



# City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861  
Phone (310) 456-2489 · Fax (310) 456-7650 · [www.malibucity.org](http://www.malibucity.org)

## TEMPORARY USE PERMIT

Temporary Use Permit No. 19-028  
23575 Civic Center Way  
APN 4458-022-907

**NOTICE IS HEREBY GIVEN** that the City of Malibu has **APPROVED** an application filed by the Malibu High School Athletic Booster Club, for a temporary use permit (TUP) to allow for a Christmas tree sales lot. The event will be held at 23575 Civic Center Way, a parcel zoned Community Commercial (CC).

### DISCUSSION

#### *Event Description*

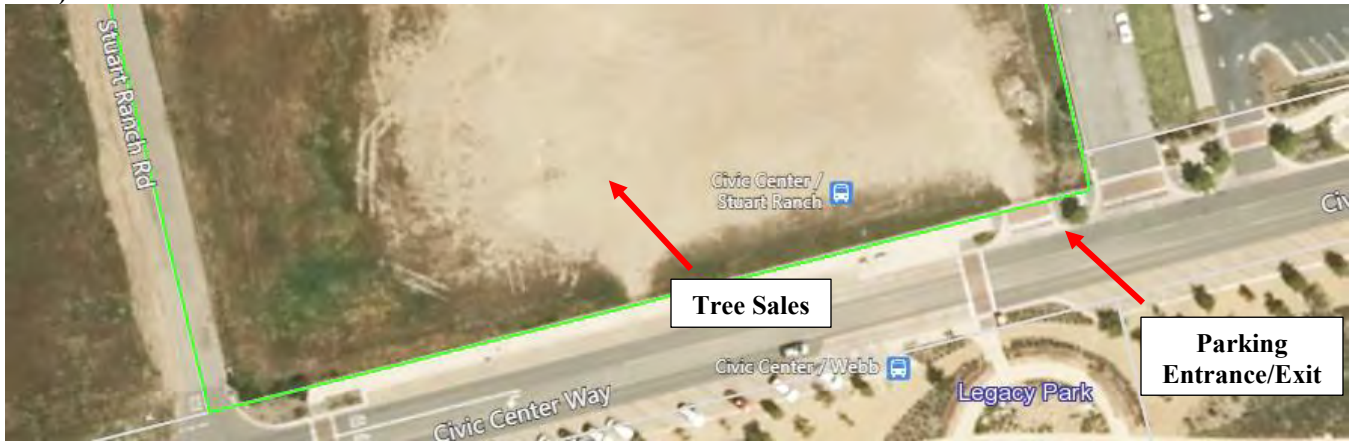
The project proposes the temporary use of the vacant parcel addressed as 23575 Civic Center Way for the sales of Christmas trees benefiting the Malibu High School Athletic Booster Club. It is expected that at any one time there will be no more than 50 people onsite and no more than 750 people for the duration of the event. The event is open to the public and guests will be directed to self-park onsite. The event is only permitted according to the timeline and maps shown below.

Table 1 – Event Schedule		
Activity	Date	Time
Event Set-Up	November 21 - November 28, 2019	8:00 a.m. to 6:00 p.m.
Christmas Tree Sales	November 29 - December 24, 2019	2:00 p.m. to 10:00 p.m.
Event Break-Down	December 26 - December 28, 2019	8:00 a.m. to 6:00 p.m.

**Figure 1 – Vicinity Map, identifying the event site (Source: City of Malibu GIS, 2019)**



**Figure 2 – Event Site close-up, highlighting the locations of tree sales and vehicular access (Source: City of Malibu GIS, 2019)**



### ***Event Background***

- Application Submittal Date: October 3, 2019
- Notice of Application: October 18, 2019
- Original Notice of Decision: October 30, 2019
- Revised Notice of Decision: November 20, 2019

### **Malibu Municipal Code Conformance**

Pursuant to Malibu Municipal Code (MMC) Section 17.68.010, a TUP is intended to allow for the short-term placement of activities, many of which would be prohibited as permanent placements, in temporary facilities, public or private buildings or open spaces, or outside of buildings. The Planning Director hereby makes the following findings of fact in support of TUP No. 19-028.

#### **Temporary Use Permit Findings (MMC Section 17.68.060)**

*Finding 1. The operation of the requested use at the location proposed and within the time period specified is compatible with the surrounding neighborhood uses.*

The parcel is located in the Community Commercial (CC) zoning district. The subject parcel is used annually for the Malibu Chili Cook-off, a more intensive use. The Chili Cook-off hosts thousands of guests daily while this event proposes less than 100 per day. Furthermore, there are many structures including roller coaster rides and tents for carnival games that the site has been able to accommodate. The Christmas tree lot will have one 60 X 100 tent. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare, in that approvals shall be obtained from the Los Angeles County Fire, Sheriff and the City of Malibu Public Works Department. The event must comply with the aforementioned description and with the plans submitted to the Planning Department.

*Finding 2. The proposed site is adequate in size and shape to accommodate the temporary use.*

The site is adequate in size and shape to accommodate the temporary use. The site has been previously utilized for more intensive events in the past and can accommodate the proposed temporary use.

*Finding 3. The proposed site is adequately served by the streets or highways, having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.*

The event and event parking site are accessible from Civic Center Way. The proposed site is adequately served by the streets or highways, which have sufficient width and improvements to accommodate the kind and quantity of traffic. Conditions of approval are included to ensure public safety and prevent congestion on the surrounding road network.

*Finding 4. Adequate temporary parking will be available to accommodate vehicular traffic to be generated by such use.*

The applicant's parking plan is under review and by the City of Malibu Public Works Department. Event attendees will be able to park onsite, which will provide an adequate amount of parking to accommodate vehicular traffic generated by such a use.

*Finding 5. The proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.*

The proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity. As with past years, the event will take place during the times described above. All noise is subject to MMC Chapter 8.24 (Noise Ordinance). The applicant and owner acknowledge receipt of the City's noise ordinance and agree to comply with it at all times.

*Finding 6. The event shall not exceed a total of 14 calendar days and the proposed site has not been used for permitted temporary uses for more than 60 days within any one calendar year*

Operation of the Christmas tree lot may exceed 14 calendar days pursuant to Malibu Municipal Code (MMC) Section 17.68.040(C), which states "a temporary use permit may be issued by the planning director for Christmas tree and pumpkin sales lots; however, a permit shall not be required when such sales are in conjunction with an established commercial business holding a valid city business license, provided such activity shall be permitted for a period not to exceed thirty consecutive calendar days." The proposed event does not exceed the limitation of 60 days within any one calendar year.

*Finding 7. No complaints have been filed against the current property owner with the Los Angeles County district attorney's office during the twenty-four months preceding the date of this application submittal.*

Staff does not have record of complaints filed for events that have taken place at 23575 Civic Center Way with the Los Angeles District Attorney's Office.

- a) Pursuant to LCP Local Implementation Plan (LIP) Section 13.4.9, the event does not require a coastal development permit, since the event will be one day in length and a fee will not be charged for general public admission.
- b) The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other temporary events scheduled before or after the particular event.

- c) There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in this ordinance; and
- d) The event has not previously required a coastal development permit to address and monitor associated impacts to coastal resources.

**TEMPORARY USE PERMIT NO. 19-028**

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves Temporary Use Permit No. 19-028 subject to the following conditions of approval listed below.

**Standard Conditions**

- 1. This Permit shall be effective as follows:

Set up:	November 21 - November 28, 2019	10:00 a.m. to 8:00 p.m.
Holiday Tree Sales:	November 29 - December 24, 2019	2:00 p.m. to 10:00 p.m.
Clean-up:	December 26 - December 28, 2019	10:00 a.m. to 8:00 p.m.

- 2. This event shall take place at 23575 Civic Center Way, Malibu, CA 90265.
- 3. Applicant shall operate the event based on the approved site plan and parking plan.

*Parking and Circulation*

- 4. Applicant shall apply for and obtain an encroachment permit from the City of Malibu Public Works Department prior to mobilizing to the site. The applicant shall pay all required encroachment permit fees and provide proper insurance documentation as required in order to obtain the Encroachment Permit.
- 5. Applicant shall use the driveway entrance from Pacific Coast Highway as shown in the attached exhibit.
- 6. Attendees will be directed to park onsite at 23575 Civic Center Way. Sufficient event staff shall be provided at the event location to direct vehicles to parking locations.
- 7. Attendees shall not park on any private road or private property. Sufficient event staff shall be provided to assure that attendees do not park on Pacific Coast Highway.
- 8. Any portable lighting used during the evenings of the event must be directed towards Pacific Coast Highway, away from residential properties, and at an angle as to not impair cars driving along Stuart Ranch Road.
- 9. Sufficient event staff shall be provided to ensure that traffic does not back up onto Pacific Coast Highway or any public street to assure the sound level is maintained at a level that does not disturb the peace of residents or tenants in the surrounding area.
- 10. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right-of-way without required prior approval and permits from the City of Malibu Public Works Department.

11. No signs shall be placed in the California Department of Transportation right-of-way unless all required encroachment permits are first obtained from Caltrans. No signs shall be placed in the public right-of-way without required City of Malibu encroachment permits.
12. All signs placed in conjunction with this event shall be removed by no later than 9:00 p.m. on December, 24, 2019.
13. At the end of the event, the applicant shall contact the Public Works Inspector at 310-456-2489 ext.341 to inspect the condition of the property and obtain inspector final encroachment permitting.

#### *Fire*

14. Fire Department access shall be maintained at all times.
15. No open candles/flames are permitted.

#### *Operation of the Event*

16. All noise shall be subject to the MMC Chapter 8.24 (Noise Ordinance). Violation of the Noise Ordinance shall be cause for revocation of the permit and may result in denial of any Temporary Use Permits requested for the subject property in the future. If any agent of the City requests that the noise level be reduced, applicant shall ensure immediate compliance.
17. If any agent of the City requests that the noise level be reduced, applicant shall ensure immediate compliance.
18. Event staff shall ensure that no unnecessary noise is generated during the event, including during the above listed set up and clean up hours.
19. The applicant has provided the City with a contact person, Douglas Carroll, who will be available to take calls, (310) 429-3537 and respond to concerns.

#### *Lighting*

20. All event lighting shall be directed away from the Malibu Knolls neighborhood, located immediately to the north, and shall not illuminate areas beyond the event and parking site. In addition, all lighting shall be turned off as soon as possible after 10:00 p.m.

#### *Resource Management*

21. Applicant is required to properly manage and dispose of recyclables, trash, and associated litter generated during the event by providing an adequate number of recycling and trash containers. There shall be a minimum of one container for collection of recyclables located next to each trash container throughout the event.
22. Containers for collection of recyclables (including metal, glass, plastic, and paper) shall be placed next to all trash receptacles and shall be clearly delineated and labeled to ensure that all recyclable materials are properly processed.

23. All recyclables and trash shall be kept in leak-proof containers. Recyclables and trash shall be kept overnight in animal-proof containers with tightly closed lids. An adequate number of such containers shall be provided and the contents disposed of in a sanitary and appropriate manner.
24. The applicant and all event contractors shall only contract with haulers permitted by the City to provide solid waste and recycling services within the City limits.
25. All material, including solid and liquids, are prohibited from entering the storm drain system. The applicant shall employ methods to prevent the discharge of materials to the storm drain which may include screens or other equivalent methods to limit the deposit of litter or other materials.
26. Cigarette receptacles will be provided and post designated smoking sections will be posted to assure that smokers do not dispose of cigarettes on the ground, in public roadway, on beach, or in brush areas. The event shall comply with MMC Section 12.08.035.
27. The use or distribution of expanded polystyrene foam packaging, also known as “Styrofoam,” is prohibited. Applicant and all event contractors shall not use expanded polystyrene foam packaging for any aspect of their event including food preparation/distribution. The applicant shall comply with MMC chapter 9.24 (Ordinance No. 286).
28. The use or distribution of plastic shopping bags (compostable and non-compostable) is prohibited. Applicant and all event contractors shall not use plastic bags for any aspect of their event including food distribution, nor for any distribution of items or goods to the participants and/or attendees except as stated in Chapter 9.28 of the Malibu Municipal Code (Ordinance 286). Applicant shall comply with Chapter 9.28 of the Malibu Municipal Code and shall be responsible for informing vendors of this ban.
29. The use or distribution of plastic beverage straws, plastic stirrers, or plastic cutlery is prohibited. Applicant and all event contractors shall not use the aforementioned for any aspect of their event including food preparation/distribution. Applicant shall comply with Chapter 9.24 of the Malibu Municipal Code (Ordinance No. 432). The applicant shall be responsible for informing vendors of this ban.
30. The event grounds including parking areas shall be left clean and free of litter and debris. All event generated recyclables, trash, and associated litter must be picked up and removed at the conclusion of the event.
31. The premises shall be returned to its pre-event condition. The applicant shall be responsible for repairing any damage to the site caused by the permitted use of the property, including the existing chain link fence and gate.
32. At the end of the event, the applicant shall contact the Public Works Inspector at 310-456-2489 ext.341 to inspect the condition of the property and obtain inspector final encroachment permit sign.

*Special Site Conditions*

33. All cords must be covered or taped down.
34. No additional signage that is unrelated to the event is permitted.



*Fixed Conditions*

35. If any required conditions are violated or if any law, statute, or ordinance is violated, this permit may be suspended and the privileges granted shall lapse.
36. A copy of this permit shall be kept onsite and shall be produced on request of any agent of the City of Malibu or Sheriff's Department.
37. All required agencies must be approved prior to the event.

Please contact Tyler Eaton, Assistant Planner, at (310) 456-2489, extension 273, for further information. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

Date: November 20, 2019

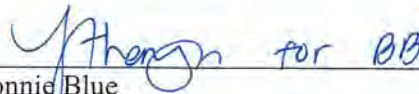
Prepared by:



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Tyler Eaton  
Assistant Planner

Approved by:



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Bonnie Blue  
Planning Director

Attachments:

1. Site Plan
2. Department Review Sheets
3. Notice of Application

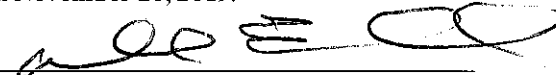
**AFFIDAVIT OF ACCEPTANCE OF CONDITIONS  
AND  
INDEMNIFICATION / HOLD HARMLESS AGREEMENT**

Temporary Use Permit No. 19-028  
Site Location: 23575 Civic Center Way, Malibu, CA 90265  
Event Date: November 29, 2019 – December 24, 2019

The undersigned applicant / agent acknowledges receipt of the City of Malibu Planning Department's decision of approval and agrees to abide by all terms and conditions thereof. The undersigned applicant / agent also agrees to defend, indemnify, and hold harmless the City of Malibu and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attach, set aside, avoid, or annul approval of the above-referenced Temporary Use Permit.

The permit and the rights conferred by this approval shall not be effective until this Acceptance has been signed and returned to the City of Malibu, no later than end of day on **November 20, 2019**.

Date: 11/20/19

  
Applicant/Agent Signature  
Doyle E. Carroll  
Print Name

**PROVIDE THE FOLLOWING INFORMATION:**

The onsite contact for this event (in the event there is a need to contact someone onsite during the event) is:

(Print Name) Doyle Carroll at (telephone number) 310-429-3571

(Print Name) Geoff Stern at (telephone number) \_\_\_\_\_

(Print Name) \_\_\_\_\_ at (telephone number) \_\_\_\_\_

(Print Name) \_\_\_\_\_ at (telephone number) \_\_\_\_\_

(Print Name) \_\_\_\_\_ at (telephone number) \_\_\_\_\_





23801

**Event Site  
(23575 Civic Center  
Way)**

**100' X 60'  
Sales Tent**

**Parking**

Stuart Ranch Rd

Civic Center Way



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## TEMPORARY USE PERMIT AGENCY APPROVAL

TUP 19-028

Los Angeles County Fire Prevention Division

Event Location: 23575 CIVIC CENTER WAY

Event Start Date/Time: 11/29/2019 2:00:00 PM

Event End Date/Time: 12/24/2019 10:00:00 PM

Event Description: Christmas Tree Lot

Applicant/Contact: Douglas Carroll, Malibu High School Athletic Boos

Applicant Phone #: (310)429-3537

Applicant Fax #: \_\_\_\_\_

Submit this Approval form, with attached site map and event description, to:  
 Craig Terry  
 Firefighter Specialist / Inspector  
 LA County Fire / Calabasas Fire Prevention  
 26600 Agoura Road, Suite 110 Calabasas CA 91302  
 818-880-0343 fax 818-880-0345  
 Hours: Monday – Thursday 8:00 a.m. – 11:00 a.m.  
 Email: craig.terry@fire.lacounty.gov

Separate applications and fees may be required. A TUP will not be issued until this form, signed by an authorized member of this agency, has been returned to the City of Malibu. Any conditions imposed by this agency will be included in the TUP.

Approved  Denied Conditions Imposed:  No  Yes (see below)

Notes/Comments/Conditions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name CRAIG TERRY Date 11/6/19

Signature [Signature] Title FFS / INSP.



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## TEMPORARY USE PERMIT AGENCY APPROVAL

TUP 19-028

Los Angeles County Sheriff – Malibu/Lost Hills Station

Event Location: 23575 CIVIC CENTER WAY

Event Start Date/Time: 11/29/2019 2:00:00 PM

Event End Date/Time: 12/24/2019 9:00:00 PM

Event Description: Christmas Tree Lot

Applicant/Contact: Douglas Carroll

Applicant Phone #: (310)429-3537

Applicant Email: [REDACTED]

Submit this Approval form, with attached site map and event description, to:

Deputy John Peck  
 27050 Agoura Road, Calabasas CA 91302  
 818-878-1808 fax 818-880-5209  
 Hours: Monday – Thursday 9:00 a.m. – 5:00 p.m.

Separate applications and fees may be required. A TUP will not be issued until this form, signed by an authorized member of this agency, has been returned to the City of Malibu. Any conditions imposed by this agency will be included in the TUP.

Approved  Denied Conditions Imposed:  No  Yes (see below)

Notes/Comments/Conditions:

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Deputy John Peck 10-24-19  
 Name Date  
[Signature] Deputy  
 Signature Title



# City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804  
(310) 456-2489 FAX (310) 456-7650

## TEMPORARY USE PERMIT AGENCY APPROVAL

TUP 19-028

City of Malibu Public Works Department

Event Location: 23575 CIVIC CENTER WAY

Event Start Date/Time: 11/29/2019 2:00:00 PM

Event End Date/Time: 12/24/2019 10:00:00 PM

Event Description: Christmas Tree Lot

Applicant/Contact: Douglas Carroll, Malibu High School Athletic Boos

Applicant Phone #: (310)429-3537

Applicant Fax #: \_\_\_\_\_

Approved  Denied Conditions Imposed:  No  Yes (see below)

Notes/Comments/Conditions:

SEE ATTACHED CONDITIONS

Jenna Sobleray  
Name  
Jenna fin  
Signature


11/18/2019  
Date  
ASST CIVIL ENGINEER  
Title



# City of Malibu

## MEMORANDUM

To: Planning Department

From: Public Works Department  
Jenna Sobieray, Assistant Civil Engineer 

Date: November 18th, 2018

Re: 23575 Civic Center Way - Christmas Tree Sale - TUP 19-028

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The Public Works Department has reviewed the plans submitted for this event. Public Works can recommend approval subject to the following conditions:

1. Applicant is required to properly manage and dispose of recyclables, trash, and associated litter generated during the event by providing an adequate number of recycling and trash containers. There shall be a minimum of one container for collection of recyclables located next to each trash container throughout the event.
2. Containers for collection of recyclables (including metal, glass, plastic, and paper) shall be clearly delineated and labeled to assure that all recyclable materials are properly processed.
3. All recyclables and trash shall be kept in leak-proof containers. Recyclables and trash shall be kept overnight in animal-proof containers with tightly closed lids. An adequate number of such containers shall be provided and the contents disposed of in a sanitary and appropriate manner.
4. Applicant and all event contractors shall only contract with haulers permitted by the City to provide solid waste and recycling services within the City limits.
5. Pursuant to the State of California regulations, all large venues (over 1,000 people) shall report to the City of Malibu the tonnage of total waste material generated and the tonnage of material recycled. The goal of the State of California is to reduce quantity of materials disposed at landfills by 50% or more. The Applicant and all event contractors are required to meet or exceed this goal. If the event attracts over 1,000 people, the Applicant shall report to the City of Malibu, in an approved format within ten (10) days of the conclusion of the event, the total tons of material recycled and disposed from the event. The report shall include copies of detailed hauling receipts



and related documentation. Applicant shall present any recycling and debris facility receipts on request of any City employee or agent.

6. All material, including solids and liquids, are prohibited from entering the storm drain system. Applicant shall employ methods to prevent the discharge of materials to the storm drain system which may include screens or other equivalent methods to limit the deposit of litter or other materials.
7. The event grounds including parking areas shall be left clean and free of litter and debris. The premises shall be returned to their pre-event condition. All event generated recyclables, trash, and associated litter must be picked up and removed at the conclusion of the event.
8. The use or distribution of expanded polystyrene foam packaging, also known as "Styrofoam", is prohibited. Applicant and all event contractors shall not use expanded polystyrene foam packaging for any aspect of their event including food preparation/distribution. Applicant shall comply with Chapter 9.24 of the Malibu Municipal Code and shall be responsible for informing vendors of this ban.
9. The use or distribution of plastic shopping bags (compostable and non-compostable) is prohibited. Applicant and all event contractors shall not use plastic bags for any aspect of their event including food distribution, nor for any distribution of items or goods to the participants and/or attendees except as stated in Chapter 9.28 of the Malibu Municipal Code, Applicant shall comply with Chapter 9.28 of the Malibu Municipal Code and shall be responsible for informing vendors of this ban.
10. The use or distribution of plastic beverage straws, plastic stirrers, or plastic cutlery is prohibited. Applicant and all event contractors shall not use the aforementioned for any aspect of their event including food preparation/distribution. Applicant shall comply with Chapter 9.24 of the Malibu Municipal Code (Ordinance No. 432). The applicant shall be responsible for informing vendors of this ban.
11. Temporary bathroom facilities shall have secondary containment, and be sited and maintained to prevent any spills to the environment.
12. Applicant will provide cigarette receptacles and post designated smoking sections to assure that smokers do not dispose of cigarettes on the ground, in the public roadway, on the beach, or in brush areas. Applicant shall comply with Chapter 12.08.035 of the Malibu Municipal Code.
13. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right of way without required prior approval and permits from the City of Malibu Public Works Department. Any issued Public Works permits shall be maintained on site and presented on request of any City employee or agent.
14. No signs shall be placed in the Cal-trans right of way unless all required encroachment permits are first obtained from Cal-trans. No signs shall be placed in the public right of way without required City of Malibu encroachment permits.
15. All signs placed in conjunction with this event shall be removed by not later than 9:00 p.m. on December 24, 2019.



16. Sufficient event staff shall be provided to assure that traffic does not back up onto Civic Center Way or any public street and to assure the sound level is maintained at a level that does not disturb the peace of residents or tenants in the surrounding area.
17. Applicant shall apply for and obtain an encroachment permit from the City of Malibu Public Works Department prior to mobilizing to the site. The applicant shall pay all required encroachment permit fees and provide proper insurance documentation as required in order to obtain the Encroachment Permit.
18. Applicant shall remove all debris from the event activities prior to vacating the property and restore the property to pre-event conditions. The applicant shall be responsible for repairing any damage to the site caused by the permitted use of the property, including the existing chain link fence and gate.
19. At the end of the event, the applicant shall contact the Public Works Inspector at 310-456-2489 ext.341 to inspect the condition of the property and obtain inspector final encroachment permit sign.







City Of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265  
Phone (310) 456-2489  
www.malibucity.org

**PLANNING DEPARTMENT  
NOTICE OF APPLICATION**



**NOTICE OF APPLICATION**

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the following:

**TEMPORARY USE PERMIT NO. 19-028** - An application from the Malibu High School Athletic Booster Club, a non-profit organization, for a temporary Christmas Tree Lot; the event will be open to the public and will consist of the sale of Christmas trees, wreaths, and clothing to raise funds for Malibu schools athletic programs

**LOCATION / APN / ZONING:** 23575 Civic Center Way, Parcel / 4458-022-011 / Community Commercial (CC)  
**APPLICANT / OWNER(S):** Malibu High School Athletic Booster Club / City of Malibu  
**APPLICATION FILED:** October 3, 2019  
**EVENT DATES:** Friday, November 29, 2019 - Tuesday, December 24, 2019  
**EVENT HOURS:** 2:00 PM - 9:00 PM  
**SET-UP:** 11/21/2019 - 11/28/2019 8:00 AM - 6:00 PM  
**CLEAN-UP:** 12/26/2019 - 12/28/2019 8:00 AM - 6:00 PM  
**CASE PLANNER:** Tyler Eaton, Planning Technician, teaton@malibucity.org  
(310) 456-2489, ext. 273

If there are any questions regarding this notice, please contact the case planner as indicated above. Copies of the application, plans, and any other related documents can be reviewed by any interested person at City Hall during regular business hours.

BONNIE BLUE, Planning Director

Date: October 18, 2019