To: Chair Jennings and Members of the Planning Commission

Prepared by: David Eng, Assistant Planner

Reviewed: Bonnie Blue, Planning Director

Date prepared: June 4, 2020

Meeting date: June 15, 2020

Subject: Administrative Plan Review No. 19-143, Variance No. 19-041, Variance No. 19-042, Site Plan Review 19-087, and Site Plan Review No. 19-088 (Continued From May 18, 2020)

Location: 3556 Sweetwater Mesa Road

APN: 4452-017-008

Owner: Michael Thomson

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-39 (Attachment) determining the California Environmental Quality Act does not apply to the project and denying Administrative Plan Review No. 19-143 for construction of a new 900 square foot, four-car garage constructed on piles with a wood wraparound deck and concrete driveway, including Variance (VAR) No. 19-041 for construction on slopes greater than 2-1/2:1, VAR No. 19-042 for a 40.5 percent reduction of the side yard setback, Site Plan Review (SPR) No. 19-087 for a 27 percent reduction of the front yard setback, and SPR No. 19-088 to allow for a 27.25-foot tall pitched roof and 24-foot tall flat roof; at an existing single-family residence located in the Rural Residential-One Acre (RR-1) zoning district at 3556 Sweetwater Mesa Road (Thomson).

DISCUSSION: On May 18, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission voted to direct staff to return with a resolution denying the project and memorializing its findings and decision.

ATTACHMENT: Planning Commission Resolution No. 20-39
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO THE PROJECT AND DENYING ADMINISTRATIVE PLAN REVIEW NO. 19-143 TO CONSTRUCT A NEW 900 SQUARE FOOT, FOUR-CAR GARAGE CONSTRUCTED ON PILES WITH A WOOD WRAPAROUND DECK AND CONCRETE DRIVEWAY, INCLUDING VARIANCE (VAR) NO. 19-041 FOR CONSTRUCTION ON SLOPES GREATER THAN 2-½:1, VAR NO. 19-042 FOR A 40.5 PERCENT REDUCTION OF THE SIDE YARD SETBACK, SITE PLAN REVIEW (SPR) NO. 19-087 FOR A 27 PERCENT REDUCTION OF THE FRONT YARD SETBACK, AND SPR NO. 19-088 TO ALLOW FOR A 27.25-FOOT TALL PITCHED ROOF AND 24-FOOT TALL FLAT ROOF; AT AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED IN THE RURAL RESIDENTIAL-ONE ACRE ZONING DISTRICT AT 3556 SWEETWATER MESA ROAD (THOMSON).

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On September 23, 2019, an application for Administrative Plan Review (APR) No. 19-143, Variance Nos. (VAR) 19-041 and 19-042, and Site Plan Review (SPR) Nos. 19-087 and 19-088 was submitted to the Planning Department by applicant Marny Randall, on behalf of owner Michael Thomson. The application was routed to the City Environmental Health Administrator, City geotechnical staff, Los Angeles County Fire Department (LACFD), and the City Public Works Department for review.

B. On November 7, 2019, Planning Department staff conducted a site visit to document site conditions, the property, and the surrounding area.

C. On February 13, 2020, Planning Department staff deemed the APR application complete for processing.

D. On February 20, 2020, a Planning Department staff published a Notice of Planning Commission Public Hearing in a newspaper of general circulation within the City of Malibu and mailed notices to all property owners and occupants within a 500-foot radius of the subject property.

E. On March 12, 2020, the Regular Planning Commission meeting of March 16, 2020, was adjourned to April 6, 2020, due to the COVID-19 pandemic.

F. On April 6, 2020, the Planning Commission continued this item to a date uncertain.

G. On April 9, 2020, a Planning Department staff published a Notice of Planning Commission Public Hearing for the May 4, 2020, Regular Planning Commission meeting in a newspaper of general circulation within the City of Malibu; however, prior to the publication date, staff, in coordination with the applicant, decided to postpone and re-notice the item for the May 18, 2020, Regular Planning Commission meeting.
H. On April 23, 2020, a Planning Department staff published a Notice of Planning Commission Public Hearing in a newspaper of general circulation within the City of Malibu and mailed notices to all property owners and occupants within a 500-foot radius of the subject property.

I. On May 4, 2020, the Planning Commission received and filed a report indicating that the subject application had been renoticed for the Regular Planning Commission meeting of May 18, 2020.

J. On May 18, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. At the conclusion of the public hearing, the Commission voted 4-0-1 (Commissioner Weil abstaining) to direct staff to return with a resolution on the Consent Calendar denying the application and memorializing its findings and decision.

K. On June 15, 2020, the Planning Commission considered the subject resolution.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.


Based on evidence in the record for the subject project presented at the May 18, 2020, Planning Commission meeting, the Planning Commission hereby makes the following findings denying the application:

A. Variance from Malibu Municipal Code (MMC) Section 17.40.040(A)(6) for more than 20 percent reduction of the side yard setback.

1. Based on the evidence in the record, the Planning Commission is unable make the determination that the granting of the variance would not constitute a special privilege to the property owner (Finding 3). Given that the property is currently developed with a two-car garage consistent with the requirements of the Chapter 17 of the MMC, an additional garage would constitute a special privilege and not a necessary improvement on the property to warrant the reduction of the required side yard setback.
B. Variance from MMC Section 17.40.040(A)(12) to allow construction of structures on slopes of 2-½:1 or greater.

1. The Commission finds that there are no special circumstances or exceptional characteristics applicable to the subject property such that strict application of the zoning ordinance to prevent construction on steep slopes would deprive such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification (Finding 1). The submitted application materials demonstrate the property currently provides two enclosed and two unenclosed parking spaces as required by the MMC and there are options to develop on flatter portion of the property. The Planning Commission determined that the subject property is developed consistent with neighboring properties in area.

2. The granting of the variance would constitute a special privilege to the property owner because the subject property is currently provides the required enclosed parking as required by the MMC, and as required of neighboring properties in the same zone (Finding 3).

3. The Planning Commission determined that the granting of the variance would be in conflict with the general purposes and intent of the MMC, and to the goals, objectives, and policies of the General Plan (Finding 4). The General Plan encourages development consistent with the preservation of the natural topography and does not have provisions for development on slopes of greater than 2 -½:1.

4. The Planning Commission determined that the subject site is not physically suitable for the proposed variance due to its visibility from Pacific Coast Highway, Malibu Pier, and Surfrider Beach (Finding 6).

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED AND ADOPTED this 15th day of June 2020.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary
LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-39 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 15th day of June 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary