Call to Order – Chair

Roll Call – Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – December 24, 2019

1. **Ceremonials / Presentations**
   
   A. **Staff Update on the Woolsey Fire Rebuild Process**

2. **Written and Oral Communication from the Public**
   
   A. Communications from the Public concerning matters which are not on the agenda but for which the Planning Commission has subject jurisdiction. The Planning Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

   B. **Planning Commission and staff comments and inquiries**

3. **Consent Calendar**
   
   A. **Previously Discussed Items**

   1. **Coastal Development Permit No. 19-040, Variance No. 19-043, Site Plan Review Nos. 19-089 and 19-090, Demolition Permit No. 19-037 and Offer-to-Dedicate No. 19-003 - An application for the demolition of an existing single-family residence, construction of a new bluff-top, two-story single-family residence and associated development (Continued from December 2, 2019)**

   Location: 27530 Pacific Coast Highway, within the appealable coastal zone
   APN: 4460-031-001
   Owner: Jinpar 1031, LLC
   Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

   Recommended Action: Adopt Planning Commission Resolution No. 20-03 determining that the California Environmental Quality Act does not apply to the project and denying Coastal Development Permit No. 19-040 for the construction of a 8,303 square foot, two-story, bluff-top single-family residence, swimming
pool, cantilevered deck, driveway, landscaping, grading and onsite wastewater treatment system, including Variance No. 19-043 for the residence to extend higher than the adjacent road grade, Site Plan Review (SPR) No. 19-089 for construction over 18 feet in height, SPR No. 19-090 for construction on slopes between 3 to 1 and 2.5 to 1, Demolition Permit No. 19-037 for the demolition of an existing 839 square foot, single-family residence and Offer-to-Dedicate No. 19-003 to grant a lateral beach access easement located in the Rural Residential–Two Acre Zoning District at 27530 Pacific Coast Highway (Jinpar 1031, LLC).

B. New Items

1. **Approval of Minutes**

   Recommended Action: Approve the minutes for the October 21, 2019, November 18, 2019, and December 2, 2019 Regular Planning Commission meetings.

   Staff Contact: Planning Director Blue, 456-2489, ext. 258

2. **De Minimis Waiver No. 19-009 — An application for a new onsite wastewater treatment system**

   Location: 6755 Dume Drive, partially within the appealable coastal zone
   APN: 4468-008-015
   Owners: Robert and Sarah Wells
   Case Planner: Associate Planner Thompson, 456-2489, ext. 280

   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-009 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS which does not meet the requirements of the development approved under Planning Verification – Woolsey Fire No. 19-159.

3. **De Minimis Waiver No. 19-004 — An application for a new onsite wastewater treatment system**

   Location: 4727 Avenida Del Mar, not within the appealable coastal zone
   APN: 4473-010-034
   Owner: ISHC Lompoc LLC
   Case Planner: Contract Planner Sharma, 456-2489, ext. 380

   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-004 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS which does not meet the requirements of the development approved under Planning Verification – Woolsey Fire No. 19-143.

4. **De Minimis Waiver No. 19-007 — An application for a new onsite wastewater treatment system**

   Location: 6720 Wandermere Road, not within the appealable coastal zone
   APN: 4468-008-008
   Owners: Anthony J Walczuk and Dana S Walczuk
   Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-007 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

5. **Extension of Coastal Development Permit No. 14-003, Variance Nos. 16-010 and 16-023, Minor Modification No. 15-016, and Offer-to-Dedicate No. 16-006 – A request to extend the Planning Commission’s approval for a new single-family beachfront residence and associated development**

Location: 25306 Malibu Road  
APN: 4459-016-013  
Owner: 31438 Broad Beach Road, LLC  
Case Planner: Associate Planner Cleavenger, 456-2489, ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 20-10, granting a two-year extension of Coastal Development Permit No. 14-003, for the construction of a new 5,094 square foot, two-story, single-family beachfront residence with an attached garage, decks, return walls, retaining walls, installation of a new alternative onsite wastewater treatment system, and removal of existing timber walls; including Variance (VAR) No. 16-010 for the installation of a new bulkhead sited seaward of the shoreline protection device stringline, VAR No. 16-023 for construction on slopes steeper than 2.5 to 1, Minor Modification No. 15-016 for a reduced front yard setback, and Offer-to-Dedicate No. 16-006 for a lateral access easement across the property located in the Multi-Family Beachfront zoning district located at 25306 Malibu Road (31438 Broad Beach Road, LLC).

6. **Administrative Coastal Development Permit No. 16-013 and Site Plan Review No. 16-014 – An application for a 7,317 square foot single-family residence and attached garage, 1,120 square foot detached garage, new onsite wastewater treatment system, associated development, and a site plan review application to allow for construction above 18 feet in height, up to 21 feet in height for a Woolsey Fire affected parcel**

Location: 5909 Philip Avenue, not within the appealable coastal zone  
APN: 4469-003-022  
Owner: Harrick Family Trust  
Case Planner: Contract Planner Sharma, 456-2489, ext. 380

Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 16-013.

4. **Continued Public Hearings**

None.
5. **New Public Hearings**

A. **Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 - An Amendment to Title 17 (Zoning) of the Malibu Municipal Code and the Local Coastal Program to Update Accessory Dwelling Unit Regulations**

Location: Citywide  
Applicant: City of Malibu  
Case Planner: Assistant Planner Kendall, 456-2489, ext. 301

Recommended Action: Continue this item to the February 3, 2020 Regular Planning Commission meeting.

B. **Conditional Use Permit Amendment No 19-001, Administrative Plan Review No. 19-158 and Demolition Permit No. 19-046 – An application to amend Conditional Use Permit No 14-008 to expand the existing dining room service area and allow the restaurant to close at 10:00 p.m. instead of 8:30 p.m. daily at an existing restaurant (Lily’s Malibu)**

Location: 29211 Heathercliff Road  
APN: 4468-010-017  
Zoning: Community Commercial (CC)  
Owner: Dume Plaza I, II, & II, LLC  
Tenant: Lily’s Malibu  
Case Planner: Associate Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 20-07 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 19-001 amending Conditional Use Permit No. 14-008 and Administrative Plan Review No. 19-158 to expand the existing dining room service area by 199 square feet for a total of 443 square feet, Demolition Permit No. 19-046 to allow for the demolition of an existing 528 square foot multi-purpose structure located in the shopping center parking lot that is currently used for a postal authorized shipping center with ancillary uses commonly known as “R Quick Stop,” located on the southern corner of the parcel to allow for additional parking spaces and allow the existing restaurant to close at 10:00 p.m. instead of 8:30 p.m. daily (Lily’s Malibu), located in the Community Commercial zoning district at 29211 Heathercliff Road (Dume Plaza I, II, & III, LLC).

C. **Conditional Use Permit No. 19-008 – An application for a conditional use permit to allow the operation of a new 190 square foot wine tasting room (bar), serving wine and accompanying pre-packaged foods, located within an existing retail space in the Malibu Village shopping center**

Location: 3822 Cross Creek Road, Unit 3822  
Applicant: Wine Apothecary, LLC  
Owner: Jamestown Premier Malibu Village LP  
APN: 4452-011-042  
Case Planner: Assistant Planner Eng, 456-2489, ext. 372
Recommended Action: Adopt Planning Commission Resolution No. 20-08 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 19-008 to allow for the operation of a new wine tasting room (bar), “Wine Apothecary”, with onsite sale, service, and consumption of alcohol to be located in a 190 square foot “shop-in-shop” space within the existing 4,033 square foot “Fred Segal” retail store (no new square footage to be added) at the Malibu Village shopping center located in the Commercial Visitor Serving-One district at 3822 Cross Creek Road (Jamestown Premier Malibu Village LP).

D. **Conditional Use Permit No. 17-005** – An application to memorialize an existing community stage theater use (Malibu Playhouse), including a change to the existing weekend (Friday and Saturday) closing hours of operation from 8:00 p.m. to 10:00 p.m.

Location: 29243 Pacific Coast Highway  
APN: 4467-022-009  
Owner: Rainforest Malibu, LLC  
Tenant: Malibu Playhouse  
Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 20-20 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 17-005 to allow for the establishment and continued operation of a community stage theater (Malibu Playhouse) for the use in the Rural Residential–Five Acre zoning district located at 29243 Pacific Coast Highway (Rainforest Malibu LLC).

E. **Coastal Development Permit No. 17-040, Variance Nos. 17-004, 17-005, 17-053, and 18-035, and Site Plan Review No. 17-015** – An application for the construction of a new single-family residence and associated development

Location /APNs: 5180 Horizon Drive / 4469-005-019 (Residence)  
5243 Horizon Drive/ 4469-005-031 (Street Improvements)  
5246 Horizon Drive / 4469-005-013 (Street Improvements)  
Owners: Andrew Edwards and Joanne Eleri Edwards  
Case Planner: Associate Planner Cleavenger, 456-2489, ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 20-05 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-040 to construct a new 3,560 square foot, two-story, single-family residence with an attached two-car carport, swimming pool, spa, decks, landscaping, hardscape, new onsite wastewater treatment system and offsite private street improvements proposed adjacent to 5243 and 5246 Horizon Drive; including Variance (VAR) No. 17-004 to reduce the Environmentally Sensitive Habitat Area buffer, VAR No. 17-005 for a greater than 50 percent reduction of the front yard setback, VAR No. 17-053 for construction on slopes steeper than 2.5 to 1, VAR No. 18-035 for a reduction in the parkland setback, and Site Plan Review No. 17-015 for construction up to 28 feet with pitched roofs for the residence located in the Rural Residential-Two Acre zoning district at 5180 Horizon Drive (Edwards).
F. **Coastal Development Permit No. 14-079, Variance No. 14-058, Site Plan Review No. 14-056, Minor Modification No. 14-017, and Lot Merger No. 14-001 – An application to combine two adjacent lots into one and construct a new single-family residence, detached art studio and associated development**

Location: 27136 Sea Vista Drive, within the appealable coastal zone  
APNs: 4460-009-006 and 4460-009-007  
Owner: Santa Barbara Land Company, LLC  
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 20-06 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-079 for the construction of a new 4,725 square foot, two-story single-family residence with a 593 square foot attached garage and 1,000 square foot basement, 600 square foot detached art studio, swimming pool, spa, flatwork, grading, fencing, gates, landscaping, soldier pile slope stabilization, onsite wastewater treatment system; including Variance No. 14-058 for construction on slopes greater than 2.5 to 1, Site Plan Review No. 14-056 for a height increase over 18 feet but not to exceed 24 feet for a flat roof, Minor Modification No. 14-017 for a 50 percent reduction of the required front yard setback, and Lot Merger No. 14-001 to combine two adjacent legal lots into one in the Rural Residential–Two Acre zoning district located at 27136 Sea Vista Drive (Santa Barbara Land Company, LLC).

G. **Coastal Development Permit No. 18-064, Variance No. 19-031, Site Plan Review Nos. 19-003, 19-004 and 19-037, and Minor Modification No. 19-002 - An application for the construction of a new single-family residence and associated development**

Location: 5942 Busch Drive, within the appealable coastal zone  
APN: 4467-028-031  
Owner: Douglas Cyril Land and Victoria Margaret Cooper-Lane Living Trust  
Case Planner: Associate Planner Cleavenger, 456-2489, ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 20-04 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-064 to construct a new two-story, 3,679 square foot, single-family residence, attached two-car garage, attached 900 square foot second unit, a 790 square foot second story deck, understructure mechanical area, 20-foot wide access driveway, hardscape, grading, landscaping and advanced onsite wastewater treatment system; including Variance No. 19-031 to reduce the Environmentally Sensitive Habitat Area buffer, Site Plan Review (SPR) No. 19-003 for construction on slopes between 3 to 1 and 2.5 to 1, SPR No. 19-004 for construction up to 28 feet with pitched roofs, SPR No. 19-037 for a hillside residential development standard exemption, and Minor Modification No. 19-002 for a 50 percent front yard setback reduction located in the Rural Residential–Two Acre zoning district at 5942 Busch Drive (Douglas Cyril Land and Victoria Margaret Cooper-Lane Living Trust).

6. **Old Business**

None.
7. **New Business**

None.

8. **Planning Commission Items**

None.

**Adjournment**

**Future Planning Commission Meetings**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type</th>
<th>Location</th>
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<tbody>
<tr>
<td>Tuesday, January 21, 2020</td>
<td>6:30 pm</td>
<td>Regular Planning Commission Meeting</td>
<td>City Hall Council Chambers</td>
</tr>
<tr>
<td>Monday, February 3, 2020</td>
<td>6:30 pm</td>
<td>Regular Planning Commission Meeting</td>
<td>City Hall Council Chambers</td>
</tr>
<tr>
<td>Tuesday, February 18, 2020</td>
<td>6:30 pm</td>
<td>Regular Planning Commission Meeting</td>
<td>City Hall Council Chambers</td>
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**Guide to Planning Commission Proceedings**

**The Oral Communication** portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff, unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up at an appropriate time on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Chair (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

**For Public Hearings** involving zoning matters, the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

**Old Business** items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

**Items in New Business** are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.
Planning Commission Items are items which individual members of the Planning Commission may bring up for action, to propose future agenda items, or to suggest future staff assignments. No new items will be taken-up after 11:00 p.m. Not later than 10:45 p.m. at each meeting, the Commission shall determine the disposition of its remaining agenda items. If the Commission determines that remaining agenda items must be continued to a subsequent regular meeting, the Commission shall immediately take action to schedule such meeting. Each meeting of the Planning Commission shall adjourn or be continued to a time and date certain, not later than midnight of the night that meeting began.

Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at www.malibucity.org.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the Planning Department, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the Planning Department at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5(b)(2)). Copies of staff reports and written materials may be purchased for $0.10 per page. Pursuant to state law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall telephone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy at (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Commission meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or amontano@malibucity.org before 12:00 p.m. on the day of the meeting.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 24th day of December 2019 at 8:00 a.m.

Kathleen Stecko, Administrative Assistant