



# Commission Agenda Report

Planning Commission  
Meeting  
02-22-22

**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: February 10, 2022 Meeting date: February 22, 2022

Subject: Approval of Minutes

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RECOMMENDED ACTION: Approve the minutes of the October 4, 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.

ATTACHMENTS: October 4, 2021 Planning Commission Regular Meeting Minutes

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 4, 2021  
TELECONFERENCED – VARIOUS LOCATIONS  
6:30 P.M.

**The following meeting was held pursuant to the Governor’s Executive Order N-08-21 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; Jessica Thompson, Associate Planner; and Patricia Salazar, Senior Administrative Analyst

**APPROVAL OF AGENDA**

MOTION      Commissioner Mazza moved and Vice Chair Weil seconded a motion to approve the agenda with Item 4A continued to a date uncertain and concurrently hearing Items 4B and 4C.

The question was called and the motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

Senior Administrative Analyst Salazar reported that the agenda for the meeting was properly posted on September 24, 2021.

**ITEM 1      CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2A PUBLIC COMMENTS**

None.

**ITEM 2B COMMISSION/STAFF COMMENTS**

Commissioner Mazza thanked the staff for keeping the agenda for the meeting to a reasonable length.

Commissioner Hill asked for a report from the City Attorney's Office providing the specific citation stating that the Planning Commission does not have the scope to alter or improve a project. He would like the exact citation regarding the limits of the Planning Commission's discretion and secondly, a thorough explanation on why Commissioners are not able to demand studies from the Public Works Department. He also noted that the diagonal parking spaces in other cities seem to be removed, presumably due to safety concerns, and questioned why the City of Malibu is continuing to add diagonal parking. Commissioner Hill also expressed frustration that the story poles for the motel site do not appear to be the correct heights or properly located and doesn't understand how the pole accuracy was certified without having the plans in hand.

Commissioner Smith noted that the Westward Beach wall resembles the type of walls used in Huntington Beach as part of their protection from oil spills.

Planning Director Mollica stated that Assistant Planning Director Fernandez sent Commissioner Hill the certification that the story poles for the Malibu Inn Motel. Additionally, he stated the applicants will be rectifying the story poles and the applicants are willing to meet with Commissioners onsite as well.

**ITEM 3 CONSENT CALENDAR**

The Consent Calendar consisted of the following item:

A. Previously Discussed Items

None.

B. New Items

None.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- A. Coastal Development Permit No. 18-002 and Variance No. 21-015 – An application for an interior and exterior remodel of a single-family residence and associated development (Continued from September 8, 2021)

Location: 20238 Piedra Chica Road, not within the appealable coastal zone  
APN: 4450-013-084  
Owners: Reza Nebavi and Maryam Akbar  
Recommended Action: Continue the item to a date uncertain.

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

Item Nos. 4B and 4C were heard concurrently.

- B. Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and Minor Modification No. 18-001 – An application for a new single-family residence and associated development (Continued from September 8, 2021)

Location: 33386 Pacific Coast Highway / APN 4473-019-007  
33398 Pacific Coast Highway / APN 4473-019-005 within the appealable coastal zone  
Owner: 180 PCH, LLC

Recommended Action: Adopt Planning Commission Resolution No. 21-06 denying Coastal Development Permit No. 14-073 to construct a new 2,342 square foot, two-story, single-family residence, with a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-acre zoning district at 33386 and 33398 Pacific Coast Highway (180 PCH, LLC).

- C. 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 September 8, 2021)

Location: 33398 Pacific Coast Highway / APN 4473-019-005  
33390 Pacific Coast Highway / APN 4473-019-006  
33386 Pacific Coast Highway / APN 4473-019-007  
Owner: 180 PCH, LLC

Recommended Action: Adopt Planning Commission Resolution No. 21-07 denying Coastal Development Permit No. 14-072 to construct a new 2,342 square foot, two-story single family residence, with a 483 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and construction of a new onsite wastewater treatment system and denying Variance (VAR) No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre zoning district at 33398, 33390, and 33386 Pacific Coast Highway (180 PCH, LLC).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioner Hill, Mazza, Vice Chair Weil, and Chair Jennings.

The Commission directed questions to staff and the applicant team.

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

Speakers: Don Schmitz, Fred Gaines, Reggie Brown, Jerry Jacob, David Rosen, Charals Haagen, Paula Yankopolous, Alex Yankopolous, James George, Janice George, Bill Shiber and Ronald Stein.

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 and the applicant team.

RECESS Chair Jennings recessed the meeting at 8:25 p.m. The meeting reconvened at 8:35 p.m.

MOTION Chair Jennings moved and Vice Chair Weil seconded a motion to adopt Planning Commission Resolution No. 21-06 denying Coastal Development Permit No. 14-073 to construct a new 2,342 square foot, two-story, single-family residence, with a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-acre zoning district at 33386 and 33398 Pacific Coast Highway (180 PCH, LLC).

Commissioner Mazza asked if the Planning Commission could direct staff to correct exhibits to adjust for the existing conditions rather than the slope analysis that preceded the landslide in 2018. Assistant City Attorney Donegan noted that this would be outside the authority of this body.

The question was called and the motion passed 4-1, Commissioner Smith dissenting.

**MOTION** Chair Jennings moved and Vice Chair Weil seconded a motion to adopt Planning Commission Resolution No. 21-07 denying Coastal Development Permit No. 14-072 to construct a new 2,342 square foot, two-story single family residence, with a 483 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and construction of a new onsite wastewater treatment system and denying Variance (VAR) No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre zoning district at 33398, 33390, and 33386 Pacific Coast Highway (180 PCH, LLC).

**ITEM 5 New Public Hearings**

None.

**ITEM 6 Old Business**

None.

**ITEM 7 New Business**

None.

**ITEM 8 Planning Commission Items**

None.

**ADJOURNMENT**

**MOTION** At 8:57 p.m., Commissioner Mazza moved and Vice Chair Weil 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 February 22, 2022.

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KRAIG HILL, Chair

ATTEST:

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REBECCA EVANS, Administrative Assistant