



Commission Agenda Report

Planning Commission
Meeting
10-19-20
**Item
3.A.1.**

To: Chair Mazza and Members of the Planning Commission

Prepared by: Kathleen Stecko, Administrative Assistant

Approved by: Bonnie Blue, Planning Director

Date prepared: October 13, 2020 Meeting date: October 19, 2020

Subject: Approval of Corrected Minutes

RECOMMENDED ACTION: Approve the corrected minutes for the July 20, 2020 Regular Planning Commission meeting.

DISCUSSION: At the October 5, 2020 Regular Planning Commission meeting, the Planning Commission requested that an omission in the July 20, 2020 Regular Planning Commission meeting minutes, Item No. 3.A.1., approval of Coastal Development Permit No. 13-040 at 5723 Busch Drive, be corrected to list the amendments made to the resolution: the requirement that the landscaping be removed, and the requirement of a transfer switch and back-up generator to be added.

ATTACHMENT: July 20, 2020 Regular Planning Commission Meeting

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JULY 20, 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 6:33 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; Richard Mollica, Assistant Planning Director; Didier Murillo, Assistant Planner; 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 July 9, 2020, with the amended agenda posted on July 16, 2020.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item Nos. 3.B.4. and 5.D. to a date uncertain, and Item No. 5.B. to the September 8, 2020 Regular Planning Commission meeting. The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Kraig Hill commented on the manner in which the two-thirds rule was interpreted and implemented. He stated permit fees should be commensurate with the scope of work and should encourage compliance in obtaining permits and a premium should be paid by those who violated that requirement.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Uhring and Vice Chair Mazza, Assistant City Attorney Rusin and Planning Director Blue stated the proposed short-term rental ordinance the City Council would be considering incorporated relevant aspects of the Santa Monica short-term rental ordinance including the home sharing portion, which was the primary focus of the Council's direction.

In response to Commission Uhring and Vice Chair Mazza, Planning Director Blue and Assistant Planning Director Mollica provided an update on the parking and traffic issues at Nobu and Soho House.

Commissioner Uhring and Vice Chair Mazza commented on remarks made by Mayor Pierson at the July 13, 2020 Regular City Council meeting regarding the decision-making process the Planning Commission was observing.

The Commission congratulated Planning Director Blue on her upcoming retirement from the City of Malibu and on her efforts throughout the years.

Commissioner Marx stated he would like to see public participation in issues impacting the community.

Planning Director Blue commented on her upcoming retirement and reflected on her years with the City. She announced a Special Planning Commission meeting on July 29, 2020 to discuss short-term rentals. She stated the Council would consider an interim enforcement ordinance for short-term rentals and on August 10, 2020. She announced a virtual meeting of the Environmental Review Board on July 31, 2020 to discuss the Caltrans Trancas Creek Bridge Replacement Project. She stated Caltrans was working with the City to install a right turn lane on Pacific Coast Highway at Trancas Canyon Road to improve the safety of the intersection. She stated the City was continuing to provide services remotely and at City Hall was open by appointment.

ITEM 3 CONSENT CALENDAR

Item No. 3.A.1. was pulled from the Consent Calendar by the Public and Item No. 3.B.2. was pulled by Vice Chair Mazza.

MOTION Commissioner Uhring moved and Vice Chair Mazza 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:

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the April 6, 2020 Adjourned Regular Planning Commission meeting and the April 20, 2020 and May 4, 2020 Regular Planning Commission meetings.

3. Administrative Coastal Development Permit No. 20-016 – An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence

Location: 20616 Seaboard Road, partially within the appealable coastal zone

APN: 4450-018-022

Owner: Ilya Lagutenko

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

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 20-016.

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

A. Previously Discussed Items

1. 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 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 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 Acre zoning district at 5723 Busch Drive (Serra Canyon Co., LTD).

Disclosures: None.

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

Speaker: Philip Gillin.

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

MOTION

Commissioner Uhring moved and Vice Chair Mazza seconded a motion to: 1) 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 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 Acre zoning district at 5723 Busch Drive (Serra Canyon Co., LTD); 2) requiring the removal of the landscaping, 3) requiring addition of a transfer switch, and 4) requiring a back-up generator. The question was called and the motion carried unanimously.

B. New Items

2. Administrative Coastal Development Permit Woolsey Fire No. 20-022 – An application to allow for a 3,882-square foot single-family residence, 274-square foot covered patio, new roof deck (not to exceed 18 feet height), conversion of a 898-square foot accessory structure to a second residential unit with a 400-square foot attached garage, 486-square foot pool accessory structure for a total development square footage of 5,940-square feet; exterior site improvements including, new open-air trellis, new pool and spa, 7,940 square feet of impermeable coverage, 8,950-square feet of new landscape, and 340 cubic yards of non-exempt grading for a Woolsey Fire affected parcel

Location: 6755 Dume Drive, partially within the appealable coastal zone

APN: 4468-008-015

Owner: Robert and Sarah Wells Trust

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. 20-022.

Disclosures: Commissioner Weil.

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.

CONSENSUS

By consensus, the Commission received the Planning Director's report on Administrative Coastal Development Permit Woolsey Fire No. 20-022 – An application to allow for a 3,882-square foot single-family residence, 274-square foot covered patio, new roof deck (not to exceed 18 feet height), conversion of a 898-square foot accessory structure to a second residential unit with a 400-square foot attached garage, 486-square foot pool accessory structure for a total development square footage of 5,940-square feet; exterior site improvements including, new open-air trellis, new pool and spa, 7,940 square feet of impermeable coverage, 8,950-square feet of new landscape, and 340 cubic yards of non-exempt grading for a Woolsey Fire affected parcel.

4. De Minimis Waiver No. 19-014 - An application for a new onsite wastewater treatment system
Location: 6711 Wandermere Road, not within the appealable coastal zone
APN: 4468-012-006
Owners: Valerie and Edward Nalbantian
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 19-014 for a new onsite wastewater treatment system.

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

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Conditional Use Permit No. 20-002 – An application to allow the onsite sale and consumption of beer and wine (ABC License Type 41) to patrons of a bona fide eating place (The Real Coconut)
Location: 23401 Civic Center Way, Unit 1A, not within the appealable coastal zone
APN: 4458-022-030
Owner: The Park at Cross Creek, LLC
Tenant: The Real Coconut/TRC Restaurant – Malibu LLC
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Adopt Planning Commission Resolution No. 20-48 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 20-002 to allow a California Department of Alcoholic Beverage Control License Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) to allow the onsite service of beer and wine, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use located in the Commercial Visitor Serving-One zoning district and the Civic Center Northeast Specific Plan area at 23401 Civic Center Way (The Park at Cross Creek, LLC).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioners Uhring and Weil.

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

Speakers: Charles Stuart Gay, Daniella Hunter, Marny Randall.

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, Ms. Randall, and Mr. Gay.

MOTION Commissioner Uhring moved and Vice Chair Mazza seconded a motion adopt Planning Commission Resolution No. 20-48, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 20-002 to allow a California Department of Alcoholic Beverage Control License Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) to allow the onsite service of beer and wine, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use located in the Commercial Visitor Serving-One zoning district and the Civic Center Northeast Specific Plan area; 2) not restricting alcoholic beverage service to beer and wine, provided an appropriate license is obtained from the Department of Alcoholic Beverage Control (ABC); 3) requiring signage outside of both entrances stating the outdoor patio is open to the public with no food or beverage purchase required; 4) adding a one-year inspection to the condition that requires a five-year inspection; 5) requiring annual gross sales to be at least 50 percent non-alcohol; 6) requiring food be ordered with any alcohol served; and 7) the outside barrier to be no higher than the minimum required by the ABC.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

- B. Coastal Development Permit No. 19-007, Variance No. 20-010, Minor Modification No. 20-009, Stringline Modification Review No. 20-005, and Demolition Permit No. 19-010 – An application for the demolition of an existing single-family residence and associated development and construction of a new beachfront single-family residence and associated development

Location: 31340 Broad Beach Road, within the appealable coastal zone

APN: 4470-016-011

Owner: 31340 Broad Beach Rd LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 20-49 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-007 for construction of a new 5,245 square-foot beachfront single-family residence, plus a 742 square-foot attached garage and 1,547 square feet of covered areas, new landscaping, hardscape, grading, retaining walls and onsite wastewater treatment system, including Variance No. 20-010 for construction of a six-foot high solid, site wall seaward of the building stringline and within Area I of the Trancas Beach Overlay District, Minor Modification No. 20-009 for a 50 percent reduction of the front yard setback, Stringline Modification Review No. 20-005 for the single-family residence to extend 3.5 feet beyond the building stringline, and Demolition Permit No. 19-010 to demolish the existing residence and carport, located in the Single-Family Medium zoning district and Trancas Beach Overlay District at 31340 Broad Beach Road (31340 Broad Beach Road LLC).

This item was continued to the September 8, 2020 Regular Planning Commission meeting upon approval of the agenda.

C. Coastal Development Permit No. 14-052, Variance No. 19-006, and Demolition Permit No. 19-006 - An application for an interior and exterior remodel, including additions to the first and second floor, and associated development

Location: 20048 Pacific Coast Highway, within the appealable coastal zone
APN: 4450-002-047
Owner: Joseph A. Watters and Virginia Watters Revocable Intro Vivos Trust

Case Planner: Assistant Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 20-52 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-052 to allow an interior and exterior remodel including the after-the-fact approval of unpermitted additions to the first and second floor, a new proposed second floor addition and deck extension, and associated development including Variance No. 19-006 for the after-the-fact approval of the unpermitted additions located within the required east side yard setback and Demolition Permit No. 19-006 for the demolition of exterior walls and an unpermitted first-floor deck built seaward of the existing deck stringline located in the Single-Family Medium zoning district at 20048 Pacific Coast Highway (Joseph A. Watters and Virginia Watters Revocable Intro Vivos Trust).

Assistant Planner Murillo presented the staff report.

Disclosures: Commissioners Uhring and Weil and Vice Chair Mazza.

As there were no 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 and David Weiss.

MOTION

Commissioner Weil moved and Commissioner Uhring seconded a motion adopt Planning Commission Resolution No. 20-52, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-052 to allow an interior and exterior remodel including the after-the-fact approval of unpermitted additions to the first and second floor, a new proposed second floor addition and deck extension, and associated development including Variance No. 19-006 for the after-the-fact approval of the unpermitted additions located within the required east side yard setback and Demolition Permit No. 19-006 for the demolition of exterior walls and an unpermitted first-floor deck built seaward of the existing deck stringline located in the Single-Family Medium (SFM) zoning district; and 2) require a Planning Department inspection be conducted upon completion of demolition activities.

The Commission discussed the motion.

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

D. Coastal Development Permit No. 17-088, Site Plan Review No. 19-030, Demolition Permit No. 19-023, and Code Violation No. 20-014 – An application for demolition of an existing residence and the construction of a new single-family residence and accessory development

Location: 6968 Dume Drive, not within the appealable coastal zone

APN: 4466-015-015

Owner: Highlands Investment Group LLC

Case Planner: Assistant Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 20-53 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 17-088 to allow for the demolition of an existing single-family residence and the construction of a new 7,472 square foot two-story single-family residence that includes a basement and attached garage, two trellised patios, swimming pool, spa, site fencing and gates, new onsite wastewater treatment system, grading, landscaping, hardscaping, and associated development, including Site Plan Review No. 19-030 to allow for construction of a pitched roof 28-feet in height and Demolition Permit No. 19-023 for the demolition of the existing single-family residence located in the Rural Residential-One Acre zoning district at 6968 Dume Drive (Highlands Investment Group 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 8:27 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