



Council Agenda Report

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

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: October 27, 2020 Meeting date: November 5, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the September 14, 2020 Malibu City Council Regular meeting.

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

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

DISCUSSION: Staff has prepared draft minutes for the meeting of September 14, 2020.

ATTACHMENTS: September 14, 2020 Malibu City Council Regular meeting minutes

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
SEPTEMBER 14, 2020
TELECONFERENCED - VARIOUS LOCATIONS
6:30 P.M.

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

REGULAR SESSION CALL TO ORDER

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

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Bonnie Blue, Planning Director; Rob DuBoux, Public Works Director; Trevor Rusin, Assistant City Attorney; Deputy City Attorney Nathalie Camarena; Kelsey Pettijohn, Deputy City Clerk; Elizabeth Shavelson, Assistant to the City Manager; Kristin Riesgo, Community Services Deputy Director; Justine Kendall, Associate Planner; and Susan Dueñas, Public Safety Manager

PLEDGE OF ALLEGIANCE

Mayor Pierson led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION Councilmember Mullen moved to approve the agenda.

FRIENDLY AMENDMENT

Mayor Pierson amended the motion to also continue Item Nos. 3.B.7. and 3.B.8. to a date uncertain.

Councilmember Mullen accepted the amendment, and Mayor Pro Tem Peak seconded the amended motion. The question was called, and the amended motion carried unanimously.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on September 4, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Lori Kantor was not present at the time of the hearing.

Lynn Norton requested Item No. 4.A. be moved up in the meeting.

Bruce Silverstein discussed exclusion of Alia Ollikainen from the November 3, 2020 ballot. He discussed the Bell property and his appeal to the California Coastal Commission and stated the property should have been remediated a year ago regardless of his appeal.

Lance Simmens discussed traffic congestion. He stated the Chili Cookoff/Ioki lot should be opened for weekend parking to relieve congestion and increase safety on Pacific Coast Highway (PCH).

Nichol McGinley stated an ordinance should be adopted that addresses telecom providers bringing 5G into the City.

Hamish Patterson stated the Council should condemn the Black Lives Matter organization. He discussed September 11 and stated there had not been 180,000 deaths attributed to COVID-19 but only 10,000 according to the Centers for Disease Control and Prevention.

Scott Jacobs stated residents on Birdview Avenue and surrounding streets needed speed humps. He questioned whether removable speed humps were a viable option that could be expedited.

Scott Dittrich stated two Los Angeles County Sheriff's Department Deputies were fighting for their lives as a result of Black Lives Matter protesters. He stated Public Safety was the number one priority for Malibu. He discussed fire safety, safety on PCH, and homelessness issues.

Kraig Hill stated the County was on track for installing emergency generators for water pump stations in the Big Rock area. He stated the City needed to push the State to consider guaranteed insurance for fire hardened homes. He stated the City

should fight against State housing density bills for cities with only one main traffic artery. He stated staff was not affording Commission decisions the proper weight. He discussed the need for the Liberty Canyon Wildlife Crossing.

Scott Tallal thanked the Malibu Foundation and City staff for helping to make the August 2020 drive-in movie night a success. He discussed the cost of the event and requested the City waive permit fees, rental fees, and dust mitigation requirements so Malibu Foundation could host another event for Halloween.

Lonnie Gordon, on behalf of Malibu For Safe Tech, discussed the Federal Communications Commission shot clock ticking on 60 or more pending 5G sites within the City. She requested the City listen to experts that were not the current telecommunications firm the City contracted with.

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

City Manager Feldman stated the County of Los Angeles reported 253,985 positive cases of COVID-19, including 101 cases and three deaths in Malibu. She stated the City had issued 137 building permits for Woolsey Fire rebuilds, and eight homes had been completed. She stated September was National Preparedness Month. She stated the City had developed evacuation zones that were numbered 11-14 to avoid confusion with the Topanga evacuation zones numbered 1-10. She reminded the community to update voter registration by October 19, 2020. She stated one temporary generator for the three water pump stations in the Big Rock area had been installed, approval for the second generator was being worked on with the City, and approval for the third site had not been granted by a property owner. She stated she would work with the neighbors and Los Angeles County Department of Public Works Waterworks Districts to secure a third site. She stated the Civic Center Way Improvements Project was underway and in the staging process. She stated an emergency accessway would be available to first responders and no work would be done on red flag warning days. She stated a Virtual Public Design Meeting for the permanent skate park was held on September 2, 2020. She encouraged community feedback on the Permanent Skate Park Design Survey that would be available on the City's website through October 23, 2020. She stated County beach visitors in August 2020 were tallied at 1.7 million, which was an increase over recent years. She stated the City was tapping into additional County funding for the Beach Team to stay on past the Labor Day holiday due to increased numbers of visitors. She stated City Public Works Department crews were working weekends to perform trash pickup. She announced virtual events scheduled for National Preparedness Month on September 17, 22, 24, 2020. She announced Public Safety staff, Community Emergency Response Team, Arson Watch, and Volunteers on Patrol (VOP) would be out in Malibu neighborhoods on September 26, 2020, to promote fire preparedness. She stated the bid period for the Dume Drive and Fernhill Drive Speed Humps Project closed on September 29, 2020. She

stated 5G matters would be considered again by the Council on September 29, 2020.

In response to Councilmember Farrer, City Manager Feldman stated speed humps for additional streets could be considered as a mid-year budget amendment.

ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS

Councilmember Farrer thanked Mr. Jacobs for bringing speeding on Birdview Avenue to the Council's attention. She thanked Mr. Dittrich for his comments on public safety. She stated the City should do what it could to facilitate placement of the remaining water pump station generators in the Big Rock area. She stated she attended a League of California Cities Los Angeles County Division Board of Directors meeting and a School District Separation Ad Hoc Committee meeting. She stated she presented the eighth Certificate of Occupancy for Woolsey Fire rebuilds. She stated she had received many County and State briefings on COVID-19 and wildfires burning throughout the State.

Councilmember Wagner thanked the Malibu Democratic Club for hosting a Malibu City Council Candidates Forum. He thanked Mr. Silverstein for his comments and discussed the Bell property. He discussed the Liberty Canyon Wildlife Crossing and suggested the Council send a letter of support. He thanked Mr. Tallal and indicated support for whatever the City could do to help the Malibu Foundation host another event.

Councilmember Mullen indicated support for another drive-in movie night at the Chili Cookoff/Ioki lot over Halloween.

City Manager Feldman stated staff would check with the County of Los Angeles on whether the drive-in movie use would be allowed under the current COVID-19 regulations. She stated the event could only be held if the County allowed it and she reminded the Council that only six temporary use permits could be issued for the Chili Cookoff/Ioki lot per year.

Councilmember Mullen suggested the Council send a letter of support and appreciation for Los Angeles County Sheriff's Department Deputies that had been recently injured. He thanked Mr. Patterson for his comments.

Mayor Pro Tem Peak indicated agreement with Councilmember Mullen. He suggested nudging the County to allow the City to hold another drive-in movie event over Halloween. He expressed appreciation for the hard work of City staff, first responders, and law enforcement officers working for the City. He stated a resident of the Corral Beach area had reported a home invasion and encouraged the community to report anything that did not seem correct.

Mayor Pierson indicated agreement with Councilmember Mullen. He discussed the possibility of adding to the reward being offered. He stated divisiveness was being experienced nationwide.

In response to Mayor Pierson, Planning Director Blue stated the California Coastal Commission (CCC) had granted the CCC staff request for a one-year extension to work with the City on language changes on the City's pesticide prohibition amendment. She stated the comments on proposed changes generally happened on a staff level.

Mayor Pierson stated Assembly Bill (AB) 1788 had passed.

In response to Mayor Pierson, City Manager Feldman stated she was not aware of whether Governor Newsom has signed AB 1788 yet due to all the wildfire activity. Mayor Pierson thanked Poison Free Malibu. He discussed Malibu Middle and High School Improvements. He thanked Connor Blake for his service as a VOP and wished him well at the Academy. He discussed the importance of fire preparation at a family and neighborhood level. He discussed plans for the permanent skate park and stated it was on track. He discussed the movie night recently held Chili Cookoff/Ioki lot and indicated support for another event. He stated traffic over the Labor Day weekend was the worst the City had ever seen. He indicated support for sending a letter of support for Liberty Canyon Wildlife Crossing and stated he would bring the matter up with Senator Henry Stern. He thanked all the public speakers.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.7. and 3.B.8. were continued to a date uncertain upon approval of the agenda.

In response to Mayor Pro Tem Peak, City Manager Feldman stated written comments on Item Nos. 3.B.7. and 3.B.8. would be addressed by City staff and the items would be brought back for consideration at a future meeting.

B. New Items

7. Award Storm Drain Trash Screens Installation Project

Recommended Action: 1) Authorize the City Manager to execute a construction contract with United Storm Water, Inc. in the amount \$17,863.72 for the Storm Drain Trash Screens Installation Project, Specification No. 2077; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of Agreement contract.

8. Award Malibu Bluffs Park Workout Station Project

Recommended Action: 1) Authorize the City Manager to execute a construction contract with Civic Construction Associates in the amount \$40,001 for the Malibu Bluffs Park Workout Station Project, Specification

No. 2088; and 2) Authorize the Public Works Director to approve potential change orders up to 15% of Agreement contract.

Item Nos. 3.A.1., 3.B.11., and 3.B.12. were pulled by the public.

MOTION Councilmember Wagner moved, and Councilmember Mullen seconded a motion to approve the remainder of Consent Calendar, except Item Nos. 3.A.1., 3.B.11., and 3.B.12. The question was called, and the motion carried unanimously.

The Consent Calendar consisted of the following items:

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 61218-61338 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. 666 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of \$1,279,329.30. City of Malibu payroll check number 5119-5121 and ACH deposits were issued in the amount of \$215,603.19.
3. Approval of Minutes
Recommended Action: Approve the minutes for the August 10, 2020 Malibu City Council Regular meeting.
4. Jake Kuredjian Citizenship Award Nomination
Recommended Action: At the recommendation of the Parks and Recreation Commission, approve the nomination of John Bell and Ellen Reich as the recipients of the 2020 Jake Kuredjian Citizenship Award.
5. Amendment to Professional Services Agreement with Kimley-Horn and Associates, Inc.
Recommended Action: Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$245,000 for additional engineering plan check services to provide Woolsey Fire Rebuild Public Works Services.
6. Acceptance of the 2020 Annual Street Maintenance Project
Recommended Action: 1) Accept the work performed by Toro Enterprises, Inc. for the 2020 Street Maintenance Project, Specification No. 2078 as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion.

9. Agreements for the Malibu Inn Motel Project Initial Study
Recommended Action: 1) Authorize the City Manager to execute an Agreement with Wood Environmental and Infrastructure Solutions, Inc. for the preparation of an initial study for the proposed Malibu Inn Motel Project located immediately east of the Malibu Inn at 22959 Pacific Coast Highway; and 2) Authorize the City Manager to execute a Developer Reimbursement Agreement with Surfrider Plaza, LLC.
10. Professional Services Agreement with JHD Planning, LLC
Recommended Action: Authorize the City Manager to execute a professional services agreement with JHD Planning, LLC in the amount of \$94,990 for updating the 2021-2029 Housing and Safety and Health General Plan Elements as needed to address state requirements.

The following items were pulled from the Consent Calendar for individual consideration:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 469

Recommended Action: Conduct second reading, unless waived, and adopt Ordinance No. 469 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking) of the Malibu Municipal Code to create staggered overnight parking restrictions between 12:00 a.m. and 2:00 a.m. and between 2:00 a.m. and 4:00 a.m. daily in the Corral Beach and Zuma Beach areas of Pacific Coast Highway.

Marc Maniscalco stated restrictions would cause additional parking on Malibu Road. He requested the Council consider instating parking restrictions on other ocean front roads in Malibu including Malibu Road and Zuma Beach.

Mayor Pro Tem Peak stated overnight parking restrictions on Malibu Road may not be well-received by the residents.

Assistant City Attorney Rusin read the title of the ordinance.

MOTION

Mayor Pro Tem Peak moved and Councilmember Wagner seconded a motion adopt Ordinance No. 469 determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and amending Section 10.19.020 of Chapter 10.19 (Overnight Parking) of the Malibu Municipal Code to create staggered overnight parking restrictions between 12:00 a.m. and 2:00 a.m. and between 2:00 a.m. and 4:00 a.m. daily in the Corral Beach and Zuma Beach areas of Pacific Coast Highway.

Mayor Pierson indicated agreement with Mr. Maniscalco.

The question was called, and the motion carried unanimously.

B. New Items

11. Certificate of Deposit

Recommended Action: Adopt Resolution No. 20-50 approving the purchase of a Certificate of Deposit with Celtic Bank for a term of eight years.

City Manager Feldman presented the staff report.

Bruce Silverstein questioned why the \$250,000 would not be utilized to instead pay down debt service or return the Los Angeles County Measure R transportation funds used to purchase the Island Property. He stated the City did not need additional visitor parking. He questioned why the Celtic Bank was chosen for this CD.

Ryan Embree indicated agreement with Mr. Silverstein. He stated the staff report was not signed. He questioned why the City Treasurer had not signed the report. He stated the Council should not approve the item. He stated he had not seen a current investment policy. He questioned who the City Treasurer was. He stated it was not a good investment.

In response to Councilmember Mullen, City Manager Feldman stated Peter Lippman was the City Treasurer. She stated the Island Property had been purchased with Los Angeles County Measure R transportation related grant funds to create additional parking in the City. She stated there were no call opportunities for the debt service and funds could not be used to pay down or refinance the debt at this time. She stated Mr. Lippman was not well and the City was in the process of finding a new City Treasurer. She stated the quarterly finance investments reports were provided to the Council.

In response to Mayor Pro Tem Peak, City Manager Feldman stated the Certificate of Deposit had been invested at the recommended of the City Treasurer.

MOTION

Mayor Pro Tem Peak moved, and Councilmember Mullen seconded a motion to adopt Resolution No. 20-50 approving the purchase of a Certificate of Deposit with Celtic Bank for a term of eight years.

Councilmember Wager thanked the speakers.

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

12. Agreement for the Sea View Hotel Project Initial Study

Recommended Action: Authorize the City Manager to execute a Developer Reimbursement Agreement with Grey Granite, LLC, Las Tunas Beach, LLC, and Sea View Terrace, LLC for preparation of an initial study for the proposed Sea View Hotel Project at 22729 and 22741 Pacific Coast Highway.

Planning Director Blue presented the staff report.

Norm Haynie stated he would pay \$35,000 for the initial study. He stated he did not know he would need to have one done. He stated the requirement would further delay the project and its potential benefits for the City. He requested the initial study be expedited. He stated he would pay for any overtime required to complete it soon.

Lynn Norton questioned whether the project could be approved subject to the initial study being completed. She stated it was ironic that Mr. Haynie's property had to be rezoned visitor serving to allow short-term rentals, but the City had to go to the CCC to stop allowing short-term rentals in residential areas.

In response to Councilmember Mullen, Planning Director Blue stated an initial study took six to eight months to complete. She stated Mr. Haynie had submitted several studies, which may shorten the process, but there was still time needed for the public circulation process and staff review. She stated the purpose of CEQA was to disclose potential environmental impacts and mitigation to decision makers and was required to be completed before the project was put before decision makers.

Councilmember Mullen indicated support for the process being expedited as much as possible.

Planning Director Blue stated part of the issue was staffing constraints. She stated she would make sure the consultant knew the Council wanted the project to move quickly.

Councilmember Wagner discussed the project. He stated the initial study was required for the gas station property. He stated he felt sorry for Mr. Haynie and state the project needed to move forward.

In response to Councilmember Mullen, Planning Director Blue stated the gas station property was part of the reason for the initial study. She stated it was a largescale project for the City.

Councilmember Mullen discussed the fuel issues that would need to be studied. He stated he felt sorry for Mr. Haynie.

Councilmember Wagner stated the gas station property seepage had been mitigated for other projects.

Mayor Pierson stated development in Malibu was hard and while the process felt slow it was moving quickly in his experience.

MOTION Councilmember Wagner moved and Councilmember Mullen seconded a motion to authorize the City Manager to execute a Developer Reimbursement Agreement with Grey Granite, LLC, Las Tunas Beach, LLC, and Sea View Terrace, LLC for preparation of an initial study for the proposed Sea View Hotel Project at 22729 and 22741 Pacific Coast Highway. The question was called, and the motion carried unanimously.

RECESS At 8:16 p.m., Mayor Pierson recessed the meeting. The meeting reconvened at 8:26 p.m. with all Councilmembers present.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

- A. Short-Term Rental (STR) Regulations (Continued from August 10, 2020)
Recommended Action: 1) Re-open Public Hearing on short-term rental regulations including Zoning Text Amendment (ZTA) No. 17-002 (Ordinance No. 468) from August 10, 2020, and consider the Hosted Ordinance (Ordinance No. 472 and Resolution No. 20-51) and revised version of ZTA No. 17-002, the Enforcement Ordinance (Ordinance No. 468, as revised); 2) After the City Attorney reads the title, introduce on first reading Ordinance No. 472 amending Title 17 (Zoning) of the Malibu Municipal Code (MMC) and adding Chapter 17.55 (Short-term Rental Ordinance) and amending portions of the Local Coastal Program (LCP) Local Implementation Plan to establish provisions to regulate short-term rental of property citywide and finding the action exempt from the California Environmental Quality Act (CEQA); 3) After the City Attorney reads the title, introduce on first reading Ordinance No. 468, as revised, amending MMC Title 17 to establish provisions to regulate short-term rental of property citywide and finding the action exempt from CEQA; 4) Direct staff to schedule second reading and adoption of Ordinance Nos. 472 and 468 as revised for the September 29, 2020 Adjourned Regular City Council Meeting; and 5) Adopt Resolution No. 20-51 amending LCP Land Use Plan Chapter 5 to address short-term rental use in residential zones and finding the action exempt from CEQA.

Assistant to the City Manager Shavelson presented the staff report. She outlined changes to the proposed ordinances. She stated staff recommended changing the following Safe Harbor Provision to read as follows: "Safe Harbor. A hosting

platform operating exclusively on the Internet, which operates in compliance with subsections (A), (B), (C) and (D) above, shall be presumed to be in compliance with this Chapter. If technical issues pose a substantial obstacle to compliance with this Section, a hosting platform may also satisfy these obligations pursuant to a compliance agreement with the City that prevents booking transactions for unpermitted short-term rentals, collects all transient occupancy tax due, and complies with the disclosure requirements of this Section.” She stated staff also recommended removing Section 17.55.020(J) from the Hosted Ordinance and Section 17.55.010(H) from Enforcement Ordinance and adding “in compliance with federal and state law” to Section 17.55.010(A)(11) in the Hosted Ordinance and Section 17.55.020(A)(6) of the Enforcement Ordinance.

Planning Director Blue discussed next steps for the proposed ordinances. She stated staff would prioritize resources to implement the ordinance(s) selected by the Council. She stated additional staffing requirements for the Enforcement Ordinance could be considered by the Council at the mid-year budget review. She stated the recommendations of the Planning Commission were memorialized in a Planning Commission resolution included in the staff report. She stated Planning Commission recommendations and staff recommendations that differed were highlighted in the staff report.

Don Tollefson stated parties were the main concern for short-term rentals and indicated support for a substantial party fee. He indicated support for raising the Transient Occupancy Tax (TOT). He stated TOT from VRBO should bypass hosts and go straight to the City. He stated the Council should place a temporary freeze on vacation rentals until an ordinance was adopted.

In response to Mr. Tollefson, Assistant City Attorney Rusin stated the question of a temporary freeze could be addressed after public comment.

Ian Ballon indicated opposition to the onsite host requirement. He questioned how much tax revenue the City would lose and what the impact would be on the local economy. He stated parties were a problem but did not happen at all houses. He indicated opposition to the neighbor veto ability.

Lynn Norton indicated opposition to allowing a designated operator to be someone other than the owner in the Hosted Ordinance. She questioned why multi-family properties should be allowed to have short-term rentals.

Dean Wenner indicated support for enforcement against nuisance properties. He stated it was inappropriate for the City to introduce a business license permitting system for short-term rentals. He stated the Hosted Ordinance was punitive to owner rights.

Nelly Reeves was not present at the time of the hearing.

Bruce Silverstein indicated agreement with Ms. Norton. He stated the Hosted Ordinance needed to be less flexible than Santa Monica's ordinance. He stated the community did not want short-term rentals. He stated it was not clear the City needed to process a Local Coastal Program Amendment (LCPA).

Bettijane Pike indicated opposition to the proposed ordinances. She stated a home owned by her and her siblings had been rented on a short-term basis without issue. She stated the proposed ordinances were aimed at banning short-term rentals and keeping Malibu exclusive.

Jo Drummond indicated opposition to the onsite host requirement. She stated Malibu did not have enough hotels. She recommended a 60-day cap on short-term rentals. She stated the problem was with homes that were purchased with the specific intent of renting them out short-term. She indicated opposition to the noticing requirement. She indicated opposition to an increase in Transient Occupancy Tax.

Colin Drummond stated the proposed ordinances would force many homeowners to sell their homes. He questioned the legality of the ordinances. He stated Malibu was different from Santa Monica. He stated Santa Monica had never allowed short-term rentals. He stated the ordinances would reduce revenue to the City. He requested the Council remove the onsite host requirement.

Susan Gregory was not present at the time of the hearing.

Steve Uhring stated a permit number needed to be required to be printed on advertisements. He recommended a \$1,000 permit fee to be paid before the end of the year in order to fund enforcement.

John Mazza stated guest houses could not be rented short-term because they were not dwellings with kitchens. He stated the Planning Commission recommended Council Policy 43 not apply to enforcement.

Scott Dittrich stated he had a permitted guest house with a kitchen. He stated multi-family should be amended to be two or 25% of the total number of units. He stated homeowners should be allowed to rent their home short-term if they were on vacation. He stated the name of someone that complained about a short-term rental should be allowed to be kept confidential.

Kraig Hill stated all short-term rentals were detrimental to residential character. He stated there were more homes being used as short-term rentals than had been reported. He questioned whether the Hosted Ordinance needed an LCPA. He stated

the Enforcement Ordinance would cause confusion for operators and would legitimize short-term rentals. He recommended a designated operator not be allowed to swap to more than one unique short-term rental per year, limiting a host to two listings per permit, and allowing anonymous complaints to be investigated. He indicated support for a vacation amendment and opposition to the number of multi-family units allowed to be rented short-term.

Joey Goodman read correspondence from Madison Group regarding the property at 3833 Paseo Hidalgo Street. He stated he had called the Los Angeles County Sheriff's Department to the property 30 times. He requested an Enforcement Ordinance be adopted.

Mayor Pro Tem Peak requested those not present in the meeting when called not be allowed to speak later.

Andrew Gombiner indicated support for the proposed ordinances as drafted. He stated the CCC had previously indicated cities should enact short-term rental regulations through LCPAs. He discussed a 2019 ruling against Manhattan Beach efforts to regulate short-term rentals without an LCPA.

Bill Sampson read from the City's mission statement. He questioned how short-term rentals advanced the City's mission statement. He stated none of the short-term renters contributed to the civic life of the City.

Rosemary Sampson indicated agreement with Mr. Sampson. She stated residents needed to be in residences.

Patt Healy, Malibu Coalition for Slow Growth, indicated support for allowing short-term rental of one unit per property with the operator being the owner or family member of the owner. She indicated opposition to allowing guest houses to be rented short-term. She stated short-term renters should not be allowed to park on the street. She stated proof of property ownership and principal residency should be provided annually. She indicated support for limiting the number of days per year a unit could be rented short-term. She stated all complaints should be investigated.

Nicholas Hale recommended allowing and requiring a short-term rental management company at the owner's expense in lieu of the onsite host requirement when that requirement could not be met. He recommended hiring additional staff to manage complaints. He stated management companies automatically notified neighbors within 500 feet that a property was being rented short-term and could take some burden off the City.

Michael Lustig indicated agreement with Mr. Hill. He indicated opposition to the Enforcement Ordinance. He stated Council should implement the Hosted Ordinance.

Marc Mansicalco indicated support for continuing to allow short-term rentals and implementing a permit process to address problem properties.

Raja Gosnell declined to speak.

Graeme Clifford stated banning short-term rentals would be simpler, cheaper, and better for the community. He stated the most important requirement was to require an onsite host.

Mario Nieto questioned why the City was spending its time addressing short-term rentals when homelessness and recreational vehicles were a larger problem.

Meme Ballon was not present at the time of the hearing.

Nicole Williams stated the Hosted Ordinance would radically limit the availability of whole home rentals and affordable accommodation in the City. She stated TurnKey Vacation Rentals took responsible property management seriously through a variety of methods. She indicated support for short-term rental regulations and made sense. She indicated opposition to the ordinance.

Ryan Embree stated business use in a residential zone was not permitted. He stated short-term rentals were a parasitic use of an established community. He questioned the cumulative effect on long-term housing and asked the Councilmembers to disclose whether they had participated in short-term rentals. He indicated opposition to short-term rentals on multi-family properties.

Monica Briseno was not present at the time of the hearing.

Bliss Trafton stated vandalism and traffic along PCH had increased with short-term rentals. She questioned how regulations would be enforced and how the City would screen short-term renters for pedophiles.

Andy Lyon discussed the proliferation of recreational vehicles. He requested City Manager Feldman urge the League of California Cities send a letter of opposition to the City Manager of Lynwood regarding his social media post following the shooting of Los Angeles County Sheriff's Department Deputies.

Masifa Meme stated the community needed to come together to pray for peace and healing during the time of civil unrest. She questioned how the proposed changes would affect local businesses in the greatest economic downturn since the Great

Depression. She recommended requiring someone be available to be onsite within 15 minutes instead of requiring someone always be onsite. She stated many of her guests could not afford a 30-day rental. She stated the majority of hosts were very responsible and did not permit parties of any kind.

Ernie Farhat stated a property at 20607 Eagle Pass Drive had received numerous complaints for hosting short-term rentals, which was contrary to the tract Covenants, Conditions and Restrictions. He indicated support for enforcement options. He requested homeowners' associations be given their right to veto any permit issued for short-term rentals.

Mayor Pierson thanked the public for speaking. He stated the Council had been discussing short-term rentals for a long time and the matter was not being rushed.

Councilmember Mullen thanked Mayor Pierson for bringing the matter up again. He thanked staff for being concise and the Planning Commission for its deliberation, and the public for all the input provided. He stated he City Manager Feldman had been encouraging the Council to take action on short-term rentals for some time. He stated the delay in making a decision had been valuable to the extent the City could benefit from the legal cases of other cities and make a better decision in the long run. He stated there were many complicated issues the Council had to consider when making a decision about short-term rentals.

In response to Councilmember Mullen, City Attorney Hogin stated short-term vacation rentals had a presence in Malibu before online platforms. She discussed the distinction of Malibu being entirely within the coastal zone. She discussed cases involving the City of Hermosa Beach, which did not have a certified LCP, where the city had been successful. She discussed a case involving the City of Oxnard and a case involving the City of Manhattan Beach. She stated the City had always held that an LCPA was necessary. She stated the requirement of an onsite host was a change in use from what was already allowed. She stated the Hosted Ordinance could not be enforced before it was certified by the CCC. She stated the City could notify short-term rental hosts of what was being sent to the CCC for certification.

Councilmember Farrer stated it had not been a rushed process and indicated support for making a decision.

In response to Councilmember Farrer, Assistant City Attorney Rusin stated an event fee would have to be based on a cost to the City or else it would be considered a tax. Planning Director Blue stated short-term rental special event permits were capped at 15 persons. She stated the ordinances were set up to allow two people per the number of bedrooms on record up to a maximum of 14 persons in a rental. She stated each parcel was limited to four special event permits per year. She stated a

commercial component or fee for attendance would trigger the requirement for a special event permit, which was conditioned for each event.

In response to Mayor Pro Tem Peak, Planning Director Blue stated the number special event permits being pulled for short-term rental properties was not tracked without a short-term rental permitting system. She stated no special event permits had been issued in the past six months.

Councilmember Farrer left the meeting at 10:58 p.m.

Mayor Pro Tem Peak stated Airbnb had stated it would not allow parties. He stated the limit of a 14-person max was a step in the right direction.

Assistant City Attorney Rusin discussed how the proposed Enforcement Ordinance would work in concert with short-term rentals and special event permits.

Councilmember Mullen stated he was uncomfortable with allowing a designated operator.

Mayor Pro Tem Peak stated the designated operator still needed to be onsite.

Councilmember Wagner clarified the noticing of the item was also in The Malibu Times as a quarter-page advertisement. He stated the Planning Commission voted 5-0 that the owner had to be onsite during a short-term rental. He stated the matter was not being rushed. He stated an ordinance needed to move forward.

In response to Mayor Pro Tem Peak, Planning Director Blue stated the term guest house had a specific definition in the MMC and the LCP. She stated a guest house could not be used as a long-term rental due to the lack of a kitchen. She stated a standard hotel room did not have a kitchen and could be used as a short-term rental.

Councilmember Farrer returned to the meeting at 11:06 p.m.

Planning Director Blue stated staff left guest houses in the ordinance since a kitchen was not typical for a short-term rental.

Mayor Pro Tem Peak stated he did not have an issue with allowing short-term rentals in a guest house.

Planning Director Blue clarified that a second unit had full kitchen facilities and was appropriate for long-term rentals.

In response to Mayor Pierson, Planning Director Blue stated the Hosted Ordinance was set up to allow the property owner to choose whether to rent their main house

or a guest house. Assistant City Attorney Rusin stated it would depend on whether the Council would allow an onsite owner to host short-term rentals in a main house.

Councilmember Mullen indicated support for allowing only one unit per property to be permitted for short-term rentals.

Mayor Pro Tem Peak stated he did not have an issue with which unit was permitted and rented but questioned how it would be permitted.

Planning Director Blue stated the Hosted Ordinance would allow for one permit but up to two listings per property.

Councilmember Mullen and Mayor Pierson agreed a permit would need to specify the unit that would be rented short-term.

Mayor Pro Tem Peak stated the unit that would be rented should be selected at the time of application. He indicated support for allowing two units per property to be rented so long as the owner was onsite in another unit on the property.

Councilmember Mullen indicated opposition to allowing more than one unit to be rented per property.

Councilmember Wagner indicated support for the Planning Commission recommendation.

Councilmember Mullen indicated support for allowing one unit to be permitted for short-term rentals.

Assistant City Attorney Rusin clarified there was consensus for allowing short-term rentals in either a main unit, second unit, or guest house, but only one may be designated on a permit and only one permit would be issued per property.

Planning Director Blue stated an attached second unit or guest house would have its own entrance.

Councilmember Mullen indicated support for allowing a permit to be amended.

Councilmember Wagner discussed unpermitted units.

In response to Councilmember Mullen, Mayor Pro Tem Peak stated he was okay with allowing a designated operator.

Councilmember Wagner indicated support for the Planning Commission recommendation.

Planning Director Blue clarified a short-term rental permit would only be issued under the Hosted Ordinance to a property owner that demonstrated the property was their primary residence. She stated a designated operator would have to be onsite in the same manner the owner would be.

Councilmember Mullen stated he thought there should be a limit to how much time an owner could use a designated operator.

Mayor Pro Tem Peak stated it was already limited because the property had to be the primary residence of the owner to begin with.

Councilmember Mullen stated he would like the designated operator option should only be available for two four-week periods per year.

Councilmember Wagner indicated opposition to allowing a designated operator.

Mayor Pierson stated he was worried about loopholes but also understood that someone would want to rent out their home if they were away on vacation.

Mayor Pro Tem Peak stated limiting the use of designated operator to two months a year would be difficult to enforce.

In response to Councilmember Farrer, Assistant City Attorney Rusin stated a number of cities limited the number of days a property could be rented short-term, but it was difficult to enforce.

Mayor Pierson stated the Council was trying to look ahead at how to protect neighborhoods.

Councilmember Farrer stated a lot of the community had unique situations to accommodate.

Councilmember Mullen stated the priority was to protect neighborhoods.

In response to City Manager Feldman, Assistant City Attorney Rusin stated nothing was set in stone and the Council could make refinements to the proposed ordinances down the road if it wanted to get something on the books quickly.

In response to Assistant City Attorney Rusin, Mayor Pro Tem Peak stated not allowing a designated operator seemed easiest to enforce.

Councilmember Wagner indicated support for owner-operator only.

Assistant City Attorney Rusin questioned whether the person on the deed had to be onsite or if a spouse or other resident could serve as the designated operator.

Councilmember Mullen stated there could be a provision to allow a designated operator for two months per year with a modified permit.

Assistant City Attorney Rusin stated a designated operator, other than the owner, could be allowed to host short-term rentals for up to two months with prior notice to the City modifying the short-term rental permit.

In response to Mayor Pro Tem Peak, Assistant City Attorney Rusin stated the onsite time period between 8:00 p.m. and 6:00 a.m. came from Mr. Lustig.

In response to Assistant City Attorney Rusin, Mayor Pro Tem Peak and Councilmember Mullen clarified a designated operator could be utilized for two months cumulatively per calendar year with two-week notice to the City modifying the short-term rental permit.

Councilmember Wagner stated it would be difficult to enforce.

City Manager Feldman stated substantive changes to the ordinance would have to come back to the Council for first reading. Assistant City Attorney Rusin stated the ordinances traveled separately.

In response to Assistant City Attorney Rusin, Mayor Pro Tem Peak, Councilmember Mullen, and Councilmember Farrer agreed the onsite hours should be between the hours of 9:00 pm and 6:00 am during hosted short-term rentals.

In response to Councilmember Mullen, Assistant City Attorney Rusin stated Council Policy No. 43 required a name be attached to a complaint, which was confidential while a case was open and pending.

Mayor Pierson indicated opposition to fully anonymous complaints.

Assistant City Attorney Rusin stated the Policy could be brought back for consideration later if the Council felt it needed to be changed.

In response to Councilmember Mullen, Mayor Pierson indicated support for allow 40% of multi-family properties with a maximum of two units to be rented.

Planning Director Blue stated the Planning Commission had recommended 40% of multi-family properties with a maximum of two units to be rented, which eliminated duplexes and limited triplexes and quadplexes.

Mayor Pro Tem Peak stated he did not understand disallowing a duplex owner to rent a unit out.

In response to Mayor Pro Team Peak, Planning Director Blue stated the definition of multi-family was three or more units and duplexes were an anomaly.

In response to Assistant City Attorney Rusin, Mayor Pierson, Councilmember Mullen, and Councilmember Wager stated duplexes should be treated as single-family residences.

In response to Mayor Pro Tem Peak, Councilmember Mullen stated the Planning Commission had recommended 40% of multi-family properties with a maximum of two units to be rented.

Mayor Pro Tem Peak discussed the impact on long-term rental availability.

Councilmembers Mullen and Wagner indicated support for allowing up to 40%, up to two units maximum (whichever is fewer), of multifamily properties to be rented short-term if the other onsite units are rented long-term.

Councilmember Farrer indicated support for allowing 50% so a quadplex could have two rental units.

In response to Mayor Pro Tem Peak, Planning Director Blue stated there were approximately 28 triplexes and 50 or 60 quadplexes in the City.

Mayor Pro Tem Peak indicated support for allowing up to 40%, up to two units maximum (whichever is fewer), of multifamily properties to be rented short-term if the other onsite units are rented long-term.

In response to Mayor Pro Tem Peak, Assistant City Attorney Rusin stated a permit number was required to be added to any advertisement.

Mayor Pro Tem Peak indicated support for requiring a permit number and contact information to be posted onsite.

Councilmember Wagner stated a permit number was required to be added to any advertisement.

Councilmember Mullen stated he did not see an advantage to posting the permit number onsite.

Councilmember Farrer expressed concern about hosted short-term rentals in the time of COVID-19.

City Attorney Hogin suggested allowing emergency orders to impose temporary restrictions where necessary.

In response to Councilmember Mullen, Mayor Pierson stated the Council could revisit the ordinance as needed.

In response to Councilmember Mullen, Planning Director Blue stated a fee schedule item would need to come back to the Council to establish a short-term rental permit fee.

City Manager Feldman stated the fee schedule required a public hearing and legally required time before the fee became effective.

In response to Mayor Pro Tem Peak, City Attorney Hogin stated the permit fee would be established based on the actual cost to the City.

In response to Mayor Pro Tem Peak, Planning Director Blue stated Section 17.55.020 of the Hosted Ordinance provided a list of requirements including a property owner attesting to the number of bedrooms. She stated staff would research applications as issued arose.

Mayor Pierson stated most rental advertisements showed pictures of the unit.

Assistant City Attorney Rusin stated lying on a permit application would put an owner's future ability to rent a unit short-term at risk.

MOTION

Mayor Pro Tem Peak moved, and Councilmember Mullen seconded a motion to continue to a date uncertain the Public Hearing and direct staff to bring back the Hosted Ordinance (Ordinance No. 472 and Resolution No. 20-51) amended to: a) allow guest houses to be used for short-term rental but require that a short-term rental permit designate only one specific unit on the single-family residence property to be listed; b) require the property owner to be onsite during short-term rental except that a designated operator, other than the owner, is allowed to host short-term rentals for up to two months cumulatively per calendar year with two week notice to the City modifying the short-term rental permit; c) require designated operator be present onsite between the hours of 9:00 pm and 6:00 am during hosted short-term rentals; d) allow one unit of a duplex to be rented short-term if the owner lives onsite in the other ; and e) allow up to 40%, up to two units maximum (whichever is fewer), of multifamily properties to be rented short-term if the other onsite units are rented long-term. The question was called, and the motion carried unanimously.

Councilmember Wagner stated two ordinances would take more staff time and indicated support for the long-term goal of the Hosted Ordinance.

Mayor Pierson stated the long-term goal left a lot of people without necessary enforcement while the Hosted Ordinance went through the CCC.

City Attorney Hogin stated short-term rentals were allowed in the City but had gotten out of hand and the tools available to the City were not as effective as they needed to be. She stated the Enforcement Ordinance was not a land use regulation but provided the City with necessary enforcement tools to shut down bad actors as soon as possible.

In response to Mayor Pierson, City Attorney Hogin stated the Enforcement Ordinance would be used to enforce the Hosted Ordinance once it was certified by the CCC.

Councilmember Wagner stated everything City Attorney Hogin stated was in the staff report.

MOTION Mayor Pro Tem Peak moved, and Councilmember Farrer seconded a motion to:1) introduce on first reading Ordinance No. 468, as amended to remove Section 17.55.010(H) and add to Section 17.55.020(A)(6) “in compliance with federal and state law,” amending Title 17 (Zoning) of the Malibu Municipal Code and adding Chapter 17.55 (Short-term Rental Ordinance) to establish provisions to regulate short-term rental of property citywide, updating Chapter 15.44 pertaining to onsite wastewater treatment systems and short-term rentals and finding the action exempt from the California Environmental Quality Act; and 2) direct staff to schedule second reading and adoption of Ordinance No. 468 for the September 29, 2020 Adjourned Regular City Council Meeting.

Assistant City Attorney Rusin read the title of the ordinance. He clarified the motion included staff recommended changes outlined at the beginning of the presentation.

Mayor Pro Tem Peak and Councilmember Farrer agreed with Assistant City Attorney Rusin.

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

B. Face Covering Ordinance

Recommended Action: Adopt Ordinance No. 470U requiring all individuals to wear a face covering while in public, finding the same exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; a four-fifths vote of the City Council is required and, if approved, it will take effect immediately.

Deputy City Attorney Camarena presented the staff report.

Bruce Silverstein questioned the requirement for a mask to be worn anytime a person left their residence. He indicated support for face coverings and physical distancing during the COVID-19 pandemic but stated the language was overbroad.

Hamish Patterson stated the ordinance was an overreach and a hassle. He stated it was a burden to law enforcement and he would not comply. He stated the City had not taught the community how to be healthier.

Graeme Clifford was not present at the time of the hearing.

Deputy City Attorney Camarena stated the ordinance banned face coverings with valves and open chin triangle bandanas, which defeated the purpose of wearing a mask.

Mayor Pierson stated the Los Angeles County Sheriff's Department had indicated support for the ordinance. He stated a lot of community members had reached out to him about an ordinance.

Councilmember Mullen stated the public was already compliant. He indicated support for educating the community but agreed the ordinance was an overreach.

Councilmember Wagner stated the ordinance was necessarily aimed at compliance. He stated everyone wearing a proper mask was key to keeping people alive. He agreed it was an overreach but stated it was one he could support.

Councilmember Farrer stated she would rather err on the side of caution.

Mayor Pro Tem Peak stated he was comfortable with the County order and stated he felt there was good enough compliance.

Mayor Pierson stated the ordinance was late but stated the COVID-19 pandemic was not over and flu season was coming.

MOTION Mayor Pierson moved, and Councilmember Farrer seconded a motion to adopt Ordinance No. 470U requiring all individuals to wear a face covering while in public, finding the same exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency.

City Attorney Hogin read the title of the ordinance.

A four-fifths vote of the City Council was required, the question was called, and the motion failed 3-2, Councilmember Mullen and Mayor Pro Tem Peak dissenting.

City Attorney Hogin stated an urgency ordinance required a supermajority vote of the Council, took effect immediately, and had to be justified by an emergency need. She discussed the timeline for implementation of a non-urgency ordinance.

In response to City Attorney Hogin, Mayor Pierson stated he would bring the matter back for consideration if the COVID-19 pandemic took another turn for the worse.

City Attorney Hogin thanked Deputy City Attorney Camarena.

C. Temporary Waiving of Certain Sign Regulations to Assist Businesses and Other Uses during COVID-19

Recommended Action: Adopt Ordinance No. 471U implementing temporary signage regulations to accommodate business, institutional and other non-residential operations during the period of local emergency relating to COVID-19, finding the same exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency; a four-fifths vote of the City Council is required and, if approved, it will take effect immediately.

Planning Director Blue presented the staff report.

Graeme Clifford was not present at the time of the hearing.

Councilmember Farrer stated it was a small barrier to remove for businesses during the hardships brought on by the COVID-19 pandemic.

MOTION

Councilmember Mullen moved to adopt Ordinance No. 471U implementing temporary signage regulations to accommodate business, institutional and other non-residential operations during the period of local emergency relating to COVID-19, finding the same exempt from the California Environmental Quality Act and setting forth the facts constituting such urgency.

Councilmember Wagner stated there should be a sunset clause. He stated people would take advantage of the relaxed rules. He questioned what staff would use to verify what sign was approved before the urgency ordinance.

Planning Director Blue stated a max of two signs per business would be allowed that were disallowed under current law, which would again be disallowed once the local emergency was terminated. She stated Code Enforcement did periodic sweeps of the City for banners and flags.

Assistant City Attorney Rusin stated the ordinance would expire when the local emergency ended.

Councilmember Wagner indicated support for the ordinance but stated it would be hard to enforce removal of disallowed signs after the local emergency was terminated.

Councilmember Farrer seconded the motion.

Assistant City Attorney Rusin read the title of the ordinance.

A four-fifths vote of the City Council was required. The question was called, and the motion carried unanimously.

ITEM 5 OLD BUSINESS

None.

ITEM 6 NEW BUSINESS

A. Initiate Zoning Text Amendment Pertaining to Administrative Approval of Extensions for In-kind Disaster Rebuild Projects

Recommended Action: 1) Adopt Resolution No. 20-49 initiating a zoning text amendment to Chapter 17.60.020 (Nonconforming Uses and Structures) of the Malibu Municipal Code to eliminate the requirement for Planning Commission approval and instead allow administrative approval of extension requests by the Planning Director; 2) Direct the Planning Commission to schedule a public hearing regarding the same; 3) Direct staff whether to present the item for comment to the Zoning Ordinance Revision and Code Enforcement Subcommittee; and 4) Provide direction to staff on initiating an amendment to extend the deadlines to apply for in-kind disaster rebuild projects with a Planning Verification.

Planning Director Blue presented the staff report.

Robert Brinkmann stated he lost his home in the Woolsey Fire. He stated Planning Department staff had been very helpful. He stated the zoning text amendment (ZTA) changed how Planning reviews were handled, allowed the City to not follow CCC requirements, and helped developers.

Bruce Silverstein indicated agreement with Mr. Brinkmann. He stated he did not see a problem with the current process. He stated there was already too much power with the staff. He stated the Council granting across the board extensions would be more transparent.

John Mazza stated extension requests took the Planning Commission very little time to consider. He stated it was an issue of transparency.

Steve Uhring was not present at the time of the hearing.

Kraig Hill questioned the need for the ZTA. He stated extensions for fire rebuilds should be given even more consideration due to the possibility for uncompensated staff time through fee waivers.

Terry Lucoff discussed the possibility of the Council granting across the board extensions. She indicated support for the Planning Commission continuing to hear extension requests.

Ryan Embree stated there was no criteria established in the staff report. He stated he felt there was a huge fiscal impact. He stated the City could no longer afford to continue waiving fees for fire rebuilds.

In response to Mayor Pierson, Planning Director Blue stated the fee waiver program was separate from the item before the Council. She stated the item before the Council was related to the two-year window provided for fire rebuilds to apply for the planning verification process. She stated after the two-year window, fire rebuilds would need to apply for an extension of that window with the Planning Commission. She stated a different ZTA initiation resolution could be brought back to address changing the actual deadline. She clarified the item before the Council was initiation of a ZTA only. She stated the fire rebuild process was not tied to the original owner at the time of the fire.

In response to Councilmember Mullen, Planning Director Blue confirmed anyone could rebuild a property after a fire, but fee waivers were tied to the owner at the time of the fire.

In response to Mayor Pro Tem Peak, Planning Director Blue confirmed extensions could not be limited only to the owner at the time of the fire. She stated the timeline extension being discussed pertained to rebuilding existing non-conforming structures after a fire without having to apply to the Planning Commission for an extension or Variance. She stated the Council granting across the board extensions would address the public speaker concerns about staff granting extensions.

Mayor Pro Tem Peak indicated support for extending the timeframe by one year.

Mayor Pierson agreed with Mayor Pro Tem Peak.

Planning Director Blue stated fee waivers were a separate matter and were set to expire as outlined by resolution.

Councilmember Wagner stated the council could send the matter to the Zoning Ordinance Revision and Code Enforcement Subcommittee (ZORACES) for

transparency.

Councilmember Farrer stated the public seemed to be reading into the staff report.

In response to Councilmember Farrer, Planning Director Blue stated the City had retained two Contract Planners, one to handle Woolsey Fire rebuilds and one to handle regular applications.

MOTION Mayor Pro Tem Peak moved to send the matter to ZORACES.

Planning Director Blue questioned whether the Council wanted a different ZTA initiation resolution to be brought back to address the actual deadline to be done concurrently.

Mayor Pierson stated it felt like a stretch to get back to the Council before November 8, 2020.

Assistant City Attorney Rusin stated initiating the ZTA and the ZORACES meeting could be done concurrently.

In response to Mayor Pro Tem Peak, Planning Director Blue stated there was a 21-day noticing requirement for the Planning Commission hearing as well as the Council hearing.

Planning Director Blue recommended bringing back initiation of the ZTA at the next Council meeting and referring the matter to ZORACES concurrently.

Councilmember Wagner indicated agreement with Planning Director Blue.

SUBSTITUTE MOTION

Councilmember Mullen moved to: 1) direct staff to bring back initiation of a zoning text amendment to extend the deadlines for submittal of an application for reconstruction and obtaining building permit pursuant to Malibu Municipal Code Section 17.60.020(C); and 2) refer the matter to the Zoning Ordinance Revision and Code Enforcement Subcommittee for review.

Councilmember Wagner seconded the motion. The question was called, and the substituted motion carried unanimously.

ITEM 7 COUNCIL ITEMS

None.

ADJOURNMENT

MOTION At 1:08 a.m., on September 15, 2020, Mayor Pro Tem Peak moved, and Councilmember Mullen seconded a motion to adjourn the meeting.

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

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)