



Commission Agenda Report

Planning Commission
Adjourned Meeting
04-06-20

**Item
3.B.1.**

To: Chair Jennings and Members of the Planning Commission

Prepared by: Kathleen Stecko, Administrative Assistant

Approved by: Bonnie Blue, Planning Director

Date prepared: March 26, 2020 Meeting date: April 6, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the February 18, 2020 Regular Planning Commission meeting.

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

ATTACHMENT: February 18, 2020 Regular Planning Commission Meeting

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 18, 2020
COUNCIL CHAMBERS
6:30 P.M.

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, and Steve Uhring

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Cleavenger, Associate Planner; Richard Mollica, Assistant Planning Director; and Kathleen Stecko, Administrative Assistant

PLEDGE OF ALLEGIANCE

Dennis Smith led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on February 7, 2020.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item Nos. 3.A.1. and 4.A. to the March 2, 2020 Regular Planning Commission meeting. 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

Douglas Burdge commented on fire rebuilds stating that persons attempting to rebuild their homes are encountering insurance challenges and commended Environmental Services Director Yolanda Bundy on her valuable contributions to the City of Malibu's efforts to facilitate the processing of fire rebuild applications.

Norman Haynie stated City fee waivers only provide partial financial relief due to the many costs the City does not pay for, such as the owner's retention of specialists to do work that the City then reviews and those costs need to be worked out with the owners' insurance companies.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Uhring, Planning Director Blue stated the City's coastal engineering staff was developing guidelines for wave uprush studies and the California Coastal Commission has a grant program for encouraging Cities to update their Local Coastal Programs related to sea level rise and resiliency, but in the meantime, current standards apply.

In response to Commissioner Marx question regarding reduced fee timing and rights to build, Assistant Planning Director Mollica stated fee waivers were specific to homeowners who occupied the home at the time of the fire and intend to rebuild and occupy the newly built home and that there was a two-year grandfathering period to obtain a Planning Approval to allow the ability to maintain current nonconformities which run with the property and four years to obtain a Building Safety Permit.

In response to Vice Chair Mazza, Planning Director Blue stated applicants were being apprised of what standards would be applicable. In response to Commissioner Hill, she stated housing laws pertaining to accessory dwelling units (ADU) were being factored into the draft ADU regulations and were balancing the State housing requirements and the State Coastal Act.

Planning Director Blue stated Wildlife Protection Plan Workshops would be held on February 20, 2020 and February 22, 2020. In addition, public hearings will be held at multiple City Council meetings to give the opportunity to comment on the question of Malibu converting to holding district elections for City Council rather than at-large elections, and more information was available on the City's website. She stated a new voting system would be utilized this year with multiple dates and locations, a Special Planning Commission meeting would be held on Monday, March 30, 2020 to discuss Short-term Rentals, and the Temporary Skate Park project did not get appealed. Finally, she announced Associate Planner Jessica Cleavenger would be leaving the City for another employment opportunity.

ITEM 3 CONSENT CALENDAR

Item No. 3.A.1. was continued to the March 2, 2020 Regular Planning Commission meeting upon approval of the agenda, Item No. 3.B.1. was pulled by Vice Chair Mazza, and Item No. 3.B.2. was pulled by Commissioner Hill.

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, plus additional soldier pile installation and associated development (Continued from February 3, 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 Coastal Development Permit No. 19-003 to approve 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 (ECDP) No. 15-009 and a permanent wall at the demolished portion of the house, including Demolition Permit No. 19-024 to memorialize the demolition which took place under ECDP No. 15-009, and denying the request for construction of 14 additional soldier piles, located in the Rural Residential-One Acre zoning district at 28820 Cliffside Drive (TES Trust).

The item was continued to the March 2, 2020 Regular Planning Commission meeting upon approval of the agenda.

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

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the January 21, 2020 and February 3, 2020 Regular Planning Commission meetings.

The Commission directed questions to staff.

Commissioner Marx moved and Vice Chair Mazza seconded a motion to approve the minutes for the February 3, 2020 Regular Planning Commission meeting as presented by staff and approve the January 21, 2020 Regular Planning Commission meeting, as amended to add “outdoor” to the phrase “service area” in the condition in section 4 of Item No. 4.A.

The Commission discussed the motion.

The motion carried unanimously.

ITEM 2.A. PUBLIC COMMENTS (Continued)

Mr. Haynie commented on the continued Item No. 3.A.1., stating the additional 14 piles proposed would allow the house to be occupied and that they would never be exposed, and expressed his desire to work with staff to address the concerns of the Commission.

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

B. New Items

2. Administrative Coastal Development Permit Woolsey Fire No. 19-006 – An application to replace the existing onsite wastewater treatment system to serve a non-beachfront single-family residence that was destroyed by the 2018 Woolsey Fire and will be rebuilt under a separate application

Location: 30042 Andromeda Lane, not within the appealable coastal zone

APN: 4469-004-008

Owner: 30042 Andromeda Lane, LLC

Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit Woolsey Fire No. 19-006.

The Commission directed questions to staff.

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

Disclosures: None.

Speaker(s): None.

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

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on the approval of Administrative Coastal Development Permit Woolsey Fire No. 19-006, an application to replace the existing onsite wastewater treatment system to serve a non-beachfront single-family residence that was destroyed by the 2018 Woolsey Fire and will be rebuilt under a separate application (30042 Andromeda Lane) (Assistant Planner Eng).

ITEM 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 3, 2020)

Location: Citywide

Applicant: City of Malibu

Case Planner: Planning Director Blue, 456-2489, ext. 258

Recommended Action: Continue this item to the March 2, 2020 Regular Planning Commission meeting.

The item was continued to the March 2, 2020 Regular Planning Commission meeting upon approval of the agenda.

B. 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 3, 2020)

Location: 33608 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-021-010

Owner: Michael Price

Case Planner: Associate Planner Cleavenger, 456-2489, ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 20-11 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and 1,159 square feet of additions to, an existing 2,547 square foot, two-story, single-family residence, involving 15 percent demolition of exterior walls; including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs for the residence located in the Rural Residential-Two Acre zoning district at 33608 Pacific Coast Highway (Price).

Associate Planner Cleavenger 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: Douglas Burdge and Norman Haynie.

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 and Drew Purvis.

MOTION Vice Chair Mazza moved and Commissioner Hill seconded a motion directing staff to return with a resolution on the Consent Calendar denying 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 based upon failure to comply with the two-thirds rule and the inability to make the neighborhood character finding required by the site plan review.

The Commission discussed the motion.

The question was called and the motion carried 3-2, Commissioner Marx and Chair Jennings dissenting.

- C. 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 3, 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 (VAR) No. 19-022 to allow for unenclosed parking to replace enclosed parking, VAR 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 (SPR) No. 13-053 to allow for a 28-foot tall pitched roof, SPR 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).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Hill, Marx, 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: Mr. Purvis.

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 and Mr. Purvis.

MOTION

Vice Chair Mazza moved and Commissioner Uhring seconded a motion directing staff to return with a resolution on the Consent Calendar: : 1) determining the project is categorically exempt from the California Environmental Quality Act; 2) 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 (VAR) No. 19-022 to allow for unenclosed parking to replace enclosed parking, VAR 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

(SPR) No. 13-053 to allow for a 28-foot tall pitched roof, SPR 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; 3) amending the resolution to require a recordation that no future lot division be allowed; and 4) an archaeologist would be required to be present during excavation.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

- A. 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

Applicant: 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 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 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-One zoning district, and authorizing the Planning Director to submit a Letter of Public Convenience or Necessity (Jamestown Premier Malibu Village LP).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Hill, Marx, 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.

Speakers: William Dim, Molly Segal, and Dennis Smith.

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. Dim, and Stacey Spigel Dim.

MOTION Chair Jennings moved and Commissioner Uhring seconded a motion directing staff to return with a resolution on the Consent Calendar: 1) determining the project is categorically exempt from the California Environmental Quality Act; 2) approving Conditional Use Permit No. 19-008 to allow the operation of a new 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-One zoning district, and authorizing the Planning Director to submit a Letter of Public Convenience or Necessity (Jamestown Premier Malibu Village LP); 3) requiring a physical boundary to be located on all sides; and 4) a limitation of signage for the use to the south elevation, immediately adjacent to the main entrance.

The Commission discussed the motion.

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

RECESS At 9:45 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 9:55 p.m. with all Commissioners present.

B. Master Sign Program No. 19-001 and Minor Modification Nos. 20-003 and 20-004 – An application for a new master sign program with minor modifications to monument sign height and minimum sign separation distance

Location: 3939 Cross Creek Road, Malibu Lumber Yard

APN: 4458-020-903

Applicant: WPG Malibu, LLC

Owner: City of Malibu

Case Planner: Planning Technician Coronel, 456-2489, ext. 373

Recommended Action: Adopt Planning Commission Resolution No. 20-21 determining the project is categorically exempt from the California Environmental Quality Act, and approving Master Sign Program No. 19-001 for the Malibu Lumber Yard, including Minor Modification (MM) No. 20-003 to allow for a new monument sign measuring seven feet and six inches in height where six feet in height is allowed, and MM No. 20-004 to allow for a three foot separation between signs where a six-foot separation is required at an existing commercial shopping center located in the Commercial Visitor-Serving-One zoning district at 3939 Cross Creek Road (City of Malibu).

Planning Technician Coronel presented the staff report.

Disclosures: Commissioners Hill, Marx, 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: James Arnone.

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 and Mr. Arnone.

MOTION Commissioner Uhring moved and Vice Chair Mazza seconded a motion directing staff to return with a resolution on the Consent Calendar: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Master Sign Program No. 19-001 for the Malibu Lumber Yard, including Minor Modification (MM) No. 20-003 to allow for a new monument sign measuring seven feet and six inches in height where six feet in height is allowed, and MM No. 20-004 to allow for a three foot separation between signs where a six-foot separation is required at an existing commercial shopping center located in the Commercial Visitor-Serving-One zoning district at 3939 Cross Creek Road (City of Malibu); 3) remove the Existing Conditions section on Pages 1 through 7; 4) clarify that this supersedes the current master sign program; and 5) add a condition stating that signage and the building shall comply with the Dark Sky Ordinance by October 1, 2020, including that signage shall not exceed 3,000 Kelvin and light trespass shall be limited as is required by the ordinance; 6) add a finding for exceptional circumstances and special design; and 7) everything for the existing sign column on Page 26, and everything after the plus mark in the linear frontage column be stricken.

FRIENDLY AMENDMENT

Commissioner Marx amended the motion to have the table pertaining to the primary, secondary, and accessory signs be clarified.

The amendment was accepted by the maker and the seconder.

The Commission discussed the amended motion.

The question was called and the amended motion carried unanimously.

MOTION Vice Chair Mazza moved and Commissioner Uhring a motion to continue Item Nos. 5.C. and 6.A. to the March 2, 2020 Regular Planning Commission meeting. The motion carried 4-1, Commissioner Hill dissenting.

C. 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

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).

The item was continued to the March 2, 2020 Regular Planning Commission meeting.

ITEM 6 OLD BUSINESS

A. Progress Update on Changes to the Existing Valet and Parking Plan for Nobu Malibu and Soho Little Beach House Malibu

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.

The item was continued to the March 2, 2020 Regular Planning Commission meeting.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:57 p.m., Vice Chair Mazza moved and Chair Jennings seconded a motion to adjourn the meeting. The motion carried 4-1, Commissioner Hill dissenting.

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

JEFFREY JENNINGS, Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary