



Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Kathleen Stecko, Administrative Assistant

Approved by: Richard Mollica, Planning Director

Date prepared: January 21, 2021 Meeting Date: February 1, 2021

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the January 19, 2021 Regular Planning Commission meeting.

DISCUSSION: Staff has prepared draft minutes for the above-referenced Planning Commission meeting and hereby submits the minutes for the Commission's consideration.

ATTACHMENT: January 19, 2021 Regular Planning Commission meeting.

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JANUARY 19, 2021
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 and Commissioners Kraig Hill, Jeffrey Jennings, Dennis Robert Smith, and David Weil

ALSO PRESENT: Patrick Donegan, Assistant City Attorney; Richard Mollica, Planning Director; Justine Kendall, Associate Planner; Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

PLEDGE OF ALLEGIANCE

Commissioner Hill led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION Chair Mazza moved and Commissioner Jennings seconded a motion to approve the agenda, continuing Item Nos. 4.A., 5.A., and 5.F. to the February 1, 2021 Regular Planning Commission meeting, Item No. 5.B. to the February 16, 2021 Regular Planning Commission meeting, and Item No. 4.B. to a date uncertain.

The Commission discussed the motion.

The question was called and the motion carried 3-0, Commissioners Hill and Smith abstaining.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on January 7, 2021, with the amended agenda properly posted on January 12, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Administration of Oath of Office to Newly Appointed Commissioners

Hashi Clark administered the oath of office to newly appointed Planning Commissioner Kraig Hill.

Administrative Assistant Stecko administered the oath of office to newly appointed Planning Commissioners John Mazza and Dennis Robert Smith.

B. Election of Chair and Vice Chair

MOTION Commissioner Jennings moved to nominate Commissioner Weil to serve as Chair of the Planning Commission. Commissioner Weil declined the nomination.

MOTION Commissioner Weil moved and Commissioner Smith seconded a motion nominating Commissioner Jennings to serve as Chair of the Planning Commission.

MOTION Chair Mazza moved and Commissioner Hill seconded a motion nominating Chair Mazza to continue to serve as Chair of the Planning Commission.

The question was called and Commissioners Jennings, Smith, and Weil voted for Commissioner Jennings to serve as Chair of the Planning Commission, and Chair Mazza and Commissioner Hill voted for Commissioner Mazza to serve as Chair of the Planning Commission.

MOTION Chair Jennings moved and Commissioner Weil seconded a motion nominating Commissioner Weil to serve as Vice Chair of the Planning Commission.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion nominating Commissioner Hill to serve as Vice Chair of the Planning Commission.

The question was called and Commissioners Smith and Weil and Chair Jennings voted for Commissioner Weil to serve as Vice Chair of the Planning Commission, and Commissioners Hill and Mazza voted for Commissioner Hill to serve as Vice Chair of the Planning Commission.

ITEM 2.A. PUBLIC COMMENTS

Patt Healy congratulated the newly appointed Planning Commissioners and stated it was important the Commission work to preserve the natural world and environment particularly Malibu and the Santa Monica Mountains. She stated property owners should be required to follow the Malibu Municipal Code.

Norman Haynie congratulated the newly appointed Planning Commissioners and thanked the Commission for its work and complimented City staff on its efforts and expertise. He indicated concern over the Initial Study that was required and delays

that had occurred on the hotel project in which he was involved and requested any delays be avoided.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Hill commented on the Commission process and stated he looked forward to being a part of the collaboration to serve the safety and interests of the public. He stated he would be strict but fair, respect the science and data, and expected that decisions would be made through science and facts.

In response to Commissioner Hill, Planning Director Mollica explained records were maintained in various forms, some of which had been digitized, and some paper files were stored offsite and would be digitized as time allowed. He stated misfiled records were often found as time went on. In addition, he stated the City was working toward coordinating reviews and approvals more efficiently utilizing a central database. He explained that the current manual plan stamping process was moving more toward an electronic approval stamping process.

In response to Commissioner Hill, Planning Director Mollica stated the City's arborist had been working with Southern California Edison's arborist to coordinate efforts during the tree trimming program.

