



Commission Agenda Report

Planning Commission
Meeting
09-08-22

**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: July 21, 2022

Meeting date: August 1, 2022

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes of the September 8, 2021 Regular Planning Commission meeting.

DISCUSSION: Staff has prepared draft minutes for the above-referenced Planning Commission meetings and hereby submit the minutes for the Commission's consideration.

ATTACHMENT: September 8, 2021 Regular Planning Commission Meeting Minutes

MINUTES
MALIBU PLANNING COMMISSION
ADJOURNED REGULAR MEETING
SEPTEMBER 8, 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; Adrian Fernandez, Assistant Planning Director; Troy Spayd, Assistant Public Works Director; Jessica Thompson, Associate Planner; and Patricia Salazar, Senior Administrative Analyst

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to approve the agenda, continuing Item Nos. 4.A., 4C and 4D to a date uncertain, continuing Item Nos. 5.A. and 5.B. to the September 20, 2021 Regular Planning Commission meeting; and continuing Item Nos. 5.C., 5.D., and 5.E. to the October 4, 2021 Regular Planning Commission meeting.

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

MOTION Commissioner Mazza moved and Vice Chair Weil seconded a motion to approve the agenda, continuing Item No. 4.A. to a date uncertain, hearing Item No. 4.D. prior to 4.C., continuing Item Nos. 5.A. and 5.B. to the September 20, 2021 Regular Planning Commission meeting; and continuing Item Nos. 5.C., 5.D., and 5.E. to the October 4, 2021 Regular Planning Commission meeting.

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 August 31, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2A PUBLIC COMMENTS

None.

ITEM 2B COMMISSION/STAFF COMMENTS

Planning Director Mollica informed Commissioners that the City of Malibu had two items before the California Coastal Commission today. The first item was the Hosted Short-Term Rental Local Coastal Program Amendment. The California Coastal Commission staff proposed to extend the California Coastal Commission processing period to June 29, 2022 and although the City argued for a shorter timeline, the California Coastal Commission staff recommendation was approved. The second item before the California Coastal Commission was Malibu's pesticide Local Coastal Program Amendment, which was certified. He stated the next step will be taking the amendment to the City's Zoning Ordinance Revisions and Code Enforcement Subcommittee as directed by the City Council to determine how it will be implemented similar to an ordinance within the City.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following item:

A. Previously Discussed Items

None.

B. New Items

1. De Minimis Waiver No. 21-005 — An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 6603 Dume Drive, not within the appealable coastal zone

APN: 4468-009-012

Case Planner: Contract Planner Shah, 456-2489, ext. 385

Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 21-005 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on De Minimis Waiver No. 21-005 for a new onsite wastewater treatment system for a Woolsey affected parcel.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. 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 (Continued from August 16, 2021)

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 the item to a date uncertain.

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

- B. Coastal Development Permit No. 21-008 – An application to construct median improvements to widen the outside shoulder for a distance of approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon Road (Continued from August 26, 2021)

Location: 24201.5 Pacific Coast Highway, approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon Road, within the appealable coastal zone

Applicant City of Malibu Public Works Department and California Department of Transportation

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

Recommended Action: Adopt Planning Commission Resolution No. 21-57 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-008 to construct median improvements to widen the outside shoulder for a distance of approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon Road located entirely within the California Department of Transportation (Caltrans) public right-of-way to better allow a combination of bicycle use and on-street parking (City of Malibu and Caltrans).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Mazza, Hill, 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 section of the public hearing.

Speaker: Ryan Embree

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.

MOTION Commissioner Smith moved and Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 21-57 as amended: 1) adding a condition stating, “Make travel lane surfaces as smooth and integral as reasonably possible with whatever coating technique is appropriate; and 2) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-008 to construct median improvements to widen the outside shoulder for a distance of approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon Road located entirely within the California Department of Transportation (Caltrans) public right-of-way to better allow a combination of bicycle use and on-street parking (City of Malibu and Caltrans).

