



# 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: March 4, 2021 Meeting date: March 15, 2021

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes for the March 1, 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:** March 1, 2021 Regular Planning Commission meeting.

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
MARCH 1, 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 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 David Weil, and Commissioners Kraig Hill, John Mazza, and Dennis Robert Smith

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Richard Mollica, Planning Director; Adrian Fernandez, Principal Planner; Didier Murillo, Associate Planner; and Kathleen Stecko, Administrative Assistant

**APPROVAL OF AGENDA**

MOTION Commissioner Mazza moved, and Vice Chair Weil seconded a motion to approve the agenda, continuing Item Nos. 4.A., 4.C., 4.D., and 5.B. to the March 15, 2021 Regular Planning Commission meeting, and Item No. 4.E. a date uncertain upon approval of the agenda, and hearing Item No. 5.A. before Item No. 4.B.

The Commission discussed the motion.

The question was called, and the motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on February 19, 2021.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

None.

**ITEM 2.B. COMMISSION / STAFF COMMENT**

Commissioner Hill thanked the Fire Department for their work in controlling the fire that broke out over the past weekend. He stated he would be paying close attention to applications requesting building on primary ridge lines to ensure they complied with the Malibu Municipal Code.

In response to Commissioner Mazza, Planning Director Mollica stated that he was working with the Public Works Department on the parking and traffic challenges related to Nobu and Soho House and he would provide an update at a future meeting, as well as a status update regarding the Ranch at Solstice Canyon.

In response to Chair Jennings, Planning Director Mollica stated the City Council directed staff to return with a resolution extending the fee waiver program for approximately one year.

**ITEM 3 CONSENT CALENDAR**

**MOTION** Commissioner Mazza moved, and Commissioner Hill seconded a motion to approve 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. Approval of Minutes  
Recommended Action: Approve the minutes for the February 16, 2021 Regular Planning Commission meeting.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Coastal Development Permit No. 19-059, Minor Modification No. 19-012, and Demolition Permit No. 19-045 - An application to demolish the existing single-story detached two-car garage, and construct a new detached three-car garage with guest house above, interior remodel of the existing single-family residence and associated development  
Location: 31048 Broad Beach Road, within the appealable coastal zone  
APN: 4470-014-019  
Owner: The MSN Property Trust  
Case Planner: Associate Planner Murillo, 456-2489, ext. 353  
Recommended Action: Adopt Planning Commission Resolution No. 21-20 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-059 to allow the demolition of an existing 484 square foot single-story detached two-car garage, construction of a new two-story 1,300 square foot detached structure consisting of a 650 square foot three-car garage with a 650 square foot guest house above, a new

swimming pool, new onsite wastewater treatment system (OWTS), interior remodel of the existing single-family residence and associated development including Minor Modification No. 19-012 for a 10 percent reduction of the required front yard setback and Demolition Permit No. 19-045 for the demolition of the existing single-story detached two-car garage and to abandon the existing OWTS located in the Single-Family Medium Density zoning district and Trancas Overlay District at 31048 Broad Beach Road (The MSN Property Trust).

Associate Planner Murillo presented the staff report.

Disclosures: Commissioner Smith and Vice Chair Weil.

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: Steven Kent.

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

The Commission directed questions to staff, Mr. Kent, and Reg Browne.

**MOTION**

Commissioner Mazza moved, and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 21-20, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-059 to allow the demolition of an existing 484 square foot single-story detached two-car garage, construction of a new two-story 1,300 square foot detached structure consisting of a 650 square foot three-car garage with a 650 square foot guest house above, a new swimming pool, new onsite wastewater treatment system (OWTS), interior remodel of the existing single-family residence and associated development including Minor Modification No. 19-012 for a 10 percent reduction of the required front yard setback and Demolition Permit No. 19-045 for the demolition of the existing single-story detached two-car garage and to abandon the existing OWTS located in the Single-Family Medium Density zoning district and Trancas Overlay District at 31048 Broad Beach Road (The MSN Property Trust); 2) adding Condition 94, requiring the owner to acknowledge, by the recordation of a deed restriction, that new development on a bluff-top lot, or where demolition and rebuilding is proposed, where geologic or engineering evaluations conclude that the development can be sited and designed so as to not require a shoreline protection structure as part of the proposed development or at any time during the life of the development, the property owner shall be required to record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235; and 3) adding Condition No. 45, which states: “the use of pesticides,

including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited for this project site. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived.

The Commission discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

- B. Appeal No. 21-001 - Appeal of Planning Director's approval of Site Plan Review No. 20-076 for an after-the-fact site plan review to allow for construction over 18 feet in height at the rear portion of a previously approved 6,752-square foot single-family residence that was destroyed in the 2018 Woolsey Fire as part of Administrative Plan Review No. 20-045

Location: 30180 Cuthbert Road, not within the appealable coastal zone

APN: 4469-044-002

Owners: Sheldon Ira and Emily Joan Lodmer

Appellant: Gus Spoliansky

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

Recommended Action: Continue this item to the March 15, 2021, Regular Planning Commission meeting upon the appellant's request to submit additional documentation.

