



Commission Agenda Report

Planning Commission
Meeting
10-19-20

**Item
3.B.3.**

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 Minutes

RECOMMENDED ACTION: Approve the minutes for the August 17, 2020, September 8, 2020, and September 21, 2020 Regular Planning Commission meetings.

ATTACHMENTS:

1. August 17, 2020 Regular Planning Commission Meeting
2. September 8, 2020 Regular Planning Commission Meeting
3. September 21, 2020 Regular Planning Commission Meeting

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 17, 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; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Didier Murillo, Assistant Planner; Lilly Rudolph, Contract Planner; and 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 August 7, 2020.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Election of Chair and Vice Chair

MOTION Commissioner Uhring moved and Chair Jennings seconded a motion nominating Vice Chair Mazza to serve as Chair of the Planning Commission. The question was called and the motion carried unanimously.

MOTION Commissioner Jennings moved to nominate Commissioner Weil to serve as Vice Chair of the Planning Commission. The motion died due to lack of second.

MOTION Chair Mazza moved and Commissioner Uhring seconded a motion nominating Commissioner Marx to serve as Vice Chair of the Planning Commission. The question was called and the motion carried unanimously.

ATTACHMENT 1

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Uhring, Planning Director Blue stated the City would have a meeting with the California Coastal Commission in the coming week to discuss the proposed short-term rental ordinance. She stated she did not know the reason for the seemingly low response by Malibu residents to the 2020 Census. She stated that the Farmer's Market would be allowed to use the Chili Cook-off site for parking under a temporary use permit (TUP) while Santa Monica City College was under construction, but they had not yet applied for a TUP.

Commissioner Uhring stated his preference would be to have the City Council consider the short-term rental ordinance during a Special meeting.

Chair Mazza stated the 2020 Census numbers would be impacted by the loss of households due to homes burned in the 2018 Woolsey Fire, short-term rentals, and a number of homes not being primary residences. He stated parking for the Farmers Market was lacking.

In response to Chair Mazza, Planning Director Blue stated the model house display on the parcel in the Civic Center that was still standing was awaiting the processing of a coastal development permit. She stated radius noticing data was provided by the applicant based upon Los Angeles County Assessor records and those interested in a particular project or parcel may request to be listed as an interested party.

In response to Chair Mazza, Assistant City Attorney Rusin stated speaking time at meetings was dictated by the City Council and any changes would need to be approved by them.

Vice Chair Marx commented on the upcoming election and the 2020 Census.

In response to Vice Chair Marx, Chair Mazza stated the 2020 Census was based on a person's permanent residence address.

In response to Vice Chair Marx, Planning Director Blue stated providing permit information online through the geographic information system mapping system was being explored.

In response to Vice Chair Marx, Assistant City Attorney Rusin stated any changes to the Malibu Municipal Code regarding water capacity as it pertained to firefighting would be through a zoning text amendment initiated by City Council.

Planning Director Blue stated the comprehensive zoning code update and a second phase to address the Local Coastal Program had been initiated several years ago, but had become a large undertaking and was paused currently in internal

administrative draft form which could be referred to by staff on specific topics as necessary.

In response to Commissioner Weil, Planning Director Blue stated the Public Safety Commission and a multi-agency group were addressing safety on Pacific Coast Highway (PCH).

Chair Mazza added there was a task force addressing safety on PCH and Councilmember Karen Farrer was the representative for the City.

Commissioner Weil commented on short-term rental policy and stated those creating a nuisance should be addressed by Code Enforcement but those that were not should not be unfairly penalized as they contributed to the community.

ITEM 3 CONSENT CALENDAR

CONSENSUS

As there were no objections, the Commission received and filed the items listed on the Consent Calendar.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Administrative Coastal Development Permit No. 17-114, Site Plan Review No. 18-012, and Demolition Permit No. 19-042 – An application for an interior and exterior remodel, including first and second story additions, new onsite wastewater treatment system and associated development
Location: 29502 Harvester Road, not within the appealable coastal zone
APN: 4467-030-014
Owner: Mark Amin
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 17-114.
 - 2. Administrative Coastal Development Permit Woolsey Fire No. 19-002 – An application to replace the existing onsite wastewater treatment system serving an existing single-family residence on a Woolsey Fire affected parcel
Location: 32234 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-014-003
Owner: 32234 PCH, LLC
Case Planner: Associate Planner Kendall, 456-2489, ext. 301
Recommended Action: Receive and file the Planning Director’s report on Administrative Coastal Development Permit Woolsey Fire No. 19-002.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-061– An application to allow for the repair of an existing rock revetment

Location: 23940 Malibu Road, within the appealable coastal zone

APN: 4458-008-018

Owner: David and Linda Shaheen Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 20-55 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-061 to allow for the repair of no more than 20 percent of an existing rock revetment, located in the Single-Family Medium zoning district at 23940 Malibu Road (David and Linda Shaheen Trust).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Jennings, Uhring, and Weil and Chair Mazza.

The Commission directed questions to staff.

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

Speaker: Don Schmitz.

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

MOTION Commissioner Uhring moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-55 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-061 to allow for the repair of no more than 20 percent of an existing rock revetment, located in the Single-Family Medium zoning district at 23940 Malibu Road (David and Linda Shaheen Trust).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

- B. Appeal No. 20-008 - Appeal of Planning Director's approval of Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify a like-for-like rebuild of a single-family residence and associated development destroyed by the November 2018 Woolsey Fire
Location: 5936 Filaree Heights Avenue, not within the appealable coastal zone
APN: 4469-013-023
Owner: Denker Family Trust
Appellants: Terry Lucoff, Robert Brinkmann, and Stacy Clunies-Ross
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Adopt Planning Commission Resolution No. 20-58, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 20-008 and approving Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify a like-for-like fire rebuild of a single-family residence, second unit, garage and hobby/greenhouse destroyed by the November 2018 Woolsey Fire that was approved under Planning Verification-Woolsey Fire No. 19-188 located in the Rural Residential-Two Acre zoning district at 5936 Filaree Heights Avenue (Denker Family Trust).

Associate Planner Thompson presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Stacy Clunies-Ross, Terry Lucoff, Robert Brinkmann, and Jennifer Denker.

As there were no other speakers present, Chair Mazza 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 Commissioner Weil moved and Commissioner Jennings seconded a motion adopt Planning Commission Resolution No. 20-58, as amended; 1) determining the project is categorically exempt from the California Environmental Quality Act; 2) denying Appeal No. 20-008; 3) approving Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify a like-for-like fire rebuild of a single-family residence, second unit, garage and hobby/greenhouse destroyed by the November 2018 Woolsey Fire that was approved under Planning Verification-Woolsey Fire No. 19-188 located in the Rural Residential-Two Acre zoning district at 5936 Filaree Heights Avenue (Denker Family Trust); and 4) incorporating the changes recommended and read into the record by staff, on Page 2, Section 3, finding A, should state: "No evidence

has been presented that the proposed development would block the primary view, as documented by primary view determinations,” and on Page 4, Section 4, Finding 2 should read as the following, “the subject application was reviewed by the Planning Department and the City Biologist and was determined to not adversely affect environmental resources.”

The Commission discussed the motion.

AMENDMENT

Chair Mazza moved and Vice Chair Marx seconded a motion to amend the resolution to specify no new landscape or vegetation that has the potential to exceed six feet in height could be planted, unless it was demonstrated to be replacing vegetation legally established before the 2018 Woolsey Fire.

The Commission discussed the amendment.

The question was called and the amendment carried 3-2, Commissioners Jennings and Weil dissenting.

The Commission discussed the amended motion.

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

ADJOURNMENT

MOTION At 9:58 p.m., Commissioner Jennings moved and Commissioner Weil 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
SEPTEMBER 8, 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 Mazza 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 John Mazza; Vice Chair Chris Marx; and Commissioners Jeffrey Jennings, Steve Uhring, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Rob Duboux, Public Works Director / City Engineer; Raneika Brooks, Associate Planner; Richard Mollica, Assistant Planning Director; Didier Murillo, Assistant Planner; 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 August 28, 2020.

APPROVAL OF AGENDA

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to approve the agenda, continuing Item Nos. 3.B.2., 5.A., and 5.D. to the October 5, 2020 Regular Planning Commission meeting, Item No. 4.A. to a date uncertain, and hearing Item No. 4.B. after Item No. 5.C. The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

Chair Mazza commented on the proposed short-term rental ordinance agenda report for the September 14, 2020 Regular City Council meeting stating he would have liked the suggestions the Planning Commission had requested to be included regarding guest houses, City Council Policy 43, multi-family percentages, and tightening of revocation laws.

In response to Vice Chair Marx, Assistant Planning Director Mollica explained how total development square footage was calculated.

In response to Vice Chair Marx, Assistant City Attorney Rusin stated that it was at the discretion of the Chair to allow questions to be directed to speakers following the close of the public comment portion of the public hearing.

Commissioner Jennings stated such follow up questions should be specific rather than open-ended to avoid affording more time to one party over another.

Planning Director Blue announced the California Coastal Commission would be considering granting an extension on the City's Local Coastal Program amendment pertaining to pesticides at its Thursday, September 10, 2020 virtual meeting. She stated the City Council would be considering the two proposed short-term rental ordinances and a sign code provision urgency ordinance at its Monday, September 14, 2020 virtual meeting. She stated parking as a stand-alone use would be on the September 21, 2020 Planning Commission meeting agenda.

In response to Commissioner Uhring and Chair Mazza, Planning Director Blue explained the process of drafting the proposed short-term rental ordinance stating it was a multi-departmental effort, and the staff report recited all of the Planning Commission's recommendations, implemented many of them, and some were left in place as originally proposed to allow the City Council to choose in which direction it wished to proceed.

ITEM 3 CONSENT CALENDAR

B. New Items

2. Administrative Coastal Development Permit No. 19-010, Site Plan Review No. 19-017 and Minor Modification No. 20-010 – An application for a new single-family residence including second unit and associated development
Location: 6362 Sea Star Drive, not within the appealable coastal zone
APN: 4469-047-016
Owner: Canter Schoen Family Trust
Case Planner: Associate Planner Kendall, 456-2489, ext. 301
Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 19-010.

MOTION Commissioner Jennings moved and Commissioner Uhring 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 item:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Extension of Coastal Development Permit No. 16-026, Site Plan Review No. 16-029, and Demolition Permit No. 16-027 – A request to extend the Planning Commission's approval of an application to allow construction of a new single-family residence and associated development
Location: 29458 Bluewater Road
APN: 4468-005-009
Owner: Kassoy Family Trust
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Adopt Planning Commission Resolution No. 20-54, granting a one-year extension of Coastal Development Permit No. 16-026 to allow the remodel and roofline modification to an existing second unit, construction of a new 3,801 square foot single-family residence, 504 square foot detached garage, swimming pool, spa, trellis, tennis court, bocce ball court) and landscaping, and replacement of the existing onsite wastewater treatment system; including Site Plan Review No. 16-029 for construction in excess of 18 feet in height for the primary residence and second unit up to 24 feet and 22 feet, respectively, and Demolition Permit No. 16-027 for the demolition of an existing 3,488 square foot residence located in the Rural Residential–One Acre zoning district at 29458 Bluewater Road (Kassoy Family Trust).

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. 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 (Continued from July 20, 2020)
Location: 31340 Broad Beach Road, within the appealable coastal zone
APN: 4470-016-011
Owner: 31340 Broad Beach Road, LLC
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Continue this item to a date uncertain.

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

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit-Woolsey Fire No. 20-001, Site Plan Review Nos. 20-003 – An application for the construction of a new single-family residence and associated development to replace development lost in the Woolsey Fire
Location: 6556 Zumirez Drive, within the appealable coastal zone
APN: 4466-002-012
Owners: Alexander B. and Kirsten Cvitan
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Continue this item to the October 5, 2020 Regular Planning Commission meeting.

This item was continued to the October 5, 2020 Regular Planning Commission meeting upon approval of the agenda.

- B. 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
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 zoning district at 22271 Carbon Mesa Road (Map Properties, LLC).

Assistant Planner Murillo presented the staff report.

Disclosures: Commissioners Uhring and Weil and Chair Mazza.

The Commission directed questions to staff, Larry Harris, and Vitus Matare.

- MOTION Commissioner Uhring moved and Chair Mazza seconded a motion to continue the item to the September 21, 2020 Regular Planning Commission meeting to allow staff time to provide additional information and for Commissioners to conduct site visits.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

C. Coastal Development Permit No. 19-080 and Variance No. 19-058 – An application for the replacement of a bridge on Pacific Coast Highway that spans across Trancas Creek

Locations: The Area Between Trancas Canyon Road and Guernsey Avenue; Located within the appealable coastal zone

Addresses/APNs: 30050.5 Pacific Coast Highway (PCH) / 4469-027-901, and portions of the following properties that contain public right of way for PCH:

30708 Pacific Coast Highway / 4469-026-009

30712 Pacific Coast Highway / 4469-026-008

30718 Pacific Coast Highway / 4469-026-007

30724 Pacific Coast Highway / 4469-026-006

30728 Pacific Coast Highway / 4469-026-020

30732 Pacific Coast Highway / 4469-026-019

30738 Pacific Coast Highway / 4469-026-018

30745 Pacific Coast Highway / 4469-045-001

30748 Pacific Coast Highway / 4469-026-017

Owner: State of California

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

Recommended Action: Adopt Planning Commission Resolution No. 20-62 adopting Initial Study No. 20-002 and Mitigated Negative Declaration No. 20-002, and approving Coastal Development Permit No. 19-080 to approve the repair work to the existing bridge that took place under Emergency Coastal Development Permit No. 18-001 and allow for the replacement of the Trancas Creek Bridge which serves Pacific Coast Highway (PCH) by the State of California Department of Transportation (Caltrans), including associated utility and traffic/access management work and Variance No. 19-058 to allow for work within a riparian environmentally sensitive habitat area located at 30050.5 PCH (State of California).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Uhring and Weil and Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Reza Fateh, Chris Frost, Raja Gosnell, and Kraig Hill.

Reza Fateh provided rebuttal to public comment.

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

The Commission directed questions to staff, Mr. Fateh, and Ginger Lu.

MOTION Commissioner Uhring moved and Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 20-62 adopting Initial Study No. 20-002 and Mitigated Negative Declaration No. 20-002, and approving Coastal Development Permit No. 19-080 to approve the repair work to the existing bridge that took place under Emergency Coastal Development Permit No. 18-001 and allow for the replacement of the Trancas Creek Bridge which serves Pacific Coast Highway (PCH) by the State of California Department of Transportation (Caltrans), including associated utility and traffic/access management work and Variance No. 19-058 to allow for work within a riparian environmentally sensitive habitat area located at 30050.5 PCH (State of California).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

D. Coastal Development Permit No. 16-054 - An application for an interior and exterior remodel of an existing single-family residence, including a 764-square foot addition, an increase in roof height from 17 feet and five inches to 24 feet, not to exceed 24 feet in height for a flat roof

Location: 26928 Malibu Cove Colony Drive, within the appealable coastal zone

APN: 4460-025-009

Owner: Boulder Beach, LLC

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

Recommended Action: Continue this item to the September 21, 2020 Regular Planning Commission meeting.

This item was continued to the October 5, 2020 Regular Planning Commission meeting upon approval of the agenda.

RECUSAL At 8:45 p.m. Chair Mazza recused himself due from Item No. 4.B. due to having recused himself previously on the project and left the meeting.

RECESS At 8:45 p.m., Vice Chair Marx recessed the meeting. The meeting reconvened at 8:50 p.m. with all Commissioners present except Chair Mazza.

ITEM 4 CONTINUED PUBLIC HEARINGS (Continued)

B. Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development (Continued from August 3, 2020)

Location: 29043 Grayfox Street, not within the appealable coastal zone

APN: 4466-017-002

Owners: John and Tatiana Atwill

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

Recommended Action: Adopt Planning Commission Resolution No. 20-51 determining the project is categorically exempt from the California Environmental

Quality Act, and approving Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

Associate Planner Brooks presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioners Jennings, Uhring, and Weil.

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

Speakers: Don Schmitz, John Stockwell, Matthew Palmieri, and Kraig Hill.

Mr. Schmitz provided rebuttal to public comment.

As there were no other speakers present, Vice Chair Marx 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. Schmitz.

