed the updated Authorized Positions and Salary Ranges for Fiscal Year 2020-2021 as set forth in Exhibit B.

SECTION 6. The Authorized Positions and Salary ranges for Fiscal Year 2020-2021 incorporated by this reference are hereby approved.

SECTION 7. The City Manager has the authority to increase a salary range as needed for authorized positions that are required to be on call for emergency services by a maximum of three percent.

SECTION 8. This resolution shall become effective on August 24, 2020.

SECTION 9. 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 24th day of August 2020.

_____
MIKKE PIERSON, Mayor

ATTEST:

_____
HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

CITY OF MALIBU
AUTHORIZED PERSONNEL
PROPOSED AMENDED FY 2020-2021

		2019-2020 Adopted	2020-2021 Adopted	2020-2021 Amended
MANAGEMENT & ADMINISTRATIVE SERVICES				
	City Manager	1.00	1.00	1.00
	Assistant City Manager	1.00	1.00	1.00
	Public Safety Manager	1.00	1.00	1.00
	Fire Safety Liaison	1.50	1.00	1.00
	Public Safety Specialist	1.00	1.00	1.00
	Assistant to the City Manager	1.00	1.00	1.00
	Executive Assistant	1.00	1.00	1.00
	City Clerk	1.00	1.00	1.00
	Deputy City Clerk	1.00	1.00	1.00
	Human Resources Manager	1.00	1.00	1.00
	Human Resources Technician	1.00	1.00	1.00
	Media Information Officer	1.00	1.00	1.00
	Sr. Media Technician	1.00	1.00	1.00
	Media Technician	1.00	1.00	1.00
	Graphic Artist	1.00	1.00	1.00
	Finance Manager	1.00	1.00	1.00
	Financial Analyst	1.00	0.00	0.00
	Accounting Technician	0.00	1.00	1.00
	Sr. Accounting Clerk	1.00	0.00	0.00
	Accounting Clerk	1.00	2.00	2.00
	Information Systems Manager	1.00	1.00	1.00
	Information Systems Technician	1.00	1.00	1.00
	Sr. PW Maintenance Worker	1.00	1.00	1.00
	PW Maintenance Worker	0.75	0.75	0.00
	Office Assistant	1.00	1.00	1.00
	Office Assistant/Receptionist	1.00	1.00	1.00
	Student Interns	0.50	0.00	0.00
	Total	25.75	24.75	24.00
ENVIRONMENTAL SUSTAINABILITY				
	ESD Director/Building Official	1.00	1.00	1.00
	ESD Manager/Deputy Building Official	1.00	1.00	1.00
	Environmental Health Administrator	1.00	1.00	1.00
	Certified Plans Examiner	1.00	1.00	0.00
	Supervising Building Inspector	1.00	0.00	0.00
	Sr. Building Inspector	0.00	1.00	1.00
	Engineer	0.00	0.00	1.00
	Building Inspector	2.00	2.00	2.00
	Environmental Program Coordinator	2.00	2.00	1.00
	Environmental Sustainability Analyst	1.00	1.00	1.00
	Administrative Analyst	1.00	1.00	1.00
	Administrative Assistant	1.00	1.00	1.00
	Sr. Permit Services Technician	2.00	2.00	2.00
	Permit Services Technician	1.00	1.00	1.00
	Wastewater Man. Program Specialist	1.00	1.00	1.00
	Office Assistant	2.00	2.00	2.00
	Total	18.00	18.00	17.00

PLANNING DEPARTMENT				
	Planning Director	1.00	1.00	1.00
	Assistant Planning Director	1.00	1.00	1.00
	Principal Planner	1.00	1.00	1.00
	Senior Planner	1.00	0.00	0.00
	Associate Planner	3.00	3.00	3.00
	Assistant Planner	4.00	3.00	3.00
	Planning Technician	3.00	4.00	4.00
	Senior Code Enforcement Officer	1.00	1.00	1.00
	Code Enforcement Officer	2.00	2.00	2.00
	Senior Administrative Analyst	1.00	1.00	1.00
	Senior Office Assistant	2.00	1.00	1.00
	Office Assistant	2.00	2.00	2.00
	Planning Intern (Part-time)	0.50	0.00	0.00
	Total	22.50	20.00	20.00
PUBLIC WORKS				
	Public Works Director/City Engineer	1.00	1.00	1.00
	Assistant Public Works Director/City Engineer	1.00	1.00	1.00
	Public Works Superintendent	1.00	2.00	2.00
	Associate Civil Engineer	1.00	1.00	1.00
	Assistant Civil Engineer	2.00	2.00	2.00
	Sr. Public Works Inspector	1.00	0.00	0.00
	Public Works Inspector	1.00	1.00	1.00
	Sr. Administrative Assistant	1.00	1.00	1.00
	Administrative Assistant	1.00	1.00	1.00
	Total	10.00	10.00	10.00
COMMUNITY SERVICES				
	Community Services Director	1.00	1.00	1.00
	Community Services Deputy Director	1.00	1.00	1.00
	Recreation Supervisor	2.00	2.00	2.00
	Recreation Coordinator	3.00	3.00	2.00
	Parks Supervisor	1.00	1.00	1.00
	Parks Maintenance Worker	1.00	1.00	1.00
	Administrative Assistant	1.00	1.00	1.00
	Pool Manager (Part-time)	0.89	0.73	0.73
	Lifeguards (Part-time)	2.19	1.77	1.77
	Recreation Assistants (Part-time)	8.07	6.11	5.11
	Recreation Assistants - Skate Park (Part-Time)	0.00	0.00	1.00
	Media Assistant (Part-time)	0.12	0.06	0.06
	Total	21.27	18.67	17.67
TOTAL EMPLOYEES		**97.52**	**91.42**	**88.67**

