



# City of Malibu

## MEMORANDUM

To: Mayor Grisanti and the Honorable Members of the City Council, City Manager, City Attorney, Department Heads, City Employees, KBUU, Malibu Patch, and The Malibu Times

From: Kelsey Pettijohn, City Clerk

Date: July 15, 2022

Re: Actions from the July 11, 2022 Malibu City Council Regular meeting

---

At the City Council Regular meeting on Monday, July 11, 2022, the Council took the actions listed below with follow-up by various staff members shown in parentheses:

- 1) Received an update on Homeless Outreach Services and Accomplishments
- 2) Adopted Resolution No. 22-16, denying Appeal No. 21-017 upholding the Planning Commission's denial of Coastal Development Permit No. 14-073 to construct a new 2,825-square foot, two-story, single-family residence, including a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying Variance No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre zoning district at 33386 Pacific Coast Highway (180 PCH, LLC) (Planning)
- 3) Adopted Resolution No. 22-17, denying Appeal No. 21-018 upholding the Planning Commission's denial of Coastal Development Permit No. 14-073 to construct a new 2,825-square foot, two-story, single-family residence, including a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying Variance No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre zoning district at 33398 Pacific Coast Highway(180 PCH, LLC). (Planning)
- 4) Allowed and approved warrant demand numbers 66296-66408 listed on the register from the General Fund and directed the City Manager to pay out the funds to each of the claimants listed in Warrant Register No. 707 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$567,515.03.

City of Malibu payroll check number 5230-5231 and ACH deposits were issued in the amount of \$255,890.32 (Administration)

- 5) Approved the minutes for the November 2, 2021 Malibu City Council Adjourned Regular meeting (City Clerk)
- 6) Reaffirmed Resolution No. 22-25, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361 (City Clerk)
- 7) Authorized the Mayor the execute a construction contract with J and H Engineering General Contractors, Inc. in the amount of \$254,001 for the Marie Canyon Green Streets Improvements Project, Specification No. 2073; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of the contract. (Administration)
- 8) 1) Adopted Resolution No. 22-32, adopting the findings of fact required by the California Environmental Quality Act, certifying the adequacy of the Final Environmental Impact Report (SCH No. 202008350), and adopting the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations;

2) Introduced on first reading Ordinance No. 501, as amended to: i) add “All development proposed above eighteen (18) in height must require a Site Plan Review, pursuant to Section 13.27 of the Malibu LIP. Should a Site Plan Review be required, the entire development above eighteen (18), including all roof projections, requires the installation of story poles to ensure private view protection” to Exhibit A Section A.1. and Exhibit B Section 1.A.; ii) remove references to the Dark Sky Ordinance from Exhibit A Section A.3.; iii) modify Exhibit A Section A.5.B. and Exhibit B Section E.2. to allow the marquee signs to be oriented perpendicular to Morning View Drive facing east; iv) modify Exhibit A Section A.6. and Exhibit B Section 1.F. to read:

“New development and substantial redevelopment as provided in the Malibu Middle and High School Campus Specific Plan may be allowed in the 100-foot ESHA buffer, but in no case closer than than 50 feet as shown on MMHS Campus Specific Plan ESHA Restoration Map Nos. 1, 2, 3 of the Malibu LIP, if it does not significantly disrupt the habitat values of ESHA and may include:

1. ESHA and creek-related educational uses and viewing platforms;
2. Relocation of existing roads, road rights-of-way, utilities, public infrastructure and facilities, and Parking Lots D and E as depicted on the Proposed Site Plan MMHS Campus Specific Plan. The redevelopment shall be accomplished in a manner that involves no increase in development footprint for the portion within the habitat buffer area. If the improvement involves relocation, the new site shall be located no closer to ESHAs, wetlands, or creeks than the existing site and shall minimize encroachment into the habitat buffer to the maximum extent feasible;
3. Fuel modification required by the State Fire Marshall to meet the Fire Code Defensible Space Requirements for existing development in High Fire Hazard Areas; and
4. The following uses may be allowed where the encroachment into the habitat buffer is minimized to the extent feasible, where all feasible mitigation measures have been provided to minimize adverse environmental effects, and the maximum feasible habitat buffer between the development and the habitat is provided:
  - a. Limited exterior lighting for safety purposes; and
  - b. Fences necessary for safety, restoration, and protection of habitat.”

v) modify Exhibit A Section A.7. and Exhibit B. Section 1.G. to read:

“The ESHA Restoration Plan, dated July 2022, on file with the City shall be implemented as part of Phase 1 of the MMHS Campus Specific Plan and completed by Phase 4 as specified in the plan. Work shall be completed as shown on “ESHA Restoration Map Nos. 1, 2, and 3.” As a condition of approval of, and prior to issuance of a coastal development permit for Phase I of the Malibu Middle and High School Campus Specific Plan, a phased ESHA Restoration Plan shall be submitted for review and approval by the City Biologist.

During Phase 1 of the MMHS Campus Specific Plan, demolition of hardscape within the 100-foot buffer of the downstream area would occur. Restoration activities that would occur within the entire reach include weed abatement, broadcast of native seed and planting of native stock and invasive plant controls. Bank stability improvements and erosion control would occur in the upstream and downstream portions of the ESHA during Phase 1, which include the proposed pedestrian trail and new drive aisles.

