

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant AB 361 and the County of Los Angeles Public Health Officer's Order (*revised September 22, 2022*). 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 at least three days prior to the meeting to provide adequate time for Commissioner consideration. Correspondence will continue to be processed until thirty minutes prior to the start of the meeting or as practical.

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, March 6, 2023

6:30 P.M. – REGULAR PLANNING COMMISSION 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 – February 24, 2023

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

A. Previously Discussed Items

None.

B. New Items

- 1. Extension of Coastal Development Permit No. 16-005 and Coastal Development Permit Amendment No. 22-002, Site Plan Review No. 16-006, Variance No. 16-002, and Minor Modification No. 16-007 – A request to extend the Planning Commissions' approval for construction of a new single-family residence, detached garage, AOWTS, and landscaping

Location: 4817 Latigo Canyon Road
APN: 4460-001-010
Owners: Andreas and Nina Grueter
Case Planner: Planning Technician Turner, 456-2489, ext. 295

Recommended Action: Adopt Planning Commission Resolution No. 23-13 granting a two-year time extension of Coastal Development Permit No. 16-005 and Coastal Development Permit Amendment No. 22-002 for the construction of a new 4,285 square foot, two-story single-family residence, with a 499 square foot attached two-car garage, a 1,901 square foot basement, two attached unenclosed trellises, a rooftop reflecting pool and installation of a new alternative onsite wastewater treatment system, retaining walls, landscaping, hardscape, and grading on hillside property, and construction; including Variance No. 16-002 to allow development on slopes steeper than 2.5 to; Site Plan Review No. 16-006 for construction in excess of 18 feet in height, up to 24 feet for the single-family residence; and Minor Modification No. 16-007 for a 50 percent reduction of the front yard setback located in the Rural Residential-Two Acre Zoning District at 4817 Latigo Canyon Road (Grueters).

- 2. Approval of Minutes

Recommended Action: Approve the minutes of the October 17, 2022 Regular Planning Commission meeting.

Staff Contact: Administrative Assistant Evans, 456-2489, ext. 246

4. Continued Public Hearings

- A. Outdoor Lighting Review No. 20-004, Outdoor Lighting Review Deviation No. 21-001 – An application for new exterior lighting to meet the requirements of the Dark Sky Ordinance (Continued from February 6, 2023)

Location: 29145 Heathercliff Road, not within the appealable coastal zone
APN: 4468-010-014
Owner: Thrifty Oil Company
Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 23-05 determining the project is categorically exempt from the California Environmental Quality Act, and approving Outdoor Lighting Review No. 20-004 to replace 32 exterior light fixtures to meet the Dark Sky Ordinance; including Outdoor Lighting Review Deviation No. 21-001 to allow light trespass onto an adjacent parcel over the maximum allowable 0.25 foot-candle for a commercial service station, located in the Community Commercial zoning district at 29145 Heathercliff Road (Thrifty Oil Company).

- B. Coastal Development Permit No. 20-068, Site Plan Review No. 21-009, and Demolition Permit No. 20-028 – An application to demolish an existing single-family residence and construct a new single-family residence, second unit and associated development (Continued from February 21, 2023)

Location: 6734 Zumirez Drive, within the appealable coastal zone
APN: 4466-002-002
Owner: IBN Properties, LLC
Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 23-11 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-068 and Demolition Permit No. 20-028 for the demolition of an existing single-family residence and construction of a new 6,284 square foot single-family residence, 986 square foot basement, 510 square foot attached garage, 462 square foot detached garage, 471 square foot detached second unit, swimming pool, two spas, onsite wastewater treatment system and associated development; including Site Plan Review No. 21-009 for construction up to 24 feet in height for a flat roof, located in the Rural Residential, One-Acre zoning district at 6734 Zumirez Drive (IBN Properties, 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 to Update Regulations Related to Accessory Dwelling Units

Applicant: City of Malibu
Location: Citywide
Case Planners: Senior Planner Eaton and Contract Planner Bozylinski, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 23-12 recommending that the City Council approve Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 for an amendment to the Local Coastal Program and to the

Malibu Municipal Code to update regulations related to Accessory Dwelling Units

B. Request for Determination of Use No. 22-001 – Private Tattoo Studio in a Commercial Neighborhood Zoning District

Location: 24955 Pacific Coast Highway
APN: 4458-032-007
Owner: 24955 PCH Property LLC
Case Planner: Planning Technician Martinez, 456-2489, ext. 251

Recommended Action: 1) Conduct a public hearing; and 2) Determine whether a private tattoo studio use is similar to and not more objectionable than the permitted uses or conditionally permitted uses in the Commercial Neighborhood zone and direct staff to return with a resolution to memorialize the determination.

6. Old Business

None.

7. New Business

None.

8. Planning Commission Items

None.

Adjournment

Future Meetings

Monday, March 20, 2023	6:30 p.m. Regular Planning Commission Meeting	Location TBD
Monday, April 3, 2023	6:30 p.m. Regular Planning Commission Meeting	Location TBD
Monday, April 17, 2023	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, consistent with these emergency measures, the Planning Commission meeting will be open and public but conducted via teleconference only. 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. Members of the public wishing to speak during the meeting must participate 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 Chair 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.

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.

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 Alexander Montano at (310) 456-2489, ext. 227 or 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 24th day of February, 2023 at 2:30 p.m.

A handwritten signature in blue ink that reads "Rebecca Evans". The signature is written in a cursive style with a large initial 'R'.

Rebecca Evans, Administrative Assistant