

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order (revised September 4, 2020). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

HOW TO VIEW THE MEETING: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to planningcommission@malibucity.org before the meeting begins.

HOW TO PARTICIPATE DURING THE MEETING: Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Malibu Planning Commission
Regular Meeting Agenda
(to be held during COVID-19 emergency)

Monday, September 21, 2020

6:30 P.M. – REGULAR PLANNING COMMISSION MEETING

Various Teleconference Locations

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT

[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)

Call to Order - Chair

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – September 11, 2020

1. Ceremonial/Presentations

None.

2. Written and Oral Communications from the Public

- A. Communications from the public concerning matters which are not on the agenda but for which the Planning Commission has subject matter jurisdiction. The Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. Planning Commission and staff comments and inquires

3. Consent Calendar

- A. Previously Discussed Items

None.

- B. New Items

- 1. [Approval of Minutes](#)

Recommended Action: Approve the minutes for the May 18, 2020, June 1, 2020, and June 15, 2020 Regular Planning Commission meetings.

Staff Contact: Planning Director Blue, 456-2489, ext. 258

- 2. [Extension of Coastal Development Permit No. 13-032, Variance No. 15-002, and Site Plan Review No. 13-026 – A request to extend the Planning Commission’s approval of an application to allow the construction of a new, two-story, single-family residence, and associated development](#)

Location: 6889 Dume Drive
 APN: 4468-007-018
 Owner: The Pastewka Revocable Trust
 Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 20-66 granting a two-year extension of Coastal Development Permit No. 13-032, Variance No. 15-002, and Site Plan Review No. 13-026, an application to allow construction of a new two-story, 7,830-square foot, single-family residence with a basement, consisting of an attached three-car garage, attached golf cart garage, detached 647-square foot second residential unit, swimming pool, two sports courts, an open outdoor barbeque area with an attached pizza oven and trellis and a 206 square foot studio, landscaping, grading, hardscape and a new alternative onsite wastewater treatment system; including a SPR for construction in excess of 18 feet in height for a flat roof (not to exceed 24 feet in height); and a variance for more than 1,000 cubic yards of non-exempt grading located in the Rural Residential One-Acre zoning district at 6889 Dume Drive (The Pastewka Revocable Trust).

3. [Administrative Coastal Development Permit Amendment No. 20-015 and Minor Modification No. 20-011 – An amendment of Administrative Coastal Permit No 13-008 \(which approved the demolition and reconstruction of the swimming pool, pool deck, and cabana; and the construction of retaining walls, driveway improvements, and additional hardscape areas\) to construct an enclosed barbeque area, overhang, and attached pool equipment enclosure to a previously approved cabana and an extension of a block wall for a dog run, including a Minor Modification No. 20-011 to reduce the front yard setback by no more than 50 percent to allow construction of an enclosed barbeque area](#)

Location: 22545 Carbon Mesa Road, not within the appealable coastal zone
APN: 4451-007-004
Owner: Philip Erlanger
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit Amendment No. 20-015

4. **Continued Public Hearings**

- A. [Coastal Development Permit No. 16-024, Site Plan Review No. 18-027 and Demolition Permit No. 19-022 – An application for the demolition of remaining onsite development and construction of a new one-story, single-family residence and associated development \(Continued from September 8, 2020\)](#)

Location: 22271 Carbon Mesa Road, not within the appealable coastal zone
APN: 4451-012-043
Owner: Map Properties, LLC
Case Planner: Assistant Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 20-59 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-024 to construct a new 11,170 square foot, one-story, single-family residence, including an attached four-car garage and 992 square foot basement, swimming pool and spa, fire department turnaround and driveway improvements, retaining walls, grading, decks, open-air trellises, two water tanks, hardscaping and landscaping, and a new onsite wastewater treatment system (OWTS); including Site Plan Review No. 18-027 for remedial grading to remediate slope failure due to failed drainage devices and Demolition Permit No. 19-022 to demolish the existing foundation, swimming pool and spa and abandon the existing OWTS, located in the Rural Residential-Ten Acre (RR-10) zoning district at 22271 Carbon Mesa Road (Map Properties, LLC).

5. New Public Hearings

- A. [Local Coastal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005 - An Amendment to the Local Coastal Program and Title 17 \(Zoning\) of the Malibu Municipal Code Allowing Stand- Alone Surface Parking Lots in Commercial Zones as a Conditionally Permitted Commercial Use](#)

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

Recommended Action: Adopt Planning Commission Resolution No. 20-65 recommending that the City Council approve Local Coastal Program Amendment No. 17-005 and Zoning Text Amendment No. 17-005, to amend the Local Coastal Program and the Malibu Municipal Code to allow stand-alone surface parking lots in the Commercial General, Community Commercial, and Commercial Neighborhood zoning districts as a conditionally permitted commercial use citywide.

- B. [Coastal Development Permit No. 20-015 – An application for a new prefabricated model home sales office, solar flower, and associated parking \(for commercial use\)](#)

Location: 23839 Stuart Ranch Road, not within the appealable coastal zone
 APN: 4458-021-174
 Owner: North Broadway Ventures, LLC
 Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 20-67 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-015 to allow for the three-year placement of a 900-square foot prefabricated model home with an 87-square foot deck and exterior staircase on a temporary foundation to function as a commercial sales office and not as a private residence, a 225-square foot solar flower, and five unpaved parking spaces, located in the Community Commercial zoning district at 23839 Stuart Ranch Road (North Broadway Ventures, LLC).

- C. [Coastal Development Permit Amendment No. 19-004 – An application to amend Coastal Development Permit No. 10-014 to allow for changes in the previously approved scope of work](#)

Location: 24358 Malibu Road, within the appealable coastal zone
 APN: 4458-011-020
 Owner: Malibu Sunrise, LLC
 Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 20-63 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit Amendment No. 19-004 amending Coastal Development Permit No. 10-014 to allow for a previously approved new beachfront single-family residence to be reduced in size from 4,773 square feet to 2,558 square feet, and add to the project a new pool, deck, beach access stair and an increase in the height of the seawall by six inches, located in the Single Family Medium zoning district at 24358 Malibu Road (Malibu Sunrise, LLC).

D. [Conditional Use Permit Amendment No. 18-001 – An application to amend Conditional Use Permit 14-001 to relocate service area to the roofdeck, modify alcohol service, and extend the hours of operation for an existing restaurant use](#)

Location: 22333 Pacific Coast Highway, Suite 150, within the appealable coastal zone
APN: 4452-024-005
Property Owner: KW/LF – Malibu Sands, LLC
Tenant: Nicolas Eatery
Case Planner: Associate Planner Brooks, 456-2489, ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 20-56 determining the project is categorically exempt from the California Environmental Quality Act, approving Conditional Use Permit Amendment No. 18-001 to amend Conditional Use Permit No. 14-001 to relocate restaurant service area to the roofdeck, modify the existing alcohol service, and extend the hours of operation for a previously approved restaurant use (currently Nicolas Eatery) in an existing commercial shopping center (Malibu Sands Center), and authorizing the Planning Director to submit a letter of public convenience or necessity located in the Community Commercial zoning district at 22333 Pacific Coast Highway, Suite 150, (KW/LF – Malibu Sands, LLC).

E. [Coastal Development Permit No. 12-095, Minor Modification Nos. 12-016 and 12-017 – An application for construction of a new barn, horse corrals, and shed, and to permit unpermitted structures and site work](#)

Location: 5942 Cavalleri Road, partially within the appealable coastal zone
APN: 4467-018-013
Owners: James R. Hull and James Hull Trust
Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Adopt Planning Commission Resolution No. 20-64 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 12-095 to construct a new 18-foot tall, 996 square foot barn, horse corrals, and shed, and to permit unpermitted structures and site work, but denying the request to legalize an outdoor amphitheater, constructed without the benefit of permits; including Minor Modification No. 12-016 for reduction of the required 65-foot front yard setback by 50 percent and Minor Modification No. 12-017 for reduction of the 69-foot, 10-inch rear yard setback by 20 percent, located in the Rural Residential–Five Acre zoning district at 5942 Cavalleri Road (James R. Hull and James Hull Trust).

6. **Old Business**

None.

7. **New Business**

None.

8. **Planning Commission Items**

None.

Adjournment

Future Meetings

Monday, October 5, 2020	6:30 p.m.	Regular Planning Commission Meeting	To Be Determined
Monday, October 19, 2020	6:30 p.m.	Regular Planning Commission Meeting	To Be Determined
Monday, November 2, 2020	6:30 p.m.	Regular Planning Commission Meeting	To Be Determined
Monday, November 16, 2020	6:30 p.m.	Regular Planning Commission Meeting	To Be Determined

Guide to the Planning Commission Proceedings

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, state of California, and a federal emergency declared by the President of the United States. At the direction of the Governor, starting March 19, 2020, the entire state is subject to stay-at-home orders. These measures are imposed to reduce the risk of spreading COVID-19. To comply with these emergency measures, the Planning Commission meeting will be open and public but conducted via teleconference only. This way the public, the staff, and the Commission will not be physically in the same place.

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Members of the public wishing to speak during the meeting must participate through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Chair and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication. In order to speak, individuals must visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Planning Commission Items are items, which individual members of the Planning Commission may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the Planning Commission.

Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at <https://www.malibucity.org/video>. Copies of the staff reports or other written documentation relating to each item of business described above are available upon request by emailing planningcommission@malibucity.org.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 11th day of September 2020 at 12:30 p.m.



Kathleen Stecko, Administrative Assistant