CITY OF MALIBU AUTHORIZED POSITIONS AND SALARY RANGES		
FY 2020-2021		
Classification	**Salary Range**	
City Manager	248,000	
Assistant City Manager	157,868	205,980
Deputy City Manager	154,898	202,107
Environmental Sustainability Director/Building Official	150,386	196,220
Public Works Director/City Engineer	150,386	196,220
Community Services Director	139,810	182,419
Planning Director	139,810	182,419
Assistant Public Works Director/Asst City Engineer	120,780	157,588
Community Services Deputy Director	120,780	157,588
Environmental Sustainability Manager/Dep Building Official	120,780	157,588
Assistant Planning Director	120,780	157,588
Finance/Accounting Manager	117,832	153,745
City Clerk	109,545	142,931
Permit Services Manager	109,545	142,931
Senior Civil Engineer	109,545	142,931
Environmental Programs Manager	106,471	138,920
Public Safety Manager	106,464	138,912
Public Works Superintendent	106,464	138,912
Information Systems Manager	104,332	136,130
Associate Civil Engineer	94,626	123,466
Environmental Health Administrator	94,626	123,466
Information Systems Administrator	94,626	123,466
Principal Planner	94,626	123,466
Assistant to City Manager	90,512	118,098
Senior Planner	90,512	118,098
Recreation Manager	88,731	115,775
Certified Plans Examiner	86,205	112,479
Human Resources Manager	86,205	112,479
Senior Environmental Programs Coordinator	86,205	112,479
Senior Administrative Analyst	83,732	109,250
Supervising Building Inspector	83,732	109,250
Assistant Civil Engineer	81,747	106,661
Executive Assistant	79,469	103,689
Environmental Programs Coordinator	77,850	101,579
Environmental Sustainability Analyst	77,850	101,579
Financial Analyst	77,850	101,579
Associate Planner	77,672	101,344
Fire Safety Liaison	77,155	100,670
Media Information Officer	77,155	100,670
Recreation Supervisor	77,155	100,670
Parks Supervisor	76,090	99,280
Senior Building Inspector	75,951	99,099
Senior Code Enforcement Officer	75,950	99,097
Senior Public Works Inspector	75,855	98,974
Emergency Services Coordinator	74,503	97,209
Administrative Analyst	72,333	94,378
Human Resources Analyst	72,333	94,378
Senior Accounting Technician	68,442	89,301
Senior Recreation Coordinator	67,094	87,540
Assistant Planner	66,201	86,377

Building Inspector	65,615	85,611
Code Enforcement Officer	65,615	85,611
Deputy City Clerk	65,615	85,611
Environmental Programs Specialist	65,288	85,186
Wastewater Management Program Specialist	65,288	85,186
Public Works Inspector	64,046	83,565
Senior Parks Maintenance Worker	63,523	82,884
Planning Technician	62,492	81,539
Senior Administrative Assistant	62,492	81,539
Senior Media Technician	62,492	81,539
Senior Permit Services Technician	62,492	81,539
Senior Public Works Maintenance Worker	62,492	81,539
Recreation Coordinator	60,997	79,588
Accounting Technician	59,517	77,657
Human Resources Technician	59,077	77,082
Administrative Assistant	54,946	71,691
Parks Maintenance Worker	54,946	71,691
Public Works Maintenance Worker	54,946	71,691
Information Systems Technician	53,977	70,428
Media Technician	53,977	70,428
Permit Services Technician	53,977	70,428
Records Management Specialist	51,588	67,311
Public Safety Specialist	51,588	67,311
Wastewater Management Program Analyst	51,457	67,141
Senior Accounting Clerk	50,180	65,473
Senior Office Assistant	47,802	62,370
Graphic Artist	47,802	62,370
Accounting Clerk	46,992	61,315
Office Assistant	41,285	53,868
Pool Manager	36,526	47,658
Part-Time Positions - Hourly Rates		
Recreation Assistants I (Part-time)	15.38	20.06
Recreation Assistants II (Part-time)	18.25	23.80
Media Assistant (Part-time)	18.25	23.80
Office Assistant (Part-time)	16.76	21.87
Parks Maintenance Assistant (Part-time)	15.38	20.06
Pool Manager (Part-time)	17.57	22.93
Lifeguards (Part-time)	15.38	20.06
Intern (Part-time)	15.38	20.06
Student Intern	15.00	19.57

CITY OF MALIBU

ASSOCIATE CIVIL ENGINEER
Building and Safety Division

Class Description
August 2020

FLSA: Non-Exempt

DEFINITION

Under direct or general supervision, performs various professional field and office engineering work related to the Building and Safety Division: performs a variety of professional duties involved in performing engineering reviews and plan check reviews of residential and non-residential grading and building construction plans for compliance with all state and City codes, ordinances and regulations; coordinates with other departments and agencies for necessary approvals; facilitates issuance of grading and building permits; provides professional assistance to the Environmental Sustainability Department, the City Council and others in areas of expertise; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direct or general supervision by the Environmental Sustainability Director/Building Official and/or other supervisor. May exercise technical direction and lead supervision over lower-level staff. May supervise technical, administrative, or clerical staff.

CLASS CHARACTERISTICS

This is the fully experienced class in the professional engineering series, with responsibilities spanning the entire spectrum of the City's engineering function. Positions at this level are distinguished from lower level classifications because they include more difficult plan checking duties, require a broader engineering knowledge, work independently, apply well developed program support knowledge, and exercise judgement and initiative. Positions at this level are fully aware of the operating procedures and policies of the work unit. Successful performance of the work requires an extensive professional background as well as skills in coordinating work with those of other City departments and public agencies as well as dealing with the public. This class is distinguished from the Senior Civil Engineer in that the latter is the highest-level class in the professional engineering series with managerial responsibility.

EXAMPLES OF ESSENTIAL JOB FUNCTIONS (Illustrative Only)
Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Reviews the full range of construction plans including complex and difficult projects, single and multiple-family dwellings, residential additions, alterations, and repairs, commercial tenant improvements as well as additions, alterations and repairs, and other projects
- Reviews plans of consulting engineers and private contractors; reviews grading plans; checks plans for conformance with regulations regarding line, grade, size, elevation and location of structures; reviews engineering calculations of other engineers or engineering technicians

