Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Kathleen Stecko, Administrative Assistant

Approved by: Bonnie Blue, Planning Director

Date prepared: December 23, 2019

Meeting date: January 6, 2020

Subject: Approval of Minutes

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

DISCUSSION: Staff has prepared draft minutes for the above-referenced Planning Commission meetings and hereby submits the minutes for the Commission’s consideration.

ATTACHMENTS:

1. October 21, 2019 Regular Planning Commission Meeting
2. November 18, 2019 Regular Planning Commission Meeting
3. December 2, 2019 Regular Planning Commission Meeting
CALL TO ORDER

Chair Uhring called the meeting to order at 6:30 p.m.

ROLL CALL

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

PRESENT: Chair Steve Uhring; Vice Chair Jeffrey Jennings; and Commissioners Kraig Hill, Chris Marx, and John Mazza

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Richard Mollica, Assistant Planning Director; Rob Duboux, Public Works Director; City Engineer; Adam Chase, Assistant Public Works Director; Jessica Cleavenger, Associate Planner; Justine Kendall, Assistant Planner; Didier Murillo, Assistant Planner; Joyce Parker-Bozylinski, Contract Planner; Kathleen Stecko, Senior Office Assistant; and Jessica Thompson, Associate Planner

PLEDGE OF ALLEGIANCE

Dennis Smith led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Senior Office Assistant Stecko reported that the agenda for the meeting was properly posted on October 11, 2019.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item Nos. 4.D. and 5.D. to the November 4, 2019 Regular Planning Commission meeting and Item Nos. 4.B. and 4.C. to a date uncertain. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on the Woolsey Fire Rebuild Process

Assistant Planning Director Mollica provided an update on the Woolsey Fire rebuild process.
ITEM 2.A. PUBLIC COMMENTS

Brian Tinkham commented on code violations of the conditional use permit for the Casa Escobar restaurant located at 22716 Pacific Coast Highway and requested a revocation hearing be scheduled.

Jonathan Roth requested a revocation hearing be scheduled or an application to amend the conditional use permit for the Casa Escobar restaurant located at 22716 Pacific Coast Highway.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Hill, Assistant Planning Director Mollica stated an update on the effectiveness of the traffic and circulation measures implemented at Malibu Elementary School would be provided at a future Planning Commission meeting.

Commissioner Hill commented on fire flow requirements and encouraged those requirements be considered when designing larger houses over 9,400 total development square footage.

Commissioner Mazza commented on the amount of continued items.

In response to Commissioner Mazza and Chair Uhring, Assistant City Attorney Rusin stated the coastal development permit the Planning Commission approved for the Bell property had been appealed to the California Coastal Commission.

Chair Uhring encouraged the public to convey their position to the City Council on the Short Term Rental ordinance, which would be considered at the October 28, 2019 Regular City Council meeting. Commissioner Hill added that there was an online petition at the www.ipetition.com website.

Chair Uhring encouraged the public to research the Poison Free Malibu organization and their efforts to protect wildlife through the elimination of anticoagulant pesticides.

Assistant Planning Director Mollica stated due to the volume of applications that need to be scheduled for the Planning Commission’s consideration, the Commission may want to consider adding a meeting in December 2019.

CONSENSUS

By consensus, the Commission directed staff to place an item on the November 4, 2019 Regular Planning Commission meeting agenda to discuss revising 2019 Calendar of Planning Commission meetings to potentially hold the December 16, 2019 Regular meeting.
ITEM 3  CONSENT CALENDAR

Item No. 3.B.1. was pulled by Commissioner Hill.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to approve the Consent Calendar except for Item No. 3.B.1. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items
None.

B. New Items
2. Administrative Coastal Development Permit No. 19-008 — An application for the installation of a new onsite wastewater treatment system
   Location: 20729 Rockcroft Drive, not within the appealable coastal zone
   APN: 4449-014-003
   Owner: 20729 Rockcroft Drive, LLC
   Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346
   Recommended Action: Receive and file the Planning Director’s report on Administrative Coastal Development Permit No. 19-008.

3. De Minimis Waiver No. 19-005 — An application for a new onsite wastewater treatment system
   Location: 29943 Harvester Road, not within the appealable coastal zone
   APN: 4466-010-003
   Owner: Massett Family Trust
   Case Planner: Assistant Planner Kendall, 456-2489, ext. 301
   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-005 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. 19-198.

4. De Minimis Waiver No. 19-003 — An application for a new onsite wastewater treatment system
   Location: 6780 Dume Drive, not within the appealable coastal zone
   APN: 4466-016-035
   Owner: Michael Flanigan
   Case Planner: Assistant Planner Kendall, 456-2489, ext. 301
   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-003 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. 19-050.
The following item was pulled from the Consent Calendar for individual consideration:

B. New Items

1. **Extension of Coastal Development Permit No. 14-081** – A request to extend the Planning Commission's approval of Coastal Development Permit No. 14-081, an application for the construction of a new 2,025 square foot detached two-story accessory structure with associated development (Continued from October 7, 2019)

<table>
<thead>
<tr>
<th>Location</th>
<th>3989 Villa Costera</th>
</tr>
</thead>
<tbody>
<tr>
<td>APN</td>
<td>4451-011-011</td>
</tr>
<tr>
<td>Owner</td>
<td>Michael L. Klein Trust</td>
</tr>
<tr>
<td>Case Planner</td>
<td>Assistant Planning Director Mollica, 456-2489, ext. 346</td>
</tr>
</tbody>
</table>

Recommended Action: Adopt Planning Commission Resolution No. 19-67 granting a two-year extension of Coastal Development Permit No. 14-081, an application to allow the construction of a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system, located in the Rural Residential-One Acre zoning district at 3989 Villa Costera (Michael L Klein Trust).

The Commission directed questions to staff.

As there were no further questions for staff, Chair Uhring opened public comment.

Speaker: Michael Klein

As there were no other speakers present, Chair Uhring closed public comment.

The Commission directed questions to staff and Mr. Klein.

**MOTION**

Commissioner Mazza moved and Chair Uhring seconded a motion to deny a two-year extension of Coastal Development Permit No. 14-081, an application to allow the construction of a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system, located in the Rural Residential-One Acre zoning district at 3989 Villa Costera (Michael L Klein Trust).
FRIENDLY AMENDMENT

Commissioner Hill amended the motion to grant a one-year extension of Coastal Development Permit No. 14-081.

The Commission discussed the amendment.

The question was called and the amended motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit No. 18-002 – An application for an interior and exterior remodel of a single-family residence and associated development (Continued from October 7, 2019)

Location: 20238 Piedra Chica Road, not within the appealable coastal zone

APN: 4450-013-084

Owners: Reza Nebavi and Maryam Akbar

Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 19-25 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Hill, Mazza, and Marx, and Chair Uhring.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Uhring opened the public comment portion of the public hearing.

Speakers: Dan Allen, Luan Phan (Georgeann Bartylak, Al Bruassani, Gerhard Ihde, Rosemarie Ihde, and Christopher Cunningham deferred time to Mr. Phan), Don Michael (Eric Sosa, Paul Boulet, Amy Otis, Jo Drummond, and Juergen Corde deferred time to Mr. Michael), Colin Drummond (James Sarantinos, Judy Shockley, Roger Shockley, and Marilou Hamill deferred time to Mr. Drummond), John Morris, and Norman Haynie.

Mr. Kowalewsky provided rebuttal to public comment.
As there were no other speakers present, Chair Uhring closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff, Mr. Kowalewsky, and Mr. Michael.

Additional disclosures: Commissioner Hill.

**MOTION** Vice Chair Jennings moved and Chair Uhring seconded a motion directing staff, once the calculations for the addition are verified to be correct, to return with a resolution to be placed on the consent calendar adopting Planning Commission Resolution No. 19-25 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

**FRIENDLY AMENDMENT** Commissioner Mazza amended the motion to direct staff to verify that the calculations for the size of the addition are in conformance with the County Building Code. The amendment was accepted by the maker and the seconder.

**FRIENDLY AMENDMENT** Commissioner Marx amended the motion to direct staff to verify that the any submissions as well as calculations are in conformance with the County Building Code. The amendment was accepted by the maker and the seconder.

The Commission discussed the motion.

The question was called and the amended motion carried 4-1, Commissioner Mazza dissenting.

**RECESS** At 9:30 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 9:40 p.m. with all Commissioners present.

**B. Conditional Use Permit Amendment No. 19-003** An application to amend the conditional use permit for the operation of a restaurant (Soho Little Beach House Malibu) (Continued from October 7, 2019)

- **Location:** 22716 Pacific Coast Highway
- **APN:** 4452-004-070
- **Owner:** Malibu Cantina, LLC
- **Case Planner:** Assistant Planning Director Mollica, 456-2489, ext. 346
Recommended Action: Continue this item to a date uncertain.

The item was continued to a date uncertain upon approval of the agenda.

C. Conditional Use Permit Amendment No 18-003 and Joint Use Parking Agreement No. 19-001 — An application to amend Conditional Use Permit No 09-009 and Joint Use Parking Agreement No. 10-001 to add outdoor live entertainment and increase the number of large events at an existing restaurant (Casa Escobar) (Continued from October 7, 2019)
Location: 22969 Pacific Coast Highway
APN: 4452-019-004
Owner: SKA Group, LLC
Tenant: Casa Escobar
Case Planner: Assistant Planner Murillo, 456-2489, ext. 353
Recommended Action: Adopt Planning Commission Resolution No. 19-62 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 18-003 and Joint Use Parking Agreement No. 19-001 amending Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 to add outdoor live entertainment on the exterior patio from 10:00 a.m. to 7:00 p.m. on weekends only and to convert three of the currently allowed small events (defined as events with less than 100 attendees) into large events (defined as any event with 100 or more attendees) for a total of five large events per month and allow indoor live music/entertainment during and complimentary with the operation of the existing 94 seat restaurant, with no limit on when this could occur, at an existing restaurant (Casa Escobar), located in the Commercial Visitor-Serving-One zoning district at 22969 Pacific Coast Highway (SKA Group, LLC).

This item was continued to a date uncertain upon approval of the agenda.

D. Coastal Development Permit No. 19-003 and Demolition Permit No. 19-024 — A follow-up application for soldier pile bluff stabilization, plus additional soldier pile installation and associated development (Continued from October 7, 2019)
Location: 28820 Cliffside Drive, within the appealable coastal zone
APN: 4466-009-032
Owner: TES Trust
Case Planner: Assistant Planner Kendall, 456-2489, ext. 301
Recommended Action: Continue this item to the November 4, 2019 Regular Planning Commission meeting.

The item was continued to the November 4, 2019 Regular Planning Commission meeting upon approval of the agenda.
ITEM 5  NEW PUBLIC HEARINGS

A. Local Coastal Program Amendment No. 19-001 - An Amendment to the Local Coastal Program Land Use Plan pertaining to public improvements to public sandy beach areas to facilitate the Westward Beach Road Improvement Project
Applicant:  City of Malibu
Location:  Citywide
Case Planner:  Planning Director Blue, 456-2489, ext. 258
Recommended Action:  Adopt Planning Commission Resolution No. 19-66 determining the amendment to be exempt from the California Environmental Quality Act and recommending that the City Council adopt Local Coastal Program (LCP) Amendment No. 19-001 to modify LCP Land Use Plan Policy 2.20 pertaining to public improvements to public sandy beach areas in order to facilitate the City’s Westward Beach Road Improvements Project.

Contract Planner Parker-Bozylinski presented the staff report.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Uhring opened the public comment portion of the public hearing.

Speaker(s):  None.

As there were no speakers present, Chair Uhring closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 19-66, as amended: 1) determining the amendment to be exempt from the California Environmental Quality Act and recommending that the City Council adopt Local Coastal Program (LCP) Amendment No. 19-001 to modify LCP Land Use Plan Policy 2.20 pertaining to public improvements to public sandy beach areas in order to facilitate the City’s Westward Beach Road Improvements Project; and 2) the public access improvements would only be allowed on Westward Beach Road. The motion carried unanimously.
B. Zoning Text Amendment No. 19-003 - An amendment to the Malibu Municipal Code temporary use permit regulations pertaining to temporarily displaced farmers market surface parking

Applicant: City of Malibu.
Location: Citywide
Case Planner: Planning Director Blue, 456-2489, ext. 258

Recommended Action: Adopt Planning Commission Resolution No. 19-65 determining the amendment to be exempt from the California Environmental Quality Act and recommending that the City Council adopt Zoning Text Amendment No. 19-003 pertaining to temporary use permits for temporarily displaced farmers market surface parking.

Contract Planner Parker-Bozylnski presented the staff report.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Uhring opened the public comment portion of the public hearing.

Speaker: Bruce Silverstein.

As there were no other speakers present, Chair Uhring closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 19-65, as amended, determining the amendment to be exempt from the California Environmental Quality Act and recommending that the City Council adopt Zoning Text Amendment No. 19-003 pertaining to temporary use permits for temporarily displaced farmers market surface parking; 2) Letter L would state: “offsite parking on a vacant commercially zoned lot for the farmers market within 300 feet of the farmers market to replace required parking” (striking the word ‘temporarily’) “displaced by the construction”; 3) specifying the dates for this use shall not count against the maximum 60 calendar days within one calendar year for which the offsite parking can be used; and 4) this provision shall expire on the earlier of the issuance of a certificate of occupancy for Santa Monica College, or on January 1, 2022, whichever is earlier in time.

The Commission discussed the motion.

The question was called and the motion carried 4-1, Vice Chair Jennings dissenting.
C. 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

Locations / APNs: 5180 Horizon Drive (Residence) / 4469-005-019
5243 Horizon Drive (Street Improvements) / 4469-005-027
5246 Horizon Drive (Street Improvements) / 4469-005-013
Not within the appealable coastal zone

Owners: Andrew Edwards and Joanne Eleri Edwards
Case Planner: Associate Planner Cleavenger, 456-2489, ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 19-59 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-040 to construct a new 3,972 square foot, two-story, single-family residence, attached two-car garage, swimming pool, spa, decks, retaining walls, landscaping, hardscape, new onsite wastewater treatment system and offsite fire department access improvements on a private street; including Variance (VAR) No. 17-004 for the proposed fuel modification to extend into Environmentally Sensitive Habitat Area, 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).

Associate Planner Cleavenger presented the staff report.

Disclosures: Commissioners Hill and Mazza, and Vice Chair Jennings.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Uhring opened the public comment portion of the public hearing.

Speaker(s): None.

As there were no speakers present, Chair Uhring closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and Mark Bittoni.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to continue to a date uncertain to allow the applicant to revise the project, 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 located in the Rural Residential-Two Acre zoning district at 5180 Horizon Drive (Edwards).
The Commission discussed the motion.

The motion carried unanimously.

D. 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. 19-68 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, 3,469 square foot, single-family residence, attached two-car garage, attached 900 square foot second unit, a 790 square foot second story deck, 20-foot wide access driveway, hardscape, grading, landscaping and advanced onsite wastewater treatment system; including Variance No. 19-031 for the proposed fuel modification to extend into Environmentally Sensitive Habitat Area, 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 reduced front yard setback located in the Rural Residential-Two Acre zoning district at 5942 Busch Drive (Douglas Cyril Land and Victoria Margaret Cooper-Lane Living Trust).

This item was continued to the November 4, 2019 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.
ADJOURNMENT

MOTION At 11:04 p.m., Commissioner Mazza moved and Commissioner Marx seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission of the City of Malibu on ________________.

____________________________
JEFFREY JENNINGS, Chair

ATTEST:

____________________________
KATHLEEN STECKO, Recording Secretary
CALL TO ORDER

Vice Chair Mazza called the meeting to order at 6:30 p.m.

ROLL CALL

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

PRESENT: Vice Chair John Mazza; and Commissioners Kraig Hill, Chris Marx, and Steve Uhring

ABSENT: Chair Jeffrey Jennings

ALSO PRESENT: Pat Donegan, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Cleavenger, Associate Planner; Justine Kendall, Assistant Planner; Richard Mollica, Assistant Planning Director; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Commissioner Marx led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Senior Office Assistant Stecko reported that the agenda for the meeting was properly posted on November 8, 2019.

APPROVAL OF AGENDA

MOTION Commissioner Uhring moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item No. 5.A. to a date uncertain. The motion carried 4-0, Chair Jennings absent.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on the Woolsey Fire Rebuild Process

Assistant Planning Director Mollica provided an update on the Woolsey Fire rebuild process.

ITEM 2.A. PUBLIC COMMENTS

None.
ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Uhring cautioned about a project on Pacific Coast Highway that had a crane and a steam shovel blocking a lane on the road during a wind advisory, which would pose a hazard should an evacuation become necessary.

In response to Commissioner Uhring, Planning Director Blue stated Associate Planner Cleavenger was working on implementation of the Dark Sky Ordinance and it would be implemented in stages. She stated Code Enforcement would be working to resolve any non-compliance, and the Planning Department was coordinating with Building Safety to implement the ordinance. She stated the Accessory Dwelling Unit ordinance would be brought before the Planning Commission in early 2020 incorporating changes the State had recently made to the requirements.

In response to Commissioner Uhring, Planning Director Blue stated records were available to the public either online and or available for review at City Hall. She stated the City had a policy of redacting records involving Code Enforcement during an active and ongoing complaint investigation. She stated City followed City Council Policy 43 within the confines of the Public Records Act.

MOTION Commissioner Hill moved and Commissioner Marx seconded a motion to bring back an informational item on a future Planning Commission meeting agenda clarifying City Council Policy 43 as it pertained to Code Enforcement and the Public Records Act. The motion carried 4-0, Chair Jennings absent.

Commissioner Hill cautioned about the use of generators, barbecuing indoors, candles, and other dangers. He commented on the disconnect between what the Los Angeles Fire Department and Los Angeles County Sheriff Department guidelines were for persons protecting their own home during a fire versus evacuation. He stated he would like the City to assist in bridging the gap between safety recommendations. He stated clarification on an interpretation of the allowance of string lights and compliance with of the Dark Sky Ordinance would be helpful. He inquired about street lights the City owned, stating they could be modified to be smart street lights, at a cost of $700 per fixture, by installing shielding, timers, and motion sensors.

In response to Commissioner Hill, Planning Director Blue stated the updated short-term rental ordinance draft and initiation of a future ordinance based upon the City of Santa Monica ordinance would be considered by the City Council on January 23, 2020. She stated holiday lights were allowed between November 15th and January 15th and holiday lighting restrictions would not be enforced during that span of time, but would be enforced during the remainder of the year.
ITEM 3  CONSENT CALENDAR

CONSENSUS

By consensus, the Planning Commission approved the Consent Calendar.

The Consent Calendar consisted of the following item:

A. Previously Discussed Items
None.

B. New Items
1. De Minimis Waiver No. 19-008 — An application for a new onsite wastewater treatment system
   Location: 6565 Dume Drive, not within the appealable coastal zone
   APN: 4468-009-023
   Owner: Cummings-Kelly Trust
   Case Planner: Assistant Planner Kendall, 456-2489, ext. 301
   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-008 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. 19-050.

ITEM 4  CONTINUED PUBLIC HEARINGS

None.

ITEM 5  NEW PUBLIC HEARINGS

A. Coastal Development Permit Amendment No. 17-009 and Conditional Use Permit No. 17-010 — An application to amend Coastal Development Permit No. 05-107 (the .20 floor area ratio La Paz project) to make minor changes to the project layout, design and mix of commercial retail, restaurant and office space, with no increase in gross floor area, including a conditional use permit pertaining to restaurant locations and operating hours, and including Addendum No. 2 to the La Paz Development Agreement Environmental Impact Report
   Location: 23465 Civic Center Way, not within the appealable coastal zone
   APNs: 4458-022-023 and 4458-022-024
   Owner: Malibu Development Company, LLC
   Case Planner: Contract Planner Wright, 456-2489, ext. 346
   Recommended Action: Continue this item to a date uncertain.

The item was continued to a date uncertain upon approval of the agenda.
B. Local Coastal Program Amendment No. 19-002 and Zoning Text Amendment No. 19-004 – Amendments to the Local Coastal Program and Malibu Municipal Code to Foster Fire-Resistant Landscapes Citywide

Case Planner: Associate Planner Cleavenger, 456-2489, ext. 234
Recommended Action: 1) Adopt Planning Commission Resolution No. 19-74 determining the project is exempt from the California Environmental Quality Act, and recommending that the City Council adopt Local Coastal Program Amendment No. 19-002 amending the Local Coastal Program Local Implementation Plan Chapter 3 (Zoning Designations and Permitted Uses) and Zoning Text Amendment No. 19-004 amending Malibu Municipal Code (MMC) Title 17 (Zoning) to foster the creation of fire-resistant landscapes and repealing Ordinance Nos. 343 and 356, deleting MMC Chapter 9.22 (Landscape Water Conservation), establishing MMC Chapter 17.53 (Landscape Water Conservation and Fire Protection), and amending MMC Section 16.24.020 (Subdivision Design Standards) to eliminate reference to MMC Chapter 9.22; and 2) Recommend that City Council create an outreach program encouraging “firescaping” and emphasizing proper landscape maintenance.

Associate Planner Cleavenger presented the staff report.

The Commission directed questions to staff.

As there were no further questions for staff, Vice Chair Mazza opened the public comment portion of the public hearing.

Speakers: Patt Healy, Georgia Goldfarb, and Norman Haynie

As there were no other speakers present, Vice Chair Mazza closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and Ms. Healy.

MOTION Commissioner Marx moved and Commissioner Hill seconded a motion to continue to the March 16, 2020 Regular Planning Commission meeting to review the information already discussed and review new information in order to make a more informed decision on Local Coastal Program Amendment No. 19-002 and Zoning Text Amendment No. 19-004, amendments to the Local Coastal Program and Malibu Municipal Code to Foster Fire-Resistant Landscapes Citywide.

The Commission discussed the motion.

The question was called and the motion failed 2-2, Commissioners Marx and Uhring dissenting and Chair Jennings absent.
MOTION Commissioner Marx moved and Commissioner Hill seconded a motion to continue to the March 16, 2019 Regular Planning Commission meeting to review the information already discussed and review new information in order to make a more informed decision on Local Coastal Program Amendment No. 19-002 and Zoning Text Amendment No. 19-004, amendments to the Local Coastal Program and Malibu Municipal Code to Foster Fire-Resistant Landscapes Citywide.

The Commission discussed the motion.

The question was called and the motion failed 2-2, Commissioners Marx and Uhring dissenting and Chair Jennings absent.

MOTION Commissioner Ubring moved and Commissioner Marx seconded a motion to adopt Planning Commission Resolution No. 19-74, as amended: 1) determining the project is exempt from the California Environmental Quality Act, and recommending that the City Council adopt Local Coastal Program Amendment No. 19-002 amending the Local Coastal Program Local Implementation Plan Chapter 3 (Zoning Designations and Permitted Uses) and Zoning Text Amendment No. 19-004 amending Malibu Municipal Code (MMC) Title 17 (Zoning) to foster the creation of fire-resistant landscapes and repealing Ordinance Nos. 343 and 356, deleting MMC Chapter 9.22 (Landscape Water Conservation), establishing MMC Chapter 17.53 (Landscape Water Conservation and Fire Protection), and amending MMC Section 16.24.020 (Subdivision Design Standards) to eliminate reference to MMC Chapter 9.22; 2) recommend that City Council create an outreach program encouraging “firescaping” and emphasizing proper landscape maintenance and incorporating the Planning Commission’s suggestions; 3) recommend the City Council address additional issues that have to be identified; and 4) request the City Council direct the Planning Commission to revisit the items that the Commission feels need additional study in order to add to a follow up ordinance.

The Commission discussed the motion.

The question was called and the motion failed 2-2, Commissioner Hill and Vice Chair Mazza dissenting and Chair Jennings absent.

The Commission directed questions to staff.

MOTION Commissioner Uhring moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 19-74, as amended: 1) determining the project is exempt from the California Environmental Quality Act, and recommending that the City Council adopt Local Coastal Program Amendment No. 19-002 amending the Local Coastal Program Local Implementation Plan Chapter 3 (Zoning Designations and Permitted Uses), Chapter 2 (Definitions), and Zoning Text Amendment No. 19-004 amending Malibu Municipal Code (MMC) Title 17 (Zoning) to foster the creation of fire-resistant landscapes and repealing Ordinance Nos. 343 and 356, deleting MMC Chapter 9.22 (Landscape Water Conservation),
establishing MMC Chapter 17.53 (Landscape Water Conservation and Fire Protection), and amending MMC Section 16.24.020 (Subdivision Design Standards) to eliminate reference to MMC Chapter 9.22; 2) recommend that City Council create an outreach program encouraging “firescaping” and emphasizing proper landscape maintenance and incorporating the Planning Commission’s suggestions; 3) note in the City Council Staff report that the Planning Commission received information on the day of the meeting that raised additional questions that they would like to have the opportunity to address with the purpose of furthering the Council’s goal of public safety and fire protection; and 4) a Joint meeting with City Council be held in order to address additional issues not fully explored during the Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried 3-1, Vice Chair Mazza dissenting and Chair Jennings absent.

The Commission directed questions to staff.

ITEM 6 OLD BUSINESS

A. Three-Month Update on the Effectiveness of the Traffic and Circulation Measures Implemented at Malibu Elementary School
Location: 6955 Fernhill Drive
APN: 4466-012-900
Owner: Santa Monica-Malibu Unified School District
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Receive and file.

Planning Director Blue presented the staff report.

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received and filed the Planning Director’s report on the Three-Month Update on the Effectiveness of the Traffic and Circulation Measures Implemented at Malibu Elementary School.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.
ADJOURNMENT

MOTION At 11:24 p.m., Commissioner Marx moved and Vice Chair Mazza seconded a motion to adjourn the meeting. The motion carried 4-0, Chair Jennings absent.

Approved and adopted by the Planning Commission of the City of Malibu on _________________.

__________________________
JEFFREY JENNINGS, Chair

ATTEST:

__________________________
KATHLEEN STECKO, Recording Secretary
CALL TO ORDER

Chair Jennings called the meeting to order at 6:30 p.m.

ROLL CALL

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

PRESENT: Chair Jeffrey Jennings; Vice Chair John Mazza; and Commissioners Kraig Hill, Chris Marx (arrived at 6:32 p.m.), and Steve Uhring

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Rob Duboux, Public Works Director/City Engineer; Raneika Brooks, Associate Planner; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Lilly Rudolph, Contract Planner; Kathleen Stecko, Senior Office Assistant; and Jessica Thompson, Associate Planner

PLEDGE OF ALLEGIANCE

Assistant City Attorney Rusin led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on November 21, 2019.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item No. 5.B. to a date uncertain. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on the Woolsey Fire Rebuild Process

Assistant Planning Director Mollica provided an update on the Woolsey Fire rebuild process.

ITEM 2.A. PUBLIC COMMENTS

None.
ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Uhring, Planning Director Blue and Assistant City Attorney Rusin stated the City’s acceptance of Parcel C and $500,000 that was part of the development agreement for the La Paz project was scheduled to be considered at the December 9, 2019 Regular City Council meeting and would not impact the proposed amendment to the coastal development permit that was tentatively scheduled to be considered by the Planning Commission on January 21, 2020.

In response to Commissioner Hill, Planning Director Blue stated one of the submittal requirements for a water well was a report by a geotechnical expert that dealt with environmental effects including cumulative impacts. She stated the Planning Department did not have a map or database illustrating groundwater information.

Planning Director Blue stated the City Council adopted an ordinance to augment Code Enforcement tools, as well as the Westward Beach improvement amendment, and introduced on first reading the farmers market offsite parking ordinance at the recent November 25, 2019 Regular City Council meeting. She announced the City Council would hold a Special Meeting starting at 5:00 p.m. on Tuesday, December 3, 2019 to address a short-term rental ordinance and at the City Council’s regular meeting on Monday, December 9, 2019, an ordinance for a ban on anti-coagulant rodenticides would be considered. She reminded the Commission the next Planning Commission meeting would be held on Monday, January 6, 2020, since the December 16, 2019 meeting would be cancelled.

ITEM 3 CONSENT CALENDAR

Item No. 3.A.1. was pulled by a member of the public.

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the Consent Calendar except for Item No. 3.A.1. The motion carried unanimously.

The Consent Calendar consisted of the following items:

B. New Items
1. Administrative Coastal Development Permit No. 12-027 – An application for the construction of a new water well for irrigation of existing landscape on a property developed with a single-family residence and associated development
   Location: 30065 Pacific Coast Highway, not within the appealable coastal zone
   APN: 4469-024-048
   Owners: Jan Stevens and Stephen Graham
   Case Planner: Associate Planner Brooks, 456-2489, ext. 276
   Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 12-027.
2. **Approval of Minutes**

   Recommended Action: Approve the minutes for the October 7, 2019 Adjourned Regular Planning Commission meeting and the November 4, 2019 Regular Planning Commission meeting.

The following item was pulled from the Consent Calendar for individual consideration:

**A. Previously Discussed Items**

1. **Coastal Development Permit No. 18-002 — An application for an interior and exterior remodel of a single-family residence and associated development** *(Continued from November 4, 2019)*

   - **Location:** 20238 Piedra Chica Road, not within the appealable coastal zone
   - **APN:** 4450-013-084
   - **Owners:** Reza Nebavi and Maryam Akbar
   - **Case Planner:** Associate Planner Thompson, 456-2489, ext. 280

   **Recommended Action:** Adopt Planning Commission Resolution No. 19-25 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

   Associate Planner Thompson presented the staff report.

   The Commission directed questions to staff.

   As there were no further questions for staff, Chair Jennings opened public comment.

   - **Speakers:** Jo Drummond, Rosemarie Ihde, Christopher Cunningham (Juergen Cords, Gerhard Ihde, and Colin Drummond deferred time to Mr. Cunningham), Dan Allen, and Norman Haynie.

   As there were no other speakers present, Chair Jennings closed public comment.

   **MOTION**

   Commissioner Hill moved to direct staff to return with a resolution denying Coastal Development Permit No. 18-002, an application for an interior and exterior remodel of a single-family residence and associated development on the basis that Finding D.1. could not be made pertaining to the stability of the site, in addition to the definition of gross floor area calculation as it pertains to the allowable addition size. The motion died due to lack of second.
MOTION
Chair Jennings moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 19-25 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

The Commission discussed the motion.

FRIENDLY AMENDMENT
Chair Jennings amended the motion to have the addition calculation rounded down. The amendment was accepted by the seconder.

The Commission discussed the amendment.

The amendment was withdrawn by the maker and the seconder.

FRIENDLY AMENDMENT
Chair Jennings amended the motion to have the addition calculation rounded up. The amendment was accepted by the seconder.

The Commission discussed the amendment.

The question was called and the amended motion carried 3-2, Commissioners Hill and Marx dissenting.

ITEM 4 CONTINUED PUBLIC HEARINGS
None.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-018, and Variance Nos. 19-011 and 19-013 — An application for the construction of roadway improvements and associated development
Location: 23800.5 Civic Center Way, within the public right-of-way, 4000 Malibu Canyon Road, and 23800 Civic Center Way, within the appealable coastal zone
APNs: 4458-020-904, 4458-020-900, 4458-030-007 and 4458-028-901
Owner: City of Malibu
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Adopt Planning Commission Resolution No. 19-72 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-018 for the construction of roadway improvements along Civic Center Way between Malibu Canyon Road and Webb Way, along Webb Way between Civic Center Way and Pacific Coast Highway, and on the adjacent City-owned Triangle parcel (APN 4458-020-904, 23800 Civic Center Way) to widen and improve the profile of the roadway; install sidewalks, bicycle lanes, landscaping, fencing, water quality treatment devices, and traffic control signage; add a turn lane from Civic Center Way to Webb Way; and temporary staging on the City-owned Triangle parcel (APNs 4458-020-904 and 4458-020-900, 23800 Civic Center Way); including two variances, one for construction within the 100-foot Environmentally Sensitive Habitat Area buffer and one for a retaining wall in excess of six feet in height (up to 13.5 feet) located in the public right-of-way and in the Commercial General (CG) and Commercial Visitor Serving—Two zoning districts at 23800.5 Civic Center Way, 4000 Malibu Canyon Road and 23800 Civic Center Way (City of Malibu and Green Acres, LLC).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioners Hill and Uhring, and Vice Chair Mazza.

As there were no questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Meril May, Patt Healy, and Norman Haynie.

As there were no other speakers present, Chair Jennings closed the public comment portion of the public hearing.

The Commission directed questions to staff.

Chair Jennings reopened the public comment portion of the public hearing to recognize and allow additional public speaker Ryan Embree to express his views.

As there were no other speakers present, Chair Jennings closed the public comment portion of the public hearing.

The Commission directed questions to staff.

MOTION Chair Jennings moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 19-72, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-018 for the construction of roadway improvements along Civic Center Way between Malibu Canyon Road and Webb Way, along Webb Way between Civic Center Way and Pacific Coast Highway, and on the adjacent City-owned Triangle parcel (APN 4458-020-904, 23800 Civic Center Way) to widen and improve the profile of the roadway; install sidewalks, bicycle lanes, landscaping, fencing, water quality treatment devices, and traffic control signage; add a turn lane from Civic Center Way to Webb Way; and temporary staging on the City-owned Triangle parcel (APNs 4458-020-904 and 4458-020-900, 23800 Civic Center Way); including two variances, one for construction within the 100-foot Environmentally Sensitive Habitat Area buffer and one for a retaining wall in excess of six feet in height (up to 13.5 feet) located in the public right-of-way and in the Commercial General (CG) and Commercial Visitor Serving—Two zoning districts at 23800.5 Civic Center Way, 4000 Malibu Canyon Road and 23800 Civic Center Way (City of Malibu and Green Acres, LLC).
control signage; add a turn lane from Civic Center Way to Webb Way; and temporary staging on the City-owned Triangle parcel (APNs 4458-020-904 and 4458-020-900, 23800 Civic Center Way); including two variances, one for construction within the 100-foot Environmentally Sensitive Habitat Area buffer and one for a retaining wall in excess of six feet in height (up to 13.5 feet) located in the public right-of-way and in the Commercial General (CG) and Commercial Visitor Serving–Two zoning districts at 23800.5 Civic Center Way, 4000 Malibu Canyon Road and 23800 Civic Center Way (City of Malibu and Green Acres, LLC); 2) recommended the City Council direct staff to study and mitigate any traffic impacts on Malibu Canyon Road that result from the project; 3) the retaining wall on the north side of Civic Center Way shall have a rock wall texture and shall have at least 50 percent coverage with vegetation; 4) any new or replacement streetlights in the project shall be consistent with dark sky guidelines for street lights described in the document prepared by Jim Benya and submitted during the December 2, 2019 Planning Commission meeting; 5) the proposed safety railing on the retaining wall on the north side of Civic Center Way shall be removed from the project plans; 6) the project plans shall be revised to include a Class II bicycle lane from the intersection of Civic Center Way and Webb Way as far west as feasible; and 7) the project plans shall be revised to replace the colored concrete for the sidewalk with decomposed granite material.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

RECESS At 9:24 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 9:34 p.m. with all Commissioners present.

B. Administrative Plan Review No. 19-128, Variance No. 19-044, and Site Plan Review No. 19-064 – An application for additions and improvements to an existing single-family residence with an attached two-car garage, and associated development

Location: 6767 Wandermere Road
APN: 4468-007-004
Owner: 1346 AK, LLC
Case Planner: Assistant Planner Eng, 456-2489, ext. 372
Recommended Action: Continue this item to a date uncertain.

The item was continued to a date uncertain upon approval of the agenda.

C. Coastal Development Permit No. 17-119, Variance No. 19-038, Demolition Permit No. 18-010, and Code Violation No. 19-055 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development

Location: 30708 Pacific Coast Highway, within the appealable coastal zone
APN: 4469-026-009
Owner: Klein Family Partnership
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Adopt Planning Commission Resolution No. 19-62 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-119 for the demolition of a 3,153 square foot, two-story single-family residence and associated development and construction of a new 6,120 square foot, two-story single-family residence, a 680 square foot attached garage, swimming pool, spa, decks, permeable driveway, driveway gate and other associated development, and replacement of the onsite wastewater treatment system; including Variance No. 19-038 for the reduction of the required 100-foot buffer from an Environmentally Sensitive Habitat Area (Trancas Creek) and Demolition Permit No. 18-010 for the demolition of the existing residence and associated development located in the Single-Family Medium Density zoning district at 30708 Pacific Coast Highway (Klein Family Partnership).

Associate Planner Brooks presented the staff report.

Disclosures: Commissioners Hill, Marx, and Uhring, Vice Chair Mazza, and Chair Jennings.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Steve Kent, Norman Haynie, and Diana Klein.

As there were no other speakers present, Chair Jennings closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff, Mr. Kent, and Reg Browne.

MOTION Commissioner Hill moved and Vice Chair Mazza seconded a motion to deny Coastal Development Permit No. 17-119, Variance No. 19-038, Demolition Permit No. 18-010, and Code Violation No. 19-055, an application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development based upon how the development area was calculated for the parcel size.

The Commission directed questions to staff.

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 19-62, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-119 for the demolition of a 3,153 square foot, two-story single-family residence and associated development and construction of a new 6,120 square foot, two-story single-family residence, a 680 square foot attached garage, swimming pool, spa, decks, permeable driveway, driveway gate and other associated development, and replacement of the onsite wastewater treatment system; including Variance No. 19-038 for the reduction of
the required 100-foot buffer from an Environmentally Sensitive Habitat Area (Trancas Creek) and Demolition Permit No. 18-010 for the demolition of the existing residence and associated development located in the Single-Family Medium Density zoning district at 30708 Pacific Coast Highway (Klein Family Partnership); and 2) update Condition 3 to reflect the correct grading plans date of April 2, 2019.

The Commission discussed the motion.

The question was called and the alternate motion carried 4-1, Commissioner Hill dissenting.

D. 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

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. 19-61, determining the project is categorically exempt from the California Environmental Quality Act and approving 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).

Principal Planner Fernandez presented the staff report.

Disclosures: Commissioners Hill and Uhring, Vice Chair Mazza, and Chair Jennings.

As there were no questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speaker: John Henning.

As there were no other speakers present, Chair Jennings closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.
Additional Disclosures: Commissioner Hill, Vice Chair Mazza, and Chair Jennings.

The Commission directed questions to staff, Mr. Henning, and Adin Dunning.

**MOTION** Vice Chair Mazza moved and Commissioner Uhring seconded a motion directing staff to return with a resolution denying 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, based on not being able to make the findings for the variance and site plan review requests.

The Commission discussed the motion.

The question was called and the motion carried 4-1, Chair Jennings dissenting.

**ITEM 6** OLD BUSINESS

None.

**ITEM 7** NEW BUSINESS

None.

**ITEM 8** PLANNING COMMISSION ITEMS

None.

**ADJOURNMENT**

**MOTION** At 11:24 p.m., Vice Chair Mazza moved and Commissioner Marx seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission of the City of Malibu on ________________.

JEFFREY JENNINGS, Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary