



Planning Commission
Meeting
01-04-21

**Item
3.B.1**

Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Kathleen Stecko, Administrative Assistant

Approved by: Richard Mollica, Acting Planning Director

Date prepared: December 22, 2020 Meeting date: January 4, 2021

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the December 7, 2020 Regular Planning Commission meeting.

ATTACHMENT: December 7, 2020 Regular Planning Commission Meeting

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
DECEMBER 7, 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: Patrick Donegan, Assistant City Attorney; Richard Mollica, Acting Planning Director; Philip Coronel, Planning Technician; Tyler Eaton, Assistant Planner; Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

PLEDGE OF ALLEGIANCE

Commissioner Uhring led the pledge of allegiance.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on November 25, 2020, with the amended agenda posted on December 1, 2020.

APPROVAL OF AGENDA

MOTION Vice Chair Marx moved and Commissioner Jennings seconded a motion to approve the agenda, continuing Item Nos. 4.A. and 5.E. to the January 4, 2021 Regular Planning Commission meeting and Item No. 4.B. to the February 1, 2021 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Short-term Rental Compliance Presentation

Acting Planning Director Mollica presented information on short-term rental compliance.

ITEM 2.A. PUBLIC COMMENTS

Kraig Hill commented on noticing for hearings and suggested more congenial, inviting verbiage added to the technical information provided on notices similar to the approach taken on the recent Wireless Workshop notice. In addition, he stated more lengthy reports might be more manageable to read if they were broken down differently, with current documents in one section and background documents in a different section.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Uhring stated during the most recent power outages that occurred in eastern Malibu, the water pumps were working and extended his thanks to Water District 29 for making that happen.

In response to Vice Chair Marx, Acting Planning Director Mollica stated public hearing notices had different legal noticing requirements than that of the recent public workshop, but efforts to enhance the understanding of public hearing notices would be explored.

Chair Mazza stated more detailed notices would impart more helpful information and encourage more public participation. He wished departing Planning Commissioner Uhring well in his upcoming role as a City Councilmember.

CONSENSUS

By consensus, the Commission directed staff to place an item on a future Planning Commission meeting agenda to discuss implementation of a method of deferring time for public comment during public hearings held via teleconference.

ITEM 3 CONSENT CALENDAR

Commissioner Uhring moved and Commissioner Jennings seconded a motion to approve the Consent Calendar.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

The consent calendar consisted of the following items:

A. Previously Discussed Items

1. Administrative Coastal Development Permit No. 20-002 – An application to allow for the construction of a new 5,686 square-foot, two-story single-family residence with 806 square foot attached garage and associated development including the conversion of an existing accessory structure into a new 900 square-foot detached second unit, a new lap pool/spa, a new 100 square-foot cabana, reconfiguring the existing driveway, hardscaping, grading; and installation of a new onsite wastewater treatment system, including Site Plan Review No. 20-010 for construction of the residence over 18 feet in height to replace a home destroyed in the 2018 Woolsey Fire (Continued from November 16, 2020)

Location: 29725 Harvester Road, not within the appealable coastal zone

APN: 4469-010-017

Owners: Gary and Daphne Murphy

Case Planner: Contract Planner Shah, 456-2489, ext. 385

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 20-002.

B. New Items

2. Approval of Minutes

Recommended Action: Approve the minutes for the November 16, 2020 Regular Planning Commission meeting.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood (Continued from November 16, 2020)

Location: 6480 Via Escondido Drive, not within the appealable coastal zone

APN: 4460-009-003

Owner: Sycamore Tennis Court Association

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

Recommended Action: Continue this item to the January 4, 2021 Regular Planning Commission meeting.

This item was continued to the January 4, 2021 Regular Planning Commission meeting upon approval of the agenda.

- B. Coastal Development Permit No. 17-001, Variance No. 19-004, and Site Plan Review No. 17-005 – An application for the construction of a new single-family residence and associated development (Continued from November 2, 2020)

Location: 5924 Zumirez Drive, within the appealable coastal zone

APN: 4467-008-034

Owner: Izad Family Trust

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

Recommended Action: Continue this item to the February 1, 2021 Regular Planning Commission meeting.

This item was continued to the February 1, 2021 Regular Planning Commission meeting upon approval of the agenda.

C. Coastal Development Permit-Woolsey Fire No. 20-023 – An application for a 1,314 square foot addition, a new OWTS, and exterior site improvements (Continued from November 16, 2020)

Location: 30181 Cuthbert Road, within the appealable coastal zone
APN: 4469-007-002
Owner: Cuthbert Surf, LLC
Case Planner: Planning Technician Coronel, 456-2489, ext. 373

Recommended Action: Adopt Planning Commission Resolution No. 20-79 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit–Woolsey Fire No. 20-023 to allow for the construction of a 1,314 square foot addition; 6,783 square feet of new impermeable coverage; view permeable front yard fence (not to exceed six feet in height); rear and side yard retaining walls (not to exceed six feet in height); a new pool and spa with associated equipment; and installation of a new onsite wastewater treatment system, as an addition to a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential–Two Acre zoning district at 30181 Cuthbert Road (Cuthbert Surf, LLC).

Planning Technician Coronel 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 further questions for staff, Chair Mazza opened the public comment portion of the public hearing.

Speakers: Vitus Matare, Howard Spunt, Anne Sadeghpour, and Saeed Sadeghpour.

Mr. Matare 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 and Mr. Matare.

MOTION Commissioner Weil moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 20-79 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit–Woolsey Fire No. 20-023 to allow for the construction of a 1,314 square foot addition; 6,783 square feet of new impermeable coverage; view permeable front yard fence (not to exceed six feet in height); rear

and side yard retaining walls (not to exceed six feet in height); a new pool and spa with associated equipment; and installation of a new onsite wastewater treatment system, as an addition to a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential–Two Acre zoning district at 30181 Cuthbert Road (Cuthbert Surf, LLC).

The Commission discussed the motion.

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

The Commission directed questions to staff, Mr. Matare, and Mr. Spunt.

MOTION Commissioner Uhring moved to direct staff to bring back a resolution denying the project.

The Commission discussed the motion.

Commissioner Uhring withdrew his motion.

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion continue the item to a date uncertain to allow the applicant to redesign the project.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

A. Administrative Plan Review No. 20-014 and Variance No. 20-009 – An application to install new rooftop mechanical equipment and mounting platform

Location: 3011 Malibu Canyon Road, not within the appealable coastal zone

APN: 4458-029-012

Owner: HRL Laboratories, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 20-71 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 20-014 to allow the installation of roof-mounted mechanical equipment and mounting platform serving an existing research and development facility, including Variance No. 20-009 for development over 24 feet in height, located in the Industrial and Research and Development zoning district at 3011 Malibu Canyon Road (HRL Laboratories, LLC).

Assistant Planner Eaton presented the staff report.

Disclosures: Commissioner Uhring 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: Eduardo Santa Cruz.

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 Uhring moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-71 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 20-014 to allow the installation of roof-mounted mechanical equipment and mounting platform serving an existing research and development facility, including Variance No. 20-009 for development over 24 feet in height, located in the Industrial and Research and Development zoning district at 3011 Malibu Canyon Road (HRL Laboratories, LLC).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

B. Conditional Use Permit Amendment No. 19-007 – An application to amend Conditional Use Permit No. 16-004 to allow the modification of an existing liquor license for the Malibu Racquet Club

Location: 23847 Stuart Ranch Road

APN: 4458-021-002

Owner: Malibu Racquet Club, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 20-75 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 19-007 to permit the amendment of Conditional Use Permit No. 16-004 to allow the modification of an existing liquor license for the Malibu Racquet Club located in the Community Commercial zoning district at 23847 Stuart Ranch Road (Malibu Racquet Club, LLC).

Associate Planner Thompson presented the staff report.

The Commission directed questions to staff.

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: Drew Purvis, Trey Waltke, and Ryan Embree.

Mr. Purvis and Mr. Waltke 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. Purvis, and Mr. Waltke.

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to adopt Planning Commission Resolution No. 20-75, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 19-007 to permit the amendment of Conditional Use Permit No. 16-004 to allow the modification of an existing liquor license for the Malibu Racquet Club located in the Community Commercial zoning district at 23847 Stuart Ranch Road (Malibu Racquet Club, LLC); and 2) updating Condition No. 11 to specify that any increase to service area, number of employees, or any number of restaurant seats requires evaluation by the Planning Director and the City Environmental Health Administrator and shall require an amendment to this conditional use permit by the Planning Commission; and if necessary, modification or update to the onsite wastewater treatment system as required.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

RECESS At 8:30 p.m. Chair Mazza recessed the meeting. The meeting reconvened at 8:40 p.m. with all Commissioners present.

C. Coastal Development Permit No. 19-032 and Demolition Permit No. 20-027 – An application for the construction of a new guest house, garage, onsite wastewater treatment system and associated improvements, and partial demolition of an existing accessory structure

Location: 5845 Clover Heights Avenue, within the appealable coastal zone

APN: 4469-013-010

Owner: Alan and Thords Carson Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 20-74 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-032 for a 900-square foot guest house, including a 496.5-square foot mechanical room (with a

floor-to-ceiling height not to exceed six feet), a 400-square foot garage, for a total property development square footage of 3,177-square feet, a new onsite wastewater treatment system, exterior site improvements including a 1,123-square foot on-grade deck and 2,600-square feet of new impermeable coverage, and Demolition Permit No. 20-027 for the partial demolition of an existing accessory structure and the demolition of two sheds totaling 236-square feet; located in the Rural Residential-Two Acre zoning district at 5845 Clover Heights Avenue (Alan and Thords Carson Trust).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioner 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: Marissa Coughlan.

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 Ms. Coughlan.

MOTION Chair Mazza moved and Vice Chair Marx seconded a motion to adopt Planning Commission Resolution No. 20-74 , as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-032 for a 900-square foot secondary dwelling unit, including a 496.5-square foot mechanical room (with a floor-to-ceiling height not to exceed six feet), a 440-square foot garage, for a total property development square footage of 3,177-square feet, a new onsite wastewater treatment system, exterior site improvements including a 1,123-square foot deck and 2,600-square feet of new impermeable coverage, and Demolition Permit No. 20-027 for the partial demolition of an existing accessory structure and the demolition of two sheds totaling 236-square feet; located in the Rural Residential-Two Acre zoning district; 2) changing the term “guest house’ to “secondary dwelling unit;” and 3) correct the square footage of the garage from 400 to 440.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

RECUSSAL Commissioner Uhring recused himself due to the possibility of having to consider the Coastal Development Permit 14-069 in the future if it goes before the City Council and left the meeting 9:00 p.m.

- D. Malibu Jewish Center and Synagogue Project - Coastal Development Permit No. 14-069, Conditional Use Permit No. 16-005, Variance Nos. 14-050, 14-051 and 16-009, Site Plan Review No. 14-050, Sign Permit No. 16-006, Demolition Permit No. 18-024, Initial Study No. 18-001, and Mitigated Negative Declaration No. 18-001 – An application to remove four modular buildings and redevelop the site with a two-story classroom/ administration building with a subterranean garage and basement, construct a new temple building with a basement, and associated development

Location: 24855 Pacific Coast Highway, within the appealable coastal zone

APN: 4458-032-027

Owner: Malibu Jewish Center and Synagogue

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

Recommended Action: Adopt Planning Commission Resolution No. 20-83 adopting Initial Study No. 18-001 and Mitigated Negative Declaration No. 18-001 and approving Coastal Development Permit No. 14-069 and Demolition Permit No. 20-024 for the removal of four modular buildings and redevelopment of the site with a two-story, 16,410 square foot classroom/administration building with two subterranean levels; one for 28 parking spaces and the second for storage, construction of a new temple building with 2,013 square foot of above-ground floor area and a basement, redevelopment of the existing surface parking lot to improve internal circulation and parking, installation of a second onsite wastewater treatment system, and a habitat restoration program for Puerco Canyon Creek to be integrated with ongoing fuel modification activities; including Conditional Use Permit No. 16-005 for the expansion of the existing religious facility; Variance (VAR) No. 14-050 to allow for non-code compliant parking spaces, reduced number of parking spaces and parking space dimensions; VAR No. 14-051 for construction within an Environmentally Sensitive Habitat Area buffer zone; VAR No. 16-009 for a retaining wall over six feet in height; Site Plan Review No. 14-050 for buildings in excess of 18 feet in height but not to exceed 28 feet for flat roofs; and Sign Permit No. 16-006 for identification and building mounted signage, located in the Institutional zoning district at 24855 Pacific Coast Highway (Malibu Jewish Center and Synagogue).

Acting Planning Director Mollica presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioners Jennings and Weil, Vice Chair Marx, 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: David Gray, Mark Meyer, George Greenberg, Ron Goldman, and Kraig Hill.

Mr. Gray and Mr. Greenberg 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 and Mr. Gray.

MOTION

Chair Mazza moved and Commissioner Jennings seconded a motion to continue the hearing to a date uncertain to allow staff time to have the Malibu Public Safety Commission provide input on relevant highway safety concerns and have staff provide additional analysis on the proposed parking plan for the Malibu Jewish Center and Synagogue Project - Coastal Development Permit No. 14-069, Conditional Use Permit No. 16-005, Variance Nos. 14-050, 14-051 and 16-009, Site Plan Review No. 14-050, Sign Permit No. 16-006, Demolition Permit No. 18-024, Initial Study No. 18-001, and Mitigated Negative Declaration No. 18-001, an application to remove four modular buildings and redevelop the site with a two-story classroom/ administration building with a subterranean garage and basement, construct a new temple building with a basement, and associated development.

The Commission discussed the motion.

The question was called and the motion carried 4-0, Commissioner Uhring absent.

E. Coastal Development Permit No. 19-001, Variance No. 19-001, Site Plan Review No. 19-001, and Minor Modification No. 19-001 – An application for a new single-family residence and associated development

Location: 20272 Inland Lane, within the appealable coastal zone

APN: 4450-012-032

Owner: The Jonathan L. Congdon Revocable Trust

Case Planner: Contract Planner Rudolph, 456-2489, ext. 374

Recommended Action: Adopt Planning Commission Resolution No. 20-61 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-001 for the construction of a new 3,792 square foot, two-story single-family residence, plus a 602 square foot attached two-car garage with storage, a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification No. 19-001 for the reduction of the required side yard setback, located in the Single-Family Low Density zoning district at 20272 Inland Lane (The Jonathan L. Congdon Revocable Trust).

This item was continued to the January 4, 2021 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:17 p.m., Chair Mazza moved and Vice Chair Marx seconded a motion to adjourn the meeting. The question was called and the motion carried 4-0, Commissioner Uhring absent.

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

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant