



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 22, 2021

Meeting date: May 3, 2021

Subject: Approval of Minutes

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

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
APRIL 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 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; Ryan Carr; Planning Technician; Tyler Eaton, Assistant Planner; Lilly Rudolph, Contract 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.B., and 4.C. to the May 3, 2021 Regular Planning Commission meeting, and Item Nos. 5.B. and 5.C. to the May 17, 2021 Regular Planning Commission meeting.

The Commission discussed the motion.

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 April 8, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Mazza, Planning Director Mollica stated that he would provide an update on the date of the extended deadline for Dark Sky Ordinance compliance. He stated a reopening date for City Hall had yet to be determined and he would keep the Commission informed as information became available. He stated in before in-person Planning Commission meetings could be held, Staff had to take into consideration the comfort level of the public attending in-person meetings during the COVID-19 pandemic, so as to not deny them the ability to participate, and stated efforts to combine in-person meetings and virtual meetings would be explored.

Commissioner Hill stated he had discussed some of the technical issues of holding combined in-person and virtual meetings with various parties resulting in a number of possible suggestions and added that he might try to further explore the logistics and then present options to a few of the Councilmembers.

In response to Commissioner Hill, Planning Director Mollica stated Chapter 17.62 of the Malibu Municipal Code pertaining to development permits allows the Director to issue approvals of administrative plan reviews in conjunction with the exemptions listed under Chapter 13 of the Local Implementation Plan should a project fall within those exemptions.

Commissioner Hill stated his desire to have a further discussion at a later time about some specific questions he had regarding projects seemingly greater than 10% Woolsey Rebuilds.

Commissioner Smith stated he had observed dump trucks and trailers operating that he had understood to be prohibited within the City of Malibu and that it may be a matter to be brought to the attention of the Public Safety Commission.

Assistant City Attorney Rusin stated there were rules and permits needed for certain size trucks and any information he had could be reported to Code Enforcement and that if the trucks involved were for a local project that would usually fall within the restrictions of a construction management plan.

In response to Commissioner Smith, Commissioner Mazza stated that any size basement may be built, but half of the square footage over 1,000 feet would count toward the total development square footage of the project and that any changes to that requirement would need to be made by City Council. Chair Jennings concurred with Commissioner Mazza's statement.

Planning Director Mollica stated Principal Planner Adrian Fernandez would be attending the May 3, 2021 Regular Planning Commission meeting due to a scheduling conflict. He stated development of options for allowing the deferral of minutes during public comment were being actively explored by the software vendor.

ITEM 3 CONSENT CALENDAR

Commissioner Mazza pulled Item No. 3.B.6.

MOTION Chair Jennings moved, and Commissioner Hill seconded a motion to approve the balance of the Consent Calendar. The question was called, and the motion unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Coastal Development Permit No. 17-104, Variance Nos. 19-035 and 19-036, and Minor Modification No. 20-012 – An application a new single-family residence and exterior site improvements (Continued from April 5, 2021)

Location: 3620 Noranda Lane

APN: 4473-026-002

Owner: 3620 Noranda Lane, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 21-32 determining the project is categorically exempt from the California Environmental Quality Act, and denying Coastal Development Permit No. 17-104, Variance (VAR) No. 19-035, VAR No. 20-036, and Minor Modification No. 20-012 to allow for a 5,285-square foot single-family residence that includes a 2,594-square foot basement including a subterranean garage, for a total development square footage of 6,082-square feet, a new onsite wastewater treatment system, exterior site improvements including a new swimming pool, spa, deck, landscape, a total of 6,330-square feet of impermeable coverage, and 432 cubic yards of non-exempt grading; including a variance to allow for development within the required Environmental Sensitive Habitat Area buffer, a variance to allow for construction on slopes steeper than 2.5 to 1, and a minor modification for the reduction of the required front yard setback by up to 50 percent located in the Rural Residential-Five Acre zoning district at 3620 Noranda Lane (3620 Noranda Lane, LLC).