- Reviews and verifies engineering calculations and architectural plans, soil engineering recommendations, and related items to ensure compliance with applicable codes and ordinances as well as seismic design provisions; indicates corrections for both plans and calculations; communicates in writing with engineers, architects, and others regarding plan review findings and proposed correction
- Explains, interprets, and provides guidance regarding applicable codes, regulations, hand outs, and related materials to the public, architects, engineers, contractors, developers, owners, co-workers, and other interested parties; answers questions regarding building codes and requirements and interprets plans for field inspectors; resolves complex and sensitive customer service issues, either personally, by telephone or in writing; maintains records and documents of customer service issues and resolutions
- Coordinates activities and plan review processing with City staff and staff from other agencies including counter technicians, planners, inspectors, building officials, fire inspectors, health department plan checkers and others; assists other Divisions and Departments, including Planning, Public Works, and Finance, in providing information and answering inquiries regarding various projects, fees, plans examination, code interpretations, internal divisional policy and procedures, determination and calculation of valuations, permit costs, and related fees
- Assists customers and counter technicians in permit processing; establishes valuations and fees; reviews and signs plans; provides assistance at the public counter by answering questions and providing over the counter assistance or plan review
- Performs document research and filing; enters data; prepares and maintains records and produces correspondence and documentation as necessary
- Performs field inspections and site visits as necessary; visits building and construction sites to make determinations on code compliance, answers inquiries related to plans, and resolves problems
- Maintains current knowledge of new trends and innovations related to area of assignment including new and revised codes as well as new materials and products; attends and participates in job related seminars and professional group meetings
- Meets with property owners, engineers, contractors, architects, and the general public concerning interpretation and application of City and Departmental policies and procedures
- Makes technical decisions regarding appropriate application of both Structural and Non-structural for new development and significant redevelopment projects; reviews engineering calculations to determine adequate sizing and appropriate application on priority projects
- Coordinates assigned activities with consultants, engineers, developers, contractors, other City departments and divisions, and with outside agencies
- Provides technical and professional engineering support services relative to assigned area of responsibility; prepares difficult special engineering studies and reports; performs special assignments on engineering problems as necessary
- Coordinates the review of funding applications and analysis of engineering fee structures
- Assists in the selection and supervision of consultant professional engineers for the development of plans, specifications, studies and reports; administers professional service contracts
- Prepares City Council agenda items on Building and Safety/Grading matters and attends meetings as required
- Assists in the preparation and administration of budgets
- Performs other duties as assigned

QUALIFICATIONS

Knowledge of:

- Engineering procedures, terminology, principles and theories as related to the structural components of buildings and structures
- Civil engineering principles, techniques, policies, and procedures
- Pertinent federal, state, and local building, construction, and fire safety codes and requirements including disabled access, energy, general construction, and uniform plumbing, electrical, and mechanical codes
- Structural engineering procedures, design, and calculations
- Architectural design procedures
- Applicable laws and regulatory codes relevant to assigned area of responsibility
- Basic principles of supervision and training
- Computer applications related to the work, including computer-aided drafting concepts and applications, including Geographical based Information Systems (GIS) programs
- Methods, materials and techniques used in grading and building construction
- Modern developments, current literature and sources of information regarding engineering
- Principles of advanced mathematics and their application to engineering work
- General principles of risk management related to the functions of the assigned area
- Techniques for effectively representing the City in contacts with governmental agencies, community groups, various business, professional, educational and regulatory organizations and with property owners, developers, contractors and the public
- Techniques for dealing effectively with the public, vendors, contractors and City staff, in person and over the telephone
- Techniques for providing a high level of customer service to public and City staff, in person and over the telephone
- Subdivision engineering and plan review practices
- Project management principles and techniques
- Engineering plan types, review practices, and permit filing and approval procedures

Skill in:

- Performing detailed analysis and design examination of buildings and construction documents and plans
- Reading, interpreting, and explaining architectural, structural, and civil engineering plans, construction specifications, and procedures to ensure conformance with building codes and other related regulations
- Checking engineering/architectural computations and calculations with the codes related to structural stability of buildings and structures
- Making sound judgments and decisions regarding a variety of job related queries and problems
- Learning the organization, operation, and services of the City and of outside agencies as necessary to assume assigned responsibilities
- Learning to correctly interpret and apply general administrative and departmental policies and procedures
- Reading and interpreting data, information, and documents.
- Analyzing and solving complex problems
- Providing effective and courteous customer service to external and internal customers
- Working under steady pressure with frequent interruptions and a high degree of public

contact by phone or in person
- Planning and organizing work to meet changing priorities and deadlines
- Understanding and carrying out oral and written directions
- Understanding, and interpreting engineering construction plans, specifications, and other contract documents
- Assisting in, and developing and administering contracts for professional services and construction in a public agency setting
- Interpreting, applying, and ensuring compliance with applicable federal, state, and local laws, codes, and regulations
- Effectively representing the department and the City in meetings with governmental agencies, community groups, various business, professional, and regulatory organizations and individuals
- Directing and reviewing the work of support staff on a project or day-to-day basis
- Instructing staff in work procedures
- Preparing clear and concise reports, correspondence, policies, procedures and other written materials
- Making effective public presentations
- Maintaining accurate records and files
- Operating modern office equipment including computer equipment and software programs
- Using English effectively to communicate in person, over the telephone and in writing
- Using tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines
- Establishing and maintaining effective working relationships with those contacted in the course of the work
- Interpreting and applying Building and Grading Engineering policies and procedures
- Tracking the status of projects
- Issuing permits in accordance with established procedures
- Responding and performing assigned duties in the event of a City-declared emergency

Education and Experience:
Any combination of training and experience that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to graduation from an Accreditation Board for Engineering and Technology (ABET) accredited four-year college or university with major coursework in civil engineering or structural engineering or a related engineering field. Possession of an advanced degree is desirable. Four (4) years of professional engineering design, plan review and project administration experience, preferably in a public agency setting.

License:

Must possess and maintain a valid California class C driver license and have a satisfactory driving record. Must possess a valid California registration as a Professional Civil Engineer (PE) at time of appointment. An E.I.T. certification will be accepted but a P.E. registration must be obtained within one year from date of employment with the City. With the lack of a P.E. registration, the class' title will be Associate Engineer until such certification is obtained. Possession of, and ability to maintain, ICBO certification as a Plans Examiner.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to inspect City development sites, to operate a motor vehicle and to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups and over the telephone. This is primarily a sedentary office classification although the

job involves field inspection work requiring frequent walking at inspection site areas to monitor performance and to identify problems or hazards; standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter and retrieve data using a computer keyboard, typewriter keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push and pull drawers open and closed to retrieve and file information. Positions in this classification occasionally lift and carry objects that typically weigh less than 40 pounds.

ENVIRONMENTAL ELEMENTS

Employees work in an office environment with moderate noise levels, controlled temperature conditions but may occasionally be exposed to loud noise levels, cold and/or hot temperatures, vibration, confining workspace, chemicals, mechanical and/or electrical hazards. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

View Preservation Permits

Excerpted from MMC Section 17.45.060

D. View Preservation Permit (Planning Director). If the provisions of subsections A, B and C of this section produce a satisfactory result to the claimant or foliage owner, either party may submit a view preservation permit to memorialize the agreement and seek city enforcement of a decision by submitting the following documents:

1. Authorization from claimant and foliage owner to submit a view preservation permit; and

2. Decision made in informal discussion, mediation or binding arbitration.

Such permits shall be approved at the discretion of the planning director if the planning director finds that mediation or binding arbitration decisions are in compliance with this chapter and shall not be appealable to the planning commission or city council. Such approval does not require a public hearing.

E. View Preservation Permit (Planning Commission). If the provisions of subsections A, B and C of this section are exhausted and do not produce a satisfactory result to the claimant, the claimant may submit a view preservation permit application to the city requesting preservation of a primary view corridor documented by staff on or after February 13, 2012.

1. Application. An application for a view preservation claim shall include each of the following information:

a. The name(s) of the foliage owner(s) and the address(es) of the property where the foliage is located;

b. Primary view determination photographs taken by staff demonstrating photographic evidence of the primary view prior to obstruction. As such may exist, photographs, prints, negatives, and/or slides must be date-stamped. The claimant may provide supporting evidence such as, but not limited to, arborist statement of foliage's age, property descriptions prepared in connection of the sale of the property, such as, but not limited to, multiple listing service (MLS) information, newspaper advertisements, real estate flyers, etc.;

c. Evidence confirming the ownership and the date of acquisition of the claimant's property;

d. Evidence of attempt at informal discussion;

e. Evidence of attempt at mediation;

f. Evidence of attempt at arbitration;

g. Tree survey, at the discretion of the planning director. A description of the nature and extent of the alleged obstruction, including the location and height of all foliage alleged to cause the obstruction on a tree survey. The tree survey shall be prepared in conjunction with a land surveyor and signed or stamped by a registered landscape architect or arborist. If a foliage owner does not grant access to his or her property for the purpose of conducting a tree survey, the tree survey shall be prepared with as much of the above information as possible, using other information sources such as photographs taken from other properties, satellite photographs, public record permit information for work performed on foliage owner's property, and other similar information sources. The survey must indicate the boundaries of the one thousand (1,000)

radius as measured from the point of the main viewing area from which the claimant's primary view corridor has been assessed;

h. Restorative actions proposed by the claimant to preserve the primary view;

i. Declaration of the claimant's willingness to bear the cost of the restorative actions;

j. Any supporting documents, such as arborist reports or any private agreements reached in mediation or non-binding arbitration decisions, etc.; and

k. Associated fees, as set by resolution of the city council.

2. Site Visits.

a. Upon receipt of a complete view preservation permit application, planning department staff will conduct a site visit to the claimant's property and document the alleged obstruction of the previously documented primary view.

b. Planning department staff shall make reasonable attempts to conduct a site visit to the foliage owner's property, subject to the foliage owner's authorization. If the foliage owner does not permit access to the foliage owner's property, planning department staff shall review the case using other information available, including, but not limited to, information provided by the claimant.

3. Public Hearing and Notice. The view preservation permit shall be considered by the planning commission at a noticed public hearing, unless said permit is approved at the discretion of the planning director to memorialize a decision made in mediation or binding arbitration. Not less than ten (10) days before the date of the public hearing, public notice shall be given of such hearing in the following manner:

a. A public notice shall be published in a newspaper of general circulation within the city. Such notice shall state the nature of the request, the claimant's property address, the addresses of all properties on which the foliage at issue is located, and the time and place of the scheduled hearing.

b. A public notice shall be mailed to the claimant and the record owners and occupants of all properties on which the foliage at issue in the view preservation permit application is located.

4. Findings. The planning commission may issue a view preservation permit to require removal or alteration and maintenance of foliage at the designated maximum height, including trimming, thinning, or reducing the height or width of foliage, on a foliage owner's property if it makes all of the following findings:

a. The claimant has provided evidence of attempt at informal discussion, mediation, and binding arbitration to resolve view dispute;

b. The claimant has a primary view that has been significantly obstructed by foliage that is not exempt pursuant to Section 17.45.130;

c. Alteration or removal of the foliage will not have a substantial adverse impact on a hillside, drainage or erosion control;

d. If the recommended restorative actions include removal, that all other restorative actions are ineffective in restoring the primary view while preserving the health of the foliage; and

e. The recommended restorative action is the minimum required to restore the claimant's primary view, unless restorative action will result in future stump growth in which case, more aggressive action is preferred.

5. Conditions. In approving a view preservation permit, the planning commission or planning director may impose such restrictions or conditions, including restorative action, as deemed necessary or proper to restore a primary view; protect the foliage owner's privacy; protect the public health, safety or welfare; or any combination thereof. Every view preservation permit shall include the following condition:

> The Claimant(s), 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.

The claimant must sign an affidavit of acceptance of conditions of approval prior to commencement of any restorative actions.

6. Effective Date. Any decision of the planning commission made pursuant to Section 17.45.060 takes effect ten (10) calendar days from the date of adoption of a resolution unless an appeal is filed. If appealed, the effective date is the date on which final action is taken by the city council.

7. Appeal. Any decision made by the planning commission may be appealed to the city council. Appeals shall be addressed to the city council on a form prescribed by the city and shall state all grounds for the appeal. Any appeal must be filed with the city clerk within ten (10) calendar days of the planning commission's adoption of its resolution regarding the view preservation permit. Appeals shall be accompanied by the filing fee as adopted by resolution of the city council, and shall be processed and noticed in the same manner as the original view preservation permit application. Public notice of an appeal hearing shall be given in the manner required by subsection (D)(3). (Ord. 378 § 3, 2014)

City Council Meeting
08-24-20
Item 7.A.

Council Agenda Report

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

Prepared by: Mary Linden, Executive Assistant

Approved by: Reva Feldman, City Manager

Date prepared: August 3, 2020 Meeting date: August 24, 2020

Subject: Funding for Property Acquisition in the Santa Monica Mountains National Recreation Area (Councilmember Farrer)

RECOMMENDED ACTION: At the request of Councilmember Farrer, authorize the Mayor to send a letter requesting that funds from the National Parks and Public Land Legacy Restoration Fund established by the Great American Outdoors Act be allocated for acquisition of high-priority properties in the Santa Monica Mountains National Recreation Area (SMMNRA).

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: On August 4, 2020, President Trump signed S. 3422 (attached), known as the Great American Outdoors Act, a measure with broad bipartisan support that guarantees maximum annual funding for national parks. The Act established the National Parks and Public Land Legacy Restoration Fund and provides for allocation of 50 percent of all energy development revenues up to $1,900,000,000 annually in Fiscal Years 2021-2025 for acquisition and preservation of land for public use. The Act also provides up to $9.5 billion over the same five-year period to begin clearing up a backlog of maintenance projects at national parks across the country.

The SMMNRA, which includes beaches as well as the mountains, serves an estimated 33 million visitors annually. For many years, funds have been requested to complete acquisitions of land in the Zuma, Trancas and Ventura County sections within the SMMNRA. These resource property purchases would add more valuable resource parkland for those millions of visitors, which also includes residents in the greater Los

Angeles and Ventura County regions with little access to parkland and open space recreation areas.

Councilmember Farrer is requesting the Council authorize the Mayor to send a letter to local federal elected officials requesting that they ensure that funding for the acquisition of these high-priority SMMNRA Land Protection Plan properties are included in the initial allocations from the newly established National Parks and Public Land Legacy Restoration Fund. The City's letter would send a powerful message to the US Department of the Interior that it is time to fund these critically needed properties, which will also help complete the vision of the SMMNRA when it was created 50 years ago.

ATTACHMENT: S. 3422, the Great American Outdoors Act

Calendar No. 438

116TH CONGRESS
2D SESSION

S. 3422

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2020

Mr. GARDNER (for himself, Mr. MANCHIN, Mr. DAINES, Mr. WARNER, Mr. PORTMAN, Ms. CANTWELL, Mr. ALEXANDER, Mr. KING, Mr. BURR, Mr. TESTER, Ms. COLLINS, Mr. UDALL, Mr. BOOZMAN, Mr. SCHUMER, Mr. BLUNT, Ms. HARRIS, Mrs. CAPITO, Mr. PETERS, Mr. TILLIS, Ms. BALDWIN, Ms. MCSALLY, Mr. CASEY, Mr. GRAHAM, Mr. HEINRICH, Mr. BENNET, Mrs. FEINSTEIN, Mr. SANDERS, Mr. BOOKER, Ms. CORTEZ MASTO, Mr. MERKLEY, Mr. WYDEN, Mr. KAINE, Ms. SINEMA, Ms. ROSEN, Mr. COONS, Ms. SMITH, Ms. HASSAN, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. DURBIN, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. JONES, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. CARDIN, Mr. BROWN, Ms. HIRONO, Ms. WARREN, Mr. MURPHY, Ms. KLOBUCHAR, Ms. DUCKWORTH, Ms. STABENOW, Mr. LEAHY, Mr. MCCONNELL, Mr. MARKEY, and Mr. ROBERTS) introduced the following bill; which was read the first time

MARCH 10, 2020

Read the second time and placed on the calendar

A BILL

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks

and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great American Outdoors Act''.

SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND.

(a) IN GENERAL.—Subtitle II of title 54, United States Code, is amended by inserting after chapter 2003 the following:

"CHAPTER 2004—NATIONAL PARKS AND PUBLIC LAND LEGACY RESTORATION FUND

''Sec.
''200401. Definitions.
''200402. National Parks and Public Land Legacy Restoration Fund.

"§ 200401. Definitions

''In this chapter:

''(1) ASSET.—The term 'asset' means any real property, including any physical structure or group-

ing of structures, landscape, trail, or other tangible property, that—

"(A) has a specific service or function; and

"(B) is tracked and managed as a distinct, identifiable entity by the applicable covered agency.

"(2) COVERED AGENCY.—The term 'covered agency' means—

"(A) the Service;

"(B) the United States Fish and Wildlife Service;

"(C) the Forest Service;

"(D) the Bureau of Land Management; and

"(E) the Bureau of Indian Education.

"(3) FUND.—The term 'Fund' means the National Parks and Public Land Legacy Restoration Fund established by section 200402(a).

"(4) PROJECT.—The term 'project' means any activity to reduce or eliminate deferred maintenance of an asset, which may include resolving directly related infrastructure deficiencies of the asset that would not by itself be classified as deferred maintenance.

"§ 200402. National Parks and Public Land Legacy Restoration Fund

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'National Parks and Public Land Legacy Restoration Fund'.

''(b) DEPOSITS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for each of fiscal years 2021 through 2025, there shall be deposited in the Fund an amount equal to 50 percent of all energy development revenues due and payable to the United States from oil, gas, coal, or alternative or renewable energy development on Federal land and water credited, covered, or deposited as miscellaneous receipts under Federal law in the preceding fiscal year.

''(2) MAXIMUM AMOUNT.—The amount deposited in the Fund under paragraph (1) shall not exceed $1,900,000,000 for any fiscal year.

''(3) EFFECT ON OTHER REVENUES.—Nothing in this section affects the disposition of revenues that—

''(A) are due to the United States, special funds, trust funds, or States from mineral and energy development on Federal land and water; or

"(B) have been otherwise appropriated—

"(i) under Federal law, including—

"(I) the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432); and

"(II) the Mineral Leasing Act (30 U.S.C. 181 et seq.); or

"(ii) from—

"(I) the Land and Water Conservation Fund established under chapter 2003; or

"(II) the Historic Preservation Fund established under chapter 3031.

"(c) AVAILABILITY OF FUNDS.—Amounts deposited in the Fund shall be available to the Secretary and the Secretary of Agriculture, as provided in subsection (e), without further appropriation or fiscal year limitation.