In response to Commissioner Mazza, Assistant City Attorney Donegan explained staff was available to answer questions regarding Planning related items. Planning Director Mollica stated limitations on City staff time was primarily related to City Council's inquiries or tasks to staff regarding issues not on the City's workplan.

In response to Commissioner Mazza, Assistant City Attorney Donegan stated recusal criteria for Planning Commissioners would be examined on a case-by-case basis, as issues arose and be discussed with the subject Planning Commissioner to determine any relevance.

Commissioner Smith expressed gratitude for having been appointed to the Planning Commission. He stated that he felt he could do a good job to serve the community and was prepared to recuse himself as appropriate and turn down work that would pose a conflict of interest.

Vice Chair Weil stated connections that could posed a conflict of interest could be made public during disclosures to determine if recusal was necessary.

Commissioner Hill stated he was advised by the City Attorney's office that it would be an inherent conflict of interest if he were to work within the City as an expediter and therefore would not be eligible to participate in both activities.

ITEM 3 CONSENT CALENDAR

Commissioner Mazza pulled Item No. 3.B.2. from the Consent Calendar.

MOTION Commissioner Mazza moved and Vice Chair Weil seconded a motion to approve the balance of the Consent Calendar. The question was called and the motion carried 3-2, Commissioners Hill and Smith abstaining on the basis that the motion included approval of the minutes from the previous Planning Commission meeting which they were not part of and had not reviewed.

The consent calendar consisted of the following item:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Approval of Minutes
Recommended Action: Approve the minutes for the January 4, 2021 Regular Planning Commission meeting.

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

- 2. De Minimis Waiver No. 20-021 - An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system
Location: 6670 Dume Drive, partially within the appealable
APN: 4468-008-018
Owners: 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.

Planning Director Mollica and Associate Planner Thompson presented the staff report.

The Commission directed questions to staff.

Disclosures: Vice Chair Weil.

The Commission directed questions to staff.

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

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

The Commission directed questions to staff.

MOTION Chair Jennings moved and Vice Chair Weil seconded a motion to continue to the February 1, 2021 Regular Planning Commission meeting to allow staff to make corrections to the dates listed in the agenda report for De Minimis Waiver No. 20-021, an application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system. The question was called and the motion carried 4-1, Commissioner Mazza abstaining.

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 January 4, 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 a date uncertain.

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

- B. Coastal Development Permit No. 17-085, Variance No. 19-059, Site Plan Review No. 17-001, and Demolition Permit No. 17-001 - An application for and interior and exterior remodel, additions to an existing single-family residence and new accessory development (Continued from January 4, 2021)

Location: 3710 Decker Edison Road, not within the appealable coastal zone
APN: 4473-005-014
Owner: Tao Guan
Case Planner: Assistant Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-02 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 17-085 to allow for an interior and exterior remodel and 920 square feet of additions to the existing single-family residence, a new 900 square foot detached second residential unit with an attached 400 square foot garage, a new 440 square foot detached swimming pool house, swimming pool, native vegetation restoration, hardscape, fire department access improvements and a new onsite wastewater treatment system; including Variance No 19-059 for the required fuel modification to encroach onto Environmentally Sensitive Habitat Area, Site Plan Review No. 17-001 for construction up to 28 feet in height for a pitched roof and Demolition Permit No. 17-001 for the exterior wall demolition to accommodate the additions to the existing single-family residence and abandon the existing OWTS, located in the Rural Residential-Ten Acre zoning district at 3710 Decker Edison Road (Tao Guan).

This item was continued to a date uncertain upon approval of the agenda to allow the applicant time to redesign the project.

ITEM 5 NEW PUBLIC HEARINGS

- A. 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
Location: 29725 Harvester Road, not within the appealable coastal zone
APN: 4469-010-017
Owners: Gary and Daphne Murphy
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.

- B. Coastal Development Permit No. 20-014 - An application for a new swimming pool and spa
Location: 31100 Broad Beach Road, within the appealable coastal zone
APN: 4470-015-004
Owner: BH Broad Beach, LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Adopt Planning Commission Resolution No. 21-03 determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-014 to construct a new beachfront swimming pool and spa, baja shelf, with associated pool equipment on a residentially developed parcel located in the Single-Family Medium Density (SFM) zoning district and Trancas Overlay District at 31100 Broad Beach Road (BH Broad Beach, LLC).

This item was continued to the February 16, 2021 Regular Planning Commission meeting agenda upon approval of the agenda at the request of the applicant.

- C. Appeal No. 20-012 - Appeal of Planning Director's approval of Planning Clearance No. 20-017 for the Tesla Information Center and Showroom
Location: 23401 Civic Center Way, not within the appealable coastal zone
APN: 4458-022-030
Applicant: Marny Randall
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).

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to continue the item to the February 1, 2021 Regular Planning Commission meeting to allow time for correspondence to be reviewed – Appeal No. 20-012, an appeal of Planning Director’s approval of Planning Clearance No. 20-017 for the Tesla Information Center and Showroom.

The Commission discussed the motion.

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

Item Nos. 5.D. and 5.E. were heard concurrently.

D. Coastal Development Permit No. 21-001 - An application to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through installation of associated regulatory signage at the City boundary to restrict the parking of oversize vehicles for a period of not more than 72 hours citywide

Locations: At the northern City boundary, in the public right-of-way of:

Las Flores Canyon Road
Rambla Pacifico Street
Malibu Canyon Road
Corral Canyon Road
Latigo Canyon Road
Kanan Dume Road
Encinal Canyon Road

Owner: City of Malibu

Case Planner: Associate Planner Kendall, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-08 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-001 to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through the installation of associated regulatory signage to restrict the parking of oversize vehicles citywide at the City boundary of Las Flores Canyon Road, Rambla Pacifico Street, Malibu Canyon Road, Corral Canyon Road, Latigo Canyon Road, Kanan Dume Road, and Encinal Canyon Road; and to implement a permit parking program to allow residents to park a specific trailer or oversize vehicle on City streets for a period of not more than 72 hours (City of Malibu).

- E. Coastal Development Permit No. 21-002 - An application to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through installation of associated regulatory signage at the City boundary to restrict the parking of oversize vehicles for a period of not more than 72 hours citywide

Locations: At the northern City boundary, in the public right-of-way of:

Tuna Canyon Road

Decker Canyon Road

At the western and eastern City boundary, in the public right-of-way of Pacific Coast Highway

Owners: City of Malibu and California Department of Transportation (CALTRANS)

Case Planner: Associate Planner Kendall, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-09 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-002 to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through the installation of associated regulatory signage to restrict the parking of oversize vehicles citywide at the City boundary of Tuna Canyon Road, Decker Canyon Road, and Pacific Coast Highway; and to implement a permit parking program to allow residents to park a specific trailer or oversize vehicle on City streets for a period of not more than 72 hours (City of Malibu and Caltrans).

Associate Planner Kendall presented the staff reports.

Disclosures: Commissioner Mazza

The Commission directed questions to staff.

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

Speaker(s): None.

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

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 21-09 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-002 to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through the installation of associated regulatory signage to restrict the parking of oversize vehicles citywide at the City boundary of Tuna Canyon Road, Decker Canyon Road, and Pacific Coast Highway; and to implement a permit parking program to allow residents to park a specific trailer or oversize vehicle on City streets for a period of not more than 72 hours (City of Malibu and Caltrans).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 21-08 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-001 to implement Ordinance No. 427, Malibu Municipal Code Chapter 10.18 through the installation of associated regulatory signage to restrict the parking of oversize vehicles citywide at the City boundary of Las Flores Canyon Road, Rambla Pacifico Street, Malibu Canyon Road, Corral Canyon Road, Latigo Canyon Road, Kanan Dume Road, and Encinal Canyon Road; and to implement a permit parking program to allow residents to park a specific trailer or oversize vehicle on City streets for a period of not more than 72 hours (City of Malibu).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

- F. 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.

Applicant: City of Malibu

Location: Citywide

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

Recommended Action: Continue this item to the February 1, 2021 Regular Planning Commission meeting to allow staff additional time to incorporate public comments into the draft ordinance.

This item was continued to the February 1, 2021 Regular Planning Commission meeting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 8:45 p.m., Commissioner Mazza moved and Chair Jennings seconded a motion to adjourn the meeting in the memory of Kathy Sullivan. The question was called and the motion carried unanimously.

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

JEFFREY JENNINGS, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant