MINUTES
MALIBU CITY COUNCIL
SPECIAL MEETING
AUGUST 14, 2017
COUNCIL CHAMBERS
5:00 P.M.

CALL TO ORDER

Mayor Peak called the meeting to order at 5:08 p.m.

ROLL CALL

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

PRESENT: Mayor Skylar Peak; Mayor Pro Tem Rick Mullen; and Councilmembers Lou La Monte, Laura Rosenthal, and Jefferson Wagner

ALSO PRESENT: Christi Hogin, City Attorney; Reva Feldman, City Manager; Lisa Soghor, Assistant City Manager; Heather Glaser, City Clerk; Jesse Bobbett, Community Services Director; Bonnie Blue, Planning Director; Susan Dueñas, Public Safety Manager; Matt Myerhoff, Media Information Officer; Kelsey Pettijohn, Deputy City Clerk; Kristin Riesgo, Recreation Manager; Andrew Sheldon, Environmental Sustainability Manager; Richard Mollica, Senior Planner; Jaime Peltier, Assistant Planner; Arthur Aladjadjian, Public Works Superintendent; and Rob DuBoux, Assistant Public Works Director

PLEDGE OF ALLEGIANCE

Ryan Sawtelle led the Pledge of Allegiance.

PUBLIC COMMENT ON CLOSED SESSION

None.

The following items were listed on the Closed Session agenda:

Conference with Real Property Negotiators pursuant to Government Code Section 54956.8:

1. Property APN: 4458-022-025
   City Negotiator: City Manager Feldman or Designee
   Property Negotiator: Rebecca Thompson
   Under Negotiation: Price and terms of payment

2. Property Address: 23801 Stuart Ranch Road (APN: 4458-022-012)
   City Negotiator: City Manager Feldman or Designee
   Property Negotiator: Doug Payne
   Under Negotiation: Price and terms of payment
CLOSED SESSION REPORT

City Attorney Hogin reported that the Special meeting convened at 4:00 p.m. at which time the City Council recessed to a Closed Session pursuant to Government Code Section 54956.8 with Councilmember Rosenthal, Councilmember Wagner, Mayor Pro Temp Mullen, and Mayor Peak present and Councilmember La Monte attending via teleconference. She stated the Council discussed the items listed on the Closed Session agenda and took no reportable action.

APPROVAL OF AGENDA

MOTION Mayor Peak moved to approve the agenda, continuing Item Nos. 4.A. and 4.B.

The motion died due to lack of a second.

MOTION Councilmember Rosenthal moved and Mayor Peak seconded a motion to approve the agenda, continuing Item No. 4.B. and adjourning in memory of Los Angeles County Sheriff’s Reserve Deputy Jacob Castroll and Glen Campbell. The motion carried unanimously.

Mayor Peak discussed the death of Deputy Castroll and his service to the Malibu/Lost Hills Sheriff’s Station.

REPORT ON POSTING OF AGENDA

Deputy City Clerk Pettijohn reported that the agenda for the meeting was properly posted on August 3, 2017.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation of Commendation to Los Angeles County Sheriff’s Deputy Mike Kelley

Mayor Peak presented the Commendation to Los Angeles County Sheriff’s Deputy Kelley.

ITEM 2.A. PUBLIC COMMENTS

Dean Robinson deferred his time to Leslie Schwarz.

Leslie Schwarz discussed increased jet air traffic above her neighborhood. She requested the City Council get involved and visit Nextgennoise.org for more information.
Cora Scott stated her family had decided to move to western Malibu because of the increased jet air traffic. She discussed Santa Monica’s program to fast-track permits for zero-net renovations.

Marja Sundquist discussed the increased jet air traffic and its effect on quality of life and property values.

Paul Grisanti discussed The Local Malibu and stated the paper was one-sided.

Marianne Riggins questioned when additional recreation facilities would be developed. She indicated support for an Environmental Impact Report for Bluffs Parkland.

John Mazza discussed AB 250 and California Strategies. He discussed bias in journalism.

In response to Lloyd Ahern, City Manager Feldman stated a date had not yet been selected for consideration of the Bluffs Parkland. Mr. Ahern requested that the meeting start at 5:00 p.m. once scheduled.

Bill Sampson discussed a home being used as an illegal motel on his street. He discussed Transient Occupancy Tax revenue and the Malibu Municipal Code (MMC). He discussed a speeding ticket written on Broad Beach Road.

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

City Manager Feldman stated the Concert on the Bluffs event was on August 20, 2017, and over 1000 tickets had already been sold. She announced a Special City Council meeting to discuss the Federal Emergency Management Agency (FEMA) floodplain maps on August 22, 2017. She thanked Los Angeles County Sheriff’s Deputy Kelley for his work and Lieutenant Jim Royal for supporting Deputy Castroll’s family.

**ITEM 2.C. SUBCOMMITTEE REPORTS / COUNCIL COMMENTS**

Councilmember Wagner stated he and Councilmember Rosenthal attended a Mountains Recreation and Conservation Authority (MRCA) tour to Puerco Canyon and Malibu Lagoon.

Councilmember La Monte discussed jet air traffic over Big Rock Drive. He requested City Attorney Hogin look into various agency lawsuits against the Federal Aviation Administration (FAA).
CONSENSUS

By consensus, the Council directed staff to bring back an item outlining the FAA Next Generation Air Transportation System (NextGen) effort, as well as related aircraft noise and aircraft pollution lawsuits.

