



Planning Commission
Meeting
04-19-21

**Item
3.B.1.**

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: April 8, 2021 Meeting date: April 19, 2021

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the April 5, 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: April 5, 2021 Regular Planning Commission meeting.

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
APRIL 5, 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: Patrick Donegan, Assistant City Attorney; Richard Mollica, Planning Director; Philip Coronel, Associate Planner; Adrian Fernandez, Principal Planner; Didier Murillo, Associate Planner; and Kathleen Stecko, Administrative Assistant

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved to approve the agenda, continuing Item Nos. 3.A.1., 4.A., and 4.B. to the April 19, 2021 Regular Planning Commission meeting, and Item No. 5.B. to a date uncertain.

FRIENDLY AMENDMENT

Chair Jennings seconded and amended the motion to have Item Nos. 4.D. and 4.E. heard after Item No. 5.A. The amendment was accepted by the maker.

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

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on March 25, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

Planning Director Mollica stated, pursuant to State Assembly Bill 1561, residential Planning approvals and building permits issued prior March 4, 2020 or set to expire before December 31, 2021 would have an additional 18 month before expiration.

In response to Commissioner Smith's announcement of the passing of his dog Obie, the Commissioners offered their condolences.

Commissioner Smith stated he had observed people are beginning to enjoy life again with small gatherings. He also mentioned the issues brought up by Craig Foster regarding the challenges that the Santa Monica Malibu Unified School District was experiencing. He stated the onsite wastewater treatment system items listed on the Consent Calendar did not need extensive discussion by the Commission.

Planning Director Mollica stated the Wireless Ordinance would be considered by the City Council on Monday, April 12, 2021.

ITEM 3 CONSENT CALENDAR

Commissioner Hill pulled Item Nos. 3.B.1. and 3.B.2. from the Consent Calendar.

MOTION Commissioner Mazza moved, and Commissioner Hill seconded a motion to approve the balance of the Consent Calendar. The question was called, and the motion 4-1, Commissioner Smith dissenting.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Coastal Development Permit No. 17-104, Variance Nos. 19-035, 19-036 and Minor Modification No. 20-012 – An application a new single-family residence and exterior site improvements (Continued from March 15, 2021)
Location: 3620 Noranda Lane, not within the appealable coastal zone
APN: 4473-026-002
Owner: 3620 Noranda Lane, LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Continue this item to the April 19, 2021 Regular Planning Commission meeting.
2. De Minimis Waiver No. 20-002 — An application for a new onsite wastewater treatment system (Continued from March 15, 2021)
Location: 28869 Selfridge Drive, not within the appealable coastal zone
APN: 4466-019-021
Owner: Rose Holdco, LLC
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-002 for a new onsite wastewater treatment system (OWTS) to replace an existing OWTS.

B. New Items

3. De Minimis Waiver No. 20-029 — An application for a De Minimis Waiver for the installation of a new onsite wastewater treatment system
Location: 29685 Cuthbert Road, not within the appealable coastal zone
APN: 4469-008-008
Owner: Cuthbert Ranch, LLC
Case Planner: Associate Planner Murillo, 456-2489, ext. 353
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-029 to allow for the installation of a new onsite wastewater treatment system for a Woolsey Fire affected parcel.
4. Extension of Coastal Development Permit No. 15-053 and Site Plan Review No. 15-041
Location: 5849 Murphy Way
APN: 4467-003-036
Owner: Malibu Green Holdings, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Removed from the agenda. This item no longer requires Planning Commission action pursuant to Assembly Bill 1561.
5. De Minimis Waiver No. 20-012 – An application for a De Minimis Waiver for the installation of a new onsite wastewater treatment system
Location: 5649 Calpine Drive, not within the appealable coastal zone
APN: 4467-026-006
Owner: Candiani Denim USA, Inc.
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-012 to allow for the installation of a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The following items were removed from the Consent Calendar for individual consideration:

B. New Items

1. Approval of Minutes
Recommended Action: Approve the minutes for the March 15, 2021 Regular Planning Commission meeting.

Questions were directed to staff regarding the level of the detail contained in the minutes.

MOTION Commissioner Mazza moved and Commissioner Smith seconded a motion to approve the minutes. The question was called and the motion carried unanimously.

2. De Minimis Waiver No. 20-015 — An application for a De Minimis Waiver for the installation of a new onsite wastewater treatment system
Location: 6782 Dume Drive, not within the appealable coastal zone
APN: 4466-016-036
Owner: The 6782 Dume Drive Trust
Case Planner: Associate Planner Murillo, 456-2489, ext. 353
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-015 to allow for the installation of a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received the Planning Director's report on De Minimis Waiver no. 20-015.

4. CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 14-072, Lot Merger No. 17-007, Lot Line Adjustment No. 14-004, 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 (Continued from March 15, 2021)

Location: 33398 and 33390 Pacific Coast Highway, within the appealable coastal zone

APNs: 4473-019-005 and 4473-019-006

Owner: 180 PCH, LLC

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

Recommended Action: Continue this item to April 19, 2021, Planning Commission meeting upon the applicant's request to pursue redesign options.

This item was continued to the April 19, 2021 Regular Planning Commission meeting upon approval of the agenda.

- B. 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 (Continued from March 15, 2021)

Location: 33386 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-019-007

Owner: 180 PCH, LLC

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

Recommended Action: Continue this item to April 19, 2021, Planning Commission meeting upon the applicant's request to pursue redesign options.

This item was continued to the April 19, 2021 Regular Planning Commission meeting upon approval of the agenda.

- C. Coastal Development Permit No. 17-053, Lot Merger No. 17-004, Site Plan Review No. 16-074, Minor Modification No. 17-075 and Demolition Permit No. 20-014 – An application to merge two lots, interior and exterior remodel, additions and partial demolition of an existing two-story single-family residence and attached accessory structure with second floor guest house, new basement and other associated development (Continued from March 15, 2021)

Location: 31736 Broad Beach Road, within the appealable coastal zone

APNs: 4470-024-061 and 4470-024-062

Owner: The Carvin Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 21-27 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-053, Lot Merger No. 17-004 and Demolition Permit No. 20-014 for a lot merger of two lots, interior and exterior remodel of an existing two-story, bluff-top single-family residence and attached accessory building with a second floor guest house, new 995 square foot basement and underground tunnel connecting the main residence to the accessory building, partial demolition and additions throughout the building for a net increase of 262 square feet, new entry gates, bocce court, landscaping, driveway, hardscape, trellis covers, outdoor barbeque and other associated development; including Minor Modification No. 17-075 for the replacement garage and new elevator to have a reduced side yard setback, and Site Plan Review No. 16-074 for development over 18 feet in height located in the Single-Family Medium zoning district at 31736 Broad Beach Road (The Carvin Trust).

Principal Planner Fernandez presented the staff report.

Disclosures: Commissioners Hill, Mazza, and Smith, Vice Chair Weil, and Chair Jennings.

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.

Speakers: Jon Brouse, Angelica Mosquera, and Alan Grosbard.

MOTION

Commissioner Mazza moved to adopt Planning Commission Resolution No. 21-27 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-053, Lot Merger No. 17-004 and Demolition Permit No. 20-014 for a lot merger of two lots, interior and exterior remodel of an existing two-story, bluff-top single-family residence and attached accessory building with a second floor guest house, new 995 square foot basement and underground tunnel connecting the main residence to the accessory building, partial demolition and additions throughout the building for a net increase of 262 square feet, new entry gates, bocce court, landscaping, driveway, hardscape, trellis covers, outdoor barbeque and other associated development; including Minor Modification No. 17-075 for the replacement garage and new elevator to have a reduced side yard setback, and Site Plan Review No. 16-074 for development over 18 feet in height located in the Single-Family Medium zoning district at 31736 Broad Beach Road (The Carvin Trust), adding the site plan review language to reflect the located of an access easement as requested by the Mountains Recreation and Conservation Authority.

FRIENDLY AMENDMENT

Commissioner Smith seconded and amended the motion to require the hedge to be removed or trimmed to 42 inches in height within two weeks of the approval date of this resolution.

FRIENDLY AMENDMENT

Commissioner Mazza amended Commissioner Smith's amendment to reduce the hedge trimming time span requirement to seven days from the adoption of the Resolution (by April 12, 2021).

The amendment was accepted by the motion maker.

The Commission discussed the motion and directed questions to staff.

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

RECUSSAL Chair Jennings recused himself from Item Nos. 5.A., 4.D., and 4.E. and left the meeting at 7:36 p.m.

5. NEW PUBLIC HEARINGS

- A. Conditional Use Permit Amendment No 19-004 – An application to amend Conditional Use Permit Amendment No. 15-001 for an increase in service area and to eliminate the condition prohibiting alcohol sales for off-site consumption

Location: 22235 Pacific Coast Highway

APN: 4451-008-004

Owner: Horizon LHW Asset Fund, LLC

Tenant: Tramonto Bistro

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

Recommended Action: Adopt Planning Commission Resolution No. 21-32 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 19-004 amending Conditional Use Permit Amendment No. 15-001 to expand the existing dining room service area by 242-square feet for a total of 642- square feet, a front patio remodel without increasing seating, and eliminating the condition prohibiting alcohol sales for off-site consumption located in the Community Commercial zoning district at 22235 Pacific Coast Highway (Horizon LHW Asset Fund, LLC).

Assistant Planner Coronel presented the staff report.

Disclosures: Commissioners Hill, Mazza, and Smith and Vice Chair Weil.

The Commission directed questions to staff.

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

Speakers: Steve Bacchetti and Jean Christophe Bricot.

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

MOTION Commissioner Mazza moved and Commissioner Smith seconded a motion to adopt Planning Commission Resolution No. 21-32 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 19-004 amending Conditional Use Permit Amendment No. 15-001 to expand the existing dining room service area by 242-square feet for a total of 642- square feet, a front patio remodel without increasing seating, and eliminating the condition prohibiting alcohol sales for off-site consumption located in the Community Commercial zoning district at 22235 Pacific Coast Highway (Horizon LHW Asset Fund, LLC).

The Commission discussed the motion and directed questions to staff and Mr. Bricot.

FRIENDLY AMENDMENT

Commissioner Mazza amended the motion to require the sale of alcohol to be accompanied by the sale of food.

The amendment was accepted by the seconder.

The Commission discussed the amendment.

The question was called and the amended motion carried 3-1, Vice Chair Weil dissenting and Chair Jennings absent.

B. Coastal Development Permit Amendment No. 20-018 - An application amending Coastal Development Permit No. 16-050 to allow a 217 square foot addition to a previously approved single-family residence

Location: 27218 Pacific Coast Highway, within the appealable coastal zone

APN: 4460-028-007

Owner: Willems Family Trust

Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Adopt Planning Commission Resolution No. 21-28, approving Coastal Development Permit Amendment No. 20-018 and amending Coastal Development Permit No. 16-050 to allow a 217 square foot addition to the previously approved single-family residence located in the Single-Family Medium Density Zoning District at 27218 Pacific Coast Highway (Willems Family Trust).

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

ITEM 4 CONTINUED PUBLIC HEARINGS (Continued)

Item Nos. 4.D. and 4.E. were heard concurrently.

D. Coastal Development Permit No. 18-004, Tentative Parcel Map No. 18-001, and Demolition Permit No. 18-006 – An application for a tentative parcel map to subdivide a parcel into two lots, and construct a new single-family residence and associated development on Lot A (Continued from March 15, 2021)

Location: 29200 Larkspur Lane, within the appealable coastal zone

APN: 4468-008-001

Owner: 29200 Larkspur, LLC

Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 21-25 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-004 for the construction of a new 3,870 square foot, one-story single-family residence plus an attached 634 square foot two-car garage, roof top deck with railing, up to 18 feet in height, 1,075 square foot basement, 284 square foot studio, 1,410 square feet of covered area, swimming pool, deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system; including Tentative Parcel Map No. 18-001 to subdivide an existing 3.57-acre legal lot into two lots, and Demolition Permit (DP) No. 18-006 to demolish an existing residence and detached garage, located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC).

E. Coastal Development Permit No. 18-005 – An application for construction of a new single-family residence and associated development on Lot B (Continued from March 15, 2021)

Location: 29200 Larkspur Lane, within the appealable coastal zone

APN: 4468-008-001

Owner: 29200 Larkspur, LLC

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

Recommended Adopt Planning Commission Resolution No. 21-26 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-005 for the construction of a new 3,459 square foot, one-story single-family residence plus an attached 781 square foot three-car garage, roof top deck with railing, up to 16 feet, 8 inches in height, 996 square foot basement, 1,250 square feet of covered area, swimming pool, ground floor deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC).

Principal Planner Fernandez presented the staff reports.

Disclosures: Commissioners Hill, Mazza, and Smith and Vice Chair Weil.

The Commission directed questions to staff.

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

Speakers: Don Schmitz and Frank Angel (Talia Nimmer deferred time to Frank Angel).

Mr. Schmitz provided rebuttal to public comment.

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

RECESS At 8:55 p.m. Vice Chair Weil recessed the meeting. The meeting reconvened at 9:00 p.m. with Chair Jennings absent.

The Commission directed questions to staff and Mr. Schmitz.

MOTION Commissioner Mazza moved and Vice Chair Weil seconded a motion to adopt Planning Commission Resolution No. 21-25, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-004 for the construction of a new 3,870 square foot, one-story single-family residence plus an attached 634 square foot two-car garage, roof top deck with railing, up to 18 feet in height, 1,075 square foot basement, 284 square foot studio, 1,410 square feet of covered area, swimming pool, deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system; including Tentative Parcel Map No. 18-001 to subdivide an existing 3.57-acre legal lot into two lots, and Demolition Permit (DP) No. 18-006 to demolish an existing residence and detached garage, located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC); 2) requiring the property owner to complete a Phase I Environmental Site Assessment to ascertain whether there are any toxic contaminants in the subject property's soils, to be completed before any grading takes place on the site and should any soil contaminations be found, the property owner is required to remediate such contaminants in a method consistent with law; 3) requiring the removal of any concrete or other observed debris on the subject property, including but not limited to the area to the south at the bottom of the canyon; 4) requiring the property owner to obtain all required permits, if any, including any necessary permits from the California Department of Fish and Wildlife and U.S. Army Corps of Engineers, prior to commencement of grading or site remediation; 5) requiring all proposed air conditioning units to be equipped with sound-proofing insulation; 6) requiring the rooftop lighting to be compliant with the Dark Sky Ordinance and must be equipped with motion detector and timer, and no string lights are permitted on the rooftop deck, except for seasonal lights from November 15 to January 15 only; 7) limiting the rooftop outdoor barbeque to be smaller in scale than a kitchen; and 8) noise emitted from the rooftop deck may not exceed 40 decibels.

The Commission discussed the motion.

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

MOTION Commissioner Mazza moved and Vice Chair Weil seconded a motion to adopt Planning Commission Resolution No. 21-26, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-005 for the construction of a new 3,459 square foot, one-story single-family residence plus an attached 781 square foot three-car garage, roof top deck with railing, up to 16 feet, 8 inches in height, 996 square foot basement, 1,250 square feet of covered area, swimming pool, ground floor deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC); 2) requiring the property owner to complete a Phase I Environmental Site Assessment to ascertain

whether there are any toxic contaminants in the subject property's soils, to be completed before any grading takes place on the site and should any soil contaminations be found, the property owner is required to remediate such contaminants in a method consistent with law; 3) requiring the removal of any concrete or other observed debris on the subject property, including but not limited to the area to the south at the bottom of the canyon; 4) requiring the property owner to obtain all required permits, if any, including any necessary permits from the California Department of Fish and Wildlife and U.S. Army Corps of Engineers, prior to commencement of grading or site remediation; 5) requiring all proposed air conditioning units to be equipped with sound-proofing insulation; 6) requiring the rooftop lighting to be compliant with the Dark Sky Ordinance and must be equipped with motion detector and timer, and no string lights are permitted on the rooftop deck, except for seasonal lights from November 15 to January 15 only; 7) limiting the rooftop outdoor barbeque to be smaller in scale than a kitchen; and 8) noise emitted from the rooftop deck may not exceed 40 decibels.

The Commission discussed the motion.

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:07 p.m., Commissioner Mazza moved and Commissioner Smith seconded a motion to adjourn the meeting. The question was called, and the motion carried 4-0, Chair Jennings absent.

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

JEFFREY JENNINGS, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant