

**This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order (*revised January 25, 2021*). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.**

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

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

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

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

**Amended<sup>1</sup> Malibu Planning Commission**  
**Regular Meeting Agenda**  
**(to be held during COVID-19 emergency)**

**Monday, February 1, 2021**

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

**Various Teleconference Locations**

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT  
**[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)**

Call to Order - Chair

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – January 22, 2021; Amended Agenda posted January 27, 2021

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<sup>1</sup> See Corrected Location Address on Item No. 3.A.1. ; Updated Case Planner for Item No. 5.C.; Revised County of Los Angeles Public Health Officer’s Safer at Home Order

**1. Ceremonial/Presentations**

None.

**2. Written and Oral Communications from the Public**

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

B. Planning Commission and staff comments and inquires

**3. Consent Calendar****A. Previously Discussed Items**

1. [De Minimis Waiver No. 20-021 — An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system \(Continued from January 19, 2021\)](#)

*Location: 6671 Dume Drive, partially within the appealable coastal zone*

*APN: 4468-008-018*

*Owner: Paquette Family Trust*

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

*Recommended Action: Receive Planning Director's report on the De Minimis Waiver No. 20-021 to allow for the installation of a replacement onsite wastewater treatment system for a Woolsey Fire affected parcel.*

**B. New Items**

1. [Approval of Minutes](#)

*Recommended Action: Approve the minutes for the January 19, 2021 Regular Planning Commission meeting.*

*Staff Contact: Planning Director Mollica, 456-2489, ext. 346*

2. [Administrative Coastal Development Permit No. 20-017 – An application for the replacement of an onsite wastewater treatment system serving an existing single-family residence](#)

*Location: 31026 Broad Beach Road, within the appealable coastal zone*

*APN: 4470-014-014*

*Owner: Diane Gooch*

*Case Planner: Assistant Planner Coronel 456-2489, ext. 373*

*Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 20-017.*

3. [Formula Retail Clearance No. 20-002 – Malibu Country Mart Shopping Center](#)

Location: 3835 Cross Creek Road, Unit Number 7  
 APN: 4458-020-014  
 Owner: 3835 Cross Creek, LLC  
 Tenant: Alfred Coffee  
 Case Planner: Associate Planner Thompson 456-2489, ext. 280

Recommended Action: Receive and file the Planning Director's report on Formula Retail Clearance No. 20-002.

4. [Formula Retail Clearance No. 20-004 – Malibu Country Mart Shopping Center](#)

Location: 3835 Cross Creek Road, Unit Number 12  
 APN: 4458-020-014  
 Owner: 3835 Cross Creek, LLC  
 Tenant: Brandy Melville  
 Case Planner: Associate Planner Thompson 456-2489, ext. 280

Recommended Action: Receive and file the Planning Director's report on Formula Retail Clearance No. 20-004.

4. **Continued Public Hearings**A. [Appeal No. 20-012 - Appeal of Planning Director's approval of Planning Clearance No. 20-017 for the Tesla Information Center and Showroom \(Continued from January 19, 2021\)](#)

Location: 23401 Civic Center Way, not within the appealable coastal zone  
 APN: 4458-022-030  
 Owner: The Park at Cross Creek, LLC  
 Appellant: Patt Healy  
 Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 21-04, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 20-012, and approving Planning Clearance No. 20-017 for the Tesla Information Center & Gallery/Showcase in the Civic Center Northeast-Specific Plan zoning district at 23401 Civic Center Way (The Park at Cross Creek, LLC).

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 \(Continued from December 7, 2020\)](#)

Location: 5924 Zumirez Drive, within the appealable coastal zone  
 APN: 4467-008-034  
 Owner: Izad Family Trust  
 Case Planner: Associate Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-001 to construct a new 6,697 square foot,

- two-story, single-family residence including a 1,647 square foot subterranean garage, rooftop deck to contain an herb garden and elevator, swimming pool, spa, pool decks, landscaping, hardscape, retaining walls, fire department turnaround, driveway improvements, and new onsite wastewater treatment system; including Variance No. 19-004 for construction on slopes steeper than 2.5 to 1 and Site Plan Review No. 17-005 for construction up to 24 feet tall for a flat roof and 28 feet with a pitched roof for the elevator shaft located in the Rural Residential-Five Acre zoning district at 5924 Zumirez Drive (Izad Family Trust).
- C. [Appeal No. 20-011 - An appeal of the Planning Director's approval of Administrative Coastal Development Permit-Woolsey Fire 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 780 square-foot detached second unit with attached 210 utility room, 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 \(Continued from January 19, 2021\)](#)
- 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: Continue this item to the February 16, 2021 Regular Planning Commission meeting.
- D. [Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood \(Continued from January 19, 2021\)](#)
- 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 February 16, 2021 Regular Planning Commission meeting.
- E. [Local Coastal Program Amendment No. 16-007 And Zoning Text Amendment No. 16-005 – Implementing a comprehensive regulatory system for the placement of wireless facilities, including procedures, permitting, and penalties by amending Malibu Municipal Code \(MMC\) Chapter 17, including, but not limited to Chapter 17.46 and Table B and amending Local Coastal Program Local Implementation Plan Chapter 3, including, but not limited to Section 3.16 and Table B \(Continued from January 19, 2021\)](#)
- Applicant: City of Malibu  
 Location: Citywide  
 Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting to allow staff additional time to incorporate public comments into the draft ordinance.

**5. New Public Hearings**

- A. [Coastal Development Permit-Woolsey Fire No. 20-023 – An application for a 1,314 square foot addition, a new OWTS, and exterior site improvements \(Continued from December 7, 2020\)](#)

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

Recommended Action: Adopt Planning Commission Resolution No. 21-10 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 (OWTS), 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).

- B. [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: Associate Planner Murillo, 456-2489, ext. 353

Recommended Action: Continue this item to the March 1, 2021 Regular Planning Commission meeting per the applicant’s request.

- C. [Coastal Development Permit No. 20-063 and Variance No. 20-043 – An application for Phase 2 of the Civic Center Wastewater Treatment Facility, including the location of a temporary construction trailer and other facilities at the plant site; new and modified collection and distribution pipelines; pump stations and other above-ground equipment; and related facilities, including a variance for new development within 100 feet of a stream/riparian environmentally sensitive habitat area](#)

Locations: 24000 Civic Center Way, and various public streets and private street easements in the Civic Center, Malibu Colony and Serra Retreat areas, within the appealable coastal zone  
 APNs: 4458-028-900 and -901, 4458-001-002, 4452-009-001 and various others in Serra Retreat area  
 Owners: City of Malibu, Malibu Colony Association, Adamson Companies and various others in Serra Retreat area  
 Case Planner: Mary Wright, 456-2489, ext. 250

*Recommended Action: Adopt Planning Commission Resolution No. 21-05 adopting Addendum No. 1 to the Certified Malibu Civic Center Wastewater Treatment Facility Project (CCWTF) Final Environmental Impact Report (SCH No. 2013111075) and approving Coastal Development Permit No. 20-063 for the construction of Phase 2 of the CCWTF, including the location of a temporary construction trailer and other facilities at the plant site; new and modified collection and distribution pipelines; pump stations and other above-ground equipment; and related facilities, including Variance No. 20-043 for new development within 100 feet of a stream/riparian environmentally sensitive habitat area (City of Malibu).*

- D. [Coastal Development Permit No. 14-072, Lot Line Adjustment No. 14-004, Lot Merger No. 17-007, Variance Nos. 17-050, 17-051, 18-001, 18-005, 18-006, and 18-015 – An application for a new single-family residence, associated development, lot merger, and lot line adjustment](#)

Locations: 33398 and 33390 Pacific Coast Highway, within the appealable coastal zone  
 APNs: 4473-019-005 and 4473-019-006  
 Applicant/Owner: 180 PCH, LLC  
 Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting.

- E. [Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and 18-010, and Minor Modification No. 18-001 – An application for a new single-family residence and associated development](#)

Locations: 33386 Pacific Coast Highway, within the appealable coastal zone  
 Applicant/Owner: 180 PCH, LLC  
 APN: 4473-019-007  
 Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting.

**6. Old Business**

None.

**7. New Business**

None.

**8. Planning Commission Items**

None.

**Adjournment**

### Future Meetings

Tuesday, February 16, 2021	6:30 p.m.	Regular Planning Commission Meeting	Location TBD
Monday, March 1, 2021	6:30 p.m.	Regular Planning Commission Meeting	Location TBD
Monday, March 15, 2021	6:30 p.m.	Regular Planning Commission Meeting	Location TBD

### Guide to the Planning Commission Proceedings

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

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

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

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

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

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

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

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

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

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II. Requests to show an audio or video presentation during a Council meeting should be directed to Alex Montano at (310) 456-2489, ext. 227 or [amontano@malibucity.org](mailto:amontano@malibucity.org). Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 27<sup>th</sup> day of January 2021 at 5:30 p.m.



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Kathleen Stecko, Administrative Assistant