The Commission discussed the motion and directed questions to staff.

AMENDMENT

Commissioner Mazza offered an amendment to include removal of obstructions and the rough grading of the shoulders where feasible. The amendment failed for lack of a second.

AMENDMENT

Commissioner Hill offered and Commissioner Smith seconded an amendment that travel lane surfaces be made as smooth and integral as possible with whatever coating technique is appropriate. The amendment carried 4-1, Chair Jennings dissenting.

The motion, as amended, carried 3-2, Commissioners Hill and Mazza dissenting.

- C. 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 (Aviation Nation) (Continued from August 26, 2021)

Location: 22969 Pacific Coast Highway, within the appealable coastal zone

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).

This item was continued to the November 1, 2021 Regular Planning Commission Meeting.

- D. 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, Initial Study No. 20-003, and Mitigated Negative Declaration No. 20-003 – An application for development of a motel project (Continued from August 26, 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 and 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 PCH (Surfrider Plaza, LLC).

Assistant Planning Director Fernandez 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: Doug Burdge, Steven Hakim, Alexander Hakim, Joseph Lezama, Gloria Gonzalez, Ligia Rivas, Ledy Natareno, Sandra Ramirez, Cesar de la Cruz; Victoria Santos; Jeymy Morales; Raul Macias, Claudia Aguilera, Mark Dempster, Stella Yap, Suzannah Owens, Brianna Ickes, Judy Ettinger, Jo Drummond, Ryan Embree, and Patt Healy

RECESS At 9:10 p.m. Chair Jennings recessed the meeting. The meeting reconvened at 9:20 p.m. with all Commissioners present.

Chair Jennings reopened the public comment portion of the hearing for applicant team rebuttal.

Speaker: Doug Burdge

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.

MOTION Chair Jennings moved and Vice Chair Weil seconded a motion to continue Item Nos. 4.B. and 4.C. to the November 1, 2021 Regular Planning Commission Meeting, requesting that staff will provide a report on the floor area ratio calculations.

The question was called and the motion carried 3-2, Commissioners Hill and Mazza dissenting.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 15-064, Variance No. 15-046, Site Plan Review No. 15-053, Minor Modification No. 15-017 – An application for a new single-family residence
Location: 4831 Latigo Canyon Road, not within the appealable coastal zone
APN: 4460-001-015
Owner: Latigo Canyon, LLC
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Continue the item to the September 20, 2021 Regular Planning Commission meeting.

This item was continued to the September 20, 2021 Regular Planning Commission meeting upon approval of the agenda.

B. Coastal Development Permit No. 17-083, Site Plan Review No. 17-051, Minor Modification No. 17-017, and Demolition Permit No. 17-029 – An application to demolish the existing single-family residence, and construction of a new two-story, single-family residence and associated development
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: Continue the item to the September 20, 2021 Regular Planning Commission meeting.

This item was continued to the September 20, 2021 Regular Planning Commission meeting upon approval of the agenda.

C. 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
Location: 20238 Piedra Chica Road, not within the appealable coastal zone
APN: 4450-013-084
Owners: Reza Nebavi and Maryam Akbar
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Continue the item to the October 4, 2021 Regular Planning

Commission meeting.

This item was continued to the October 4, 2021 Regular Planning Commission meeting upon approval of the agenda.

- D. 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

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 the item to October 4, 2021 Regular Planning Commission meeting.

This item was continued to the October 4, 2021 Regular Planning Commission meeting upon approval of the agenda.

- E. 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

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 the item to October 4, 2021 Regular Planning Commission meeting.

This item was continued to the October 4, 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 11:34 PM, Vice Chair Weil moved and Commissioner Smith seconded a motion to adjourn.

The question was called and the motion carried 4-1, Commissioner Mazza abstaining.

Approved and adopted by the Planning Commission of the
City of Malibu on August 1, 2022.

KRAIG HILL, Chair

ATTEST:

PATRICIA SALAZAR, Senior Administrative Analyst