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the April 5, 2021 Regular Planning Commission meeting.

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

2. De Minimis Waiver No. 20-008 — An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system

Location: 34035 Pacific Coast Highway, not within the appealable coastal zone

APN: 4473-027-004

Owner: Regina Tenzer, Tenzer Sprinkling Trust

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

Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-008 to allow for the installation of a replacement onsite wastewater treatment system for a Woolsey Fire affected parcel.

3. De Minimis Waiver No. 20-014 — An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system

Location: 5923 Cavalleri Road, not within the appealable coastal zone

APN: 4467-019-017

Owner: Victor Lobl

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

- Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-014 to allow for the installation of a replacement onsite wastewater treatment system for a Woolsey Fire affected parcel.
4. De Minimis Waiver No. 20-016 — An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system
Location: 29841 Cuthbert Road, not within the appealable coastal zone
APN: 4469-008-016
Owner: Poptsis Trust
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-016 to allow for the installation of a replacement onsite wastewater treatment system for a Woolsey Fire affected parcel.
5. De Minimis Waiver No. 21-007 — An application for a De Minimis Waiver for the installation of a new onsite wastewater treatment system
Location: 5916 Bonsall Drive, not within the appealable coastal zone
APN: 4467-023-025
Owner: 5916 Bonsall LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 21-007 to allow for the installation of a new onsite wastewater treatment system for a Woolsey Fire affected parcel.
7. De Minimis Waiver No. 21-010 — An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel
Location: 5920 Bonsall Drive, not within the appealable coastal zone
APN: 4467-023-041
Owner: 5920 Bonsall LLC
Case Planner: Assistant Planner Coronel, 456-2489, ext. 373
Recommended Action: Receive Planning Director's report on De Mimimis Waiver No. 21-010 to allow for the installation of a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

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

6. De Minimis Waiver No. 20-025 – An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system
Location: 5617 Busch Drive, not within the appealable coastal zone
APN: 4469-011-008
Owners: Gregory Phillippe Lefevre and Geraldine Chollet
Case Planner: Planning Technician Carr, 456-2489, ext. 295
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-025 to allow for the installation of a replacement 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. 20-025.

4. CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 17-075, Variance Nos. 17-024, 18-022 and 20-042, and Offer-to-Dedicate No. 20-002 – An application for a new two-story single-family residence with attached two-car garage and associated development (Continued from March 15, 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: Adopt Planning Commission Resolution No. 21-11 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-075 for the construction of a new 3,837 square foot, two-story, single-family beachfront residence with attached garage, decks, retractable beach stairs, onsite wastewater treatment system, grading, retaining walls, hardscape, and seawall; including Variance (VAR) No. 17-024 for the single-family residence to extend seaward of the building stringline, VAR No. 18-022 for the first and second floor decks to extend seaward of the deck stringline, and VAR No. 20-042 for a greater than 50 percent reduction of the front yard setback, and Offer-to-Dedicate No. 20-002 for a lateral access easement across the property located in the Single-Family Medium Density zoning district at 18868 Pacific Coast Highway (Etaat).

Contract Planner Rudolph 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: Dustin Woomer, Jason Ventress, and Lloyd Ahern.

Mr. Woomer provided rebuttal to public comment.

As there were no other speakers present, Chair Jennings 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. Woomer, Guy Gniadek, and Reg Browne.

MOTION Commissioner Mazza moved and Commissioner Smith seconded a motion to continue to the June 21, 2021 Regular Planning Commission meeting to allow the applicant to redesign the project – Coastal Development Permit No. 17-075, Variance Nos. 17-024, 18-022 and 20-042, and Offer-to-Dedicate No. 20-002, an application for a new two-story single-family residence with attached two-car garage and associated development.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

- B. 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 April 5, 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 May 3, 2021, Planning Commission meeting upon the applicant's request to pursue redesign options.

This item was continued to the May 3, 2021 Regular Planning Commission meeting upon approval of the agenda.

- C. 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 April 5, 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 May 3, 2021, Planning Commission meeting upon the applicant's request to pursue redesign options.

This item was continued to the May 3, 2021 Regular Planning Commission meeting upon approval of the agenda.

RECESS At 8:25 p.m. Chair Jennings recessed the meeting. The meeting reconvened at 8:35 p.m. with all commissioners present.

5. NEW PUBLIC HEARINGS

- A. Administrative Plan Review Permit No. 19-001, Variance Review No. 20-007, and Demolition Permit No. 19-014 – An application for an addition, beachfront deck extension, and an interior and exterior remodel of an existing beachfront, single-family residence and associated development

Location: 21314 Pacific Coast Highway, within the appealable coastal zone

APN: 4451-001-018

Owners: Brook and Anna Lenfest

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

Recommended Action: Adopt Planning Commission Resolution No. 21-34 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 19-001 to allow for a 50 square foot addition and an interior and exterior remodel of an existing 3,531

square foot two-story, beachfront single-family residence, including Variance No. 20-007 to allow for a modification of the required deck stringline to allow for 128 square foot deck extensions to the first- and second-floor decks, and Demolition Permit No. 19-014 for the demolition of 187-feet, 7-inches of exterior walls located in the Single-Family Medium zoning district at 21314 Pacific Coast Highway (Lenfest).

Assistant Planner Eaton 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, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Charles Santos and Brook Lenfest.

As there were no other speakers present, Chair Jennings 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. Santos, and Mr. Lenfest.

MOTION

Vice Chair Weil moved and Commissioner Smith seconded a motion to adopt Planning Commission Resolution No. 21-34 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 19-001 to allow for a 50 square foot addition and an interior and exterior remodel of an existing 3,531 square foot two-story, beachfront single-family residence, including Variance No. 20-007 to allow for a modification of the required deck stringline to allow for 128 square foot deck extensions to the first- and second-floor decks, and Demolition Permit No. 19-014 for the demolition of 187-feet, 7-inches of exterior walls located in the Single-Family Medium zoning district at 21314 Pacific Coast Highway (Lenfest).

The question was called and the motion carried unanimously.

B. Outdoor Lighting Review No. 20-001, Outdoor Lighting Review Deviation No. 21-002 – An application for new exterior lighting to meet the requirements of the Dark Sky Ordinance

Location: 23387 Pacific Coast Highway

APN: 4452-011-033

Owner: First Oaks Oil LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 21-35 determining the project is categorically exempt from the California Environmental Quality Act, and approving Outdoor Lighting Review No. 20-001 to replace 51 exterior light fixtures including Outdoor Lighting Review Deviation No. 21-002 to allow light trespass onto adjacent parcels over the maximum allowable 0.25 foot-candles, located in the Commercial Visitor Serving-One zoning district at 23387 Pacific Coast Highway (First Oaks Oil LLC).

This item was continued to the May 17, 2021 Regular Planning Commission meeting upon approval of the agenda.

- C. Outdoor Lighting Review No. 20-004, Outdoor Lighting Review Deviation No. 21-001 – An application for new exterior lighting to meet the requirements of the Dark Sky Ordinance
Location: 29145 Heathercliff Road, not within the appealable coastal zone
APN: 4468-010-014
Owner: Thrifty Oil Company
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Adopt Planning Commission Resolution No. 21-36 determining the project is categorically exempt from the California Environmental Quality Act, and approving Outdoor Lighting Review No. 20-004 to replace 32 exterior light fixtures including Outdoor Lighting Review Deviation No. 21-001 to allow light trespass onto adjacent parcels over the maximum allowable 0.25 foot-candles, located in the Community Commercial zoning district at 29145 Heathercliff Road (Thrifty Oil Company).

This item was continued to the May 17, 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 9:15 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