MOTION

Commissioner Weil moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 20-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

The Commission discussed the motion.

The question was called and the motion failed 2-2-0, Commissioner Uhring and Vice Chair Marx dissenting and Chair Mazza absent.

The Commission directed questions to staff.

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to deny Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill) based upon the inability to make the finding for neighborhood character.

The Commission discussed the motion.

The Commission directed questions to staff and Mr. Schmitz.

The question was called and the motion failed 2-2-0, Commissioners Jennings and Weil dissenting and Chair Mazza absent.

The Commission directed questions to staff.

MOTION Commissioner Uhring moved and Commissioner Jennings seconded a motion directing staff to prepare a resolution indicating the Planning Commission was unable to make a decision on the project and recommend that the City Council take back jurisdiction and hear the item - Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013, an application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development.

The Commission directed questions to staff.

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:13 p.m., Commissioner Jennings moved and Commissioner Weil seconded a motion to adjourn the meeting. The question was called and the motion carried 4-0, Chair Mazza absent.

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
SEPTEMBER 21, 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 Mazza 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 John Mazza; Vice Chair Chris Marx; and Commissioners Jeffrey Jennings, Steve Uhring, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Joyce Parker Bozylinski, Contract Planner; Tyler Eaton, Assistant Planner; Richard Mollica, Assistant Planning Director; Didier Murillo, Assistant Planner; Lilly Rudolph, Contract Planner; Jan Scow, Contract City Arborist; and Kathleen Stecko, Administrative Assistant

PLEDGE OF ALLEGIANCE

Chair Mazza led the pledge of allegiance.

REPORT ON POSTING OF AGENDA

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

APPROVAL OF AGENDA

MOTION Vice Chair Marx moved and Commissioner Uhring seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Kraig Hill commented on enforcement of short-term rental violations and stated fines should be imposed.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Uhring, Planning Director Blue stated implementation of the short-term rental enforcement ordinance was an administrative function and a permitting system was being developed.

Planning Director Blue stated Norman Haynie's hotel project would have to go through the California Environmental Quality Act process and an initial study would need to be conducted. She stated progress had been made on the Nobu project and a reconfiguration of the traffic light was underway that should alleviate some of the traffic congestion. She stated a recruitment effort for filling the Planning Director position was underway.

David Weil commented on after-the-fact approvals and the practice of not fining those that have failed to obtain the requisite permits and requested staff explore imposing penalties.

In response to Vice Chair Marx, Planning Director Blue stated short-term rental permit fees would be reflective of the resources necessary to develop the online portal for the application and permitting systems and the Code Enforcement resource load.

Vice Chair Marx stated that residents should be made aware of educational and preparation opportunities including the evacuation plan as fire season approached.

In response to Vice Chair Marx, Planning Director Blue stated the City Manager Weekly update was a good resource for emergency management information.

In response to Vice Chair Marx, Assistant Planning Director Mollica stated although temperatures had been high, traffic had not been as heavy as might have been expected due to businesses not being fully open. Planning Director Blue stated traffic patterns were being analyzed during this time of lower business activity to help determine the impact the restaurants were having. She stated implementing changes during times that were less busy tends to be easier.

Commissioner Uhring commented on an article by Steve Lopez regarding building.

Chair Mazza stated beaches brought large crowds to the City. He commented that Council Policy 43 did not protect the identity of those submitting complaints.

In response to Chair Mazza, Assistant Planning Director Mollica provided the status of the application at the former Beau Rivage (now Ranch at Solstice) site.

Commissioner Jennings stated code enforcement policy was an issue for the City Council with one of the goals being to encourage people to come forward to bring themselves into compliance.

Vice Chair Marx commented on the volume of visitors to beaches within the City and the role corporate partners might serve in cleaning up the beach.

Chair Mazza stated there was not industry to partner with in cleaning up the beaches. He stated local residents were involved in keeping the beaches clean.

Commissioner Jennings stated beaches in Malibu were under the jurisdiction of Los Angeles County Department of Beaches and Harbors and those interested in involvement in cleaning the beaches should contact them.

Planning Director Blue stated the California Coastal Commission had information on their website on a program to clean the beaches.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled for individual consideration by Commissioner Uhring.

MOTION Commissioner Uhring 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
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.

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.

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

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).

Disclosures: Commissioner Weil.

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

Speakers: Joseph Lezama and Peter Pastewka.

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

The Commission directed questions to staff.

MOTION

Commissioner Uhring moved and Vice Chair Marx seconded a motion to adopt Planning Commission Resolution No. 20-66, as amended, granting a one-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).

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

ITEM 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 zoning district at 22271 Carbon Mesa Road (Map Properties, LLC).

Assistant Planner Murillo presented the staff report.

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

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

Speakers: Vitus Matare and Larry Harris.

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

The Commission directed questions to staff and Mr. Matare.

MOTION Commissioner Weil moved and Commissioner Jennings seconded a motion to: 1) adopt Planning Commission Resolution 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); and 2) add to Condition 82 the requirement that the Construction Management Plan should address grading truck trips to ensure safety and access.

The Commission discussed the motion and directed questions to staff.

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

ITEM 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.

Contract Planner Bozylinski presented the staff report.

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

Speaker: Kraig Hill.

As there were no other speakers present, Chair Mazza 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 Contract City Arborist Jan Scow.

RECESS At 9:51 p.m. Chair Mazza recessed the meeting. The meeting reconvened at 10:00 p.m. with all Commissioners present.

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to continue Item No. 5.D., to the October 5, 2020 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

The Commission directed questions to staff.

MOTION Commissioner Uhring moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 20-65, as amended: 1) 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; correcting previously referenced Section 17.55 to be updated to Section 17.53; 2) recommend City Council study parking needs in the City and the ordinance not be implemented until caps to limit area taken by stand-alone parking are implemented; 3) under conditional use permit (CUP) application requirements that applications within 1000 feet, rather than 500 feet, of parking lots shall provide utilization analysis; 4) increase permeable coverage to a minimum of 30 percent unless evidence demonstrates best management practices to support a lower figure; 5) a report to the Planning Commission be required ten years after CUP issuance and project completion; 6) remove the word “minimum” to the tree size reference and state 15 gallon or 24 inch box are required; 7) require a traffic study; 8) require a temporary use permit (TUP) be obtained when the lot is used for event parking where the event does not already have a TUP or special event permit governing its use; 9) a needs assessment required for project applications; 10) include a CUP finding requiring minimizing the heat island effect; and 11) as recommended by the Coastal Commission pertaining to changes to proposed language in the Local Implementation Plan only, remove references from the Malibu Municipal Code to the Fire Resistant Landscape Ordinance, the list of approved parking lot tree selections and approved Tree Planting Guide on file with the City .

The Commission discussed the motion.

The question was called and the motion carried unanimously.

MOTION Commissioner Uhring moved and Commissioner Jennings seconded a motion to continue Item Nos. 5.B. and 5.C. to the October 5, 2020 Regular Planning Commission meeting. The question was called and the motion carried unanimously.

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).

This item was continued to the October 5, 2020 Regular Planning Commission meeting.

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).

This item was continued to the October 5, 2020 Regular Planning Commission meeting.

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).

This item was continued to the October 5, 2020 Regular Planning Commission meeting.

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).

Assistant Planner Eng presented the staff report.

Disclosures: Commissioners Jennings, Uhring, and Weil and Chair Mazza.

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

Speaker: Don Schmitz.

As there were no other speakers present, Chair Mazza 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. Schmitz.

MOTION Commissioner Jennings moved and Commissioner Weil seconded a motion adopt Planning Commission Resolution No. 20-64: 1) 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, allow the outdoor amphitheater constructed without the benefit of permits to remain with no commercial use or amplified sound,; 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).; 2) no commercial use of the amphitheater is allowed; and 3) no use of amplified sound is allowed.

The Commission discussed the motion.

FRIENDLY AMENDMENT

Chair Mazza amended the resolution to require the height of the fence in the front yard be brought into compliance with the Code.

The Commission discussed the amendment.

The amendment was accepted by the mover and the seconder.

The question was called and the amended motion carried unanimously.

ADJOURNMENT

MOTION At 11:17 p.m., Commissioner Uhring moved and Vice Chair Marx 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