



# Council Agenda Report

City Council Meeting  
07-12-21

**Item  
4.D.**

To: Mayor Grisanti and Honorable Members of the City Council

Prepared by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: June 23, 2021 Meeting Date: July 12, 2021

Subject: Request to Remand Coastal Development Permit No. 17-104 and Associated Discretionary Requests to the Planning Commission (3620 Noranda Lane; Applicant/Appellant: Vitus Matare; Owner: 3620 Noranda LLC)

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**RECOMMENDED ACTION:** Remand the revised project application for Coastal Development Permit No. 17-104, Variance Nos. 19-036 and 19-037, and Minor Modification No. 20-012, an application for a new single-family residence and associated development, proposed to be located at 3620 Noranda Lane, to the Planning Commission for its consideration.

**FISCAL IMPACT:** There is no fiscal impact associated with the recommended action.

**WORK PLAN:** This item is not included in the Adopted Work Plan for Fiscal Year 2021-2022. Processing this application is part of normal staff operations.

**DISCUSSION:** At its April 19, 2021 Planning Commission meeting, the Commission adopted Resolution No. 21-30 denying the subject application because the necessary variance findings could not be made for the construction on slopes and reduced setback from the onsite Environmentally Sensitive Habitat Area. In addition, the Planning Commission expressed that the site of the proposed development met the criteria of a primary ridgeline. Subsequently, on April 26, 2021, the applicant filed an appeal of the Planning Commission's action.

Since filing the appeal, the homeowner has directed his architect to re-design the proposed project to address the concerns raised by the Commission and is requesting that the City Council remand the application back to the Planning Commission for its consideration. After review of the revised project plans, staff concurs with the applicant's request because the proposed redesign addresses the issues raised at the Planning Commission hearing. Should the Council open the public hearing and after consideration not wish to remand the application, staff will prepare an Agenda Report addressing the appeal and schedule a subsequent public hearing for the Council to consider the appeal.

**ATTACHMENTS:** Notice of Public Hearing

**NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
CITY COUNCIL**

The Malibu City Council will hold public hearings on **MONDAY, July 12, 2021 at 6:30 p.m.** on the projects identified below. 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. 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 [citycouncil@malibucity.org](mailto:citycouncil@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 Mayor 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.

**APPEAL NO. 21-004** - An appeal of the Planning Commission's denial of Coastal Development Permit No. 16-025, Variance Nos. 16-013 and 16-014, Site Plan Review Nos. 16-028 and 20-078, and Demolition Permit No. 19-047 for the demolition of a single-family residence, exterior facade remodel of an existing guest house, construction of a new two-story single-family residence, new swimming pond, new onsite wastewater treatment system and associated development, including variance requests to exceed the allowable total development square footage and allowable grading, and a site plan review request to allow for construction in excess of 18-feet to allow for a pitched roof not to exceed 28-feet in height.

Location:	33603 Pacific Coast Highway
APN:	4473-002-002
Zoning:	Rural Residential-Five Acre (RR-5)
Applicant / Appellant:	Coffman Design Collaborative
Owner:	Palms of Malibu Ranch, LLC
Environmental Review:	Categorical Exemption CEQA Guidelines Section 15270
Application Filed:	May 20, 2016
Appeal Filed:	February 25, 2021
Case Planner:	Didier Murillo, Associate Planner (310) 456-2489, extension 353 dmurillo@malibucity.org

**APPEAL NO. 21-005** – A hearing to consider remanding the following planning application to the Planning Commission for re-consideration: Coastal Development Permit No. 17-104 and Variance Nos. 19-035 and 19-036, and Minor Modification No. 20-012 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, deck, landscape, a total of 6,330-square feet of impermeable coverage, and 432 cubic yards of non-exempt grading; including a minor modification for the reduction of the required front yard setback, a variance to allow for construction on steep slopes, and a variance to allow for development within the required Environmental Sensitive Habitat Area buffer.

On April 19, 2021, the Planning Commission denied the aforementioned application. Subsequently, on April 26, 2021, the applicant filed an appeal of the Planning Commission's action on the application. The applicant has revised the project and has requested that the Planning Commission re-consider the application in lieu of holding a public hearing on the appeal.

Location:	3620 Noranda Lane
APN:	4473-026-002
Zoning:	Rural Residential-Five Acre (RR-5)
Applicant / Appellant:	Vitus Matare
Owner:	3620 Noranda, LLC
Environmental Review:	Categorical Exemption CEQA Guidelines Section 15303(a) and (e) and 15304(b)
Application Filed:	November 8, 2017
Appeal Filed:	April 26, 2021
Case Planner:	Jessica Thompson, Associate Planner (310) 456-2489, extension 280 jthompsonl@malibucity.org

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Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed projects and found that they are listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the projects are categorically exempt from the provisions of CEQA. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to these projects (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Council regarding these matters will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person by contacting the Case Planner during regular business hours. Oral and written comments may be presented to the City Council at any time prior to the beginning of the public hearing.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

Richard Mollica, Planning Director

Publish Date: June 17, 2021