Councilmember La Monte stated he attended a California Contract Cities Association (CCCA) strategic planning meeting, and the League of California Cities Los Angeles County Division event with City Manager Feldman. He stated he and City Manager Feldman went to Sacramento and met with the Department of Health Care Services and California Strategies to work on an over-concentration bill. He stated he and City Manager Feldman met with Deputy Transportation Secretary Brian Annis. He stated he and Assistant City Manager Soghor attended a League of California Cities Coastal Cities Interest Group meeting.

Councilmember Rosenthal announced the Malibu Film Society’s screening of the eclipse at the Malibu Jewish Center. She discussed the MRCA tour she attended with Councilmember Wagner. She stated she attended a Los Angeles County Library Commission meeting and a Malibu Area Conservation Coalition meeting. She announced the next Library Speaker Series event on August 29, 2017. She discussed zero-net energy renovations and stated there was already a policy to expedite green building. She stated the Council should consider having a Special meeting for a parks item. She stated an item would soon come to Council on short-term rentals.

Councilmember Wagner thanked Ms. Riggins for her comments. He discussed ongoing negotiations to purchase land for recreational uses.

Mayor Pro Tem Mullen discussed jet air traffic over Malibu and thanked Ms. Schwarz for her information. He discussed AB 250. He thanked Mr. Sampson for his comments. He stated he attended a California Joint Powers Insurance Authority meeting.

Mayor Peak discussed his recent travel and thanked Mayor Pro Tem Mullen for work done during his absence. He thanked Los Angeles County Sheriff’s Deputy Kelley. He discussed jet air traffic over Malibu. He thanked Ms. Riggins and Mr. Grisanti for their comments.

ITEM 3   CONSENT CALENDAR

Item Nos. 3.B.9. and 3.B.10. were pulled by the public.

MOTION Councilmember Rosenthal moved and Councilmember Wagner seconded a motion to approve the Consent Calendar, except for Item Nos. 3.B.9. and 3.B.10. The motion carried unanimously.
The Consent Calendar consisted of the following items:

A. Previously Discussed Items
   None.

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 50872-51222 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. 599 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands in a total amount of $6,681,033.86. City of Malibu payroll check numbers 4809-4821 and ACH deposits were issued in the amount of $369,111.85.
   3. **Approval of Minutes**
      Recommended Action: Approve the minutes for the June 26, 2017 Adjourned Regular City Council meeting and July 10, 2017 Regular City Council meeting.
   4. **Assembly Bill 503 (AB 503) – Parking Violations: Registration or Driver’s License Renewal – OPPOSED**
      Recommended Action: Authorize the Mayor to send a letter to the California State Senate Appropriations Committee opposing AB 503, legislation that would require local agencies to reduce some parking violation penalties based on an individual’s ability to pay and will take away the option for local agencies to notify the Department of Motor Vehicles of outstanding penalties required to be paid prior to registration of a vehicle or issuance/renewal of a California driver license.
   5. **Bus Stop Shelters Pilot Project Completion and Acceptance of Work**
      Recommended Action: 1) Accept the work performed by J & H Engineering General Contractors, Inc. for the Bus Stop Shelters Pilot Project (Specification No. 2063) as complete; and 2) Authorize the Public Works Director to submit for recordation a Notice of Completion for the project.
   6. **Professional Services Agreement for On-Call Traffic Engineering Services**
      Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. to provide On-Call Traffic Engineering Services.
   7. **Professional Services Agreement for On-Call Land Surveying Services**
      Recommended Action: Authorize the City Manager to execute a Professional Services Agreement with MNS Engineers, Inc. to provide On-Call Land Surveying Services.
8. **Concert on the Bluffs Agreement and Insurance**
   Recommended Action: Authorize the City Manager to enter into a substantially similar agreement with Pepperdine University and provide Certificates of Insurance to Pepperdine and HRL Laboratories to utilize their parking lots as off-site parking for the Concert on the Bluffs.

The following items were pulled from the consent calendar for individual consideration:

9. **Water & Power: A California Heist Film Screening**
   Recommended Action: Approve the City’s sponsorship and support of the screening of the documentary *Water & Power: A California Heist*.

   John Mazza expressed concern for using City funds for advocacy projects.

   Councilmember Rosenthal discussed films shown during the Library Speaker Series. She stated the City did not endorse the opinions in these films but showed them for public education.

   Mayor Peak stated the City did not pay the organization for this screening. He discussed the role of City sponsorship for these types of events.

   Mr. Grisanti stated this film was not related to water or electricity.

   **MOTION**

   Councilmember Rosenthal moved and Mayor Peak seconded to approve the City’s sponsorship and support of the screening of the documentary *Water & Power: A California Heist*. The motion carried unanimously.

10. **Art in Public Places Ordinance Implementing Guidelines**
    Recommended Action: 1) Adopt Resolution No. 17-35 approving the Art In Public Places Ordinance Implementing Guidelines, outlining review procedures associated with projects that qualify under Malibu Municipal Code Section 17.74.020; and 2) Adopt Resolution No. 17-36 establishing an Agency Fund for In-Lieu Public Art Contributions.

    John Mazza discussed the history of the Guidelines and indicated support for Resolution No. 17-36 but opposition to the Guidelines. He requested the Guidelines be sent back to the Planning Commission for vetting. He discussed building standards as they applied to art.

    Lotte Cherin, Cultural Arts Commissioner, requested the Guidelines be sent back to the Cultural Arts Commission for review.

    Community Services Director Bobbett presented the staff report.

    In response to Mayor Pro Tem Mullen, Community Services Director Bobbett stated the Guidelines had already been considered by the Cultural
Arts Commission.

Planning Director Blue discussed the likelihood that developers would contribute to the Public Art Agency Fund in lieu of incorporating art into the development. She stated the Art in Public Places Ordinance could be enforced as soon as Guidelines were adopted.

Councilmember La Monte suggested approving the Guidelines and then sending them back to the Cultural Arts Commission for review.

In response to Mayor Peak, City Attorney Hogin stated the Council could approve the Guidelines and still send them to Cultural Arts Commission for review.

MOTION Councilmember La Monte moved and Mayor Peak seconded a motion to: 1) adopt Resolution No. 17-35 approving the Art In Public Places Ordinance Implementing Guidelines, outlining review procedures associated with projects that qualify under Malibu Municipal Code Section 17.74.020; 2) direct the Cultural Arts Commission to review the Art In Public Places Ordinance Implementing Guidelines; and 3) adopt Resolution No. 17-36 establishing an Agency Fund for In Lieu Public Art Contributions.

In response to Councilmember Rosenthal, Community Services Director Bobbett stated no fees had been collected under the Art in Public Places ordinance.

Councilmember Rosenthal indicated support for approval of the Guidelines.

Mayor Peak discussed the history of the Guidelines and the role of the Planning Department in their regulation.

In response to Mayor Peak, Planning Director Blue stated the Guidelines had been considered by the Planning Commission. She stated art must comply with requirements for structures for the zoning and noise ordinances. She stated the Planning Commission would review placement of art in a site plan.

Mr. Mazza stated the Planning Commission deadlocked and did not pass the Guidelines. He stated there was no mechanism by which to appoint the Review Commission.

Councilmember Rosenthal stated she did not know why the Guidelines had never been approved.
Mr. Mazza stated there had not been any commercial projects since the Art in Public Places ordinance had been passed.

In response to Mayor Peak, Planning Director Blue discussed the total construction costs formula used to calculate the cost of a renovation or new construction.

The question was called and the motion carried unanimously.

**ITEM 5 OLD BUSINESS**

**A. Los Angeles County Measure R and M Transportation Projects**

Recommended Action: 1) Receive an update on Los Angeles County Measure R projects; and 2) Provide direction to staff on future projects using Los Angeles County Measure R and Measure M transportation funds.

City Manager Feldman presented the staff report. She discussed Los Angeles County Measure R funding, as well as additional funding granted by Los Angeles County Supervisor Sheila Kuehl for projects on Pacific Coast Highway (PCH). She discussed City and Caltrans projects on PCH. She discussed potential future projects for Los Angeles County Measure R and Measure M funding.

In response to Mayor Peak, City Manager Feldman stated revised striping throughout the PCH corridor could be done quickly. Assistant Public Works Director DuBoux stated improvements to shoulder areas on PCH adjacent to El Matador and El Pescador Beaches was a project that could be done quickly.

In response to Mayor Pro Tem Mullen, City Manager Feldman discussed the possible expansion of the El Matador Beach parking lot. She stated the City had received an encroachment permit for a crosswalk near La Costa Beach.

Councilmember Rosenthal discussed the possibility of using Los Angeles County Measure M funding to develop more parking in the Civic Center area. She discussed how sea level rise could affect PCH.

In response to Mayor Peak, City Manager Feldman stated she was not aware of any funding from FEMA for tide relief on PCH due to sea level rise.

Councilmember Rosenthal indicated support for a pedestrian bridge over PCH near Cross Creek Road. She discussed the dangers of the intersection between Westward Beach Road, Bonsall Drive, and Busch Drive.

In response to Mayor Peak, City Manager Feldman stated she was not aware of any upcoming improvement projects near the entrance to Zuma Beach.
Mayor Peak discussed Phase 2 of the PCH Signal System Improvements Project and indicated support for extending the project from John Tyler Drive to Trancas Canyon Road.

City Manager Feldman stated the consultant was already in design for the PCH Signal System Improvements Project and the contract may have to be amended. She recommended reassessing once Phase 1 of the project was complete.

In response to Mayor Peak, City Manager Feldman stated she would look into amending the contract for the PCH Signal System Improvements Project. She stated the median widening project would only be in the areas in the City where there was room to widen the median.

Assistant Public Works Director DuBoux stated it would be a standard curb median with landscaping where room allowed.

Councilmember La Monte stated there were frequent accidents near Moonshadows Restaurant and indicated support for overhead warning signs on PCH near Moonshadows Restaurant and Big Rock Drive.

In response to Mayor Peak, City Manager Feldman stated the overhead warning signs would not be programmable signs but the regional message system project would have programmable message boards.

In response to Mayor Peak, City Manager Feldman stated the projects were not ready to start, but it was helpful to have a list of projects ready for funding.

Mayor Peak stated there was less priority for improvements near El Matador Beach since it is on the outskirts of the City.

Mayor Peak indicated support for Westward Beach Road parking improvements.

City Manager Feldman stated the City would be in design during 2017 for the Westward Beach Road parking improvements.

Mayor Peak indicated support for a pedestrian bridge at Cross Creek Road.

In response to Mayor Peak, Assistant Public Works Director DuBoux stated it was impractical to put a walkway under PCH near Cross Creek Road.

Mayor Peak indicated support for restriping existing roads for additional parking.

Councilmember Rosenthal and Mayor Peak indicated support for looking for property for a parking lot in the Civic Center area.
Mayor Pro Tem Mullen requested more community outreach before a final decision was made regarding pedestrian bridges.

City Manager Feldman discussed the widening of Malibu Canyon Road.

Mayor Peak indicated support for widening Malibu Canyon Road within the city limits.

CONSENSUS

By consensus, the Council directed staff to pursue funding opportunities for all of the projects identified in Item No. 5.A.

ITEM 4  ORDINANCES AND PUBLIC HEARINGS

A. Appeal No. 17-005 – An Appeal of Planning Commission Resolution No. 17-34 (30-minute parking restriction between the hours of 2:00 a.m. and 4:00 a.m. between 22878.5 and 23000.5 Pacific Coast Highway within the public right-of-way: Appellant: Sean and Leslie Weber of Malibu Surf Shack; Applicant: City of Malibu (Continued from July 10, 2017)

Recommended Action: Adopt Resolution No. 17-33, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 17-005 and approving Coastal Development Permit No. 17-057, an application to implement a 30-minute parking restriction between the hours of 2:00 a.m. and 4:00 a.m. in the same day, within the public right-of-way between 22878 to 23000 Pacific Coast Highway, on both sides of the highway, seven days a week, and to permit posting of parking restriction signs (California Department of Transportation).

Mayor Peak disclosed he met with Sean Weber and learned he was trying to find a storage solution to be able to move his commercial vehicles off PCH.

Mayor Pro Tem Mullen disclosed he met with Mr. Weber and had been asked to continue the item.

Councilmember Wagner disclosed he met with Mr. Weber. He stated he had received a letter from Ted Schneider’s office, which he did not open. He stated he was not on the Council when the application was filed for this project. He recused himself from discussion on the item.

Councilmember Wagner left the dais at 6:41 p.m.

Senior Planner Mollica presented the staff report.

Ted Schneider, on behalf of the appellant, discussed the City’s Local Coastal Program (LCP) and General Plan. He stated the project was inconsistent with the LCP and illegal. He stated the project unfairly impacted Malibu Surf Shack and it
was imperative that Malibu Surf Shack be able to park its vehicles on the ocean side of PCH. He stated the crosswalk near the project was 400 feet away from Malibu Surf Shack and kayaks were impractically large for tourists to carry to the crosswalk. He stated the project would not open more parking spaces during the day.

In response to Mari Stanley, Mayor Peak stated the Council had received updated correspondence after the start of Closed Session and before 5:00 p.m.

Ms. Stanley expressed concern for businesses expanding onto PCH through the use of vans.

In response to Mayor Pro Tem Mullen, Mr. Schneider stated there was a 72-hour limit on parking on a public street. He discussed beach recreation.

Sean Weber discussed his meetings with Mayor Pro Tem Mullen and Mayor Peak. He discussed his role in the community and his past donations to the City. He stated he would like to work with the City on projects improving the City.

In response to Councilmember Rosenthal, Planning Director Blue confirmed there were parking restrictions on Cross Creek Road.

Councilmember Rosenthal discussed the LCP given to the City by the California Coastal Commission (CCC) and stated the CCC allowed restrictions on Cross Creek Road, which was considered coastal access parking.

In response to Councilmember Rosenthal, City Manager Feldman stated parking on PCH between Surfrider Beach and the Malibu Pier was restricted between 12:00 a.m. and 5:00 a.m.

Councilmember Rosenthal disclosed she emailed with Mr. Weber but they never scheduled a meeting.

In response to Mayor Peak, Senior Planner Mollica stated the timeframe proposed for the parking restriction was consistent with the MMC.

In response to Mayor Peak, City Manager Feldman stated 12:00 a.m. to 5:00 a.m. parking restrictions on PCH pre-date cityhood.

In response to Mayor Peak, Lieutenant Royal discussed the purpose of public parking. He stated parking restrictions gave law enforcement a tool to prevent people from gaming the public parking system. He stated the goal of the restriction was to support the spirit of public parking.

Councilmember La Monte indicated support for the parking restrictions.
Mayor Pro Tem Mullen recommended Mr. Weber find a permanent place to store his equipment. He commended Mr. Weber for his community service.

MOTION Councilmember Rosenthal moved and Mayor Pro Tem Mullen seconded a motion to adopt Resolution No. 17-33, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 17-005 and approving Coastal Development Permit No. 17-057, an application to implement a 30-minute parking restriction between the hours of 2:00 a.m. and 4:00 a.m. in the same day, within the public right-of-way between 22878 to 23000 Pacific Coast Highway, on both sides of the highway, seven days a week, and to permit posting of parking restriction signs (California Department of Transportation). The motion carried 4-0, Councilmember Wagner absent.

RECESS Mayor Peak called a recess at 7:28 p.m. The meeting reconvened at 7:39 p.m. with all Councilmembers present.

B. Appeal No. 16-007 - Appeal of Planning Commission Resolution No. 16-73 (31438 Broad Beach Road; Appellant: Mark Attanasio; Applicant: Schmitz and Associates; Property Owner: Ben Lingo) (Continued from July 10, 2017) Recommended Action: Adopt Resolution No. 17-34, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 16-007 and Coastal Development Permit No. 14-028, an application for the construction of a new 7,237 square-foot, single-family residence with attached garage, pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance (VAR) No. 14-012 for construction on slopes and VAR No. 15-013 for construction of a shoreline protection device to allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road.

This item was continued upon approval of the agenda.

ITEM 6 NEW BUSINESS

A. Direction to negotiate with owners of La Paz to provide parking for Parcel C (City parcel) in exchange for reallocation of approved, unused development area (Continued from June 26, 2017) Recommended Action: Determine whether to direct the City Attorney to negotiate with the owners of the La Paz project located in the Civic Center to provide parking for the City’s Parcel C (the City’s parcel) in exchange for the City transferring 10,000 square feet of approved but unused development rights from Parcel C to Parcel A or B (the La Paz project).

City Attorney Hogin presented the staff report. She discussed possible options for negotiation other than transferring additional square feet of unused development rights.
Mayor Peak indicated opposition to reallocating additional square feet of unused development rights.

Marianne Riggins expressed concern for how La Paz would park any additional square footage allocated. She requested a timeline for development of the skate park.

Mari Stanley deferred her time to John Mazza.

John Mazza stated once a building footprint or design changed it had to go back for more approvals. He questioned why the skate park would need so much parking. He suggested the City look at how many parking spaces it really needed and decide if it could use a smaller building.

Paul Grisanti was not present at the time of the hearing.

Patt Healy discussed the parking needs of a world class skate park. She suggested a smaller community skate park would decrease traffic and parking problems. She stated the 10,000-square foot building was unnecessary. She suggested adding more sports amenities instead of a building.

Suzanne Guildmann indicated support for a playground or other recreation facilities with more parking in place of a building.

Peter Jones discussed the excessive number of museums in the country. He indicated opposition to building a museum, and stated they rarely made money and were very difficult to manage.

Charlotte Jones reminded the Council to reuse commercial development before creating new development.

Richard Lawrence deferred his time to Lucile Keller.

Lucile Keller, Malibu Township Council, stated the City did not need another building and recommended using the money to purchase land for sports fields. She indicated opposition to reallocating additional square footage to the La Paz project.

Lynn Norton indicated opposition to ever increasing the floor area ratio (FAR).

Norm Haynie discussed alternative parking options.

Graeme Clifford discussed the Cultural Arts Task Force discussions regarding a Cultural Arts building. He indicated support for a Cultural Arts building.

City Attorney Hogin stated the La Paz project would have to meet all its parking
requirements independent of any other City action. She stated receipt of the property was imminent. She stated the parking requirement was estimated by the Planning Department based on the needs of a skate park and a 10,000-square foot building. She discussed other public benefits of the development agreement with La Paz.

Mayor Peak discussed the revisions to the La Paz project. He discussed the recent meeting with La Paz to clarify what they could expect to be given by the Council in exchange for parking. He indicated support for allowing the City Attorney to negotiate for parking without reallocating additional square footage.

Councilmember Rosenthal indicated opposition to reallocating additional square footage. She discussed the possibility of building a gallery space for local artists. She expressed concern for giving away development rights while so much of the Civic Center Area was in flux.

Mayor Peak stated the La Paz developer was hoping to begin construction in 2018. He stated the City had a limited time to offer other resources to the project.

In response to Councilmember Rosenthal, Mayor Peak stated he did not intend to allow the La Paz project to expand.

Councilmember La Monte indicated support for authorizing negotiations.

Councilmember Wagner stated he did not want to put any limits on the use of the City’s parcel. He indicated support for a small building and a simple skate park with parking on the City-owned parcel.

In response to Mayor Peak, City Attorney Hogin stated she would only negotiate parking that would not delay development of the skate park.

Mayor Pro Tem Mullen indicated support for negotiations.

**MOTION** Mayor Peak moved and Councilmember La Monte seconded a motion to authorize the City Attorney to negotiate with the owners of La Paz to maximize the City’s use of Parcel C, including offsite parking, which did not interfere with the City’s ability to construct a skate park, and other possible recreational uses. The question was called and motion carried unanimously.

**B. Request for Direction regarding Proposed Development Agreement for Sunset Restaurant**

Recommended Action: 1) Receive presentation by the owner of 6800 Westward Beach Road (Sunset Restaurant); and 2) Determine whether to direct staff and the City Attorney to negotiate a development agreement that would allow a .20 floor area ratio for the property in exchange for public benefits.
Planning Director Blue presented the staff report.

Councilmember Rosenthal disclosed she met with the applicant but did not learn anything that was not contained in the staff report.

Councilmember Wagner disclosed Mr. Simplicio had donated to his campaign. He stated he met with him but did not learn anything that was not contained in the staff report. He stated he loaned money to the original developer to build the original structure.

Mayor Peak disclosed Mr. Simplicio had donated to his campaign and he met with him but did not learn anything that was not contained in the staff report.

Mayor Pro Tem Mullen disclosed he met with the applicant but did not learn anything that was not contained in the staff report.

Norm Haynie deferred his time to Doug Burdge.

Doug Burdge discussed the history of the property and the project’s FAR. He discussed potential public amenities and indicated support for the project.

Joseph Lazama deferred his time to Franco Simplicio.

Franco Simplicio discussed Sunset Restaurant’s role in the community and his desire to bring the property into compliance. He discussed potential public amenities that could be offered in exchange for a development agreement.

Carol Levy discussed Mr. Simplicio’s role in the community and his support of local non-profits.

Mark Johnson discussed the challenges of running a business and Sunset Restaurant’s role in the community.

Suzanne Guildmann discussed the original restaurant construction and stated it was a condition of approval to have a public staircase to the whale watching platform. She expressed concern for a possible take-out window and trucks stopping on the road to make deliveries.

In response to Mayor Peak, Ms. Guildmann stated the public staircase that ran behind the building was deeded to the land.

John Mazza discussed the importance of a thorough development agreement and considering parking.

In response to Mayor Peak, Planning Director Blue stated the FAR was limited to .25 with a development agreement per the MMC.
Mr. Mazza discussed the parking requirements of the service area of a restaurant.

In response to Mayor Pro Tem Mullen, Planning Director Blue stated it was possible to bring the FAR down to .15.

In response to Mayor Peak, Mr. Burdge estimated the original building FAR was .18.

Councilmember Rosenthal disclosed her children had worked at Sunset Restaurant and she had hosted a fundraiser there.

In response to Councilmember Rosenthal, City Attorney Hogin stated staff could look into making the space available to the public for events as part of a development agreement but clarified the City could not determine which events could be hosted there.

Councilmember Rosenthal discussed Mr. Simplicio’s active role in the community and the difficulties of running a business in Malibu. She indicated support for a development agreement.

Councilmember La Monte commended Mr. Simplicio for his activity in the community but stated it had no bearing on the decision at hand.

In response to Councilmember La Monte, City Attorney Hogin discussed the importance of looking only at land use, blind to ownership. She stated the item was brought before Council without any specific plans to avoid wasting staff time if the Council was not interested in allowing an increased FAR.

Mayor Peak stated a take-out window and the whale watching deck did not provide a substantial public benefit. He stated there were public restrooms available, which had served the public well. He stated a financial contribution to a public walkway and head-in parking along Westward Beach Road would constitute a public benefit.

In response to Mayor Peak, Planning Director Blue stated if an existing non-conforming structure remodeled greater than 50% of the structure, it would be required to conform to the existing MMC.

In response to Planning Director Blue, City Attorney Hogin stated the Council could not choose to allow someone to violate the law. She stated a development agreement was the only means to allow an increased FAR after the illegal encroachment was removed.

Councilmember Wagner discussed the importance of providing guidance for a development agreement.
Councilmember La Monte stated none of the benefits proposed were sufficient for a development agreement.

In response to Councilmember Rosenthal, Mr. Burdge stated remodeling less than 50% would allow the building to maintain its existing, non-conforming status and would not require reducing the building’s FAR to .15.

Planning Director Blue stated the applicant was interested in removing the encroachment and relocating the development elsewhere on the property.

Mr. Burdge discussed potential renovation configurations.

Mayor Peak discussed the pre-cityhood FAR and the applicant’s upcoming remodel.

In response to Mayor Peak, Mr. Burdge stated the owner was using the opportunity to make additional improvements, including potential public amenities.

Mayor Peak discussed the purpose of bringing the item to Council without a specific plan and the other options for conformance.

Councilmember La Monte stated he would consider a development agreement with sufficient public amenities.

Mayor Pro Tem Mullen suggested going back to a FAR of .18.

Councilmember Wagner discussed the outdoor event space, which had reduced space in the parking lot. He stated he did not have an opinion on a .18 versus .20 FAR.

Councilmember Rosenthal discussed the various code enforcement issues on the property. She indicated support for considering a development agreement. She indicated support for the property owner making a financial contribution to improvements on Westward Beach Road.

Councilmember Wagner discussed the potential development of improved parking on Westward Beach Road.

In response to Mayor Peak, City Manager Feldman stated the Westward Beach Road project had been budgeted with General Fund dollars for Fiscal Year 2017-2018 and staff was looking at design options with a bid expected in Fall 2017.

Mayor Peak indicated support for allowing a development agreement to be negotiated for contributions to the Westward Beach Road improvement project.
Mr. Simplicio stated, excluding the encroachment, all other violations would be corrected by the end of the week. He stated he was willing to contribute to the Westward Beach Road parking improvements in an amount he could afford.

CONSENSUS

By consensus, the Council authorized staff to process a development agreement application for 6800 Westward Beach Road (Sunset Restaurant) with public benefits to include a significant contribution to the cost of a parking improvement plan on Westward Beach Road.

C. Ride to the Flags Event

Recommended Action: Receive staff’s report on the Ride to the Flags event and provide direction to staff.

Community Services Director Bobbett presented the staff report.

Lance Bridgesmith, Pepperdine University, discussed Pepperdine’s support of the Ride to the Flags event.

Dean Cain indicated support for the Ride to the Flags event and discussed the importance of supporting veterans.

Rick West was not present at the time of the hearing.

Mike Abraham discussed his letter, which was included as an attachment in the staff report.

Jose Martinez discussed his participation in the Ride to the Flags event. He discussed the importance of tolerance and the mission of the Ride to the Flags event.

Richard Tamaaccio introduced a White Heart Foundation video.

Mari Stanley discussed her participation in the Ride to the Flags event and stated the Ride to the Flags did not cause any frustration on the part of other drivers. She expressed disappointment that these issues were not brought to Council earlier.

Paul Grisanti was not present at the time of the hearing.

Krista Dabbas deferred her time to Ryan Sawtelle.

Erica Lippy deferred her time to Ryan Sawtelle.

Tim Kennard deferred his time to Ryan Sawtelle.
Avesta Carrara deferred her time to Ryan Sawtelle.

Ryan Sawtelle discussed Malibu’s role as a motorcycle destination. He stated any event would have complaints but believed some complaints carried more weight than others. He discussed the beneficiaries of the Ride to the Flags event. He discussed the event’s insurance and indicated support for working with the City.

In response to Councilmember Rosenthal, Community Services Director Bobbett stated the Council Road Race Policy did not apply to this event but it had similar impacts as a road race.

City Manager Feldman clarified the Road Race Policy only applied to non-motorized events.

In response to Councilmember Rosenthal, Los Angeles County Sheriff’s Deputy Mike Raines stated the Sheriff’s Department supported the event, but was concerned about intersection closures along PCH, the amount of time intersections were held, and parking congestion when the race reached Bluffs Park.

In response to Mayor Peak, Deputy Raines confirmed each intersection would be closed for approximately 18 minutes as the full procession passed.

In response to Councilmember Rosenthal, Deputy Raines stated abiding by the rules of the road was the safest option. He stated using a funeral escort for this event was illegal and discussed the real-world challenges of closing intersections. He stated starting the event earlier or having multiple start times were also good options. He discussed the challenges for the Sheriff’s Department doing rolling closures.

In response to Mayor Peak, Mr. Sawtelle stated the ride left the Naval Base Ventura County at 11:00 a.m. and arrived at Bluffs Park by 12:00 p.m. He estimated the procession was three miles long.

In response to Councilmember Rosenthal, Mr. Sawtelle stated following the rules of the road was not safe for so many motorcycles and cars on PCH.

In response to Mayor Peak, Mr. Sawtelle stated similar events had caused accidents when intersections were not closed.

In response to Councilmember Rosenthal, Mr. Sawtelle discussed the additional costs and challenges of having multiple groups and start times.

In response to Mayor Peak, Deputy Raines stated it would take approximately 15 officers to control the intersections in the City.
Mayor Peak stated any permit issued would be conditioned on the issues identified in the staff report being resolved.

In response to Mayor Peak, Mr. Sawtelle stated there was a better plan for parking at the 2017 event.

Councilmember Rosenthal suggested smaller groups would make parking easier.

In response to Mayor Pro Tem Mullen, Mr. Sawtelle stated HRL Laboratories had offered their parking lot for the public but the lot was not ideal for motorcycles.

In response to Councilmember Wagner, Mr. Sawtelle stated Pepperdine had not allowed motorcycles to park on its property in the past.

In response to Mayor Peak, Mr. Sawtelle estimated 400 motorcycles could be parked in the Bluffs Park parking lot and along Winter Mesa Drive.

City Manager Feldman stated motorcycles were not allowed on Pepperdine because of its noise ordinance. She offered the use of the City Hall parking lot.

In response to Mayor Peak, Mr. Sawtelle stated he expected that all the motorcycles in the event could be parked in the Bluffs Park parking lot and along Malibu Canyon Road.

Mayor Peak recommended parking the vendors and volunteers in other lots.

Councilmember Wagner suggested working with Pepperdine to make an exception to the noise ordinance and allow motorcycles on its property.

Councilmember Rosenthal discussed Pepperdine’s flag display honoring 9/11 victims and how challenging it could make public parking.

In response to Mayor Peak, Mr. Bridgesmith stated the noise ordinance was an agreement with Pepperdine’s neighbors and was not something Pepperdine could choose to overlook.

Mayor Pro Tem Mullen stated the City should not be bending its rules or public safety to accommodate the event. He discussed the importance of public safety.

Mayor Peak indicated support for the event with rolling closures managed by the Sheriff’s Department or following rules of the road. He discussed the importance of safely parking the event participants and the public.

Mr. Sawtelle discussed the potential of displacing public parking spaces to a privately donated lot.
Mayor Peak indicated support for allowing Malibu Canyon Road to be closed off for motorcycle parking if a comparable number of spaces were made available for the public in a privately donated lot.

Councilmember Wagner suggested reaching out to Scott Dillon for use of the vacant lot near Bluffs Park.

City Manager Feldman discussed the difficulties of displacing public parking to a privately-owned lot.

Mayor Peak clarified he would approve the permit for motorcycle parking even without relocating public parking.

Councilmember Rosenthal suggested staff and the Sheriff’s Department work with the applicant to develop a safe plan for the Ride to the Flags event and parking.

In response to Mayor Pro Tem Mullen, Mr. Sawtelle discussed the outstanding items for the Temporary Use Permit (TUP).

Mayor Peak suggested changing the TUP policy to allow approval before an Alcoholic Beverage Control permit was issued.

Community Services Director Bobbett discussed the incomplete application received from the applicant. He discussed staff support for the event and the need for the applicant to be more responsive.

Mayor Pro Tem Mullen discussed the importance of following the rules.

In response to Mr. Sawtelle, Community Services Director discussed the need for complete paperwork.

Mayor Pro Tem Mullen stated he had not received any complaints from the public about this event.

Councilmember La Monte stated he had not received any complaints but discussed the importance of safety.

Mr. Sawtelle discussed the importance of safety and his willingness to work with the Sheriff’s Department.

Deputy Raines stated the Sheriff’s Department could be willing to break up the group if it allowed the intersections time to recoup.

In response to Mr. Sawtelle, Mayor Peak deferred to the Sheriff’s Department on the required Sheriff’s Department staffing for the event.
CONSENSUS

By consensus, the Council directed the applicant for the 2017 Ride to the Flags event to: 1) Submit the remainder of the documents required for the City to issue a Temporary Use Permit for the event; and 2) Defer to and coordinate with the Los Angeles County Sheriff’s Department on the ride portion of the event.

ITEM 7 COUNCIL ITEMS

A. Western States Sober Living Homes Reform Coalition (WSSLHRC) (Councilmember La Monte)

Recommended Action: At the request of Councilmember La Monte, authorize the City Manager to complete the necessary documentation for the City to join the Western States Sober Living Homes Reform Coalition (WSSLHRC), a coalition of cities in the states of Arizona, California, Nevada and Utah that advocates for national sober living home reforms to improve city and state responses to sober living home laws at the local level.

Paul Grisanti was not present at the time of the hearing.

MOTION Councilmember La Monte moved and Councilmember Wagner seconded a motion to authorize the City Manager to complete the necessary documentation for the City to join the Western States Sober Living Homes Reform Coalition (WSSLHRC), a coalition of cities in the states of Arizona, California, Nevada and Utah that advocates for national sober living home reforms to improve city and state responses to sober living home laws at the local level. The motion carried unanimously.

B. Energy Upgrade California – “Do Your Own Thing” Campaign (Councilmember Rosenthal)

Recommended Action: At the request of Councilmember Rosenthal, adopt Resolution No. 17-32 supporting Energy Upgrade California’s “Do Your Own Thing” campaign and urging all Malibu residents and small businesses to become more conscious energy stewards.

MOTION Councilmember Rosenthal moved and Councilmember La Monte seconded a motion to adopt Resolution No. 17-32 supporting Energy Upgrade California’s “Do Your Own Thing” campaign and urging all Malibu residents and small businesses to become more conscious energy stewards. The motion carried unanimously.

C. Formula Retail Ordinance and Civic Center Design Standards (Mayor Pro Tem Mullen and Councilmember Wagner)

Recommended Action: At the request of Mayor Pro Tem Mullen and Councilmember Wagner, consider directing staff to: 1) Place an item on an upcoming agenda to initiate a Zone Text Amendment and, if necessary, an LCP amendment to regulate formula retail in a manner consistent with the court’s
decision; 2) Place an item on an upcoming agenda to initiate a zoning map amendment and any other necessary corollary legislative actions to create a specific plan overlay district for the Civic Center; 3) Research alternative methods of regulating community character in commercial zones employed by other jurisdictions and place a discussion item on a future agenda for the Council to consider options; and 4) Place an item on a future agenda to enable the City Council to evaluate the civic center guidelines that were prepared by the Civic Center Design Standards Task Force.

City Attorney Hogin presented the staff report.

In response to Mayor Pro Tem Mullen, City Attorney Hogin stated a resolution initiating a Zone Text Amendment (ZTA) would traditionally go to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) and then go to the Planning Commission.

Charlotte Jones deferred her time to John Mazza.

John Mazza stated City Measure R had fewer loopholes than the previous City ordinance regulating formula retail. He indicated support for citizen input on a new ordinance, an overlay district, and a new task force for Civic Center guidelines.

Paul Grisanti was not present at the time of the hearing.

Peter Jones stated no commercial development had been constructed since City Measure R was approved by voters and traffic had only increased.

Lloyd Ahern discussed the history of formula retail regulation in the City.

Councilmember Rosenthal indicated support for sending a ZTA directly to the Planning Commission.

In response to Mayor Peak, City Attorney Hogin stated a Planning Commission hearing could be scheduled as early as October 2017.

CONSENSUS

By consensus, the Council directed staff to: 1) Place an item on an upcoming agenda to initiate a Zone Text Amendment and, if necessary, an LCP amendment to regulate formula retail in a manner consistent with the court’s decision to go to Planning Commission in October 2017; 2) Place an item on an upcoming, broadly noticed, Special meeting agenda in November 2017 to initiate a zoning map amendment and any other necessary corollary legislative actions to create a specific plan overlay district for the Civic Center; 3) Place an item on an upcoming, broadly noticed, Special meeting agenda in December 2017 to research alternative methods of regulating community character in commercial zones
employed by other jurisdictions and place a discussion item on a future agenda for the Council to consider options; and 4) Place an item on a future agenda to enable the City Council to evaluate the civic center guidelines that were prepared by the Civic Center Design Standards Task Force.

ADJOURNMENT

At 10:52 p.m., Mayor Peak adjourned the meeting in memory of Los Angeles County Sheriff's Reserve Deputy Jacob Castroll and Glen Campbell.

Approved and adopted by the City Council of the City of Malibu on September 11, 2017.

SKYLAR PEAK, Mayor

ATTEST:

HEATHER GLASBR, City Clerk

(seal)