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary may request the Secretary of the Treasury to invest any portion of the Fund that is not, as determined by the Secretary, in consultation with the Secretary of Agriculture, required to meet the current needs of the Fund.

"(2) REQUIREMENT.—An investment requested under paragraph (1) shall be made by the Secretary of the Treasury in a public debt security—

"(A) with a maturity suitable to the needs of the Fund, as determined by the Secretary; and

"(B) bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(3) CREDITS TO FUND.—The income on investments of the Fund under this subsection shall be credited to, and form a part of, the Fund.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts deposited in the Fund for each fiscal year shall be used for priority deferred maintenance projects in the System, in the National Wildlife Refuge System, on public land administered by the Bureau of Land Management, for the Bureau of Indian Education schools, and in the National Forest System, as follows:

"(A) 70 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Service.

"(B) 15 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Forest Service.

"(C) 5 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the United States Fish and Wildlife Service.

"(D) 5 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Bureau of Land Management.

"(E) 5 percent of the amounts deposited in the Fund for each fiscal year shall be allocated to the Bureau of Indian Education.

"(2) LIMITATIONS.—

"(A) NON-TRANSPORTATION PROJECTS.—Over the term of the Fund, within each covered agency, not less than 65 percent of amounts from the Fund shall be allocated for non-transportation projects.

"(B) TRANSPORTATION PROJECTS.—The amounts remaining in the Fund after the allocations required under subparagraph (A) may be allocated for transportation projects of the covered agencies, including paved and unpaved roads, bridges, tunnels, and paved parking areas.

"(C) PLAN.—Any priority deferred maintenance project funded under this section shall be consistent with an applicable transportation, deferred maintenance, or capital improvement plan developed by the applicable covered agency.

"(f) PROHIBITED USE OF FUNDS.—No amounts in the Fund shall be used—

"(1) for land acquisition;

"(2) to supplant discretionary funding made available for annually recurring facility operations, maintenance, and construction needs; or

"(3) for bonuses for employees of the Federal Government that are carrying out this section.

"(g) SUBMISSION OF PRIORITY LIST OF PROJECTS TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Secretary and the Secretary of Agriculture shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Natural Resources and Appropriations of the House of Representatives a list of projects to be funded for fiscal year 2021 that—

"(1) are identified by the Secretary and the Secretary of Agriculture as priority deferred maintenance projects; and

"(2) as of the date of the submission of the list, are ready to be implemented.

"(h) SUBMISSION OF ANNUAL LIST OF PROJECTS TO CONGRESS.—Until the date on which all of the amounts in the Fund are expended, the President shall annually submit to Congress, together with the annual budget of the United States, a list of projects to be funded from the Fund that includes a detailed description of each project, including the estimated expenditures from the Fund for the project for the applicable fiscal year.

"(i) ALTERNATE ALLOCATION.—

"(1) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under this section, consistent with the allocations to covered agencies under subsection (e)(1).

"(2) ALLOCATION BY PRESIDENT.—

"(A) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (c) shall be allocated by the President.

"(B) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for amounts made available under subsection (c) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

"(j) PUBLIC DONATIONS.—

"(1) IN GENERAL.—The Secretary and the Secretary of Agriculture may accept public cash or in-kind donations that advance efforts—

"(A) to reduce the deferred maintenance backlog; and

"(B) to encourage relevant public-private partnerships.

"(2) CREDITS TO FUND.—Any cash donations accepted under paragraph (1) shall be—

"(A) credited to, and form a part of, the Fund; and

"(B) allocated to the covered agency for which the donation was made.

"(3) OTHER ALLOCATIONS.—Any donations allocated to a covered agency under paragraph (2)(B) shall be allocated to the applicable covered agency

independently of the allocations under subsection (e)(1).

"(k) REQUIRED CONSIDERATION FOR ACCESSIBILITY.—In expending amounts from the Fund, the Secretary and the Secretary of Agriculture shall incorporate measures to improve the accessibility of assets and accommodate visitors and employees with disabilities in accordance with applicable law.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle II of title 54, United States Code, is amended by inserting after the item relating to chapter 2003 the following:

"2004. National Parks and Public Land Legacy Restoration Fund ....200401".

(c) GAO STUDY.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the implementation of this section and the amendments made by this section, including whether this section and the amendments made by this section have effectively reduced the priority deferred maintenance backlog of the covered agencies (as that term is defined in section 200401 of title 54, United States Code); and

(2) submit to Congress a report that describes the results of the study under paragraph (1).

SEC. 3. PERMANENT FULL FUNDING OF THE LAND AND WATER CONSERVATION FUND.

(a) IN GENERAL.—Section 200303 of title 54, United States Code, is amended to read as follows:

"§ 200303. Availability of funds

"(a) IN GENERAL.—Any amounts deposited in the Fund under section 200302 for fiscal year 2020 and each fiscal year thereafter shall be made available for expenditure for fiscal year 2021 and each fiscal year thereafter, without further appropriation or fiscal year limitation, to carry out the purposes of the Fund (including accounts and programs made available from the Fund pursuant to the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2534)).

"(b) ADDITIONAL AMOUNTS.—Amounts made available under subsection (a) shall be in addition to amounts made available to the Fund under section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432) or otherwise appropriated from the Fund.

"(c) ALLOCATION AUTHORITY.—

"(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations of the full amount made available under subsection (a)—

"(A) for fiscal year 2021, not later than 90 days after the date of enactment of the Great American Outdoors Act; and

"(B) for each fiscal year thereafter, as part of the annual budget submission of the President.

"(2) ALTERNATE ALLOCATION.—

"(A) IN GENERAL.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (a), including allocations by account, program, and project.

"(B) ALLOCATION BY PRESIDENT.—

"(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (a) shall be allocated by the President.

"(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations for

amounts made available under subsection (a) that are less than the full amount appropriated under that subsection, the difference between the amount appropriated and the alternate allocation shall be allocated by the President.

"(3) RECREATIONAL PUBLIC ACCESS.—Amounts expended from the Fund under this section shall be consistent with the requirements for recreational public access for hunting, fishing, recreational shooting, or other outdoor recreational purposes under section 200306(c).

"(4) ANNUAL REPORT.—The President shall submit to Congress an annual report that describes the final allocation by account, program, and project of amounts made available under subsection (a), including a description of the status of obligations and expenditures.".

