Amended Malibu Planning Commission
Regular Meeting Agenda

Monday, March 2, 2020
6:30 p.m.
City Hall – Council Chambers
23825 Stuart Ranch Road

Call to Order – Chair
Roll Call – Recording Secretary
Pledge of Allegiance
Approval of Agenda

Report on Posting of Agenda – February 21, 2020; Amended Agenda posted on February 26, 2020

1. Ceremonials / Presentations

   A. Administration of Oath of Office to Newly Appointed Commissioner

   B. 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. 19-003 and Demolition Permit No. 19-024 – A follow-up application for soldier pile bluff stabilization and associated development, plus denial of additional soldier pile installation (Continued from February 18, 2020)

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: Adopt Planning Commission Resolution No. 20-19 determining the project is categorically exempt from the California Environmental Quality Act, and approving in part Coastal Development Permit No. 19-003 and Demolition Permit No. 19-024 to allow the construction of 20 soldier piles tied together by a grade beam and demolition of a portion of the existing single-family residence, which took place under Emergency Coastal Development Permit No. 15-009 and installation of a permanent wall at the demolished portion of the house, and denying the construction of 14 additional soldier piles, located in the Rural Residential-One Acre zoning district at 28820 Cliffside Drive (TES Trust).

2. **Coastal Development Permit No. 17-071 and Site Plan Review No. 17-036 - An application for an interior and exterior remodel of, and addition to, an existing single-family residence (Continued from February 18, 2020)**

Location: 33608 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-021-010
Owner: Michael Price
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 20-11 determining the project is categorically exempt from the California Environmental Quality Act, and denying Coastal Development Permit No. 17-071 for an interior and exterior remodel and addition to a two-story 2,547 square foot single-family residence in the Rural Residential Two-Acre zoning district located at 33608 Pacific Coast Highway (Price).

3. **Coastal Development Permit No. 13-054, Lot Line Adjustment No. 18-001, Variance Nos. 19-022 and 19-023, Site Plan Review Nos. 13-053 and 13-054, and Demolition Permit No. 19-048 – An application for a lot line adjustment and the construction of a new single-family residence (Continued from February 18, 2020)**

Locations: 3469 and 3441 Cross Creek Road, within the appealable coastal zone
APNs: 4458-023-003 and 4458-023-004
Owner: Malibu Realty, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 20-16 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-054 to construct a new 5,056 square foot, single-story, single-family residence with a 920 square foot basement, landscaping, riparian habitat restoration, Lot Line Adjustment No. 18-001 to allow for a lot line adjustment between 3469 and 3441 Cross Creek Road, Variance No. 19-022 to allow for unenclosed parking to replace enclosed parking, Variance No. 19-023 to allow for the proposed residence’s fuel modification to extend into the required Environmentally Sensitive Habitat Area buffer, Site Plan Review No. 13-053 to allow for a 28-foot tall pitched roof, Site Plan Review No. 13-054 to allow for construction on slopes steeper than 3:1 but flatter than 2.5:1, and Demolition Permit No. 19-048 to
allow for the demolition of an existing accessory structure located in the Rural Residential-Five Acre zoning district at 3469 and 3441 Cross Creek Road (Malibu Realty, LLC).

4. **Conditional Use Permit No. 19-008 – An application for a conditional use permit to allow the operation of a new in-store wine tasting area located within an existing retail space in the Malibu Village shopping center, with no new square footage to be added (Continued from February 18, 2020)**

   **Location:** Wine Apothecary, LLC  
   **Property Owner:** Jamestown Premier Malibu Village LP  
   **Location:** 3822 Cross Creek Road, Unit 3822  
   **APN:** 4452-011-042  
   **Case Planner:** Assistant Planner Eng, 456-2489, ext. 372  

   **Recommended Action:** Adopt Planning Commission Resolution No. 20-08 determining that the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 19-008 to allow the operation of a new in-store wine tasting area including a California Department of Alcoholic Beverage Control License Type 2 (Winegrower) for onsite sale, service and consumption of alcohol (Apothecary Wines), in a 190 square foot “shop-in-shop” space within the existing 4,033 square foot “Fred Segal” retail store, in the Malibu Village shopping center located at 3822 Cross Creek Road, Unit 3822, in the Commercial Visitor Serving zoning district, and authorizing the Planning Director to submit a Letter of Public Convenience or Necessity (Jamestown Premier Malibu Village LP).

B. **New Items**

1. **Formula Retail Clearance No. 20-001 – Malibu Country Mart Shopping Center**

   **Location:** 3835 Cross Creek Road, Unit C  
   **APN:** 4458-020-014  
   **Owner:** 3835 Cross Creek, LLC  
   **Tenant:** Seed Heritage  
   **Case Planner:** Associate Planner Thompson, 456-2489, ext. 280  

   **Recommended Action:** Receive and file the Planning Director’s report on Formula Retail Clearance No. 20-001.

2. **Administrative Coastal Development Permit Woolsey Fire No. 19-004, Site Plan Review Nos. 19-102 and 19-126, and Minor Modification No. 19-014 – An application for the construction of a new single-family residence including a semi-detached garage, detached square-foot second unit, after-the-fact sport court with fencing, landscape, hardscape, and retaining walls; grading; and installation of a new onsite wastewater treatment system and associated development**

   **Location:** 30130 Cuthbert Road, not within the appealable coastal zone  
   **APN:** 4469-044-003  
   **Owner:** The Dean and Graulich Trust  
   **Case Planner:** Assistant Planner Kendall, 456-2489, ext. 301
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit Woolsey Fire No. 19-004.

3. **De Minimis Waiver No. 19-011 — An application for a new onsite wastewater treatment system**

   Location: 5819 Filaree Heights, not within the appealable coastal zone  
   APN: 4469-014-012  
   Owner: K. S. Mattson Partners, LP  
   Case Planner: Contract Planner Shah, 456-2489, ext. 385

   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-011 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

4. **Continued Public Hearings**

   A. **Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 - An Amendment to the Local Coastal Program and Title 17 (Zoning) of the Malibu Municipal Code to Update Accessory Dwelling Unit Regulations (Continued from February 18, 2020)**

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

   Recommended Action: Continue the item to the March 16, 2020 Regular Planning Commission meeting.

   B. **Coastal Development Permit No. 19-047, Code Violation No. 20-004 and Demolition Permit No. 19-044 – An application for new landscaping and hardscaping including the relocation of a swimming pool and demolition of development implemented without the benefit of permit (Continued from February 18, 2020)**

   Location: 29208 Cliffside Drive, within the appealable coastal zone  
   APN: 4468-001-003  
   Owner: Timara Limited, LLC  
   Case Planner: Assistant Planner Kendall, 456-2489, ext. 301

   Recommended Action: Adopt Planning Commission Resolution No. 20-26 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-047 to allow the demolition of the existing swimming pool, hardscaping, and ficus trees constructed or planted without the benefit of permit; construction of a new steel trellis, retaining walls, outdoor dining area, hardscaping, swimming pool, spa, and pool equipment area; and new landscaping; including Demolition Permit No. 19-044 for the demolition of those improvements implemented without the benefit of permit at the existing single-family residence located in the Rural Residential-One Acre zoning district at 29208 Cliffside Drive (Timara, LLC).
5. New Public Hearings

A. Coastal Development Permit No. 20-010 – An application to implement a parking management plan through installation of regulatory signage with staggered overnight parking limitations on both sides of Pacific Coast Highway in the Las Tunas Beach area

Location: Within the public right-of-way of Pacific Coast Highway between the west edge of the Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway

Owner: California Department of Transportation (Caltrans)

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 20-32 determining the project is exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-010 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 460 in the Las Tunas area along Pacific Coast Highway (PCH) so that no parking is allowed in the public right-of-way on the landward side between 12:00 a.m. and 2:00 a.m. and on the seaward side between 2:00 a.m. and 4:00 a.m., located in the public right-of-way between west edge of the Pena Canyon drainage outfall to the east property line of 19562 PCH (Caltrans).

B. Coastal Development Permit No. 20-011 – An application to implement a parking management plan through the installation of regulatory signage with overnight parking limitations on both sides of Pacific Coast Highway between the Malibu Pier crosswalk and Sweetwater Canyon Road

Location: Within the public right-of-way of Pacific Coast Highway between the west boundary of Sweetwater Canyon Road and the west boundary of the crosswalk at the Malibu Pier

Owner: California Department of Transportation

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Continue this item to the March 16, 2020 Regular Planning Commission meeting.

C. Coastal Development Permit No. 14-012, and Variance Nos. 14-002 and 14-003 - An application to widen a segment of West Sea Level Drive at 31848 Broad Beach Road and 31885 Sea Level Drive and associated development

Parcel 1: Location / APN: 31848 Broad Beach Road / 4470-026-001

Owners: Karl S. And Cynthia L. Handy Reinecker

Parcel 2: Location / APN: 31885 Sea Level Drive / 4470-026-003

Owner: Kiefer Family Trust

Parcel 3: Location / APN: Private Right-of-Way / 4470-021-008

Owner: Malibu Encinal Home Owners Association (MEHOA)

Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 20-22, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-012 to allow widening of an existing 12-foot wide access road between Broad Beach Road and West Sea Level Drive to 20 feet to
improve emergency access and add a new vehicular turnaround, landscaping, grading, retaining wall, privacy wall, fencing, bicycle racks and two new entry keypads, including Variance (VAR) No. 14-002 for development on slopes steeper than 2.5 to 1 and VAR No. 14-003 for a privacy wall in the side yard setback up to eight feet in height, located in the public and private right-of-way and in the Single-Family Medium Zoning District, located at 31848 Broach Beach Road and 31885 Sea Level Drive (Reinecker, Kiefer, and MEHOA).

D. Coastal Development Permit No. 17-001, Variance No. 19-004 and Site Plan Review No. 17-005 – An application for the construction of a new single-family residence and associated development

Location: 5924 Zumirez Drive, within the appealable coastal zone
APN: 4467-008-034
Owner: Izad Family Trust
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 20-30 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-001 to construct a new 7,759 square foot, two-story, single-family residence with a 2,094 square foot subterranean garage, roof-top deck and elevator, swimming pool, spa, decks, landscaping, hardscape, retaining walls, fire department turnaround, driveway improvements, stormwater detention tank, drainage improvements and new onsite wastewater treatment system; including Variance No. 19-004 for construction on slopes steeper than 2.5 to 1 and Site Plan Review No. 17-005 for construction up to 24 feet with flat roofs for the single-family residence and 28 feet with a pitched roof for the elevator shaft located in the Rural Residential-Five Acre zoning district at 5924 Zumirez Drive (Izad Family Trust).

E. 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)

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: Adopt Planning Commission Resolution No. 20-31 determining the project is categorically exempt from the California Environmental Quality Act and approving Conditional Use Permit Amendment (CUPA) No. 19-003, amending Conditional Use Permit No. 06-010, which was previously amended by CUPA Nos. 12-004 and 15-002, to now allow the restaurant use to have amplified sound, modify the current hours of operation, and allow alcohol sales to commence at the same time as food service in the Community Commercial zoning district at 22716 Pacific Coast Highway (Soho Little Beach House Malibu).

F. Coastal Development Permit No. 20-008 and Demolition Permit No. 20-003 – An application for an interior and exterior remodel, and exterior site improvements for an existing single-family residence
Location: 33616 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-021-011
Owner: 33616 Malibu, LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 19-29 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-008 and Demolition Permit No. 20-003 to allow for an interior and exterior remodel of an existing single-family residence including, demolition of four percent of exterior walls resulting in a 98-square foot reduction in the size of the existing residence, demolition of existing trellises', demolition of a staircase that was built without the benefit of permits, new metal roof to replace existing roof (no change in roof height or design), new pool, new pool equipment within existing equipment vault, demolition of 1,029-square feet of impermeable surface area, new front yard pedestrian gate (not to exceed 42 inches solid, up to six feet in height), new 18 inch high garden walls, remodel of an existing rear yard deck and railing, and new water features for an single-family residence located in the Rural Residential-Two Acre zoning district at 33616 Pacific Coast Highway (33616 Malibu LLC).

G. Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and 18-010, and Minor Modification No. 18-001 – An application for a new single-family residence and associated development

Location: 33386 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-019-007
Applicant / Owner: 180 PCH, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Continue this item to the April 6, 2020 Regular Planning Commission meeting.

H. Coastal Development Permit No. 14-072, Lot Line Adjustment No. 14-004, Lot Merger No. 17-007, Variance Nos. 17-050, 17-051, 18-001, 18-005, 18-006, and 18-015 – An application for a new single-family residence, associated development, lot merger, and lot line adjustment

Locations: 33398 and 33390 Pacific Coast Highway, within the appealable coastal zone
APNs: 4473-019-005 and -006
Applicant / Owner: 180 PCH, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Continue this item to the April 6, 2020 Regular Planning Commission meeting.
6. **Old Business**

A. **Progress Update on Changes to the Existing Valet and Parking Plan for Nobu Malibu and Soho Little Beach House Malibu (Continued from February 18, 2020)**

Locations: 22706 and 22716 Pacific Coast Highway  
APNs: 4452-004-038 and 4452-004-070  
Owners: Wavebreak, LLC and Malibu Cantina, LLC  
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Receive and file.

7. **New Business**

None.

8. **Planning Commission Items**

None.

**Adjournment**

**Future Planning Commission Meetings**

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<td>Monday, March 16, 2020</td>
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<td>Regular Planning Commission Meeting</td>
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<td>Monday, April 6, 2020</td>
<td>6:30 pm</td>
<td>Regular Planning Commission Meeting</td>
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<td>Monday, April 20, 2020</td>
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<td>Monday, May 4, 2020</td>
<td>6:30 pm</td>
<td>Regular Planning Commission Meeting</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 26th day of February 2020 at 4:30 p.m.

Kathleen Stecko, Administrative Assistant