



Commission Agenda Report

Planning Commission
Meeting
02-07-22

**Item
3.B.1.**

To: Chair Hill and Members of the Planning Commission

Prepared by: Rebecca Evans, Administrative Assistant

Approved by: Richard Mollica, Planning Director

Date prepared: January 27, 2022 Meeting date: February 7, 2022

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes of the August 16, 2021 Malibu Planning Commission Regular 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: August 16, 2021 Planning Commission Regular Meeting Minutes

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 16, 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

Vice Chair Weil 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: Vice Chair David Weil and Commissioners Kraig Hill, John Mazza, and Dennis Robert Smith

ABSENT: Chair Jeffrey Jennings

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Gail Karsh, City Attorney’s Office; Yolanda Bundy, Environmental Sustainability Director; Adrian Fernandez, Assistant Planning Director; Christine Shen, Environmental Sustainability Analyst; Tyler Eaton, Assistant 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 No. 5.D. to the September 8, 2021 Adjourned Regular Planning Commission meeting and removing Item No. 5.B. from the agenda.

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

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on August 6, 2021, with the amended agenda posted August 12, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Joshua Smith of Yamasi Security provided information on the company’s services.

Ryan Embree commented on the quantity and eligibility of wireless communication antennas for new facilities applications under the umbrella of the shock clock rule proposed in Malibu. He expressed concern over the need for temporary lane closures to conduct maintenance and repair on these facilities.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Mazza stated input from the City's Public Safety Commission pertaining to Pacific Coast Highway safety would have been valuable in assessing the project in Item No. 5.E. on the meeting agenda.

Commissioner Hill commented on the digital file size of PDF staff reports online and suggested keeping reports under 500 pages to make them more user-friendly.

In response to Mr. Embree, Commissioner Hill discussed a recent Federal Appellate Court decision. He requested staff keep the Commission informed about relevant developments.

In response to Commissioners Hill and Mazza, Assistant Planning Director Fernandez stated the California Coastal Commission Critical Infrastructure at Risk Sea Level Rise Planning Guidance report would be made available to the Commissioners.

Commissioner Hill stated that questions he had regarding meeting minutes on the Consent Calendar had been resolved.

In response to Commissioner Hill's request to enter additional information into meeting minutes for the record, Senior Administrative Analyst Salazar stated that the Planning Commission action minutes, meeting video, and agenda packet were all part of the official record, and the video record was the most detailed and informative for those, including interested parties and appellants, conducting legislative research.

Commissioner Mazza stated videos of past City public meetings should be maintained on the City's website for longer than the most recent few years as is now the standard to avoid having to make a special request for access. Commissioner Mazza asked how people can participate in the meeting if they are watching channel 3. Assistant Planning Director Fernandez noted that the Zoom meeting is the forum for public comment.

Commissioner Smith stated that ex-parte communication with project applicants was allowable and appropriate under the Brown Act, provided it was limited to less than a quorum of the Commission and was informative and played a useful part in efficient use of time during meetings when considering a project.

In response to Assistant Planning Director Fernandez' announcement of Administrative Assistant Stecko's impending retirement, the Commission extended their congratulations and well wishes, for which she in turn thanked the Commission.

Assistant Planning Director Fernandez announced technical difficulties were being experienced in the Channel 3 broadcast but the meeting was being streamed through the City's website and on YouTube.

Assistant City Attorney Rusin stated meeting participation by the public was not affected by the broadcast difficulties because that is facilitated through the City's webpage and takes place within the Zoom meeting.

ITEM 3 CONSENT CALENDAR

MOTION Commissioner Mazza moved, and Commissioner Smith seconded a motion to approve the Consent Calendar with the August 2, 2021 Regular Planning Commission minutes approved, as amended to correctly reflect the amendment vote on Item No. 5.A. The question was called, and the motion carried 4-0, Chair Jennings absent.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.

- B. New Items
 - 1. Approval of Minutes
Recommended Action: Approve the minutes for the June 30, 2021 Special Planning Commission meeting and the July 19, 2021 and August 2, 2021 Regular Planning Commission meetings.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Zoning Text Amendment No. 21-002 – Amendment to the Malibu Municipal Code to Comply with the California State Model Water Efficient Landscape Ordinance
Recommended Action: Adopt Planning Commission Resolution No. 21-61 recommending that the City Council approve Zoning Text Amendment No. 21-002 to add Section 17.53.100 to Malibu Municipal Code Chapter 17.53 (Landscape Water Conservation and Fire Protection) regarding compliance with the State Model Water Efficient Landscape Ordinance and finding the action exempt for the California Environmental Quality Act.

Environmental Sustainability Analyst Shen presented the staff report.

The Commission directed questions to staff.

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

Speaker(s): None.

As there were no speakers present, 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 Hill seconded a motion to adopt Planning Commission Resolution No. 21-61, as amended: 1) recommending that the City Council approve Zoning Text Amendment No. 21-002 to add Section 17.53.100 to Malibu Municipal Code Chapter 17.53 (Landscape Water Conservation and Fire Protection) regarding compliance with the State Model Water Efficient Landscape Ordinance and finding the action exempt for the California Environmental Quality Act; 2) adding the recommendation that enforcement shall not be subject to City Council Policy No. 43; and 3) recommending an ad hoc committee be created to study landscaping issues such as water rates, mulch, compaction, and any potential conflicts with the City’s existing landscaping requirements.

The Commission discussed the motion.

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

B. Coastal Development Permit Amendment No. 21-001 – An application to amend Coastal Development Permit 21-027 and Temporary Use Permit No. 21-005 to include additional parking and reduce hours of operation for the 39th Annual Chili Cook-Off and Carnival

Event Location: 23575 Civic Center Way, not within the appealable coastal zone

APN: 4458-022-907

Property Owner: City of Malibu

Applicant: The Boys and Girls Club of Malibu

Approved Parking Locations:

23519 W. Civic Center Way (APN 4458-022-906)

23825 Stuart Ranch Road (APN 4458-021-901)

23805 Stuart Ranch Road (APN 4458-021-173)

3542 Coast View Drive (APN 4458-021-003)

3806 Cross Creek Road (APN 4452-011-035)

New Parking Location: 23847 Stuart Ranch Road (APN 4458-021-002)

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

This item was removed from the agenda upon approval of the agenda due to the application being withdrawn by the applicant.

C. Wireless Permit No. 21-002, Coastal Development Permit No. 20-035, Waiver No. 21-001, Variance No. 20-023, and Site Plan Review No. 20-045 – An application for a new wireless communications facility on the rooftop of an office building, including a ground-mounted backup generator on a commercially zoned parcel

Location: 28990.5 Pacific Coast Highway, not within the appealable coastal zone
APN: 4466-019-004
Applicant: Spectrum Services for Verizon Wireless
Owner: 28990 W. Pacific Coast Highway, LLC
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 21-63 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Permit No. 21-002 and Coastal Development Permit No. 20-035 for Verizon Wireless to install a macro wireless communications facility located on the rooftop of Building B and a ground-mounted backup generator, including Waiver No. 21-001 and Variance No. 20-023 to permit a rooftop wireless communications facility more than three feet above the roof parapet and Site Plan Review No. 20-045 to install and operate a wireless communications facility in the Commercial Neighborhood zoning district located at 28990.5 Pacific Coast Highway (Verizon Wireless).

Assistant Planner Eaton presented the staff report.

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

The Commission directed questions to staff.

MOTION Commissioner Mazza moved, and Commissioner Hill seconded a motion to add a discussion of whether public speakers can donate time to other speakers to the next Planning Commission agenda. The question was called, and the motion carried 3-1, Commissioner Smith dissenting and Chair Jennings absent.

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

Speakers: Scott Halley, Lonnie Gordon, Dr. Kellye McKinna, Linda Zielski, Jenny Rusinko, Ryan Embree, Rossie Titcher, and Akai Yang.

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.

The Commission directed questions to staff.

MOTION Commissioner Smith moved, and Vice Chair Weil seconded a motion to adopt Planning Commission Resolution No. 21-63, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and

approving Wireless Permit No. 21-002 and Coastal Development Permit No. 20-035 for Verizon Wireless to install a macro wireless communications facility located on the rooftop of Building B and a ground-mounted backup generator, including Waiver No. 21-001 and Variance No. 20-023 to permit a rooftop wireless communications facility more than three feet above the roof parapet and Site Plan Review No. 20-045 to install and operate a wireless communications facility in the Commercial Neighborhood zoning district located at 28990.5 Pacific Coast Highway (Verizon Wireless); 2) adding a condition requiring the backup generator to have an automatic transfer switch; 3) adding a condition requiring the backup generator to supply power to all proposed antennas; and 4) adding a condition requiring all associated rooftop antennas to be completely visually screened with screening no taller than the height of the antennas and painted and/or textured to match the existing building.

The Commission discussed the motion and directed questions to staff.

The question was called, and the motion carried 3-1, Commissioner Hill dissenting and Chair Jennings absent.

RECESS At 8:17 p.m. Vice Chair Weil recessed the meeting. The meeting reconvened at 8:30 p.m. with Chair Jennings absent.

D. Wireless Communications Facility No. 19-021, Coastal Development Permit No. 20-001, and Site Plan Review No. 21-025 – An application for a new wireless communications facility on a freestanding pole in the public right-of-way

Location: 20703.5 Pacific Coast Highway, within the appealable coastal zone

Nearest APN: 4450-007-023

Applicant: Synergy for AT&T Mobility

Owner: California Department of Transportation

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

Recommended Action: Continue this item to the September 8, 2021 Adjourned Regular Planning Commission meeting.

This item was continued to the September 8, 2021 Adjourned Regular Planning Commission meeting upon approval of the agenda.

E. Malibu Jewish Center and Synagogue Project - Coastal Development Permit No. 14-069, Conditional Use Permit No. 16-005, Variance Nos. 14-050, 14-051 and 16-009, Site Plan Review No. 14-050, Sign Permit No. 16-006, Demolition Permit No. 18-024, Initial Study No. 18-001, and Mitigated Negative Declaration No. 18-001 – An application to remove four modular buildings and redevelop the site with a two-story classroom/ administration building with a subterranean garage and basement, construct a new temple building with a basement, and associated development

Location: 24855 Pacific Coast Highway, within the appealable coastal zone

APN: 4458-032-027

Owner: Malibu Jewish Center and Synagogue

Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 21-55 adopting Initial Study No. 18-001 and Mitigated Negative Declaration No. 18-001 and approving Coastal Development Permit No. 14-069 and Demolition Permit No. 20-024 for the removal of four modular buildings and redevelopment of the site with a two-story, 16,410 square foot classroom/administration building with two subterranean levels; one for 28 parking spaces and the second for storage, construction of a new temple building with 2,013 square foot of above-ground floor area and a basement, redevelopment of the existing surface parking lot to improve internal circulation and parking, installation of a second onsite wastewater treatment system, and a habitat restoration program for Puerco Canyon Creek to be integrated with ongoing fuel modification activities; including Conditional Use Permit No. 16-005 for the expansion of the existing religious facility; Variance (VAR) No. 14-050 to allow for non-code compliant parking spaces, reduced number of parking spaces and parking space dimensions; VAR No. 14-051 for construction within an Environmentally Sensitive Habitat Area buffer zone; VAR No. 16-009 for a retaining wall over six feet in height; Site Plan Review No. 14-050 for buildings in excess of 18 feet in height but not to exceed 28 feet for flat roofs; and Sign Permit No. 16-006 for identification and building mounted signage, located in the Institutional zoning district at 24855 Pacific Coast Highway (Malibu Jewish Center and Synagogue).

Assistant Planning Director Fernandez 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 section of the public hearing.

Speakers: Larry Green, Jonathan Goldstein, Susan Monus, George Greenberg, Victoria Scott Greenberg, Ryan Kelly, David Magney, Al Welland, Karen Portugal York, Jerry Overland, David Gray, Mark Meyer, Ron Goldman, David Katz, and Cantor Marcelo Gindlin.

Mr. Green 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.

The Commission directed questions to staff.

MOTION

Commissioner Hill moved, and Commissioner Mazza seconded a motion to continue the item to a date uncertain to allow time for the Commission and staff to consider Mountain Conservancy issues, request a more recent fire department review, request a more current fish and wildlife report, consider the impact of unpermitted events and to review the recently received letter from the California

Coastal Commission. The question was called, and the motion failed 2-2-0, Commissioner Smith and Vice Chair Weil dissenting, and Chair Jennings absent.

MOTION Commissioner Mazza moved, and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 21-55 adopting Initial Study No. 18-001 and Mitigated Negative Declaration No. 18-001 and approving Coastal Development Permit No. 14-069 and Demolition Permit No. 20-024 for the removal of four modular buildings and redevelopment of the site with a two-story, 16,410 square foot classroom/administration building with two subterranean levels; one for 28 parking spaces and the second for storage, construction of a new temple building with 2,013 square foot of above-ground floor area and a basement, redevelopment of the existing surface parking lot to improve internal circulation and parking, installation of a second onsite wastewater treatment system, and a habitat restoration program for Puerco Canyon Creek to be integrated with ongoing fuel modification activities; including Conditional Use Permit No. 16-005 for the expansion of the existing religious facility; VAR No. 14-050 to allow for non-code compliant parking spaces, reduced number of parking spaces and parking space dimensions; VAR No. 14-051 for construction within an Environmentally Sensitive Habitat Area buffer zone; VAR No. 16-009 for a retaining wall over six feet in height; Site Plan Review No. 14-050 for buildings in excess of 18 feet in height but not to exceed 28 feet for flat roofs; and Sign Permit No. 16-006 for identification and building mounted signage, located in the Institutional zoning district at 24855 Pacific Coast Highway (Malibu Jewish Center and Synagogue) with conditions 1) all events shall require a TUP including all pertinent sections of the MMC; 2) the sound levels at the edge of the site shall not exceed 40 decibels during events; and 3) amplified sound shall cease at 10:00 PM.

The question was called, and the motion failed 2-1-1, Commissioner Smith and Vice Chair Weil dissenting, Commissioner Hill abstaining and Chair Jennings absent.

MOTION Commissioner Smith moved, and Vice Chair Weil seconded a motion to adopt Planning Commission Resolution No. 21-55, as amended: 1) adopting Initial Study No. 18-001 and Mitigated Negative Declaration No. 18-001; 2) approving Coastal Development Permit No. 14-069 and Demolition Permit No. 20-024 for the removal of four modular buildings and redevelopment of the site with a two-story, 16,410 square foot classroom/administration building with two subterranean levels; one for 28 parking spaces and the second for storage, construction of a new temple building with 2,013 square foot of above-ground floor area and a basement, redevelopment of the existing surface parking lot to improve internal circulation and parking, installation of a second onsite wastewater treatment system, and a habitat restoration program for Puerco Canyon Creek to be integrated with ongoing fuel modification activities; including Conditional Use Permit No. 16-005 for the expansion of the existing religious facility; VAR No. 14-050 to allow for non-code compliant parking spaces, reduced number of parking spaces and parking space dimensions; VAR No. 14-051 for construction within an Environmentally Sensitive Habitat Area buffer zone; VAR No. 16-009 for a retaining wall over six feet in height; Site Plan Review No. 14-050 for buildings in excess of 18 feet in height but not to exceed 28 feet for flat roofs; and Sign Permit No. 16-006 for identification

and building mounted signage, located in the Institutional zoning district at 24855 Pacific Coast Highway (Malibu Jewish Center and Synagogue); 3) amend Mitigation Measure TRANS-1 to apply temporary “no parking signs” along both the northern and southern side of the PCH road shoulders during events; 4) adding a condition that valet service be provided for the 13 tandem spaces for all weddings and events with more than 150 people; 5) adding a condition requiring all construction staging to occur onsite; 6) adding a condition requiring existing fencing along the northern boundary of the development area to remain during construction; 7) amending mitigation measure BIO-1 to specify invasive plants be removed without the use of chemicals; 8) amending the event table in Condition 34 to replace the term ‘Malibu Film Society’ with ‘Movie Screening’ to describe the type of event; and 9) minimize use of lighting to the extent practicable on the north side of the two story building after dusk.

The Commission discussed the motion.

The question was called, and the motion carried 3-1, Commissioner Mazza dissenting and Chair Jennings absent.

F. Coastal Development Permit No. 19-052, Variance Nos. 19-047, 19-048 and 19-060, Demolition Permit No. 20-020 and Code Violation No. 19-039 - An application for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, garage addition and associated development

Location: 25429 Malibu Road, within the appealable coastal zone
APN: 4459-014-014
Owner: The Celestial Trust
Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 21-39 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-052 and Demolition Permit No. 20-020 for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, including an after-the-fact replacement of the attached garage with a new garage, rear on-grade deck extension, and associated development; including Variance (VAR) No. 19-047 for construction on slopes steeper than 2.5 to 1, VAR No. 19-048 for the reduction of the required side yard setbacks and cumulative side yard setbacks and VAR No. 19-060 from the City’s geotechnical standards for factor of safety located in the Rural Residential, Two-Acre zoning district at 25429 Malibu Road (The Celestial Trust).

MOTION Commissioner Hill moved, and Commissioner Mazza seconded a motion to continue the public hearing of Coastal Development Permit No. 19-052, Variance Nos. 19-047, 19-048 and 19-060, Demolition Permit No. 20-020 and Code Violation No. 19-039, an application for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, garage addition and associated development, to the September 20, 2021 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called, and the motion failed 2-2, Commissioner Smith and Vice Chair Weil dissenting and Chair Jennings absent.

MOTION Commissioner Hill moved and Commissioner Mazza seconded a motion to continue the public hearing of Coastal Development Permit No. 19-052, Variance Nos. 19-047, 19-048 and 19-060, Demolition Permit No. 20-020 and Code Violation No. 19-039, an application for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, garage addition and associated development, to the September 20, 2021 Regular Planning Commission meeting.

The Commission discussed the motion.

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 11:00 p.m., Commissioner Mazza moved and Commissioner Hill seconded a motion to adjourn the meeting dedicated to Kathleen Stecko in honor of her service to the City of Malibu and retirement. 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 February 7, 2022.

KRAIG HILL, Chair

ATTEST:

REBECCA EVANS, Administrative Assistant