(b) CONFORMING AMENDMENTS.—

(1) Section 200302(c) of title 54, United States Code, is amended by striking paragraph (3).

(2) Section 200306(a)(2)(B) of title 54, United States Code, is amended by striking clause (iii).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 2003 of title 54, United States Code, is

1 amended by striking the item relating to section 200303
2 and inserting the following:

"200303. Availability of funds.".

Calendar No. 438

116TH CONGRESS
2D SESSION

S. 3422

A BILL

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

MARCH 10, 2020

Read the second time and placed on the calendar

City Council Meeting
08-24-20
Item 7.B.

Council Agenda Report

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

Prepared by: Mary Linden, Executive Assistant

Approved by: Reva Feldman, City Manager

Date prepared: August 7, 2020 Meeting date: August 24, 2020

Subject: State Housing Bills – Opposition (Mayor Pierson)

RECOMMENDED ACTION: At the request of Mayor Pierson, authorize the Mayor to send a letter of opposition regarding Assembly Bill (AB) 1279, AB 725, AB 2345, AB 3040, AB 3107, Senate Bill (SB) 902, SB 995, SB 1085, and SB 1120, a range of housing bills being considered by the State legislature that would usurp the authority of local jurisdictions to determine land use policies that best fit the needs of their jurisdictions.

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

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal year 2020-2021.

DISCUSSION: The City of Malibu, along with the Cities of Agoura Hills, Calabasas, Hidden Hills, and Westlake Village, are the five member cities in the Las Virgenes-Malibu Council of Governments (COG). At a Special meeting on August 3, 2020, the COG's Board of Directors (Board) considered a report prepared by the COG Executive Director (Attachment 1) recommending opposition to nine housing bills currently pending before the California legislature. The report stated that the bills would usurp the authority of local jurisdictions to determine land use policies that best fit the needs of their jurisdictions. It further stated that the bills would impose mandates that do not take into account the needs and differences of various jurisdictions throughout the State.

After lengthy discussion, the Board determined it was more appropriate for each City Council to take action on whether to submit letters of opposition to the bills on behalf of their individual jurisdictions. The Board further decided to send a general letter stating that the COG was opposed to housing bills that would preempt local control and have the deleterious effect of changing the nature and character of a community.

Mayor Pierson is requesting Council authorization to send letters of opposition to the nine housing bills and urge the State legislature to not approve bills that usurped the authority of local jurisdictions to determine land use policies that best fit the needs of their individual jurisdictions.

ATTACHMENTS: COG August 3, 2020 Special Meeting Item No. 5 Agenda Report and proposed Resolution No. 2020-01

Agenda Item 5.A

Memorandum

DATE: August 3, 2020

TO: Governing Board Delegates and Alternates

FROM: Terry Dipple, Executive Director

SUBJECT: Select Housing Legislation

OVERVIEW

The purpose of this memorandum is to present the Governing Board with information on the housing bills that are included in the proposed COG resolution.

BACKGROUND

The following bill summaries were taken from the League of Cities online bill search and Livable California's website. Livable California is a statewide nonprofit/non-partisan group – including elected officials, nonprofit and organization leaders and individuals that advocates for empowerment of local governments to foster equitable, livable communities and truly affordable housing.

AB 1279 (Bloom), as amended, Planning and zoning: housing development: high-opportunity areas.

What the League of Cities says: The Planning and Zoning Law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards, including that the development is (1) located in a locality determined by the Department of Housing and Community Development to have not met its share of the regional housing needs for the reporting period, and (2) subject to a requirement mandating a minimum percentage of below-market rate housing, as provided. This bill would require the department to designate areas in this state as high-opportunity areas, as provided, by January 1, 2022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee. League Position: Oppose

What Livable California says: A year AFTER this bill becomes law, a "committee" would identify streets as "Opportunity Areas" where 50-unit to 120-unit apartments could be built, ignoring zoning as long as affordable units are included. Or developers can pay a woefully insufficient "in lieu" fee to avoid building affordable housing, and then built 10-unit luxury apartments on single-family and low-density streets in these unsuspecting "Areas." All without a single hearing.

AB 725 (Wicks), as amended, General Plans: housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions.

What the League of Cities says: The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable for residential development, to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need determined pursuant to specified law. This bill would require that at least 25% of a metropolitan jurisdiction's share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 4 units of housing, but no more than 100 units per acre of housing. The bill would require that at least 25% of a metropolitan jurisdiction's share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 4 units of housing. The bill would exclude unincorporated areas from this prohibition and would include related legislative findings. League Position: Watch

What Livable California says: A severe threat to 400+ cities who have not attracted enough housing to hit state-ordered growth targets known as the Regional Housing Needs Assessment. AB 725 brings density and upheaval to low-density areas whose residents have never even heard of RHNA. RHNA was once a helpful growth-forecasting tool. Now it's used by Senator Scott Wiener as a tool to force density on communities.

AB 2345 (Gonzalez) as amended, Planning and zoning: density bonuses: annual report: affordable housing.

What the League of Cities says: The Planning and Zoning Law requires the planning agency of a city or county to provide by April 1 of each year an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of net new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, as provided. This bill would require that the annual report include specified information regarding density bonuses granted in accordance with specified law, as described. League Position: Oppose Unless Amended

What Livable California says: Allows developers to add 50% in "Density Bonus" size to a building if they agree to provide more affordable housing units than required under "Density Bonus." To create these huge buildings, developers can ignore city controls on size, parking, setbacks, side yards, trees, and other local standards.

AB 3040 (Chui) – Local planning: Regional Housing Needs Assessment.

What the League of Cities says: The Planning and Zoning Law requires the Department of Housing and Community Development, in consultation with each council of governments, to determine the existing and projected need for housing in each region

and further requires the appropriate council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county, as provided. This bill would authorize a city or county to include in its inventory of land suitable for residential development specified sites that contain an existing single-family dwelling unit, but that the city or county has permitted, or is proposing to permit, to contain 4 dwelling units as a use by right. League Position: Support in Concept

What Livable California says: Cities comply with AB 3040 by sacrificing single-family homes older than 15 years - think older housing stock - to satisfy state RHNA growth dictates. Or cities can refuse to comply and try to meet these growth dictates by relying on the state Density Bonus program. Unfortunately, the Density Bonus program is a FAIL, preventing cities from approving even close to the number of affordable units required by RHNA. More than 400 of our 482 cities won't make the RHNA targets. When cities fail, a divisive and punitive law by Scott Wiener, called SB 35, will let developers ignore many local rules to build as they wish.

AB 3107 (Bloom) Planning and zoning: General Plan: housing development.

What the League of Cities says: The Planning and Zoning Law authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes. This bill, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any local agency's zoning code for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria. League Position: Watch

What Livable California says: Wreaks havoc by allowing apartment towers where cafés, shops or businesses now stand, even if adjacent to homes. The new towers would contain 20% affordable units. Each city faces a different fate — the bill arbitrarily allows heights that match the tallest height allowed in any commercial or residential area up to ½ mile away. In L.A. it means 9-story apartments citywide. In Inglewood, 75 feet would be allowed. In Manhattan Beach, it wipes out a residential 30-foot height limit to allow 99 feet.

SB 902 (Weiner) Planning and zoning: housing development: zoning.

What the League of Cities says: Would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the

local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria. League Position: Watch

What Livable California says: Allows a majority on any city council to overturn voter-approved ballot measures that protect open space, shorelines and other lands - killing a 108-year-old California voter right. AND allows any city council to rezone “any parcel” to 10-unit luxury apartments, overriding all other zoning, inviting upheaval in older, diverse, multi-family areas. Requires NO affordability! Opens California to speculation frenzy.

SB 995 (Atkins) Environmental Quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects.

What the League of Cities says: CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes the preparation of a master EIR and authorizes the use of the master EIR to limit the environmental review of subsequent projects that are described in the master EIR, as specified. This bill would require a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specified plan for housing projects where the state has provided funding for the preparation of the master EIR. League Position: Watch

What Livable California says: This phony housing bill actually rewards huge $15M commercial projects with housing stuck on the side! While enriching commercial developers, it requires only 15% of its housing units to be affordable. It weakens CEQA, our environmental law.

SB 1085 (Skinner) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.

What the League of Cities says: Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, excluding the units added by a density bonus awarded pursuant to the Density Bonus Law or any local law granting a greater density bonus. This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. League Position: Watch

What Livable California says: This bill was substantially amended on July 29 in the Assembly Housing Committee after Livable California and many groups criticized it for CUTTING IN HALF the legislature's commitment to affordable housing in "Density Bonus" projects. The new wording for this bill has not yet been published. We will UPDATE THIS SPACE as soon as we get a chance to read and analyze the amended SB 1085.

SB 1120 (Atkins) Subdivisions: tentative maps.

What the League of Cities says: Would require a proposed housing development containing 2 residential units to be considered ministerially, without discretionary review or hearing, within a single-family residential zone, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district. League Position: Watch

What Livable California says: Crushes single-family zoning, a threat to 8 million homeowners at all income levels. State Sen. Scott Wiener has called yards and single-family homes "immoral." SB 1120 allows 4 market-rate homes where a one home now stands (it allows 8 units, if cities have local city "granny flat" laws). Requires NO affordability! Opens California to speculation frenzy.

Agenda Item 5.A

RESOLUTION NO. 2020-01
A RESOLUTION OF THE LAS VIRGENES-MALIBU COUNCIL OF GOVERNMENTS EXPRESSING OPPOSITION TO PROPOSED HOUSING LEGISLATION AND EXPRESSING SUPPORT FOR ACTIONS TO FURTHER STRENGTHEN LOCAL DEMOCRACY, AUTHORITY AND CONTROL

WHEREAS, the legislature of the State of California, has proposed a number of bills addressing a range of housing issues; and

WHEREAS, the majority of these bills usurp the authority of local jurisdictions to determine for themselves the land use policies and practices that best suit their cities and residents and instead impose mandates that do not take into account the needs and differences of jurisdictions throughout the State, as well as imposing unfunded mandates on jurisdictions for actions that are not in their best interests; and

WHEREAS, for example**,** the ability of jurisdictions to determine for themselves which projects require review beyond a ministerial approval, what parking requirements are appropriate for various locales within their jurisdiction, what plans and programs are suitable and practical for each community rather than having these decisions imposed upon cities without regard to the circumstances of each individual city is a matter of great import to the five cities of the Las Virgenes-Malibu Council of Governments, and

WHEREAS, the Las Virgenes-Malibu Council of Governments feels strongly that our local government is best able to assess the needs of our community and objects to the proliferation of State legislation that deprives us of that ability;

NOW, THEREFORE, THE GOVERNING BOARD OF THE LAS VIRGENES-MALIBU COUNCIL OF GOVERNMENTS HEREBY RESOLVES AS FOLLOWS:

Section 1. The Las Virgenes-Malibu Council of Governments registers its opposition to the following pieces of State legislation, without amendments:

- AB 1279 (Bloom) - Housing Developments. High Resource Areas.
- AB 725 (Wicks) General Plans: housing element: moderate-income and above moderate income housing: suburban and metropolitan jurisdictions.
- AB 2345 (Gonzalez) Planning and zoning: density bonuses: annual report: affordable housing.
- AB 3040 (Chui) – Local planning: Regional Housing Needs Assessment.
- AB 3107 (Bloom) Planning and zoning: General Plan: housing development.
- SB 902 (Weiner) Planning and zoning: housing development: zoning.
- SB 995 (Atkins) Environmental Quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects.
- SB 1085 (Skinner) Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints.
- SB 1120 (Atkins) Subdivisions: tentative maps.

Section 2. The Las Virgenes-Malibu Council of Governments hereby registers its equally opposition to the current practice of the State legislature of proposing and passing multitudes of bills that directly impact and interfere with the ability of cities to control their own destiny through use of the zoning authority that has been granted to them.

Section 3. The Las Virgenes-Malibu Council of Governments hereby declares that should the State continue to pass legislation that impacts local municipal authority, control and revenue, the Las Virgenes-Malibu Council of Governments may support actions that strengthen local democracy and authority.

PASSED, APPROVED, AND ADOPTED this 3rd day of August, 2020:

_____

Illece Buckley Weber, President

ATTEST:

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Terry Dipple, Executive Director