Demolition of developed areas within the 100-foot buffer of the upstream and middle stream area would occur during Phase 4, as the Bus Barn and other existing structures would remain operational until Phase 4 commences. Upon completion of Phase 4, the pedestrian trail would be completed and connect to existing trails on the campus.

Any proposed changes to the ESHA Restoration Plan on file with the City must be approved by the City Biologist in consultation with the California Coastal Commission Biologist..”,

approving Local Coastal Program Amendment (LCPA) No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 to: a) add Section 3.4.6 to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 3.4 to incorporate the MMHS Campus Specific Plan into the LIP, b) exempt the Malibu Middle and High School (MMHS) from the prohibition of electronic message center (EMC) signs required by LIP Section 3.15.3, c) amend Malibu Municipal Code (MMC) Section 17.42.020 to add subsection “M.” to incorporate the MMHS Campus Specific Plan into the MMC consistent with the proposed LCPA language, d) exempt the MMHS from the prohibition of EMC signs required by MMC Section 17.52.040, e) amend LCP Zoning Map No. 2 to add a boundary line around the MMHS Campus Specific Plan area, denoting the boundaries of the MMHS Campus Specific Plan area for three parcels (Assessor’s Parcel Map Numbers [APNs] 4469-017-900, 4469-018-900, and 4469-018-904) located at 30215 Morning View Drive, and f) amend the MMC Zoning Map consistent with the update to LCP Zoning Map No. 2.

3) Adopted Resolution No. 22-33, as amended to: i) replace the cover page and header of Exhibit A; ii) replace Table 1 in Section 1.4 of Exhibit A; iii) replace Table 4 in Section 4.1 of Exhibit A; iv) updates Section 6.1 of Exhibit A to reflect the transportation mitigation measures included in the Mitigation Monitoring and Reporting Program; v) replace Table 15 in Section 6.1 of Exhibit A; vi) replace Table 16 in Section 6.1 of Exhibit A; vii) replace Figures 6, 16, 17, and 18 in Exhibit A; viii) modify Exhibit B to read:

“Amend the LCP Land Use Plan (LUP) to add the following new ESHA policy.

3.24. The following types of new development and substantial redevelopment may be allowed in the 100-foot ESHA buffer, but in no case closer than 50 feet as shown on the Malibu Middle and High School Campus Specific Plan ESHA Restoration Map Nos. 1, 2, and 3 of the Malibu LIP, if it does not significantly disrupt the ESHA habitat values:

1. ESHA and creek-related educational uses and viewing platforms;
2. Relocation of existing roads, road rights-of-way, utilities, public infrastructure and facilities, and Parking Lots D and E as depicted on the MMHS Campus Specific Plan

Proposed Site Plan. The redevelopment shall be accomplished in a manner that involves no increase in development footprint for the portion within the habitat buffer area. If the improvement involves relocation, the new site shall be located no closer to ESHAs, wetlands, or creeks than the existing site and shall minimize encroachment into the habitat buffer to the maximum extent feasible;

3. Fuel modification required by the State Fire Marshall to meet the Fire Code Defensible Space Requirements for existing development in High Fire Hazard Areas; and

4. The following uses may be allowed where the encroachment into the habitat buffer is minimized to the extent feasible, where all feasible mitigation measures have been provided to minimize adverse environmental effects, and the maximum feasible habitat buffer between the development and the habitat is provided:

a. Limited exterior lighting for safety purposes; and

b. Fences necessary for safety, restoration, and protection of habitat.”;

approving the Malibu Middle and High School Campus Specific Plan, Local Coastal Program Amendment (LCPA) No. 21-002, and General Plan Map Amendment No. 21-001 to: a) amend the LCP Land Use Plan to add a new Environmental Sensitive Habitat Area Policy 3.24 and b) amend the City of Malibu General Plan Land Use Policy Map (Section 3) to revise the land use designation for three parcels (APNs 4469-017-900, 4469-018-900, and 4469-018-904) located at 30215 Morning View Drive.

4) Directed staff to schedule second reading and adoption of Ordinance No. 501 for the August 8, 2022 Regular City Council meeting. (Planning)

9) 1) Directed staff to bring back resolutions to submit the question to the voters, setting priorities for arguments and rebuttals; 2) directed the City Attorney to prepare an impartial analysis; and 3) directed staff to bring back an item to hire a consultant to educate Malibu residents regarding the ballot question (Administration)

10) Directed staff to: 1) move forward with Alternative C in the staff report and continue accepting permit applications under Option 4 until the deadline to apply for Woolsey Fire Fee Waivers specified in Resolution No. 21-62; and 2) schedule a meeting with California Coastal Commission Executive Director Jack Ainsworth, Mayor Grisanti, and Councilmember Uhring to discuss Woolsey Fire Rebuild Option 4 (Planning)

11) Councilmember Farrer appointed Joshua Spiegel to the Homelessness Task Force (City Clerk)

12) Designated Mayor Grisanti as the voting delegate for the League of California Cities 2022 Annual Conference (City Manager)