



Council Agenda Report

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

Prepared by: Kathy Shin, City Attorney's Office
Justine Kendall, Associate Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: March 24, 2021

Meeting date: April 12, 2021

Subject: Amendments to the Malibu Local Coastal Program Sign Regulations

RECOMMENDED ACTION: 1) Adopt Resolution 21-16 (Attachment 1) amending the Local Coastal Program (LCP) Land Use Plan (LUP) sign regulations (Local Coastal Program Amendment (LCPA) No. 20-001) and finding the action exempt from the California Environmental Quality Act (CEQA); 2) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 483 (Attachment 2) amending the LCP Local Implementation Plan (LIP) sign regulations as part of LCPA No. 20-001 and finding the action exempt from CEQA; and 3) Direct staff to schedule second reading and adoption of Ordinance No. 483 for the April 26, 2021 Regular City Council 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.

DISCUSSION: The proposed amendment is in response to litigation brought to the City in October 2020 which alleged that LIP Section 3.15.3(X) and paragraphs 3, 5, and 9 of Section 3.15.4(C) violate residents' right to speech under the First Amendment to the United States Constitution.¹ This LCPA is being processed to avoid any implementation that might infringe on residents' constitutional rights.

¹ *Dennis Seider and Leah Seider, as Trustees of the Seider Family Trust v. City of Malibu* (Case No. 2:20-cv-8781) (Attachment 5).

The plaintiffs challenged that LIP Section 3.15.3(X), is an unconstitutional content-based regulation of speech in violation of the First Amendment. They also challenged the criteria by which sign permit applications are reviewed—specifically paragraphs 3, 5, and 9 of LIP Section 3.15.4(C). The plaintiffs alleged that the criteria are inherently subjective, give City officials “unbridled discretion to deny a sign CDP,” and thereby result in an unconstitutional prior restraint on speech.

The challenged sections read as follow:

LIP Section 3.15.3(X):

“Signs which restrict public access to State tidelands, public vertical or lateral access easement areas, or which purport to identify the boundary between State tidelands, and private property shall not be permitted.”

LIP Section 3.15.4(C) : “The following criteria shall be used in reviewing an application for a sign permit:

- ...
- 3. That the sign is not detrimental to the public health, safety, or welfare;
- ...
- 5. That the size, shape, color, and placement of the sign is compatible with the neighborhood and other lawful signs in the area;
- ...
- 9. That the location and design of a proposed sign in close proximity to any residential district does not adversely affect the quality or character of such residential area.”

Staff has since determined that Sections 2.80 and 2.81 of the LUP contain the same or substantially similar restriction on signs as the restriction challenged in LIP Section 3.15.3(X). See italicized provisions below:

“2.80. In consultation and coordination with the State Lands Commission, all unauthorized or illegal development, including signs, which encroach onto State tidelands should be identified and removed. *In particular, and in coordination with the State Lands Commission, existing signs at Broad Beach which purport to identify the boundary between State tidelands and private property that are determined to be unpermitted development should be removed.*”

“2.81. No signs shall be posted on a beachfront property or on public beach unless authorized by a coastal development permit. *Signs which*

purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral access easement areas is restricted shall not be permitted.”

For consistency, staff recommends that the foregoing language in LUP Sections 2.80 and 2.81 be amended in the same manner as LIP Section 3.15.3(X).

The City does not oppose the right of residents to protect their private property or to exercise their freedom of speech. Therefore, to avoid any implementation that might infringe on residents’ constitutional rights, the proposed LCP amendment removes LIP Section 3.15.3(X) and paragraphs 3, 5, and 9 of LIP Section 3.15.4(C) from the Malibu LCP. Pursuant to LIP Section 19.5(B), these amendments are achieved through Ordinance No. 483. For consistency, the proposed LCPA also removes the second sentence in LUP Section 2.80 and the second sentence in LUP Section 2.81 from the text. Pursuant to LIP Section 19.5(A), these amendments are also achieved through Resolution No. 21-16.

In response to the litigation, on November 9, 2020, the City Council adopted Resolution No. 20-60 initiating amendments to the LCP and directing the Planning Commission to consider the challenged LIP sign regulations in light of the “constitutionally protected rights of private property owners” recognized in the California Coastal Act. (See Cal. Pub. Res. Code, § 30001.5(c).)

On March 15, 2021, the Planning Commission conducted a duly noticed public hearing on LCPA No. 20-001 and adopted Planning Commission Resolution No. 21-22 (Attachment 3), recommending that the City Council approve the LCPA, as recommended by staff.

Findings of Consistency with Coastal Act And LCP

Pursuant to LIP Section 19.6, before approval of an LCPA, the City Council must make the finding that such amendment meets the requirements of, and is in conformity with, the LCP and policies of Chapter 3 of the California Coastal Act. The following findings can be made:

The proposed amendments meet the requirements of, and are in conformance with, the LCP and the policies of Chapter 3 the California Coastal Act.

Chapter 2 of the LUP incorporates the public access policies set forth in the Coastal Act, including Public Resources Code Section 30210, which reads as follows (with relevant text italicized):

“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.”

Public Resources Code Section 30001.5(c) also declares that one goal of the Act is to pursue public access policies consistent with the “constitutionally protected rights of private property owners.” Taken together, Section 30210 of the Coastal Act, Section 30001.5(c), and Chapter 2 of the LUP support the amendments proposed herein.

ENVIRONMENTAL REVIEW: Pursuant to Public Resources Code Section 21080.9, City activities and approvals necessary for the preparation and adoption of an LCP, including the recommended LCPA, are exempt from the requirements of the CEQA. The recommended application is for an amendment to the LCP, which must be certified by the California Coastal Commission before the amendments take effect.

CORRESPONDENCE: Public comments in support of the amendment were received prior to and at the March 15, 2021 Planning Commission meeting. (See Attachment 4). On March 11, 2021, the California Coastal Commission submitted a written letter in opposition, stating that the proposed amendments would “allow for signs that restrict public access to State tidelands, public vertical or lateral access easement areas, or purport to identify the boundary between State tidelands and private property . . . inconsistent with the public access and recreation policies of the Coastal Act and Malibu LCP.”

According to California Coastal Commission staff, “Such signs can mislead and intimidate the public from gaining legal beach access. For instance, signs portraying the boundary between public and private property as a fixed line are inaccurate since the line where the mean high tide intersects the beach is an ambulatory boundary that constantly moves to correspond to changes in the beach profile and daily tide flows. For these reasons, the proposed amendment would not maximize public access and could interfere with the public’s right of access to the sea, which is in direct conflict with the goals and requirements of the Coastal Act and Malibu LUP.”

As discussed previously, staff has determined that the amendments to the LCP are consistent with the Coastal Act and Public Resources Code, as both restate that the constitutionally protected rights of private property owners are maintained.

SUMMARY: Staff recommends that the City Council adopt Resolution No. 21-16 amending LUP Sections 2.80 and 2.81 and introduce on first reading Ordinance No. 483, amending LIP Sections 3.15.3(X) and 3.15.4(C).

ATTACHMENTS:

1. Resolution No. 21-16
2. Ordinance No. 483
3. Planning Commission Resolution No. 21-22
4. Correspondence Received for March 15, 2021 Planning Commission Meeting
5. Litigation Background
6. Notice of Public Hearing

RESOLUTION NO. 21-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AMENDING THE LOCAL COASTAL PROGRAM LAND USE PLAN SIGN REGULATIONS (LOCAL COASTAL PROGRAM AMENDMENT NO. 19-001) AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Findings.

A. On October 22, 2020, the City of Malibu was served with a lawsuit in federal district court alleging that the sign regulations in the Malibu Local Coastal Program (LCP)—specifically, Section 3.15.3(X) and paragraphs 3, 5, and 9 of Section 3.15.4(C) of the LCP Local Implementation Plan (LIP)—violate residents’ rights to speech under the First Amendment to the United States Constitution.

B. The City does not oppose the right of residents to protect their private property or to exercise their freedom of speech.

C. On November 9, 2020, the City Council adopted Resolution No. 20-60, initiating a Local Coastal Program Amendment (LCPA), to consider the challenged provisions of the LIP in light of private property owners’ constitutionally protected rights, as recognized in the California Coastal Act, and to determine if amendments to the Malibu LCP are necessary.

D. City Council Resolution No. 20-60 also directed the Planning Commission to schedule a public hearing on the proposed amendment in accordance with the requirements of LIP Chapter 19.

E. On February 18, 2021, a Notice of Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation in the City of Malibu.

F. On March 15, 2021, the Planning Commission held a duly noticed public hearing on LCPA No. 20-001, at which time it reviewed and considered the Commission Agenda Report, public testimony, and related information in the record, and adopted Planning Commission Resolution No. 21-22, recommending that the City Council adopt LCPA No. 20-001, which includes amendments to both the LIP and the LCP Land Use Plan (LUP).

G. On March 25, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu, stating that the City Council would hold a public hearing on April 15, 2021 to consider the proposed amendments.

H. On April 12, 2021, the City Council held a duly noticed public hearing on LCPA No. 20-001, including Resolution No. 21-16 and Ordinance No. 483, and reviewed and considered the staff report, written reports, public testimony, and other information in the record.

SECTION 2. Local Coastal Program Amendment No. 20-001

Pursuant to Section 19.5(A) of the Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP), the LCP Land Use Plan (LUP) is amended as follows:

A. Section 2.80 of the LUP is hereby amended to read as follows:

“In consultation and coordination with the State Lands Commission, all unauthorized or illegal development, including signs, which encroach onto State tidelands should be identified and removed.”

B. Section 2.81 of the LUP is hereby amended to read as follows:

“No signs shall be posted on a beachfront property or on public beach unless authorized by a coastal development permit.”

SECTION 3. Local Coastal Program Amendment Findings.

Based on evidence in the whole record, the City Council hereby finds that LCPA No. 20-001 meets the requirements of, and is in conformance with, the LCP and the policies of Chapter 3 of the California Coastal Act (the Act) as follows:

A. Section 30210 of Chapter 3 of the Act requires the State to advance the public right of access to coastal resources, including through local coastal programs, in a manner consistent with the rights of private property owners.

B. As relevant here, the Legislature’s statement of goals in Section 30001.5(c) of the Act also declares an intent to maximize public access to the coast “consistent with . . . constitutionally protected rights of private property owners.”

C. Chapter 2 incorporates the Act’s public access policies, including Section 30210, as qualified by a concern to protect property owners’ constitutional rights.

D. Section 2.80 and Section 2.81 of the LUP contain restrictions on property owners’ right to post signs on private property that are substantially similar to the restriction in LIP section 3.15.3(X), and removing these restrictions is not inconsistent with the LCP or with Chapter 3 of the Act.

SECTION 4. Environmental Review.

The City Council has analyzed the project proposal described herein and makes the following findings. Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCPA, and thus does not apply to this application. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission before it takes effect.

SECTION 5. Approval.

Subject to the contingency set forth in Section 7, the City Council hereby adopts the amendments to the LUP in this Resolution as part of LCPA No. 20-001.

SECTION 6. Submittal to California Coastal Commission.

Pursuant to Section 19.7.1 of the LIP, the City Council hereby directs the City Planning Director to submit this Resolution as part of LCPA No. 20-001 for certification by the California Coastal Commission.

SECTION 7. Effectiveness.

As part of LCPA No. 20-001, this Resolution shall become effective only upon certification by the California Coastal Commission.

SECTION 8. Certification.

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

PASSED, APPROVED, and ADOPTED this 12th day of April 2021.

MIKKE PIERSON, Mayor

ATTEST:

(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE
JOHN COTTI, Interim 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.

ORDINANCE NO. 483

AN ORDINANCE OF THE CITY OF MALIBU AMENDING THE LOCAL COASTAL PROGRAM LOCAL IMPLEMENTATION PLAN SIGN REGULATIONS AS PART OF LOCAL COASTAL PROGRAM AMENDMENT NO. 21-001 AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Findings.

A. On October 22, 2020, the City of Malibu was served with a lawsuit in federal district court alleging that the sign regulations in the Malibu Local Coastal Program (LCP)—specifically, Section 3.15.3(X) and paragraphs 3, 5, and 9 of Section 3.15.4(C) of the LCP Local Implementation Plan (LIP)—violate residents’ rights to speech under the First Amendment to the United States Constitution.

B. The City does not oppose the right of residents to protect their private property or to exercise their freedom of speech.

C. On November 9, 2020, the City Council adopted Resolution No. 20-60, initiating a Local Coastal Program Amendment (LCPA), to consider the challenged provisions of the LIP in light of private property owners’ constitutionally protected rights, as recognized in the California Coastal Act, and to determine if amendments to the Malibu LCP are necessary.

D. City Council Resolution No. 20-60 also directed the Planning Commission to schedule a public hearing on the proposed amendment in accordance with the requirements of LIP Chapter 19.

E. On February 18, 2021, a Notice of Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation in the City of Malibu.

F. On March 15, 2021, the Planning Commission held a duly noticed public hearing on LCPA No. 20-001, at which time it reviewed and considered the Commission Agenda Report, public testimony, and related information in the record, and adopted Planning Commission Resolution No. 21-22, recommending that the City Council adopt LCPA No. 20-001, which includes amendments to both the LIP and the LCP Land Use Plan (LUP).

G. On March 25, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu, stating that the City Council would hold a public hearing on April 15, 2021 to consider the proposed amendments.

H. On April 15, 2021, the City Council held a duly noticed public hearing on LCPA No. 20-001, including Resolution No. 21-16 and Ordinance No. 483, and reviewed and considered the staff report, written reports, public testimony, and other information in the record.

SECTION 2. Local Coastal Program Amendment.

Pursuant to Section 19.5(B) of the Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP), the LIP is amended as follows:

- A. Subsection (X) of Section 3.15.3 of the LIP is hereby repealed and the remaining subsections are reordered alphabetically.
- B. Paragraphs 3, 5, and 9 of Subsection (C) of Section 3.15.4 of the LIP are hereby repealed and the remaining paragraphs are renumbered in sequence.

SECTION 3. Local Coastal Program Amendment Findings.

Based on evidence in the whole record, the City Council hereby finds that LCPA No. 20-001 meets the requirements of, and is in conformance with, the LCP and the policies of Chapter 3 of the California Coastal Act (the Act) as follows:

- A. Section 30210 of Chapter 3 of the Act requires the State to advance the public right of access to coastal resources, including through local coastal programs, in a manner consistent with the rights of private property owners.
- B. As relevant here, the Legislature's statement of goals in Section 30001.5(c) of the Act also declares an intent to maximize public access to the coast "consistent with . . . constitutionally protected rights of private property owners."
- C. Chapter 2 of the Malibu LUP incorporates the Act's public access policies, including Section 30210, as qualified by a concern to protect property owners' constitutional rights.
- D. LIP Section 3.15.3(X) and paragraphs 3, 5, and 9 of LIP Section 3.15.4(C) restrict property owners' right to post signs on private property, and removing these sections is not inconsistent with the LCP or with Chapter 3 of the Act.

SECTION 4. Environmental Review.

The City Council has analyzed the project proposal described herein and makes the following findings. Pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA) does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCPA, and thus does not apply to this application. This application is for an amendment to the LCP, which must be certified by the California Coastal Commission before it takes effect.

SECTION 5. Approval.

Subject to the contingency set forth in Section 8, the City Council hereby adopts the amendments to the LIP in this Ordinance as part of LCPA No. 20-001.

SECTION 6. Submittal to California Coastal Commission.

Pursuant to Section 19.7.1 of the LIP, the City Council hereby directs the City Planning Director to submit this Ordinance as part of LCPA No. 20-001 for certification by the California Coastal Commission.

SECTION 7. Severability.

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

SECTION 8. Effectiveness.

As part of LCPA No. 20-001, this Ordinance shall become effective only upon certification by the California Coastal Commission.

SECTION 9. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2021.

MIKKE PIERSON, Mayor

ATTEST:

(seal)

Date: _____

APPROVED AS TO FORM:

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

JOHN COTTI, Interim 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 OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING THAT THE CITY COUNCIL APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. 20-001, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM SIGN REGULATIONS, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

SECTION 1. Recitals.

A. On October 22, 2020, the City of Malibu was served with a lawsuit in federal district court alleging that the sign regulations in the Malibu Local Coastal Program (LCP)—specifically, Section 3.15.3(X) and paragraphs 3, 5, and 9 of Section 3.15.4(C) of the LCP Local Implementation Plan (LIP)—violate residents’ rights to speech under the First Amendment to the United States Constitution.

B. The City does not oppose the right of residents to protect their private property or to exercise their freedom of speech.

C. On November 9, 2020, the City Council adopted Resolution No. 20-60, initiating a Local Coastal Program Amendment (LCPA), to consider the challenged provisions of the LIP in light of constitutionally protected rights of private property owners recognized in the California Coastal Act and to determine if amendments to the Malibu LCP are necessary.

D. Resolution No. 20-60 also directs the Planning Commission to schedule a public hearing on the proposed amendment in accordance with the requirements of LIP Chapter 19.

E. On February 18, 2021, a Notice of Public Hearing and Notice of Availability of LCP Documents was published in a newspaper of general circulation in the City of Malibu.

F. On March 15, 2021, the Planning Commission held a duly noticed public hearing on LCPA No. 20-001, at which time it reviewed and considered the Commission Agenda Report, public testimony, and related information in the record.

SECTION 2. Environmental Review.

Pursuant to Public Resources Code Section 21080.9, City activities and approvals necessary for the preparation and adoption of an LCP, including the proposed LCPA, are exempt from the requirements of the California Environmental Quality Act (CEQA). The proposed application is for an amendment to the LCP, which must be certified by the California Coastal Commission before the amendments take effect.

SECTION 3. Local Coastal Program Amendment Findings.

Based on the evidence in the whole record, the Planning Commission hereby finds as follows:

- A. LCPA No. 20-001, as set forth in Section 4 below, meets the requirements of, and is in conformity with, the LCP and the policies of Chapter 3 the California Coastal Act.
- B. Section 30210 of Chapter 3 of the Act requires the State to advance the public right of access to coastal resources, including through local coastal programs, in a manner consistent with the rights of private property owners.
- C. Chapter 2 of the Malibu Land Use Plan (LUP) incorporates the Act's public access policies, including Section 30210.
- D. As relevant here, the Legislature's statement of goals in Section 30001.5(c) of the Act also declares an intent to maximize public access to the coast "consistent with . . . constitutionally protected rights of private property owners."
- E. Section 2.80 and Section 2.81 of the LUP contain restrictions on permissible signs that are substantially similar to the restriction in LIP section 3.15.3(X). Consistency within the LCP, and with the concern for private property owners' constitutional rights in the Act, requires that all three restrictions be removed from the LCP.

SECTION 4. Local Coastal Program Amendment No. 20-001.

Based on the foregoing findings and record evidence, the Planning Commission hereby recommends that the LCP be amended as follows:

1. Remove section 3.15.3(X) from the LIP.
2. Remove paragraphs 3, 5, and 9 from section 3.15.4(C) of the LIP.
3. Amend section 2.80 of the LUP to read as follows:

"In consultation and coordination with the State Lands Commission, all unauthorized or illegal development, including signs, which encroach onto State tidelands should be identified and removed."

4. Amend section 2.81 of the LUP to read as follows:

"No signs shall be posted on a beachfront property or on public beach unless authorized by a coastal development permit."

SECTION 5. Planning Commission Recommendation.

Pursuant to Section 19.3.2(C) of the LIP, the Planning Commission hereby recommends that the City Council approve LCPA No. 20-001.

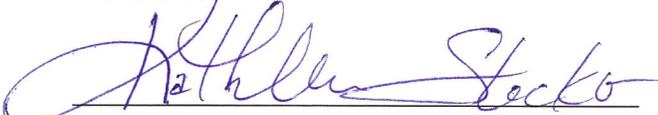
SECTION 6. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 15th day of March, 2021.



JEFFREY JENNINGS, Planning Commission Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-22 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 15th day of March, 2021, by the following vote:

AYES:	3	Commissioners:	Smith, Weil, Jennings
NOES:	1	Commissioner:	Hill
ABSTAIN:	1	Commissioner:	Mazza
ABSENT:	0		



KATHLEEN STECKO, Recording Secretary

Patricia Salazar

Subject: FW: Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001- An Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date March 15th

From: alan armstrong <[REDACTED]>

Sent: Thursday, March 11, 2021 9:08 PM

To: Kathleen Stecko <kstecko@malibucity.org>; Karen Farer <[REDACTED]>; Jeffrey D Jennings <[REDACTED]>

Cc: Dennis Seider <[REDACTED]>

Subject: Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001- An Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date March 15th

Hi Kathleen ,

We support item 5.A, Local Coastal Program Amendment No. 20-001.

Would you be so kind as to send a copy of my email supporting the Local Coastal Program Amendment No. 20-001 to the planning commissioners.

Thank you very much for your support to protect private property rights in Malibu.

Alan Armstrong ,
[REDACTED]

Received

3/11/21

Planning Dept.

From: Bert Kelley
To: Kathleen Stecko; Planning Commission
Subject: Amend Malibu City LIP to allow posting of signs on private property March 15, 2021
Date: Tuesday, March 9, 2021 10:11:46 PM

Dear Malibu City Council and Planning Department,

I'm in support for the City of Malibu to amend it's LIP, and adopt item 5..A submitted for the Malibu Planning Commission meeting scheduled for March 15, 2021. The amendments it proposes will allow the public greater access to public easements and tide lands, help avoid unpleasant disputes about where private property rights end and potentially avoid what will hopefully be unnecessary litigation. Please pass this note of support to all the commission members for their consideration along with our thanks.

I'd like to remind all of the recent 8-1 vote "The Supreme Court" decision to uphold the Right To Free Speech...

All the members of America's highest court-save one-say it's important to protect the principle of free speech.

In a near unanimous ruling (8-1) the U.S. Supreme Court ruled that government officials must be held accountable when they violate constitutionally protected freedoms. The Supreme Court has rightly affirmed the government officials should be held accountable for the injuries they cause. When public officials violate constitutional rights, it causes serious harm to the victims!

Officials within our public institutions shouldn't get a free pass for violating constitutional rights.

When such officials engage in misconduct but face no consequences, it leaves the victims without recourse, undermines the nation's commitment to protecting constitutional rights, and emboldens the government to engage in future violations.

We are experiencing a runaway enforcement that will compound and damage our private property rights forever if we don't stop the illegal behavior of government officials ruling against

its citizens from freedom of speech, private property rights and their property boundaries that are constitutionally protected!

One example of a sign that we all should obey...The Stop Sign! As a nation, we are bound by laws.! It is the glue that allows society to act together as one safe people, and with equal rights. Without the people acknowledging the "Stop Sign" as law, (on any given street corner), many will be injured or worse...At the very least, they will be in harm's way every time they cross illegally. We don't have the many traffic officers to stand on all the intersections directing traffic. hence... The Stop Sign! The same goes for private property owners who cannot stand on their property 24/7 protecting their rights from looky-loos, trespassers, squatters etc. We need signs that stand 24/7 to let people know that there's a line in the sand! To respect our constitutional rights as private property owners, and to be good citizens who obey the law of the land... The sign is an expression of our freedom of speech. Taking away or limiting our constitutionally protected rights should not be allowed.

Thank you for your time,

Bert Kellev

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

Date Received 3/11/21 Time 7:30 AM
Planning Commission meeting of 3/15/21
Agenda Item No. 5A
Total No. of Pages 1

Patricia Salazar

Subject: FW: Support of Agenda 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Coastal Program Sign Regulations. Meeting March 15, 2021

From: Bert Kelley <[REDACTED]>

Sent: Friday, March 12, 2021 12:30 AM

To: Kathleen Stecko <kstecko@malibucity.org>

Subject: Support of Agenda 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Coastal Program Sign Regulations. Meeting March 15, 2021

Dear Malibu City Council and Planning Department,

I'm in support for the City of Malibu to amend it's LIP, and adopt item 5.A submitted for the Malibu Planning Commission meeting scheduled for March 15, 2021. The amendments it proposes will allow the public greater access to public easements and tide lands, help avoid unpleasant disputes about where private property rights end and potentially avoid what will hopefully be unnecessary litigation. Please pass this note of support to all the commission members for their consideration along with our thanks.

I'd like to remind all... of the recent 8-1 vote The Supreme Court" decision to uphold the Right To Free Speech...All the members of America's highest court-save one-say it's important to protect the principle of free speech.

In a near unanimous ruling (8-1) the U.S. Supreme Court ruled that government officials must be held accountable when they violate constitutionally protected freedoms. The Supreme Court has rightly affirmed the government officials should be held accountable for the injuries they cause. When public officials violate constitutional rights, it causes serious harm to the victims!

Officials within our public institutions shouldn't get a free pass for violating constitutional rights. When such officials engage in misconduct but face no consequences, it leaves the victims without recourse, undermines the nation's commitment to protecting constitutional rights, and emboldens the government to engage in future violations.

We are experiencing a runaway enforcement that will compound and damage our private property rights forever if we don't stop the illegal behavior of government officials ruling against its citizens from freedom of speech, private property rights and their property boundaries that are constitutionally protected!

One example of a sign that we all should obey...The Stop Sign!

As a nation, we are bound by laws. It is the glue that allows society to act together as one safe people, with equal rights. Without the people acknowledging the "Stop Sign" as law, (on any given street corner), many will be injured or worse...At the very least, they will be in harm's way every time they cross illegally. We don't have the many traffic officers to stand on all the intersections directing traffic. Hence... The Stop Sign!

The same goes for private property owners who cannot stand on their properties 24/7 protecting their rights from looky-loos, trespassers, squatters etc. We need signs that stand 24/7 to let people know that there's a line in the sand! The sign is an extension/expression of our freedom of speech.Taking away or limiting our constitutionally protected rights should not be allowed.

Thank you for your time,
Bert Kelley

Bert Kelley [REDACTED]

Patricia Salazar

Subject: FW: Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date: March 15, 2021

From: Daniel Ducovny <[REDACTED]>
Sent: Friday, March 12, 2021 12:57 AM
To: Kathleen Stecko <kstecko@malibucity.org>
Subject: Fwd: Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date: March 15, 2021

I, Daniel Ducovny support the agenda for 5.A and agree with my neighbor Sheldon Klausner, who states our situation quite well.

Thank you
Daniel Ducovny
[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Sheldon Klausner <[REDACTED]>
Date: March 11, 2021 at 11:08:09 PM PST
To: "Kimberly (Kim) Helfand" [REDACTED], Mark Coppos [REDACTED], Danny Ducovny [REDACTED], Rob MacLeod [REDACTED], Kimberly Carey [REDACTED], [REDACTED], Alan Armstrong <[REDACTED]>, BARRY [REDACTED], HALDEMAN [REDACTED], Hovsep Kouzouyan [REDACTED], Bert Kelley [REDACTED], [REDACTED], LEAH ELLENBERG SEIDER PH D [REDACTED], SPENCER & LESLIE LEHMAN <[REDACTED]>, ROGER AND JANIS EHRlich <[REDACTED]>, Jerry Anderson <[REDACTED]>, Merle & Jerry Measer <[REDACTED]>, Sheldon Klausner [REDACTED], STU AND JACKIE BLUE <[REDACTED]>
Subject: Fwd: Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date: March 15, 2021

Please register your support for this Malibu Freedom of Signage Speech amendment.

If you would like to write an email, please send it by tomorrow morning so that it will be available to be read at the Planning Commission meeting on Monday, March 15th.

A sample letter is attached below.

Thanks for your support,

Shelly Klausner

Hi!

Use this link to guide you to item 5A and register your support by writing to Kathleen Stecko (kstecko@malibucity.org) or Jeff Jennings, at the Planning Commission cc to City Council.

<https://www.malibucity.org/AgendaCenter/ViewFile/Item/4804?fileID=19409>

Date Received 3/12/21 Time 12:00 PM
Planning Commission meeting of 3/15/21
Agenda Item No. 5.A.
Total No. of Pages 2

Sent from my iPhone
DENNIS J SEIDER

Begin forwarded message:

From: Sheldon Klausner <[REDACTED]>
Subject: **Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date: March 15, 2021**
Date: March 11, 2021 at 10:28:29 PM PST
To: kstecko@malibucity.org

Hello Kathleen,

I am sending this email to you to indicate my **support for item 5.A**, Local Coastal Program Amendment No. 20-001.

It seems reasonable to me that posting appropriate signage to indicate the boundary of the mean high tide would be very helpful.

Many beach visitors are unaware of the boundaries of beaches designated for public use, and do not know of the distinctions between public and private areas where beachfront homes are situated.

Most people try to be sensitive to the potential disturbances created by noise and proximity of others to private homes.

I'm sure that many beach visitors would welcome knowledge of where the public access is restricted, so that they can avoid a potential confrontation with a homeowner who may want to avoid noise that could possibly awaken a sleeping infant, or disturb a private lunch or small social gathering in their home.

It goes against common sense that posting appropriate signs would be illegal, and that the display of a sign providing information of this type would subject a homeowner to some penalizing action.

Please forward a copy of this email in **support of the Local Coastal Program Amendment No. 20-001** to the Planning Commissioners.

We are aware that we pay high property taxes as part of the cost of living in our beautiful Malibu community.

Please help us to protect our private property rights.

Thank you,

Sheldon Klausner, MD
[REDACTED]

Aaron Gribben

Subject: FW: Monday, March 15, 2021 Regular Planning Commission Meeting Agenda - 6:30 p.m.

From: Dennis Seider [REDACTED]
Date: March 8, 2021 at 8:35:23 AM PST
To: Kathleen Stecko <kstecko@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, Jeffrey D Jennings <djenningslaw@gmail.com>
Cc: Justine Kendall <jkendall@malibucity.org>, LEAH ELLENBERG SEIDER PH D [REDACTED], BARRY HALDEMAN [REDACTED], Alan Armstrong [REDACTED], Bert Kelley [REDACTED], SPENCER & LESLIE LEHMAN [REDACTED], Hovsep Kouzouyan [REDACTED], Merle & Jerry Measer [REDACTED], Jerry Anderson <[REDACTED]>
Subject: Re: Monday, March 15, 2021 Regular Planning Commission Meeting Agenda - 6:30 p.m.

Received
03/08/2021
Planning Dept.

Hi Kathleen and Karen:

We have reviewed the Commission Agenda Report on Item 5..A. submitted for the Malibu Planning Commission meeting scheduled for March 15, 2021 and support its adoption. The amendments it proposes will allow the public greater access to public easements and tide lands, help avoid unpleasant disputes about where private property rights end and potentially avoid what will hopefully be unnecessary litigation. Please pass this note of support to all the commission members for their kind consideration along with our thanks.

Regards,
Leah and Dennis Seider

On Thu, Mar 4, 2021 at 9:19 PM Dennis Seider <[REDACTED]> wrote:

Thanks Kathleen
Can you tell me where and when the next consideration of Malibu's effort to amend it's LIP to allow the posting of signs on private property designating the boundaries between private and public property will be held?
thanks
Dennis

Sent from my iPhone
DENNIS J SEIDER

On Mar 4, 2021, at 8:22 PM, Kathleen Stecko <kstecko@malibucity.org> wrote:

Date Received 03/08/21 Time 8:35 AM
Planning Commission meeting of 3/15/21
Agenda Item No. 5A
Total No. of Pages 3

**You have received this email because you are listed as an interested party to an application listed on the next Planning Commission meeting agenda.*

the [Monday, March 15, 2021 Regular Planning Commission Meeting](#) agenda and reports are now available online,

Due to COVID-19, this meeting will be teleconferenced from various locations. There will be no physical location for members of the public to observe the meeting. The meeting will be live streamed at malibucity.org/video. The agenda includes information regarding public participation.

Attached is the Correspondence Guidelines Handout for your reference.

Public Comments: Please forward all correspondence to planningcommission@malibucity.org.

Regards,

Kathleen Stecko

Administrative Assistant

City of Malibu

Planning Department

23825 Stuart Ranch Road

Malibu, CA 90265

Phone: (310) 456-2489, ext. 374

Fax: (310) 456-7650

Connect with the City of Malibu!

[<image003.png>](#)

[<image004.jpg>](#)

[<image005.png>](#)

[<PC Correspondence Handout C-19 Protocols.pdf>](#)

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DENNIS SEIDER

Patricia Salazar

Subject: FW: Private signs

Hello Kathleen,

I am sending this email to you to indicate my support for item 5.A, Local Coastal Program Amendment No. 20-001.

It seems reasonable to me that posting appropriate signage to indicate the boundary of the mean high tide would be very helpful.

Many beach visitors are unaware of the boundaries of beaches designated for public use, and do not know of the distinctions between public and private areas where beachfront homes are situated.

Most people try to be sensitive to the potential disturbances created by noise and proximity of others to private homes.

I'm sure that many beach visitors would welcome knowledge of where the public access is restricted, so that they can avoid a potential confrontation with a homeowner who may want to avoid noise that could possibly awaken a sleeping infant, or disturb a private lunch or small social gathering in their home.

It goes against common sense that posting appropriate signs would be illegal, and that the display of a sign providing information of this type would subject a homeowner to some penalizing action.

Please forward a copy of this email in support of the Local Coastal Program Amendment No. 20-001 to the Planning Commissioners.

We are aware that we pay high property taxes as part of the cost of living in our beautiful Malibu community.

Please help us to protect our private property rights.

Thank you,

Best Regards,

Hovsep Kouzouyan



Date Received 3/12/21 Time 12:00 PM
Planning Commission meeting of 3/15/21
Agenda Item No. 5.A.
Total No. of Pages 1

Patricia Salazar

Subject: FW: Meeting on March 15th, 2021

Received

From: Patrick Golling [REDACTED]
Sent: Friday, March 12, 2021 4:26 PM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Meeting on March 15th, 2021

March 12, 2021
Planning Dept.

Hello I am a local home owner in the city of Malibu. Our family has a property on Latigo Shore drive right next to the public access point. Our townhouses have provided an easement for people to get to the beach from sunrise to sunset. Over the years we have had our issues with the public loitering and littering on the beach but we have always maintained that the access is good for the public within reason. As a homeowner we would like to maintain the right to post a sign to rightfully declare where our property line lies and protect our private property. We would like to maintain the right to keep people off our property that we maintain, pay taxes on, and use. We are in full support of maintaining these right. Please know that we are in full support of your efforts to maintain our rights as property owners.

Thank you, Patrick Golling
[REDACTED]

Date Received 3/12/21 Time 4:26 PM
Planning Commission meeting of 3/15/21
Agenda Item No. 5A
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

Patricia Salazar

Subject: FW: Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date: March 15, 2021

From: Sheldon Klausner <[REDACTED]>

Sent: Thursday, March 11, 2021 10:28 PM

To: Kathleen Stecko <kstecko@malibucity.org>

Subject: Support for Agenda Item 5.A, Local Coastal Program Amendment No. 20-001, an Amendment to the Malibu Local Coastal Program Sign Regulations. Meeting Date: March 15, 2021

Hello Kathleen,

I am sending this email to you to indicate my **support for item 5.A**, Local Coastal Program Amendment No. 20-001.

It seems reasonable to me that posting appropriate signage to indicate the boundary of the mean high tide would be very helpful.

Many beach visitors are unaware of the boundaries of beaches designated for public use, and do not know of the distinctions between public and private areas where beachfront homes are situated.

Most people try to be sensitive to the potential disturbances created by noise and proximity of others to private homes.

I'm sure that many beach visitors would welcome knowledge of where the public access is restricted, so that they can avoid a potential confrontation with a homeowner who may want to avoid noise that could possibly awaken a sleeping infant, or disturb a private lunch or small social gathering in their home.

It goes against common sense that posting appropriate signs would be illegal, and that the display of a sign providing information of this type would subject a homeowner to some penalizing action.

Please forward a copy of this email in **support of the Local Coastal Program Amendment No. 20-001** to the Planning Commissioners.

We are aware that we pay high property taxes as part of the cost of living in our beautiful Malibu community.

Please help us to protect our private property rights.

Thank you,

Sheldon Klausner, MD
[REDACTED]

Date Received 3/12/21 Time 12:00 PM
Planning Commission meeting of 3/15/21
Agenda Item No. 5.A.
Total No. of Pages 1

Patricia Salazar

Subject: FW: Amend Malibu City LIP to allow posting of signs on private property March 15

Received

March 12, 2021

Planning Dept.

From: tiffanygolling [REDACTED]

Sent: Friday, March 12, 2021 4:19 PM

To: Planning Commission <planningcommission@malibucity.org>

Cc: [REDACTED]

Subject: Amend Malibu City LIP to allow posting of signs on private property March 15, 2021

Dear Malibu City Council and Planning Department,

I'm in support of the City of Malibu to amend it's LIP, and adopt item 5A, submitted for the Malibu Planning Commission meeting scheduled for [March 15, 2021](#). The amendments it proposes will allow the public greater access to public easements and tide lands, help avoid unpleasant disputes about where private property rights end, and potentially avoid what will hopefully be unnecessary litigation. Please pass this note of support to all the commission members for their consideration.

My family owns the property located at [REDACTED] a property that our dad built in the early 90s. In order to get approval for this project (5 townhouses located at Latigo Shore Dr.), he was required to uphold an easement to the beach. He complied and built a public staircase that allows anyone to access the beach. We continue to ensure that the stairway is well maintained and provides beach goers with a safe way to access the sand. Our concern comes in with the signage that makes it clear where our private property starts. With no signage allowed, visitors might confuse private homes for public space as the stairway is directly attached to a townhome.

Parking is also a major concern. There is plenty of parking available along Pacific Coast Highway for the public. If we are not allowed to display private property signs, the public would be able to take over very limited parking that is designated for the home owners. The beach is quite popular during warm weather and it would not be fair for homeowners to battle the public for parking space. The street is also privately maintained and to allow the general public to use the space would not make sense for a privately maintained road. It would cause a disturbance to the neighborhood and take away property owners' rights. Please understand that the owners property rights may be infringed on without allowing the signage.

Thank you for your time and consideration.

Sincerely,

Tiffany Norwood (maiden name Golling)

Date Received 3/12/21 Time 4:19 PM
Planning Commission meeting of 3/15/21
Agenda Item No. 5A
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 585-1800



Received

3/11/21

Planning Dept.

March 11, 2021

Richard Mollica, Planning Director
 City of Malibu
 23825 Stuart Ranch Road
 Malibu, CA 90265-4861

Subject: Local Coastal Program Amendment No. 20-001 (Malibu LCP Sign Regulations)

Dear Mr. Mollica:

Commission staff has reviewed the February 22, 2021 staff report regarding the subject proposed amendment to the Malibu Local Coastal Program (LCP) to amend LCP sign regulations, specifically, Policy 2.80 and Policy 2.81 of the Land Use Plan (LUP) and Sections 3.15.3(X) and 3.15.4(C) of the Local Implementation Plan (LIP) that is scheduled to be considered by the Malibu Planning Commission at its March 15, 2021 hearing. We appreciate the opportunity to provide the following comments.

The subject LCP amendment would delete language that prohibits signs which restrict public access to State tidelands, public vertical or lateral access easement areas, or which purport to identify the boundary between State tidelands and private property. The subject sign regulation policies currently require a coastal development permit for signs posted on beachfront property or on public beaches and prohibit signs which restrict public access to State tidelands, public vertical or lateral access easement areas, or which purport to identify the boundary between State tidelands and private property. Further, the policies require that proposed signs not be detrimental to public health, safety, or welfare; that the size, shape, color and placement of the sign is compatible with the neighborhood and other lawful signs in the area; and that the location and design of the proposed sign in close proximity to any residential district does not adversely affect the quality or character of such residential area. According to the City's staff report, the purpose of the LCP Amendment is to delete and modify these existing sign regulation policies because they raise concerns for private property owner's constitutional rights. As proposed, the LCP amendment would then allow for signs that restrict public access to State tidelands, public vertical or lateral access easement areas, or purport to identify the boundary between State tidelands, and private property to be placed on private property or public beaches.

Among the most important goals and requirements of the Coastal Act and Malibu LCP is the mandate to protect, provide, enhance, and maximize public recreational access opportunities to and along the coast consistent with the protection of public rights, private property rights, and coastal resources as required by the California Constitution and provided in Section 30210 of the Coastal Act. Further, the Coastal Act requires that development not interfere with the public right of access to the sea (Section 30211). Further, the LUP contains several policies to ensure the protection and provision of public access in new development, taking into consideration public safety needs, private property rights, and the protection of natural resources, where applicable. The proposed amendment to allow for signs that restrict public access to State tidelands, public vertical or lateral access easement areas, or purport to identify the boundary between State tidelands, and private property would be inconsistent with the public access and recreation policies of the Coastal Act and Malibu LCP. Such signs can mislead and intimidate the public from gaining legal beach access. For instance, signs portraying the boundary

CC: Planning Commission, PD, Recording
 Secretary, Reference Binder, File

Date Received 3/11/21 Time 2:00 PM
 Planning Commission meeting of 3/15/21
 Agenda Item No. 5A
 Total No. of Pages 2

between public and private property as a fixed line are inaccurate since the line where the mean high tide intersects the beach is an ambulatory boundary that constantly moves to correspond to changes in the beach profile and daily tide flows. For these reasons, the proposed amendment would not maximize public access and could interfere with the public's right of access to the sea, which is in direct conflict with the goals and requirements of the Coastal Act and Malibu LUP. Therefore, the proposed amendment would not meet the requirements of, or be in conformance with, the LUP and policies of Chapter 3 of the Coastal Act.

We strongly recommend that the City not approve the subject amendment as proposed.

Thank you for your consideration of our comments. Please feel free to contact me if you have questions.

Sincerely,

DocuSigned by:

EC0C1D43CA0C426...

Denise Venegas
Coastal Program Analyst

cc: Justine Kendall, Associate Planner, City of Malibu
Steve Hudson, CCC District Director
Barbara Carey, CCC District Manager
Deanna Christensen, CCC District Supervisor

Litigation Background

On October 22, 2020, the City of Malibu was served with a lawsuit in federal district court alleging that LIP Section 3.15.3(X) and paragraphs 3, 5, and 9 of Section 3.15.4(C) violate residents' right to speech under the First Amendment to the United States Constitution.¹

Plaintiffs, the Seiders, reside in Latigo Beach. As relevant here, a lateral public access easement encumbers their residence, and the Seiders now seek to post signs that would purport to demarcate the boundary between the easement area and unencumbered, private beach. The easement was recorded pursuant to a condition in the original CDP authorizing development of the residence.

On April 29, 2020, the CCC issued the Seiders a Notice of Violation of the California Coastal Act. The Notice states that the Seiders' signs discouraged public access to the coast and purported to identify the boundary between private property and public beach. Accordingly, even if the Seiders were to apply for a coastal development permit (CDP), the Notice states "it is unlikely that Commission staff would recommend approval of the signs since the signs are inconsistent with the Coastal Act and City of Malibu LCP public access policies"² Among other grounds for denial, CCC staff determined that the signs are prohibited by LIP Section 3.15.3(X).

The Seiders challenge this section as an unconstitutional content-based regulation of speech in violation of the First Amendment. They also challenge the criteria by which sign permit applications are reviewed—specifically paragraphs 3, 5, and 9 of LIP Section 3.15.4(C). The Seiders allege that the criteria are inherently subjective, give City officials "unbridled discretion to deny a sign CDP," and thereby result in an unconstitutional prior restraint on speech.

¹ *Dennis Seider and Leah Seider, as Trustees of the Seider Family Trust v. City of Malibu* (Case No. 2:20-cv-8781).

² Under LIP § 13.10.2(B)(2), the CCC retains jurisdiction over "development that would lessen or negate the purpose of any specific permit condition . . . of a Commission-issued coastal permit." The public access easement encumbering the Seiders' property was recorded as a condition for a CDP issued by the South Coast Regional Commission (a predecessor agency to the CCC). Therefore, the sign CDP the Seiders now seek may be subject to the CCC's original permitting jurisdiction.

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

The Malibu City Council will hold a public hearing on **MONDAY, April 12, 2021** at 6:30 p.m. on the project identified below. 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 Safer at Home Order. 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.

LOCAL COASTAL PROGRAM AMENDMENT NO. 20-001 – The City Council will consider amendments to the certified Malibu Local Coastal Program (LCP), and the Planning Commission's recommendation as discussed at its March 15, 2021 meeting regarding proposed amendments to Land Use Plan Sections 2.80 and 2.81 and Local Implementation Plan Sections 3.15.3(X) and 3.15.4(C)

Location:	Citywide
Applicant:	City of Malibu
Case Planner:	Justine Kendall, Associate Planner, jkendall@malibucity.org (310) 456-2489, ext. 301

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment. This application is for an LCP amendment which must be certified by the California Coastal Commission before it takes effect.

Copies of all related documents are available for review by contacting the Case Planner during regular business hours.

A written staff report will be available at or before the hearing. All persons wishing to address the City Council will be afforded an opportunity in accordance with the Council's procedures. Oral and written comments may be presented to the City Council on, or before, the date of the meeting.

If there are any questions regarding this notice, please contact Justine Kendall, at (310) 456-2489, extension 301.

Richard Mollica, Planning Director

Publish Date: March 25, 2021