

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361 and the County of Los Angeles Public Health Officer's Order (*revised September 28, 2021*). 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. The meeting 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 [planningcommission@malibucity.org](mailto:planningcommission@malibucity.org) before the meeting begins.

**HOW TO PARTICIPATE DURING THE MEETING:** Members of the public wishing to speak or defer time to another speaker during the meeting must participate through the Zoom application and must be present in the Zoom conference to be recognized. The City requests that you sign up to speak before the item you would like to speak on has been called by the Chair. For those wishing to defer time, you are not required to sign up to speak. At the start of public comment for the item, the Chair shall ask members of the public wishing to defer time to raise their hands in the Zoom meeting using the reactions button. Each person will be called to verify their presence in the Zoom meeting and their intent to donate time.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

**Malibu Planning Commission**  
**Regular Meeting Agenda**  
**(to be held during COVID-19 emergency)**

**Monday, December 6, 2021**

**6:30 P.M. – PLANNING COMMISSION REGULAR MEETING**

**Various Teleconference Locations**

YOU MAY VIEW THIS MEETING LIVE OVER THE INTERNET AT

**[MALIBUCITY.ORG/VIDEO](https://malibucity.org/video)**

Call to Order - Chair

Roll Call - Recording Secretary

Approval of Agenda

Report on Posting of Agenda – November 22, 2021

**1. Ceremonial/Presentations**

None.

**2. Written and Oral Communications from the Public**

- A. Communications from the public concerning matters which are not on the agenda but for which the Planning Commission has subject matter jurisdiction. The Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.
- B. Planning Commission and staff comments and inquiries

**3. Consent Calendar**

None.

**4. Continued Public Hearings**

- A. Coastal Development Permit No. 19-086, Variance Nos. 21-020 and 21-021, Neighborhood Standards No. 19-001, Site Plan Review No. 19-125, Minor Modification Nos. 19-017 and 19-018, and Demolition Permit No. 21-029 - An application to permit work completed pursuant to an Emergency Coastal Development Permit and to allow the construction of a new single-family residence and associated development (Continued from November 15, 2021)

Location: 31697 Sea Level Drive, within the appealable coastal zone  
APN: 4470-024-031  
Owner: P & C Partners, LP  
Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Continue the item to a date uncertain.

- B. Coastal Development Permit No. 19-078 and Demolition Permit No. 21-020 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development (Continued from November 1, 2021)

Location: 6400 Merritt Drive, partially within the appealable coastal zone  
APN: 4469-023-005  
Owner: Merritt Drive, LLC  
Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Adopt Planning Commission Resolution No. 21-72 determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 19-078 and Demolition Permit No. 21-020 to demolish an existing single-family residence and construct a new 5,699 square foot, one-story, single-family residence with a 797 square foot basement, detached accessory buildings including a 797 square foot garage, 750 square foot studio, 860 square foot second residential unit, and 117 square foot pool cabana, two swimming pools, driveway improvements, new onsite wastewater treatment system, and associated development located in the Rural Residential–Two Acre zoning district at 6400 Merritt Drive (Merritt Drive, LLC).

- C. Coastal Development Permit No. 17-083, Minor Modification No. 17-017, and Demolition Permit No. 17-029 – An application to demolish an existing single-family residence, and construct a new two-story, single-family residence and associated development (Continued from November 15, 2021)

Location: 7247 Birdview Avenue, within the appealable coastal zone  
APN: 4468-019-005  
Owner: Westward Beach Partners, LLC  
Case Planner: Associate Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-60 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-083 to allow the demolition of an existing 2,228 square foot, construction of a new 6,691 square foot two-story single-family residence (not to exceed 18 feet in height), plus a 1,080 square foot basement, swimming pool, onsite wastewater treatment system, and other associated development; including Minor Modification No. 17-017 for a 50 percent reduction of the required front yard setback, and Demolition Permit No. 17-029 for the demolition of the existing single-family residence and onsite development located in the Rural Residential-One Acre zoning district at 7247 Birdview Avenue (Westward Beach Partners, LLC).

- D. Conditional Use Permit Amendment No 13-006 and Joint Use Parking Agreement No. 14-001 – An application to amend Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 to reduce the restaurant service area in order to accommodate for the creation of a new retail tenant space, and decrease the number of required off-site parking spaces (Continued from November 1, 2021)

Location: 22969 Pacific Coast Highway  
APN: 4452-019-004  
Owner: SKA Group, LLC  
Tenant: Aviation Nation Dreamland/Aviation Nation  
Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 21-64 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 13-006 and Joint Use Parking Agreement (JUPA) No. 14-001 amending Conditional Use Permit No. 09-009 and JUPA No. 10-001 to allow the reduction of the restaurant service area in order to accommodate the permanent expansion of existing retail tenant space, and decrease the number of required off-site parking spaces in the JUPA to reflect the new number of required offsite parking spaces at an existing restaurant (Aviation Nation Dreamland) located in the Commercial Visitor-Serving-One zoning district at 22969 Pacific Coast Highway (SKA Group, LLC).

- E. Malibu Inn Motel - Coastal Development Permit No. 09-067, Conditional Use Permit No. 18-002, Variance Nos. 18-029, 18-030, 18-031, and 20-035, Site Plan Review No. 18-025, Joint Use Parking Agreement No. 18-001, Mitigated Negative Declaration No. 20-003 and Initial Study No. 20-003 – An application for development of a motel project (Continued from November 1, 2021)

Location: 22959 Pacific Coast Highway, within the appealable coastal zone  
APN: 4452-019-005  
Owner: Surfrider Plaza, LLC  
Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 21-65 adopting Mitigated Negative Declaration No. 20-003 and Initial Study No. 20-003, pursuant to the California Environmental Quality Act, and approving Coastal Development Permit No. 09-067 for the construction of a new 7,693 square foot, 20-room motel above a new subterranean parking garage, surface parking lot, rooftop deck with swimming pool, spa and bar area, grading, retaining walls, landscaping, a new onsite wastewater treatment system and authorization for the Planning Director to submit a letter of public convenience or necessity for the sale of alcohol; including Conditional Use Permit No. 18-002 for a motel in the Commercial Visitor-Serving-One (CV-1) zoning district and sale of alcohol, Variance (VAR) No. 18-029 for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development, VAR No. 18-030 for construction on slopes steeper than 3 to 1, VAR No. 18-031 for a retaining wall that is an integral part of the building in excess of 12 feet in height, VAR No. 20-035 for surface parking within the required front yard setback, Site Plan Review No. 18-025 for a building height in excess of 18 feet, not to exceed 24 feet for a flat roof, and Joint Use Parking Agreement No. 18-001 to share the parking spaces with the adjacent lot to the east (22969 Pacific Coast Highway – Malibu Inn) located in the CV-1 zoning district at 22959 Pacific Coast Highway (Surfrider Plaza, LLC).

## 5. New Public Hearings

- A. Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 - An amendment to the Local Coastal Program and Title 17 (Zoning) of the Malibu Municipal Code related to accessory dwelling unit regulations

Applicant: City of Malibu  
Location: Citywide  
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

Recommended Action: Continue the item to the January 18, 2022 Regular Planning Commission meeting due to an overflow of continued items to be heard on December 6, 2021.

- B. Coastal Development Permit–Woolsey Fire No. 19-001 and Variance No. 19-016 - An application for the reconstruction of an unpermitted, pre-existing non-conforming walk-out basement, decks, new swimming pool, and associated development

Location: 4756 Latigo Canyon Road, not within the appealable coastal zone  
APN: 4459-002-021  
Owners: James and Kim Tomlinson  
Case Planner: Assistant Planner Coronel, 456-2489, ext. 373

Recommended Action: Adopt Planning Commission Resolution No. 21-78 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-040 to allow for the reconstruction of a previously existing, unpermitted non-conforming basement, and construction of a new swimming pool and onsite wastewater treatment system, including Variance No. 19-016 for

the proposed basement to daylight more than three vertical feet below a residence destroyed by the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 4756 Latigo Canyon Road (Tomlinson).

C. Coastal Development Permit No. 19-013 and Site Plan Review No. 19-018 – An application for a new single-family residence and associated development

Location: 30548 Morning View Drive, not within the appealable coastal zone  
APN: 4469-025-064  
Owners: Michael and Antonette Weinreb  
Case Planner: Associate Planner Brooks, 456-2489, ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 21-58 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-013 for the construction of a new 5,541 square foot, two-story single-family residence plus a 4,366 square foot subterranean garage and basement with a lightwell, porte-cochère, deck, swimming pool, spa, tennis court, fencing, gates, landscaping, hardscape, grading, retaining walls, and onsite wastewater treatment system; including Site Plan Review No. 19-018 for a height increase over 18 feet, but not to exceed 28 feet for a pitched roof, in the Rural Residential, Two-Acre zoning district at 30548 Morning View Drive (Weinreb).

D. Administrative Plan Review No. 21-045 and Variance No. 21-011 – An application to replace a 17.5-foot-tall failing retaining wall

Location: 21463 Rambla Vista  
APN: 4451-018-045  
Owner: Arnold and Karen York Family Trust  
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 21-70 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 21-045 to replace a failing retaining wall, including Variance No. 21-011 for construction of a retaining wall over 14 feet in height up to 17 feet, 6 inches in height, located in the La Costa Overlay District in the Single-Family Medium Density zoning district at 21463 Rambla Vista (Arnold and Karen York Family Trust).

6. Old Business

None.

7. New Business

None.

8. Planning Commission Items

None.

Adjournment

**Future Meetings**

Monday, December 20, 2021	CANCELLED	
Monday, January 3, 2022	CANCELLED	
Tuesday, January 18, 2022	6:30 p.m. Regular Planning Commission Meeting	Location TBD
Monday, February 7, 2021	6:30 p.m. Regular Planning Commission Meeting	Location TBD

**Guide to the Planning Commission Proceedings**

As a result of the Coronavirus (COVID-19) pandemic, the City is under a state of local emergency, as well as states of emergency that have been declared in the County of Los Angeles, State of California, and a federal emergency declared by the President of the United States. In order to reduce the risk of spreading COVID-19, the Planning Commission meeting will be open and public but conducted virtually because meeting in person would present imminent risks to the health or safety of attendees. This way, the public, the staff, and the Commission will not be physically in the same place.

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. Members of the public wishing to speak or defer time to another speaker during the meeting must participate through the Zoom application and must be present in the Zoom conference to be recognized. The City requests that you sign up to speak before the item you would like to speak on has been called by the Chair. For those wishing to defer time, are not required to sign up to speak in advance. At the start of public comment for the item, the Chair shall ask members of the public wishing to defer time to raise their hands in the Zoom meeting using the reactions button. Each person will be called to verify their presence in the Zoom meeting and their intent to donate time. Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted.

For Public Hearings involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication. In order to speak, individuals must visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Planning Commission Items are items, which individual members of the Planning Commission may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m.

without a two-thirds vote of the Planning Commission.

*Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at <https://www.malibucity.org/video>. Copies of the staff reports or other written documentation relating to each item of business described above are available upon request by emailing [planningcommission@malibucity.org](mailto:planningcommission@malibucity.org).*

*The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II.*

*Requests to show an audio or video presentation during a Commission meeting should be directed to Alex Montano at (310) 456-2489, ext. 227 or [amontano@malibucity.org](mailto:amontano@malibucity.org). Material must be submitted by 12:00 p.m. on the meeting day.*

*I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 22<sup>nd</sup> day of November 2021 at 1:45 p.m.*

  
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Kelsey Pettijohn, City Clerk