

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

The Malibu City Council will hold a public hearing on **MONDAY, April 12, 2021** at 6:30 p.m. on the project identified below. This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor's Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order. All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

How to View the Meeting: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

How to Participate Before the Meeting: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

How To Participate During The Meeting: Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

WIRELESS COMMUNICATION FACILITY ORDINANCE UPDATE

LOCAL COASTAL PROGRAM AMENDMENT NO. 16-007 and ZONING TEXT AMENDMENT NO. 16-005 – The City Council will consider implementing a comprehensive regulatory system for the placement of wireless communications facilities, including procedures, permitting, and penalties by amending Malibu Municipal Code (MMC) Title 17, including, but not limited to, Chapter 17.46, and amending Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 2.2 and 3.16, Chapter 13 and Appendix 1 (Table B, Permitted Uses)

Location:	Citywide
Applicant:	City of Malibu
Case Planner:	Adrian Fernandez, Principal Planner afernandez@malibucity.org

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary for the preparation and adoption of an LCP amendment (LCPA). This application is for an LCP amendment which must be certified by the California Coastal Commission before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and the City's Zoning Ordinance. In order to prevent an inconsistency between the LCP and the City's Zoning Ordinance, if the LCPA is approved, the City must also approve the corollary amendment to the Zoning Ordinance. This amendment is necessary for the preparation

and adoption of the LCPA and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

The ZTA and LCPA are not a project within the meaning of CEQA Guidelines Section 15378, because they have no potential to result in physical change to the environment, directly or indirectly. The ZTA and LCPA do not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the ZTA and LCPA were a "project" within the meaning of State CEQA Guidelines Section 15378, they are exempt from CEQA. CEQA applies only to projects which have the potential for causing a significant effect on the environment. Pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that there is no possibility is not subject to CEQA. Moreover, in the event that the ZTA and LCPA are interpreted so as to permit installation of wireless communications facilities on a particular site, the installation would be exempt from CEQA review in accordance with either State CEQA Guidelines Section 15302 (replacement or reconstruction), State CEQA Guidelines Section 15303 (new construction or conversion of small structures), and/or State CEQA Guidelines Section 15304 (minor alterations to land).

Copies of all related documents are available for review by contacting the Case Planner during regular business hours and on the City's website at www.malibucity.org/WCF.

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

If there are any questions regarding this notice, please contact Adrian Fernandez, at (310) 456-2489, extension 482.

Richard Mollica, Planning Director

Publish Date: March 18, 2021