This item was continued to the March 15, 2021 Regular Planning Commission meeting upon approval of the agenda.

#### **ITEM 4 CONTINUED PUBLIC HEARINGS**

- A. Coastal Development Permit No. 20-014 – An application for a new swimming pool and spa (Continued from February 16, 2021)

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: Continue this item to the March 15, 2021, Regular Planning Commission meeting.

This item was continued to the March 15, 2021 Regular Planning Commission meeting upon approval of the agenda.

- B. Zoning Text Amendment No. 16-005 and Local Coastal Program Amendment No. 16-007 – Amendments to Title 17 (Zoning) of the Malibu Municipal Code, Chapter 17.46 (Wireless Telecommunications Antennas and Facilities), and Sections 2.2 and 3.16, Chapter 13 and Appendix 1 (Table B Permitted Uses) of the Local Coastal Program Local Implementation Plan to modify regulations, procedures, and application requirements for the installation of wireless communications facilities (Continued from February 16, 2021)

Applicant: City of Malibu

Location: Citywide

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

Recommended Action: Adopt Planning Commission Resolution No. 21-21 the amendment to be exempt from the California Environmental Quality Act and recommending that the City Council approves Zoning Text Amendment No. 16-005 and Local Coastal Program Amendment No. 16-007 to amend Malibu Municipal Code Chapter 17.46 (Wireless Telecommunications Antennas and Facilities) and to make conforming amendments to other Chapters, and Sections 2.2 and 3.16, Chapter 13 and Appendix 1 (table B Permitted Uses) modifying standards and procedures for wireless communications facilities.

Principal Planner Fernandez and Consultant Gail Karish presented the staff report.

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

Speakers: Nichole McGinley; Tony Simmons (Lacey Lehman and Jeff Louks deferred time to Mr. Simmons); Susan Foster (Linda Zielski and Stephanie Sunwoo deferred time to Ms. Foster); Scott McCullough (Jenny Rusinko; Paula Murphy; and Kerry Clasky; deferred time to Mr. McCullough); Lonnie Gordon; Danusia Larsen; Jessica Isles; Mark Graham; and Ryan Embree (June “Shanti” Louks deferred time to Mr. Embree).

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

The Commission directed questions to staff, Ms. Karish, and Ms. McCullough.

RECESS At 9:20 p.m., Chair Jennings recessed the meeting. The meeting reconvened the meeting at 9:30 p.m. with all Commissioners present.

The Commission directed questions to staff.

MOTION Chair Jennings moved, and Commissioner Smith seconded a motion to adopt Planning Commission Resolution No. 21-21, as amended: 1) the amendment to be exempt from the California Environmental Quality Act and recommending that the City Council approve Zoning Text Amendment No. 16-005 and Local Coastal Program Amendment No. 16-007 to amend Malibu Municipal Code Chapter 17.46 (Wireless Telecommunications Antennas and Facilities) and to make conforming amendments to other Chapters, and Sections 2.2 and 3.16, Chapter 13 and

Appendix 1 (table B Permitted Uses) modifying standards and procedures for wireless communications facilities; 2) amend the application requirements in the resolution to be substantially similar to the 14 requirements starting on page 5 of the Protecting Malibu's Future by Susan Foster and Tony Simmons, P.E. attachment to the McCullough Law Firm memorandum by W. Scott McCullough; 3) appeals shall be heard by the City Council, Planning Commission, or other appointed body; 4) only the applicant and parties residing within 1,000 feet of the facility are eligible to appeal the decision; and 5) require a battery backup and/or roll-up generator for facilities to the extent allowable by law.

#### FRIENDLY AMENDMENT

Commissioner Hill amended the motion to include additional recitals to Resolution No. 21-21 that are substantially similar to the fire safety recitals that were presented in the McCullough Law Firm memorandum by W. Scott McCullough,

The amendment was accepted by the maker and the seconder.

The question was called, and the amended motion carried unanimously.

C. Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood (Continued from February 16, 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 March 15, 2021 Regular Planning Commission meeting.

This item was continued to the March 15, 2021 Regular Planning Commission meeting upon approval of the agenda.

D. Coastal Development Permit No. 17-075, Variance Nos. 17-024, 18-022, and 20-042 – An application for a new two-story single-family residence with attached two-car garage and associated development (Continued from February 16, 2021)

Location: 18868 Pacific Coast Highway, within the appealable coastal zone  
APN: 4449-001-023  
Owner: Farshid Etaat  
Case Planner: Contract Planner Rudolph, 456-2489, ext. 250  
Recommended Action: Continue this item to the March 15, 2021 regular Planning Commission meeting.

This item was continued to the March 15, 2021 Regular Planning Commission meeting upon approval of the agenda.

- E. 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 (Continued from February 1, 2021)

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 a date uncertain per the applicant's request.

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

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

MOTION At 11:17 p.m., Commissioner Mazza moved and Chair Jennings 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 \_\_\_\_\_.

\_\_\_\_\_  
JEFFREY JENNINGS, Chair

ATTEST:

\_\_\_\_\_  
KATHLEEN STECKO, Administrative Assistant