



Commission Agenda Report

Planning Commission
Meeting
09-21-20

**Item
3.B.1.**

To: Chair Mazza and Members of the Planning Commission

Prepared by: Kathleen Stecko, Administrative Assistant

Approved by: Bonnie Blue, Planning Director

Date prepared: September 10, 2020 Meeting date: September 21, 2020

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the May 18, 2020, June 1, 2020, and June 15, 2020 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. May 18, 2020 Regular Planning Commission Meeting
2. June 1, 2020 Regular Planning Commission Meeting
3. June 15, 2020 Regular Planning Commission Meeting

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MAY 18, 2020
TELECONFERENCED – VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

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

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Raneika Brooks, Associate Planner; David Eng, Assistant Planner; Adrian Fernandez, Principal Planner; Justine Kendall, Associate Planner; Richard Mollica, Assistant Planning Director; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Administrative Assistant

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on May 11, 2020

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to approve the agenda, continuing Item No. 5.C. to the June 1, 2020 Regular Planning Commission meeting, hearing Item No. 5.E. after the Consent Calendar, and hearing Item No. 5.A. after Item No. 5.D. The question was called and 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

Dean Poshard commented on the diminishing networking opportunities to promote his custom home building business, DGP Innovations, due to the COVID-19 pandemic protocols that call for virtual meetings.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioners Marx, Weil, and Uhring commented on the negative impact short-term rentals had on neighborhoods and public safety, especially during the COVID-19 pandemic.

Commissioner Uhring stated he had heard positive comments about Environmental Services Department Director Yolanda Bundy. He commented on the water stations not being operational in Legacy Park despite the Legacy Park enhancement project.

Vice Chair Mazza stated he would like to see in-person Planning Commission meetings to resume, rather than continuing the teleconference format. He stated the first item that should be addressed at an in-person meeting be short-term rental regulations.

In response to Vice Chair Mazza, Assistant City Attorney Rusin stated Planning Commissioners should inform the City Councilmember who appointed them that they would like to have short-term rentals addressed and suggested Planning Director Blue convey that sentiment to the Council during her report at the next City Council meeting.

Planning Director Blue stated the City was in the process of transitioning to electronic submittals. In response to Commissioner Uhring, she stated the Public Works Department was in charge of the water stations at the park. She announced Assistant Planning Director Mollica would be making contact with the Commissioners on the Friday prior to the meeting rather than the Monday of the meeting.

ITEM 3 CONSENT CALENDAR

The only item on the Consent Calendar was pulled for individual consideration by Commissioner Marx.

A. Previously Discussed Items

None.

B. New Items

1. Administrative Coastal Development Permit Amendment No. 19-009 – An application to upgrade an existing onsite wastewater treatment system serving an existing beachfront multi-family development

Location: 22630 Pacific Coast Highway, within the appealable coastal zone

APN: 4452-003-100

Owner: MALPAC Homeowners Association
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 Amendment No. 19-009.

Disclosures: None.

The Commission directed questions to staff.

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

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 Amendment No. 19-009.

ITEM 5 NEW PUBLIC HEARINGS

- E. Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Variance Nos. 13-042, 13-043, 15-035 and 15-036, Minor Modification No. 13-011 and Demolition Permit No. 20-011 - An application for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards and associated development
Location: 5723 Busch Drive, not within the appealable jurisdiction of the coastal zone
APN: 4469-028-006
Owner: Serra Canyon Co, LTD
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-23 determining the project is consistent with the Lower Busch Tank Negative Declaration previously adopted by the Los Angeles County Board of Supervisors under the California Environmental Quality Act and its addendum, and approving Coastal Development Permit No. 13-040 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing, Conditional Use Permit No. 13-015 for a water tank on a rural residential parcel, Variance (VAR) No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, VAR No. 13-043 for non-view permeable, eight in height fencing within the front yard setback, VAR No. 15-035 for the installation of an 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, VAR No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square

feet, Minor Modification (MM) No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet, and Demolition Permit No. 20-011 for the full demolition of the existing water tank, onsite wastewater treatment system and other associated development located in the Rural Residential–Two Acre Zone District at 5723 Busch Drive (Serra Canyon Co, LTD).

Principal Planner Fernandez presented the staff report.

Disclosures: Commissioner Uhring and Vice Chair Mazza.

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: Mohsen Azouz, David Rydman, and Philip Gillin.

Mr. Rydman provided rebuttal to public comment.

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. Rydman.

