



Council Agenda Report

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

Prepared by: Kelsey Pettijohn, City Clerk

Approved by: Steve McClary, Interim City Manager

Date prepared: March 17, 2022 Meeting date: March 28, 2022

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the August 9, 2021 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 2021-2022. This is part of normal staff operations.

DISCUSSION: Staff has prepared draft minutes for the Council meetings of August 9, 2021.

ATTACHMENTS:

1. August 9, 2021 Malibu City Council Regular meeting

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
AUGUST 9, 2021
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor's Executive Order N-08-21 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

MEETING CALL TO ORDER

Mayor Grisanti called the meeting to order at 6:31 p.m.

ROLL CALL

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

PRESENT: Mayor Paul Grisanti; Mayor Pro Tem Bruce Silverstein; and Councilmembers Karen Farrer, Mikke Pierson, and Steve Uhring

ALSO PRESENT: John Cotti, Interim City Attorney; Steve McClary, City Manager; Lisa Soghor, Richard Mollica, Planning Director; Kelsey Pettijohn, Acting City Clerk; Rob DuBoux, Public Works Director; Susan Dueñas, Public Safety Manager; Susan Dueñas, Public Safety Manager; Chris Brossard, Fire Safety Liaison; Alex Montano, Senior Media Technician; Parker Davis, Media Technician; and Mary Linden, Executive Assistant

PLEDGE OF ALLEGIANCE

Mayor Grisanti led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Farrer moved, and Councilmember Pierson seconded a motion to approve the agenda.

SUBSTITUTE MOTION

Mayor Pro Tem Silverstein moved and Councilmember Uhring seconded a motion to continue Item No. 4.C. to a Special meeting.

The Council discussed the motions.

FRIENDLY AMENDMENT

Mayor Pro Tem Silverstein moved to continue Item No. 4.C. to a date certain. The seconder accepted the amendment.

The question was called, and the amended substitute motion carried 3-2, Mayor Grisanti and Councilmember Farrer dissenting.

MOTION Mayor Grisanti moved and Mayor Pro Tem Silverstein seconded a motion to hear Item No. 4.C. tonight.

The Council discussed the motion.

FRIENDLY AMENDMENT

Mayor Grisanti moved to hear Item No. 4.C. before Item No. 4.A. The seconder accepted the amendment.

The Council discussed the motion.

The question was called, and the amended motion carried 3-2, Mayor Pro Tem Silverstein and Councilmember Uhring dissenting.

REPORT ON POSTING OF AGENDA

Acting City Clerk Pettijohn reported that the agenda for the meeting was properly posted on July 29, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Jo Drummond, speaking for herself and Colin Drummond, discussed brushfires in 2021 near Big Rock. She requested an item be added to the next Council agenda with a resolution to address emergency fire hazards posed by homeless encampments and direct the Sheriff's Department to enforce the City's no camping ordinance.

Josh Spiegel discussed fire danger at Trancas Park. He requested it be mowed. He expressed displeasure that other important issues were delayed by appeals and other items.

Bill Sampson suggested the City declare an emergency proclamation due to fire danger. He discussed reports of unknown number of personnel at City Hall who tested positive for COVID-19. He requested when, how many, and names, if possible, of any positive cases at City Hall. He discussed lifeguards having to stop children from crossing Broad Beach Road to reach surf schools.

John Mazza, on behalf of the Adamson House Board, invited Councilmembers and the City Manager for a special docent tour of the Adamson House. He stated the Planning Commission had tremendous problem vetting over 190 cell tower applications. He suggested a telecommunications commission be established to review the items before they came to the Planning Commission.

Lester Tobias requested his appeal be moved to another date.

Rosemarie Ihde discussed the dangers of homeless encampments in the hills. She stated people experiencing homelessness cannot just be moved but needed to be rehabbed and taught a trade.

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

Interim City Manager McClary confirmed two City Hall employees tested positive for COVID-19 last week. He stated the City followed all reporting requirements and conducted necessary contact tracing. He stated additional precautions were being taken to reduce the number of people in the building at once. He thanked Public Works Director DuBoux and staff for quickly getting water back in Legacy Park. He announced the first meeting of the new Homelessness Task Force on Thursday, August 12, 2021, at 1:00 p.m. He thanked staff at HRL for hosting a tour of the facility for himself, Assistant City Manager Soghor, and Environmental Sustainability Director Bundy. He discussed items scheduled for the August 23, 2021, Regular meeting.

Lieutenant Jim Braden, Los Angeles County Sheriff's Department, stated the former City Manager had never directed the Sheriff's Department to not enforce the City's no camping ordinance. He stated the Sheriff's Department received its law enforcement direction from County administration. He discussed a proposed Los Angeles County emergency ordinance with a plan to remove people experiencing homelessness from the Santa Monica Mountains.

In response to Mayor Grisanti, Lieutenant Braden discussed circumstances that led to Martin v. Boise. He confirmed the case was applicable only to public property.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Pierson thanked the speakers. He stated he participated in a community brigade program training and a Sheriff radio training. He stated he was interviewed by attorneys investigating the Wagner Affidavit. He stated he attended a School District Separation Ad Hoc Committee meeting and a Las Virgenes-Malibu Council of Governments (COG) meeting and had a discussion with COG Executive Director Terry Dipple and Councilmember Farrer regarding homelessness. He stated he visited the Willows Low Income Housing Facility in Canoga Park with staff from Los Angeles County and Public Safety Manager Dueñas. He stated he attended homelessness working group meetings, webinars on community microgrids, a desalination webinar, Clean Power Alliance Board of Directors meeting, and a California Coalition of Mayors meeting regarding SB 9 and SB 10. He stated City opposed SB 9. He stated he attended an art exhibit at Legacy Park. He stated he has many discussions in the last month on how to address homelessness and fire danger. He thanked City staff, Sheriff's Department, Fire Department, and Los Angeles County for trying to address the issues. He thanked Lieutenant Braden, Captain Becerra and Sheriff Villanueva for seeing the urgency in the issues. He

discussed an email from Villanueva suggesting safe campsites and RV parking as alternates to camping in the brush. He stated the Los Angeles County Board of Supervisors would be considering an item tomorrow to remove homeless encampments from very high fire hazard severity zones (VHFHSZ). He asked Interim City Attorney Cotti for an update on Mayor Pro Tem Silverstein's and Councilmember Uhring's proposals presented earlier this year. He discussed a United Nations report on global warming.

Councilmember Farrer thanked the speakers. She thanked Mr. Mazza for the invitation to Adamson House. She thanked Mr. Spiegel and agreed the City needed to address the fire concerns at Trancas Park. She thanked Lieutenant Braden for his years of service. She stated she contacted Lieutenant Jeff Diedrich, head of the Los Angeles County Sheriff's Department homeless outreach services team, and requested he attend a City Council meeting. She stated she attended a School District Separation Ad Hoc Committee meeting, a meeting with the lawyers investigating the Wagner Affidavit, Los Angeles County Library Commission meeting, a meeting with Councilmember Pierson and COG Executive Director Terry Dipple regarding homelessness, and a COG Homelessness Working Group meeting. She stated COG has \$131,000 from Measure H to spend on homeless outreach and support. She stated approximately \$20,000 earmarked for hotel vouchers during Red Flag Warnings. She indicated agreement with Councilmember Pierson regarding the importance of Los Angeles County Board of Supervisors action tomorrow.

Councilmember Uhring thanked Lieutenant Braden for efforts to clean up Legacy Park. He stated he hoped further programs would progress without a homeless shelter in Malibu. He thanked staff for bringing water back to Legacy Park. He commended Brittany Banks for providing a composting demonstration. He discussed a Santa Monica Bay Foundation project to improve the environment at Westward Beach. He stated these were examples of living the Malibu Mission and Vision Statements. He stated he attended a meeting in Calabasas with Lost Hills Sheriff's Station and Fire Department discussing coordination of efforts to address people experiencing homelessness in a fire. He stated the Sheriff's Department reported the majority of over 300 people experiencing homelessness who were moved out of Venice were from out of state.

Mayor Pro Tem Silverstein thanked everyone for their comments. In response to public speakers, he agreed there were major problems with fire danger in VHFHSZ. He suggested the Council consider holding separate meetings for land issues only. He agreed with Mr. Sampson that the City should provide more information about COVID-19 cases at City Hall. He agreed with Mr. Mazza about the need for a telecommunications commission. He discussed why he did not participate in ex-parte communications. He stated fire danger, predominantly related to homeless encampments, was one of the major issues he had work on addressing over past month. He thanked Councilmember Pierson and Councilmember Farrer for their comments. In response to Lieutenant Braden, he stated no one suggested the City tried to compel the Sheriff's Department. He stated the District Attorney's and County Counsel's interpretation of Martin v. Boise may not be a correct

interpretation of the law. He stated many unhoused individuals lived that way by choice. He stated he had many conversation regarding the dangerous associated with people experiencing homelessness in Malibu. He stated he had requested the City Manager schedule an item for a Council meeting to proclaim a state of local emergency due to fire hazards in VHFHSZ and communicate the City's desire that the Sheriff's Department enforce the no camping ordinance. He stated he had a conversation with appellant attorneys in the Supreme Court hearing of Martin v. Boise. He stated the Los Angeles County Board of Supervisors vote tomorrow should be positive development. He stated he met with Interim City Attorney Cotti and Interim City Manager McClary regarding the emergency proclamation he proposed and alternative statutes that he hoped would be on next meeting agenda. He stated he was working with the City's lobbyist California Strategies, Interim City Manager McClary and Mayor Grisanti on getting the California Highway Patrol to provide law enforcement on Pacific Coast Highway. He stated he was in discussions with Mountains Recreation Conservation Authority about a grant to address problems created by people living unhoused in Malibu and safety improvements at needed at La Costa Beach. He discussed the status of City Manager recruitment. He encouraged Acting City Clerk Pettijohn to apply for City Clerk position. He requested an item be brought back to discuss the City's COVID-19 protocols moving forward.

Mayor Grisanti stated he also attended Brittany Banks' composting seminar. He expressed appreciation for her efforts to work with Malibu restaurants on a composting program. He stated he attended a reception for the Ambassador of India. He stated he attended a California Strategies conference call and a Navy League dinner. He stated he visited the Willows Low Income Housing Facility with Councilmember Pierson. He stated City was looking partnership opportunities with the County of Los Angeles on low-income housing. He stated he attended a League of California Cities event installing a new Chair of the Los Angeles Division. He expressed concern that it was a large outdoor event with most people unmasked.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.8 was pulled by the public. Item No. 3.B.7. was pulled by the Council.

The Council directed questions to staff regarding Item No. 3.B.4. and 3.B.5.

MOTION Mayor Grisanti moved, and Councilmember Pierson seconded a motion to approve the Consent Calendar, pulling Item Nos. 3.B.7. and 3.B.8. 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. 488

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 488 adding Chapter 8.34 (Mandatory Organic Waste Disposal Reduction) to Title 8 of the Malibu Municipal Code and

determining the project is categorically exempt from the California Environmental Quality Act.

2. Second Reading and Adoption of Ordinance No. 489

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 489 amending Chapter 8.32, Solid Waste and Recyclable Materials, and determining the project is categorically exempt from the California Environmental Quality Act.

3. Second Reading and Adoption of Ordinance No. 490

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 490 amending Chapter 8.28 (Nuisance Abatement) of Title 8 of the Malibu Municipal Code and finding the same exempt from the provisions of 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 63484-63796 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. 686 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$4,203,890.71. City of Malibu payroll check numbers 5178-5181 and ACH deposits were issued in the amount of \$439,078.64.

3. Acceptance of Malibu Bluffs Park Workout Station Project

Recommended Action: 1) Accept the work performed by Civic Construction Associates for the Malibu Bluffs Park Workout Station Project, Specification No. 2088 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

4. City Hall Roof Replacement Project Completion and Acceptance of Work

Recommended Action: 1) Accept the work performed by 101 Roofing and Construction, Inc. for the City Hall Roof Replacement Project, Specification No. 2071 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

5. Legacy Park History and Operation

Recommended Action: Receive and file a report on Legacy Park's history and operation.

6. Amendment to Professional Services Agreement with Woodard and Curran

Recommended Action: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Woodard and Curran in the amount of \$47,227 for a total not to exceed \$3,529,593 for additional design services for the Civic Center Water Treatment Facility Phase 2.

The following items were pulled for individual consideration.

7. Amendment to Professional Services Agreement with MLA Green dba Studio-MLA

Recommended Action: Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with MLA Green dba Studio-MLA extending the term of the Agreement for two years through September 1, 2023 and increasing the compensation by \$55,000.

The Council directed questions to staff.

MOTION

Councilmember Uhring moved, and Councilmember Pierson seconded a motion to authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with MLA Green dba Studio-MLA extending the term of the Agreement for two years through September 1, 2023 and increasing the compensation by \$55,000. The question was called, and the motion carried unanimously.

8. Professional Services Agreement for Administrative Hearing Officer Services

Recommended Action: Authorize the Mayor to execute a professional services agreement with Robert M. Snider for Administrative Hearing Officer Services.

Mayor Grisanti opened the floor for public comment.

Speaker: John Mazza

As there were no other speakers present, Mayor Grisanti returned the matter to the table for discussion.

The Council discussed the item and directed questions to staff and Mr. Snider.

MOTION

Mayor Pro Tem Silverstein moved, and Councilmember Farrer seconded a motion to authorize the Mayor to execute a professional services agreement with Robert M. Snider for Administrative Hearing Officer Services. The question was called, and the motion carried unanimously.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- C. Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, General Plan Amendment No. 21-001, General Plan Map Amendment No. 17-002, Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, Development Agreement No. 21-001, Lot Merger No. 20-002, Demolition Permit No. 20-19, Initial Study No. 21-001, and Mitigated Negative Declaration No. 21-001 – An application for the conversion of

an existing office building and gas station into a hotel, including new development.
Recommended Action: 1) Adopt Resolution No. 21-45 for the adoption of Initial Study No. 21-001 and Mitigated Negative Declaration No. 21-001 prepared for the project pursuant to the California Environmental Quality Act and approval of Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, Lot Merger No. 20-002, and Demolition Permit No. 20-19 to change the land use designation of the properties from Community Commercial (CC) to Commercial Visitor Serving-2 (CV-2) and a new 26,734 square foot, 39-room hotel, involving the remodel of an existing four-story, 15,392 square foot commercial building and a 9,500 square foot parking level at 22741 Pacific Coast Highway (PCH) and construction of a new two-story, 11,342 square foot addition plus a basement on an adjacent parcel at 22729 PCH, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use. The project includes a restaurant/bar, spa, rooftop deck, swimming pool, new surface parking lot, hardscape, landscaping, grading, retaining wall, lighting, utilities, and an upgrade and expansion of the existing onsite wastewater treatment system and associated lot merger of the two involved in the CC zoning district at 22741 and 22729 Pacific Coast Highway (Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC); 2) Adopt Resolution No. 21-46 for approval of General Plan Amendment No. 21-001 and General Plan Map Amendment No. 17-002; 3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 491 for Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, and Development Agreement No. 21-001 to rezone the properties from Community Commercial (CC) to Commercial Visitor Serving-Two (CV-2), a new Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project for the Sea View Hotel Overlay District; 4) Direct staff to schedule second reading and adoption of Ordinance No. 491 for the August 23, 2021 Regular City Council meeting.

Planning Director Mollica presented the staff report.

Disclosures: Mayor Grisanti, Mayor Pro Tem Silverstein, Councilmembers Farrer, Pierson and Uhring

Mayor Grisanti opened the public comment portion of the public hearing.

Speakers: Matthew Cobla, Chris Frost, Norm Haynie

RECESS At 9:05 p.m., Mayor Grisanti recessed the meeting. The meeting reconvened at 9:16 p.m. with all Councilmembers present.

Speakers: Matt deNicola, Brad Folb, Patt Healy, John Payne, Anne Payne, Bill Curtis, Jordan Sisson (Unite Here Local 11), Jonah Breslau (Unite Here Local 11), Judith Abrego, Aura Garcia, Dina Paredes, Yesenia Reyes, Priscila Velazquez, Julio Lopez, Yajaira Reyes, Mark Alcalá, Rene Trotter, Claudia Aguilera, Jose Calderon,

Rocksand Ramirez, Cesar De La Cruz, Raul Macias, Vicky Beza, Jefferson Wagner, Lester Tobias, Vitus Matare, Jo Drummond, and Ryan Embree

Jordan Sisson, Mirna Milioto, Jose Avalos, and Lynn Heacox were not present at the time of the hearing.

As there were no other speakers present, Mayor Grisanti closed the public comment portion of the public hearing and returned the matter to the table for discussion.

MOTION Mayor Pro Tem Silverstein moved, and Councilmember Pierson seconded a motion to: 1) adopt Resolution No. 21-45 for the adoption of Initial Study No. 21-001 and Mitigated Negative Declaration No. 21-001 prepared for the project pursuant to the California Environmental Quality Act and approval of Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, Lot Merger No. 20-002, and Demolition Permit No. 20-19 to change the land use designation of the properties from Community Commercial (CC) to Commercial Visitor Serving-2 (CV-2) and a new 26,734 square foot, 39-room hotel, involving the remodel of an existing four-story, 15,392 square foot commercial building and a 9,500 square foot parking level at 22741 Pacific Coast Highway (PCH) and construction of a new two-story, 11,342 square foot addition plus a basement on an adjacent parcel at 22729 PCH, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use. The project includes a restaurant/bar, spa, rooftop deck, swimming pool, new surface parking lot, hardscape, landscaping, grading, retaining wall, lighting, utilities, and an upgrade and expansion of the existing onsite wastewater treatment system and associated lot merger of the two involved in the CC zoning district at 22741 and 22729 Pacific Coast Highway (Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC); 2) adopt Resolution No. 21-46 for approval of General Plan Amendment No. 21-001 and General Plan Map Amendment No. 17-002; 3) introduce on first reading Ordinance No. 491 for Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, and Development Agreement No. 21-001 to rezone the properties from Community Commercial (CC) to Commercial Visitor Serving-Two (CV-2), a new Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project for the Sea View Hotel Overlay District; 4) direct staff to schedule second reading and adoption of Ordinance No. 491 for the August 23, 2021 Regular City Council meeting.

AMENDMENT

Mayor Grisanti moved to include approval of the five car lifts.

The Council discussed the amendment.

The amendment was not accepted.

The Council discussed the item and directed questions to staff and Mr. Haynie.

AMENDMENT

Mayor Pro Tem Silverstein moved to change Condition 52 to “Parking shall be by valet only with no self-parking allowed.” The amendment was accepted by the seconder. Mayor Grisanti and Councilmembers Farrer and Uhring indicated support for the amendment.

AMENDMENT

Mayor Pro Tem Silverstein moved to add the Planning Commission’s recommendation to add a limit of six Temporary Use Permits per year to the Local Coastal Plan Amendment and Sea View Hotel Overlay District.

The Council discussed the amendment and directed questions to staff and Mr. Haynie.

The question was called, and the amendment failed 2-3, Councilmembers Pierson and Farrer and Mayor Grisanti dissenting.

AMENDMENT

Mayor Pro Tem Silverstein moved to change Condition 54 to “There shall be no joint parking arrangement or agreement except for 7 spaces on the McDonald’s lot if legally applied for and approved”. The change was accepted by the seconder. Mayor Grisanti and Councilmember Uhring indicated support for the amendment.

AMENDMENT

Mayor Pro Tem Silverstein moved to change Condition 62 to “The rooftop deck, swimming pool and spa shall be open to registered guests of the hotel only.” The amendment was accepted by the seconder. Councilmember Farrer and Mayor Grisanti indicated support for the amendment.

AMENDMENT

Mayor Pro Tem Silverstein moved to change Condition 43 to add “and on an as-needed basis.”

The Council discussed the amendment.

The amendment was withdrawn.

AMENDMENT

Mayor Pro Tem Silverstein moved to change Condition 56 to “Patios attached to hotel rooms may be accessed by registered hotel guests only.” The seconder accepted the amendment. Councilmember Uhring and Mayor Grisanti indicated support for the amendment.

The Council directed questions to staff.

AMENDMENT

Mayor Pro Tem Silverstein moved to preclude non-registered hotel guests from consuming food or beverages outside the restaurant and bar area.

The Council discussed the amendment and directed questions to staff and Mr. Haynie.

The amendment was not accepted.

The Council discussed the item and directed questions to staff.

AMENDMENT

Mayor Pro Tem Silverstein moved to specify that there shall be no offsite parking permitted by hotel employees, registered hotel guests, or hotel restaurant patrons.

The Council discussed the amendment and directed questions to staff.

Mayor Pro Tem Silverstein withdrew the amendment.

AMENDMENT

Mayor Pro Tem Silverstein moved to require hotel employees to park in the 11 onsite parking spaces allocated for hotel employees.

The Council discussed the amendment.

The amendment was not accepted.

AMENDMENT

Councilmember Uhring moved to add a condition stating that “all hotel employees working at the property must park onsite.” The question was called, and the amendment carried unanimously.

AMENDMENT

Councilmember Uhring moved to add to Condition 53 “and shall report the same to the Planning Commission.” The maker and the seconder accepted the amendment.

AMENDMENT

Councilmember Uhring moved add to Condition 36 “and shall be compliant with the City’s Dark Sky Ordinance.” The maker and seconder accepted the amendment.

AMENDMENT

Councilmember Uhring moved to require dumpster lids to be locked.

The Council discussed the amendment.

The amendment was not accepted.

AMENDMENT

Mayor Pro Tem Silverstein moved to modify the earlier amendment regarding parking to state “all hotel employees and independent contractors working at the property are prohibited from parking offsite in Malibu while working at the property.” The seconder accepted the amendment. Councilmember Uhring indicated support for the amendment.

The Council discussed the item and directed questions to staff.

AMENDMENT

Mayor Pro Tem Silverstein moved to amend the development agreement to require an \$800,000 payment to the City rather than a \$400,000 contribution to the City and a \$400,000 contribution to the Malibu Boys and Girls Club.

The Council discussed the amendment. Mayor Grisanti indicated support for the amendment.

MOTION Mayor Pro Tem Silverstein moved to adjourn the meeting.

The motion died on the floor due to lack of a second.

The Council discussed the amendment. Councilmembers Farrer and Uhring indicated support for the amendment.

MOTION Mayor Grisanti moved, and Councilmember Farrer seconded a motion not to consider any more changes to the development agreement.

Assistant City Attorney Rusin stated a typographical error in Section 4 of Resolution No. 21-45 need to be corrected by changing Planning Commission to City Council.

The Council discussed the motion. The Council discussed adjourning the meeting.

The following items were not discussed and were continued to an Adjourned Regular meeting to be held on August 19, 2021, at 6:00 p.m.:

A. Appeal No. 21-007 - Appeal of Planning Commission Resolution No. 21-46 (24266 Malibu Road; Owner/Appellant, Malibu Road #3, LLC/ Lester Tobias)

Recommended Action: Adopt Resolution No. 21-44, determining the project is categorically exempt from the California Environmental Quality Act; and denying Appeal No. 21-007 and approving Coastal Development Permit No. 16-066 to allow for the construction of a new 4,722 square foot, two-story, beachfront single-family residence with an attached two-car garage, swimming pool, spa, decks, seawall, 18-foot wide view corridor and fencing, and onsite wastewater treatment system, including Variance No. 16-066 for construction on steep slopes, Demolition Permit No. 21-009 for the removal of wood retaining walls, and Offer-to-Dedicate No. 21-003 for public lateral access on the beach located in the Single-Family Medium

(SFM) zoning district at 24266 Malibu Road (Malibu Road #3, LLC).

- B. Appeal No. 21-008 - Appeal of Planning Commission Resolution No. 21-051 (6255 Paseo Canyon Drive; Appellants: Elizabeth and Jason Riddick; Applicants and Property Owners: Elizabeth and Jason Riddick)

Recommended Action: Adopt Resolution No. 21-47, determining the project is categorically exempt from the California Environmental Quality Act; and denying Appeal No. 21-008; and denying Request for Reasonable Accommodation No. 21-001 pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.30 to allow relief from the zoning provisions of the LIP, as they currently apply to an application for a new attached accessory dwelling unit and additions to an existing single-family residence; and also denying Coastal Development Permit No. 20-034 which would allow the aforementioned development to encroach into the rear and side yard setbacks and exceed the maximum allowed total development square footage and total impervious lot coverage for the parcel, located in the Single Family (SF-L) Zoning District at 6255 Paseo Canyon Drive (Riddick).

The following items were not discussed and were continued to a date uncertain:

ITEM 5 OLD BUSINESS

- A. Consideration of the Resumption of In-Person Meetings

Recommended Action: 1) Receive an update on the current State and County public health regulations; and 2) Consider options for the resumption of in-person public meetings, and give direction to staff as needed.

- B. Woolsey Fire Fee Waiver Program Deadlines

Recommended Action: 1) Discuss the existing deadlines in place for homeowners to be eligible to waive certain fees related to the rebuilding of structures that were damaged or destroyed by the Woolsey Fire on a property used as a primary residence; and 2) Provide direction to staff regarding any proposed revisions to the fee waiver program.

ITEM 6 NEW BUSINESS

- A. Amendment to Agreement with Malibu Triathlon Productions

Recommended Action: Authorize the Interim City Manager to execute Amendment No. 1 to the Agreement with Malibu Triathlon Productions LLC, a Subsidiary of USA Sports and Entertainment, transferring its interest in the Agreement to host the Malibu Triathlon to Super League Holdings PTE LTD, a Singapore private company limited by shares.

- B. Public Speaker Video

Recommended Action: Consider whether to direct staff to allow members of the public to be displayed with video while speaking at the City's public meetings.

ITEM 7 COUNCIL ITEMS

- A. Proposed Parking Management Plan Along Trancas Canyon Road from Pacific Coast Highway to Tapia Drive (Mayor Grisanti and Councilmember Farrer)
Recommended Action: At the request of Mayor Grisanti and Councilmember Farrer, direct staff to process an ordinance to implement a Parking Management Plan along the west side of Trancas Canyon Road from Pacific Coast Highway to Tapia Drive.

ADJOURNMENT

MOTION At 12:41 a.m. on Tuesday, August 10, 2021, Councilmember Pierson moved, and Mayor Grisanti seconded a motion to: 1) adjourn to August 19, 2021 at 6:00 p.m. to consider: a) Appeal No. 21-007 - Appeal of Planning Commission Resolution No. 21-46 (24266 Malibu Road; Owner/Appellant, Malibu Road #3, LLC/ Lester Tobias); b) Appeal No. 21-008 - Appeal of Planning Commission Resolution No. 21-051 (6255 Paseo Canyon Drive; Appellants: Elizabeth and Jason Riddick; Applicants and Property Owners: Elizabeth and Jason Riddick); and c) Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, General Plan Amendment No. 21-001, General Plan Map Amendment No. 17-002, Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, Development Agreement No. 21-001, Lot Merger No. 20-002, Demolition Permit No. 20-19, Initial Study No. 21-001, and Mitigated Negative Declaration No. 21-001 – An application for the conversion of an existing office building and gas station into a hotel, including new development, with the amendments approved earlier; and 2) continue to a date uncertain consideration of the following items: a) Consideration of the Resumption of In-Person Meetings; b) Woolsey Fire Fee Waiver Program Deadlines; c) Amendment to Agreement with Malibu Triathlon Productions; d) Public Speaker Video; and e) Proposed Parking Management Plan Along Trancas Canyon Road from Pacific Coast Highway to Tapia Drive (Mayor Grisanti and Councilmember Farrer). The question was called, and the motion carried unanimously.

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

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)