MOTION

Vice Chair Mazza moved and Commissioner Weil seconded a motion directing staff to return with a resolution on the Consent Calendar determining the project is consistent with the Lower Busch Tank Negative Declaration previously adopted by the Los Angeles County Board of Supervisors under the California Environmental Quality Act and its addendum, and approving Coastal Development Permit No. 13-040 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing, Conditional Use Permit No. 13-015 for a water tank on a rural residential parcel, Variance (VAR) No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, VAR No. 13-043 for non-view permeable, eight in height fencing within the front yard setback, VAR No. 15-035 for the installation of an 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, VAR No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, Minor Modification (MM) No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet, and Demolition Permit No. 20-011 for the full demolition of the existing water tank, onsite wastewater treatment system and other associated development located in the Rural Residential–Two Acre zoning district; 2) adding a condition requiring Dark Sky Ordinance compliance; 3) requiring the foliage in front of the front fence be removed; requiring there be an energy transfer switch; and 4) allowing the restroom and septic system to remain so long as approval is obtained from the City Environmental Health Administrator.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit No. 17-118, Variance Nos. 20-004 and 20-005, and Demolition Permit No. 20-005 – An application for an upgraded wastewater treatment system and recycled water plant (continued from April 20, 2020)

Location: 28128 Pacific Coast Highway, within the appealable coastal zone

APNs: 4466-001-004 and 4466-001-005

Owner: Paradise Cove Land Company, LLC

Case Planner: Contract Planner Rudolph, 456-2489, ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 20-36 adopting Initial Study No. 20-001 and Mitigated Negative Declaration No. 20-001 and approving Coastal Development Permit No. 17-118 for construction of a wastewater treatment plant consisting of a recycled water plant, a building housing sludge and disinfection equipment, an electrical alcove, retaining walls, and installation of a 1,400-foot long pipeline; including Variance (VAR) No. 20-004 for a greater than 50 percent reduction of the front yard setback for construction of the upgraded wastewater treatment plant, VAR No. 20-005 for construction within an Environmentally Sensitive Habitat Area, and Demolition Permit No. 20-005 for the demolition of two existing onsite wastewater treatment systems located in the Mobile Home Residential and Commercial Visitor Serving-One Zoning Districts at 28128 Pacific Coast Highway (Paradise Cove Land Company, LLC).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioner Uhring and Vice Chair Mazza.

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.

Speaker: Steve Dahlberg.

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 Barbara Bradley.

MOTION Chair Jennings moved and Commissioner Marx seconded a motion to adopt Planning Commission Resolution No. 20-36, as amended: 1) adopting Initial Study No. 20-001 and Mitigated Negative Declaration No. 20-001 and approving Coastal Development Permit No. 17-118 for construction of a wastewater treatment plant consisting of a recycled water plant, a building housing sludge and disinfection equipment, an electrical alcove, retaining walls, and installation of a 1,400-foot

long pipeline; including Variance (VAR) No. 20-004 for a greater than 50 percent reduction of the front yard setback for construction of the upgraded wastewater treatment plant, VAR No. 20-005 for construction within an Environmentally Sensitive Habitat Area, and Demolition Permit No. 20-005 for the demolition of two existing onsite wastewater treatment systems located in the Mobile Home Residential and Commercial Visitor Serving-One zoning districts; and 2) require the Building Official report to the Planning Commission annually every summer certifying that the plant is operating in compliance with the permit.

The Commission discussed the motion.

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

RECESS At 9:10 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 9:20 p.m. with all Commissioners present.

ITEM 5 NEW PUBLIC HEARINGS (continued)

- B. 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 – An application for a new four-car garage and driveway at an existing single-family residence

Location: 3556 Sweetwater Mesa Road

APN: 4452-017-008

Owner: Michael Thomson

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

Recommended Action: Adopt Planning Commission Resolution No. 20-39 determining the project is categorically exempt from the California Environmental Quality Act, and approving 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, and finding that VAR No. 20-011 for the two-thirds rule does not apply; at an existing single-family residence located in the Rural Residential-One Acre zoning district at 3556 Sweetwater Mesa Road (Thomson).

Assistant Planner Eng presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil, 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: Marny Randall, Mike Thompson, and Mark Barrett.

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 Ms. Randall.

MOTION Commissioner Uhring moved and Vice Chair Mazza seconded a motion directing staff to return with a resolution on the Consent Calendar denying 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, an application for a new four-car garage and driveway at an existing single-family residence based upon the inability of the Commission to make Finding 3 on Page 10, Findings 1, 3, and 4 on Page 12, and Finding 6 on page 13.

The Commission discussed the motion

The question was called and the motion carried 4-1, Commissioner Weil abstaining.

- A. Coastal Development Permit No. 15-032, Site Plan Review No. 15-028, and Demolition Permit No. 15-010 – An application for the demolition of an existing one-story, single-family residence and associated development and construction of a new one-story single-family residence and associated development

Location: 6837 Zumirez Drive, within the appealable coastal zone

APN: 4466-003-007

Owner: The James Perse Revocable Trust

Case Planner: Contract Planner Rudolph, 456-2489, ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 20-24 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-032 for the construction of a new 6,912 square foot, one-story single-family residence that includes a 2,354 square foot basement, plus a 720 square foot detached garage, swimming pool, spa, hardscape, landscaping, grading, drainage, fencing, gates, retaining walls, and installation of a new onsite wastewater treatment system (OWTS); including Site Plan Review No. 15-028 for construction in excess of 18 feet up to 24 feet for a flat roof for the residence, and Demolition Permit No. 15-010 for the demolition of an existing single-family residence with an attached garage, guest house, hardscape, walls, and OWTS, located in the Rural Residential-One Acre zoning district at 6837 Zumirez Drive (The James Perse Revocable Trust).

MOTION Chair Jennings moved and Commission Marx seconded a motion to continue Item No. 5.A. to the June 15, 2020 Regular Planning Commission meeting. The question was called and the motion carried unanimously.

- C. Coastal Development Permit No. 14-029, Variance Nos. 19-053 and 20-001, Minor Modification No. 19-015, and Site Plan Review Nos. 19-108 and 20-002 – An application for the construction of a new two-story, single-family residence with an attached garage, basement, and new advanced onsite wastewater treatment system, and grading on a vacant parcel

Location: 24689 Pacific Coast Highway, not within the appealable coastal zone

APN: 4469-041-004

Owner: MLR Malibu, LLC

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

Recommended Action: Receive and file.

The item was continued to the June 1, 2020 Regular Planning Commission meeting upon approval of the agenda.

- D. Coastal Development Permit Amendment No. 19-001, Site Plan Review No. 19-093 and Minor Modification No. 20-007 – An application to amend Coastal Development Permit No. 14-004 to allow adjustments to the interior layout, impermeable coverage, and landscape plans, and exterior massing to the approved single-family residence and associated development

Location: 33728 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-021-004

Owner: EZ-ASP65-Residence, LLC

Case Planner: Associate Planner Kendall, 456-2489, ext. 301

Recommended Action: Adopt Planning Commission Resolution No. 20-38 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit Amendment No. 19-001 amending Coastal Development Permit No. 14-004 to allow adjustments to the previously approved interior layout of the single-family residence, total impermeable coverage, and exterior massing; including Site Plan Review No. 19-093 for construction up to 24 feet, and Minor Modification No. 20-007 for construction within the reduced front yard setback located in the Rural Residential-Two Acre zoning district at 33728 Pacific Coast Highway (EZ-ASP65-Residence, LLC).

Associate Planner Kendall presented the staff report.

Disclosures: Vice Chair Mazza.

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

Speaker: Abby Katcher.

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, Luca Iacovoni, and Whitney Sander.

MOTION Commissioner Weil moved and Commissioner Marx seconded a motion to adopt Planning Commission Resolution No. 20-38 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit Amendment No. 19-001 amending Coastal Development Permit No. 14-004 to allow adjustments to the previously approved interior layout of the single-family residence, total impermeable coverage, and exterior massing; including Site Plan Review No. 19-093 for construction up to 24 feet, and Minor Modification No. 20-007 for construction within the reduced front yard setback located in the Rural Residential-Two Acre zoning district at 33728 Pacific Coast Highway (EZ-ASP65-Residence, LLC).

The Commission discussed the motion and directed questions to staff, Mr. Iacovoni, and Mr. Sander.

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:45 p.m., Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adjourn the meeting. The question was called and the motion carried unanimously.

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

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JUNE 1, 2020
TELECONFERENCED – VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

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

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Jesse Bobbett, Community Services Director; Bonnie Blue, Planning Director; David Eng, Assistant Planner; Justine Kendall, Associate Planner; Richard Mollica, Assistant Planning Director; Kathleen Stecko, Administrative Assistant; Jessica Thompson, Associate Planner; Michael Phipps, Contract Geologist/Coastal Consultant; and Andrew Sheldon, Environmental Sustainability Division Manager

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on May 22, 2020

APPROVAL OF AGENDA

MOTION Commissioner Marx moved and Commissioner Uhring seconded a motion to approve the agenda, continuing Item Nos. 5.C. and 5.D. to the June 15, 2020 Regular Planning Commission meeting.

The Commission discussed the motion.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to continue Item Nos. 5.C. and 5.D. to a date uncertain.

The amendment was accepted by the maker and the seconder.

The question was called and the amended 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

Norman Haynie commented that some projects would be better heard in person rather than as a teleconference and provided ideas for facilitating in-person meetings.

Paul Grisanti commented on vegetation being removed on the Smith property.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Mr. Grisanti, Planning Director Blue stated that once the City received reports of work being done, staff investigated and had the work stopped. In response to Commissioner Uhring, she stated she would check the map to determine whether the Smith property had environmentally sensitive habitat area (ESHA) and development that would require a site specific environmental assessment and any development in the Civic Center would require a wetlands delineation.

Commissioner Uhring and Vice Chair Mazza expressed their desire to have the short-term rental regulation item be addressed at an in-person Planning Commission meeting in the near future.

In response to Vice Chair Mazza, Planning Director Blue stated the task of updating the ESHA maps had been removed from the City's Work Plan for the time being due to limited resources. She stated the lack of an update to the maps did not alter how properties were developed.

In response to Vice Chair Mazza, Planning Director Blue stated the short-term rental item and the accessory dwelling unit (ADU) items were being worked on by staff, along with the other projects that were being processed.

Vice Chair Mazza stated the reports on conditional use permit compliance for Nobu and Soho House were overdue.

Chair Jennings stated in-person meetings should start back up as soon as possible, while still maintaining the teleconference feature so more public participation could be facilitated. He stated if the City failed to pass regulations on ADUs it caused the State regulations to be in effect.

In response to Chair Jennings, Planning Director Blue stated that cities with a Local Coastal Program with regulations more restrictive than the State ADU regulations, they were required to follow the Coastal Act, as the State regulations did not supersede the Coastal Act.

Commissioner Marx stated items drawing larger public participation would be better heard in person.

Commissioner Weil stated given what was happening in the world today, he hoped everyone would do unto others as they would have done unto them.

Planning Director Blue stated the City Council would be addressing the budget at its June 8, 2020 meeting.

Assistant Planning Director Mollica provided an update to the Commission on the impact the COVID-19 pandemic had on the discussions the City was having with Nobu and Soho House. He stated Nobu had indicated that it would keep the City apprised of any reopening plans.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled from the Consent Calendar for individual consideration by Commissioner Uhring and Item No. 3.B.3. was pulled by Commissioner Marx.

MOTION Vice Chair Mazza moved and Commissioner Weil seconded a motion to approve the balance of the Consent Calendar. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. 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
Owner: WPG Malibu, LLC
Case Planner: Planning Technician Coronel, 456-2489, ext. 373
Recommended Action: Adopt Planning Commission Resolution No. 20-21 approving the above mentioned entitlements for the property located at 3939 Cross Creek Road.

B. New Items

1. Extension of Coastal Development Permit No. 15-028, Variance No. 16-016, Site Plan Review No. 16-009, Minor Modification No. 16-010, Conditional Use Permit No. 15-011, and Lot Merger No. 16-001
Location: 4000 Malibu Canyon Road
APNs: 4458-028-015, 4458-028-019, and 4458-030-007

Owner: Green Acres, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-45 granting a two-year extension of Coastal Development Permit No. 15-028 to allow the construction of a new memorial park, including a new 6,000 square foot chapel with 673 square feet of ancillary spaces, 8,002 square foot subterranean parking lot and 1,346 square foot basement, 47 mausoleum structures with a maximum area of 200 square feet each for a total maximum of 9,400 square feet, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade wall crypt structures, a circular driveway, parking lot, entry gates, grading, landscaping and exterior lighting, including Variance No. 16-016 for non-exempt grading, Site Plan Review (SPR) No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof of the chapel, Minor Modification No. 16-010 for mausoleums not to exceed a 50 percent front yard setback reduction, Conditional Use Permit (CUP) No. 15-011 for the proposed memorial park and chapel in the subject zoning district, and Lot Merger No. 16-001 for consolidation of the three existing legal lots into one legal lot located in the Commercial Visitor Serving-Two zoning district at 4000 Malibu Canyon Road (Green Acres, LLC).

The following items were pulled from the Consent Calendar for individual consideration:

B. New Items

2. De Minimis Waiver No. 20-007— An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel
Location: 5924 Bonsall Drive, not within the appealable coastal zone
APNs: 4467-023-040
Owner: 5924 Bonsall Drive, LLC
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-007 for a new onsite wastewater treatment system for a Woolsey affected parcel.

The Commission directed questions to staff.

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

Speaker(s): None

As there were no speakers present, Chair Jennings closed public comment. No further discussion occurred.

CONSENSUS

By consensus, the Commission received the Planning Director's report on De Minimis Waiver No. 20-007 for a new onsite wastewater treatment system for a Woolsey affected parcel.

3. Administrative Coastal Development Permit-Woolsey Fire No. 20-006 – to install a new onsite wastewater treatment system (OWTS) to replace the existing OWTS serving an existing single-family residence on a Woolsey Fire affected parcel

Location: 5853 Busch Drive, within the appealable coastal zone

APN: 4469-012-023

Owner: 5853 Busch Drive, LLC

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

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit-Woolsey Fire No. 20-006.

The Commission directed questions to staff.

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

Speaker(s): None

As there were no speakers present, Chair Jennings closed public comment. No further discussion occurred.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on the approval of Administrative Coastal Development Permit-Woolsey Fire No. 20-006.

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit No. 18-035, Variance No. 19-062, and Demolition Permit No. 19-003 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development (continued from May 4, 2020)

Location: 23325 Malibu Colony Drive, within the appealable coastal zone

APN: 4452-010-017

Owner: Axel 23324, LLC

Case Planner: Associate Planner Brooks, 456-2489, ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 20-18 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-035 for the demolition of a one-story single-family residence and associated development, totaling 2,963 square feet, and construction of a new 5,220 square foot, two-story single-family residence, swimming pool, decks, permeable driveway and other associated development, and replacement of the onsite wastewater treatment system; including Variance No. 19-062 for the reduction of the required 100-foot buffer from an Environmentally Sensitive Habitat Area (Malibu Lagoon) and Demolition Permit No. 19-003 for the demolition of the existing residence and associated development located in the Single-Family Medium Density zoning

district within the Malibu Colony Overlay District at 23325 Malibu Colony Drive (Axel 23324, LLC).

Associate Planner Brooks presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil and Vice Chair Mazza.

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: Marny Randall, Judith Israel, and Brett Israel.

Ms. Randall provided rebuttal to public comment.

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

The Commission directed questions to staff and Rick Hajas.

MOTION Commissioner Weil moved and Chair Jennings seconded a motion to adopt Planning Commission No. 20-18, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-035 for the demolition of a one-story single-family residence and associated development, totaling 2,963 square feet, and construction of a new 5,220 square foot, two-story single-family residence, swimming pool, decks, permeable driveway and other associated development, and replacement of the onsite wastewater treatment system; including Variance No. 19-062 for the reduction of the required 100-foot buffer from an Environmentally Sensitive Habitat Area (Malibu Lagoon) and Demolition Permit No. 19-003 for the demolition of the existing residence and associated development located in the Single-Family Medium Density zoning district within the Malibu Colony Overlay District located in the Single-Family Medium Density zoning district within the Malibu Colony Overlay District at 23325 Malibu Colony Drive (Axel 23324, LLC); 2) correcting Condition 2 to state a height of 28 feet, 2 inches rather than the incorrect height of 28 feet, 7 inches; 3) correcting the reference to the septic tank capacity to state 1,500 gallons rather than 1,250 gallons; and 4) requiring an archeological monitor during ground disturbing activities.

The Commission discussed the motion and directed questions to staff.

The question was called and the motion carried 3-2 Commissioner Uhring and Vice Chair Mazza dissenting.

RECESS At 9:03 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 9:10 p.m. with all Commissioners present.

B. Coastal Development Permit No. 14-029, Variance Nos. 19-053 and 20-001, Minor Modification No. 19-015, and Site Plan Review 20-002 – An application for the construction of a new one-story, single-family residence and associated development (Continued from May 18, 2020)

Location: 24689 Pacific Coast Highway, not within the appealable coastal zone

APN: 4469-041-004

Owner: MLR Malibu, LLC

Case Planner: Assistant Planner Eng, 456-2489, ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 20-44 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-029 to construct a new one-story, 18-foot high residence with 6,758 square feet of total development square footage that includes a 425 square foot attached garage and 4,283 square feet of subterranean garage and basement area, and new onsite wastewater treatment system; including Variance (VAR) No. 19-053 to reduce the required 100-foot Environmentally Sensitive Habitat Area buffer; VAR No. 20-001 to allow for greater than 1,000 cubic yards of non-exempt grading; Site Plan Review No. 20-002 for remedial grading; and Minor Modification No. 19-015 for reduction of the required 65-foot front yard setback by 50 percent, located in the Single-Family Medium Density zoning district at 24689 Pacific Coast Highway (MLR Malibu, LLC).

Assistant Planner Eng presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil.

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.

Speaker: Scott Gillen.

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

The Commission directed questions to staff and Mr. Gillen.

MOTION Chair Jennings moved and Commissioner Weil seconded a motion to adopted Planning Commission No. 20-44, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-029 to construct a new one-story, 18-foot high residence with 6,758 square feet of total development square footage that includes a 425 square foot attached garage and 4,283 square feet of subterranean garage and basement area, and new onsite wastewater treatment system; including Variance (VAR) No. 19-053 to reduce the required 100-foot Environmentally Sensitive Habitat Area buffer; VAR No. 20-001 to allow for

greater than 1,000 cubic yards of non-exempt grading; Site Plan Review No. 20-002 for remedial grading; and Minor Modification No. 19-015 for reduction of the required 65-foot front yard setback by 50 percent, located in the Single-Family Medium Density zoning district at 24689 Pacific Coast Highway (MLR Malibu, LLC); 2) modifying Condition 23 to specify a pad elevation of 205; and 3) requiring the applicant to provide certification that the amount of soil export would not exceed the amounts indicated in the resolution.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-005, Site Plan Review Nos. 19-072 and 20-013, Minor Modification No. 19-010 – An application for a new single-family residence and associated development

Location: 29623 Cuthbert Road, not within the appealable coastal zone

APN: 4469-008-010

Owner: Colby Family Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 20-46 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system, including Site Plan Review (SPR) No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil, 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: Mark Baute, Daniela Rechtszajd, Trevor Colby, and Tony Dorn.

Mr. Baute and Mr. Colby provided rebuttal to public comment.

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

The Commission directed questions to staff.

MOTION Commissioner Weil moved and Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 20-46 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system, including Site Plan Review (SPR) No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

The Commission discussed the motion.

The question was called and the motion failed 2-3, Commissioners Marx and Uhring and Vice Chair Mazza dissenting.

The Commission directed questions to staff and Mr. Baute.

MOTION Commissioner Uhring moved to direct staff to return with a resolution on the Consent Calendar denying Coastal Development Permit No. 19-005, an application to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system, including Site Plan Review (SPR) No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust) for failure of comply with the 100 foot buffer.

Vice Chair Mazza seconded and amended the motion to add the project's failure to comply with Malibu Municipal Code Section 17.40.040.(A)(6) (c) and (f), the Local Implementation Plan (LIP) parkland and rear setbacks, and the inability of the Commission to make Neighborhood Character findings.

The amendment was accepted by the maker.

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

B. Coastal Development Permit Amendment No. 20-016 – An application to amend the temporary skate park project (Coastal Development Permit No. 19-083) to allow placement of 244 linear feet of potted trees for screening

Location: 24250 Pacific Coast Highway

APNs: 4458-018-906 and 4458-018-907

Owner: City of Malibu

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

Recommended Action: Determine that the proposed amendment is consistent with the previously considered Addendum No. 2 to the Crummer Site Subdivision Final Environmental Impact Report and adopt Planning Commission Resolution No. 20-40 approving Coastal Development Permit Amendment No. 20-016 amending Coastal Development Permit No. 19-083 to allow for the placement of 244 linear feet of potted trees as ancillary development to the previously approved above-ground temporary skate park, located on Lot 7 of the Crummer/Case property in the Planned Development and Public Open Space zoning districts located at 24250 Pacific Coast Highway (City of Malibu).

MOTION Chair Jennings moved and Commissioner Uhring seconded a motion to continue the item to the June 15, 2020 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

C. Coastal Development Permit No. 18-004, Tentative Parcel Map No. 18-001, Site Plan Review No. 18-004, and Demolition Permit No. 18-006 – An application for a tentative parcel map to subdivide a parcel into two lots, and construct a new single-family residence and associated development on Lot A

Location: 29200 Larkspur Lane, within the appealable coastal zone

APN: 4468-008-001

Owner: 29200 Larkspur, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 20-27 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-004 for the construction of a new 8,147 square foot, two-story single-family residence that includes a 642 square foot attached two-car garage and 1,000 square foot basement, swimming pool, deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system; including Site Plan Review No. 18-004 for a height increase over 18 feet but not to exceed 24 feet for a flat roof, Tentative Parcel Map No. 18-001 to subdivide an existing 3.57-acre legal lot into two lots, and Demolition Permit No. 18-006 to demolish an existing residence and detached garage, located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC).

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

D. Coastal Development Permit No. 18-005, Site Plan Review No. 18-005, and Minor Modification No. 18-005 – An application for construction of a new single-family residence and associated development on Lot B

Location: 29200 Larkspur Lane, within the appealable coastal zone
APN: 4468-008-001
Owner: 29200 Larkspur, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-28 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-005 for the construction of a new 7,312 square foot, two-story single-family residence that includes a 725 square foot attached three-car garage and 996 square foot basement, swimming pool, deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system; including Site Plan Review No. 18-005 for a height increase over 18 feet but not to exceed 24 feet for a flat roof and Minor Modification No. 18-005 for a 20 percent side yard setback reduction, located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC).

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 11:00 p.m., Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adjourn the meeting. The question was called and the motion carried unanimously.

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

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JUNE 15, 2020
TELECONFERENCED – VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

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

ROLL CALL

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

PRESENT: Chair Jeffrey Jennings; Vice Chair John Mazza; and Commissioners Chris Marx (arrived at 6:35 p.m.), Steve Uhring, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Jesse Bobbett, Community Services Director; Bonnie Blue, Tyler Eaton, Assistant Planner; Planning Director; David Eng, Assistant Planner; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Lilly Rudolph, Contract Planner; Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on June 5, 2020, with the amended agenda posted on June 11, 2020

Commissioner Marx arrived at 6:35 p.m.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item No. 3.A.3. to the July 20, 2020 Regular Planning Commission meeting and Item No. 4.A. to a date uncertain.

The Commission discussed the motion.

The question was called and the motion moved unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Marx inquired regarding various categories of Woolsey Fire rebuilds and fee waivers.

Assistant Planning Director Mollica stated that some fire related applications may not qualify for exemptions from the requirement of a coastal development permit because all applications need to be consistent with the Coastal Act.

Commissioner Marx commented on the differences between in-person meetings and teleconference meetings as it related to interaction with the public.

Assistant City Attorney Rusin stated the City was following specific guidelines to avoid technological problems and ensure the public had an opportunity to speak during public comment. He stated the Chair had the ability to question specific people should it become necessary.

Commissioners Uhring and Weil complimented staff and the Council on the plan to address the short-term rental item. He stated he had a number of members from the public approach him on the topic.

In response to Commission Uhring, Assistant Planning Director Mollica indicated the City's software was only designed to report on approved projects, not projects in the application process. He stated the Planning Department met with representatives from Nobu and Soho House, and the City's Public Works Department to work toward a resolution on the parking and traffic difficulties. Assistant City Attorney Rusin stated the applicant was responsible for submitting the application and staff was responsible for reviewing the proposal.

Vice Chair Mazza stated Nobu was cited six years ago and had an active violation and inquired when code enforcement action would be taken.

In response to Vice Chair Mazza, Planning Director Blue stated she would report back on the progress on resolving the parking and traffic issues at Nobu and Soho House. She stated applicants were allowed to make an addition to their property with an administrative plan review, and the threshold for a project to have to be heard by the Planning Commission was when certain changes were planned, such as changes in footprint, square footage, changes in amenities, and other such significant changes.

In response to Chair Jennings, Planning Director Blue stated the Council would consider an urgency ordinance that would allow restaurants to expand their service area within the parameters of not increasing intensity of usage in an effort to recover from the impacts of the COVID-19 pandemic.

Planning Director Blue announced there would not be a Planning Commission meeting on July 6, 2020. She stated a Special Planning Commission teleconference meeting would be held to discuss short-term rentals. She stated the Council approved a six-month extension of the Woolsey Fire fee waiver program, and the final budget hearing would be held on July 22, 2020. She stated the Woolsey Fire rebuild report would no longer be on the Planning Commission meeting agenda but would be addressed at the first City Council meeting of each month.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.1. was pulled from the Consent Calendar for individual consideration by Vice Chair Mazza, Item No. 3.B.4. was pulled by Commissioner Uhring, Item No. 3.A.1. was pulled by the applicant, Marny Randall, and Item No. 3.A.3. was continued to the July 20, 2020.

MOTION Commissioner Marx moved and Commissioner Uhring seconded a motion to approve the balance of the Consent Calendar.

The Consent Calendar consisted of the following items.

A. Previously Discussed Items

2. Coastal Development Permit No. 19-005, Site Plan Review Nos. 19-072 and 20-013, and Minor Modification No. 19-010 – An application for a new single-family residence and associated development (Continued from June 1, 2020)

Location: 29623 Cuthbert Road, not within the appealable coastal zone

APN: 4469-008-010

Owner: Colby Family Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 20-46 determining the California Environmental Quality Act does not apply, and denying Coastal Development Permit No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system, including Site Plan Review (SPR) No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

B. New Items

2. De Minimis Waiver No. 19-015 — An application for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS

Location: 29901 Cuthbert Road, not within the appealable coastal zone

APN: 4469-007-016

Owner: Neil R.Witt and Guadalupe C.Witt Trust

Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 19-015 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

3. Approval of Minutes

Recommended Action: Approve the minutes for the March 2, 2020 Regular Planning Commission meeting.

The following items were pulled from the Consent Calendar for individual consideration:

A. Previously Discussed Items

1. 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

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

Recommended Action: Adopt Planning Commission Resolution No. 20-39 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 2-½:1, 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).

Disclosures: Commissioners Uhring and Weil.

The Commission directed questions to staff.

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

Speaker: Marny Randall.

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

The Commission directed questions to staff.

MOTION

Vice Chair Mazza moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-39, as amended: 1) 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 2-½:1, 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); and 2) adding to the resolution that the denial would be without prejudice.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

3. Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Variance Nos. 13-042, 13-043, 15-035 and 15-036, Minor Modification No. 13-011 and Demolition Permit No. 20-011 - An application for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards and associated development (Continued from May 18, 2020)

Location: 5723 Busch Drive, not within the appealable jurisdiction of the coastal zone

APN: 4469-028-006

Owner: Serra Canyon Co. LTD

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

Recommended Action: Adopt Planning Commission Resolution No. 20-23 determining that the California Environmental Quality Act does not apply to the project and denying Coastal Development Permit No. 13-040 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing, Conditional Use Permit No. 13-015 for a water tank on a rural residential parcel, Variance (VAR) No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, VAR No. 13-043 for non-view permeable, eight in height fencing within the front yard setback, VAR No. 15-035 for the installation of an 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, VAR No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, Minor Modification No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet, and Demolition Permit No. 20-011 for the full demolition of the existing water tank and other associated development located in the Rural Residential–Two (RR-2) Acre Zone District at 5723 Busch Drive (Serra Canyon Co., LTD).

This item was continued to the July 20, 2020 Regular Planning Commission meeting upon approval of the agenda, due to an error in the posted Recommended Action that recommended denial of the project rather than the intended approval.

B. New Items

1. De Minimis Waiver No. 19-015 — An application for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS
Location: 29901 Cuthbert Road, not within the appealable coastal zone
APN: 4469-007-016
Owner: Neil R.Witt and Guadalupe C.Witt Trust
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive Planning Director's report on De Minimis Waiver (DMW) No. 19-015 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

Associate Planner Thompson presented the staff report.

Disclosures: Commissioner Marx.

The Commission directed questions to staff.

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

Speaker(s): None.

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

The Commission directed questions to staff.

MOTION

Commissioner Marx moved and Commissioner Weil seconded a motion to receive Planning Director's report on De Minimis Waiver (DMW) No. 19-015 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS. The question was called and the motion carried unanimously.

RECUSAL

At 7:32 p.m., Vice Chair Mazza recused himself based upon having recused himself from the item in the past and left the meeting.

4. Extension of Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018 – A request to extend the Planning Commission's approval for the construction of a new two-story single-family residence and associated development
Location: 6050 Murphy Way
APN: 4467-004-039
Owner: C.A. Rasmussen Co., LLC

Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Adopt Planning Commission Resolution No. 20-47 granting a one-year extension of Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018, an application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage and associated development located in the Rural Residential-Ten Acre zoning district at 6050 Murphy Way (C.A. Rasmussen Co., LLC).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil.

The Commission directed questions to staff.

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

Speakers: Norman Haynie, Eric Rasmussen, Dean Rasmussen, and Brian Biglin.

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

The Commission directed questions to staff and Mr. Haynie.

MOTION

Commissioner Marx moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-47, as amended, granting a six-month extension of Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018, an application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage and associated development located in the Rural Residential-Ten Acre zoning district at 6050 Murphy Way (C.A. Rasmussen Co., LLC).

FRIENDLY AMENDMENT

Commissioner Weil amended the motion to grant a nine-month extension. The amendment was accepted by the maker and the seconder.

The Commission discussed the motion.

The question was called and the amended motion carried 4-0, Vice Chair Mazza absent.

RECESS

At 8:05 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 8:10 p.m. with all Commissioners present.

4. Continued Public Hearings

- A. Coastal Development Permit No. 15-032, Site Plan Review No. 15-028, and Demolition Permit No. 15-010 – An application for the demolition of an existing one-story, single-family residence and associated development and construction of a new one-story single-family residence and associated development (Continued from May 18, 2020)

Location: 6837 Zumirez Drive, within the appealable coastal zone

APN: 4466-003-007

Owner: The James Perse Revocable Trust

Case Planner: Contract Planner Rudolph, 456-2489, ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 20-24 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-032 for the construction of a new 6,912 square foot, one-story single-family residence that includes a 2,354 square foot basement, plus a 720 square foot detached garage, swimming pool, spa, hardscape, landscaping, grading, drainage, fencing, gates, retaining walls, and installation of a new onsite wastewater treatment system (OWTS); including Site Plan Review No. 15-028 for construction in excess of 18 feet up to 24 feet for a flat roof for the residence, and Demolition Permit No. 15-010 for the demolition of an existing single-family residence with an attached garage, guest house, hardscape, walls, and OWTS, located in the Rural Residential-One Acre zoning district at 6837 Zumirez Drive (The James Perse Revocable Trust).

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

- B. Coastal Development Permit Amendment No. 20-016 – An application to amend the temporary skate park project (Coastal Development Permit No. 19-083) to allow placement of 244 linear feet of potted trees for screening (Continued from June 1, 2020)

Location: 24250 Pacific Coast Highway, not within the appealable coastal zone

APNs: 4458-018-906 and 4458-018-907

Owner: City of Malibu

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

Recommended Action: Determine that the proposed amendment is consistent with the previously considered Addendum No. 2 to the Crummer Site Subdivision Final Environmental Impact Report and adopt Planning Commission Resolution No. 20-40 approving Coastal Development Permit Amendment No. 20-016 amending Coastal Development Permit No. 19-083 to allow for the placement of 244 linear feet of potted trees as ancillary development to the previously approved above-ground temporary skate park, located on Lot 7 of the Crummer/Case property in the Planned Development and Public Open Space zoning districts located at 24250 Pacific Coast Highway (City of Malibu).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioner Marx and Vice Chair Mazza.

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.

Speaker(s): None.

As there were no 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.

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-40, as amended, 1) determining that the proposed amendment is consistent with the previously considered Addendum No. 2 to the Crummer Site Subdivision Final Environmental Impact Report; 2) approving Coastal Development Permit Amendment No. 20-016 amending Coastal Development Permit No. 19-083 to allow for the placement of 244 linear feet of potted trees as ancillary development to the previously approved above-ground temporary skate park, located on Lot 7 of the Crummer/Case property in the Planned Development and Public Open Space zoning districts; 3) specifying throughout the resolution that the height of the trees be measured from finished grade; and 4) adding a condition that potted trees are permitted but not required.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

None.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 8:37 p.m., Commissioner Marx moved and Vice Chair Mazza seconded a motion to adjourn the meeting. The question was called and the motion carried unanimously.

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

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant