



Commission Agenda Report

Planning Commission
Meeting
03-06-23

**Item
3.B.2.**

To: Chair Smith and Members of the Planning Commission

Prepared by: Rebecca Evans, Administrative Assistant

Approved by: Richard Mollica, Planning Director

Date prepared: February 23, 2023

Meeting date: March 6, 2023

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes of the October 17, 2022 Regular Planning Commission 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:

1. October 17, 2022 Regular Planning Commission Meeting Minutes

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
OCTOBER 17, 2022
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

Chair Smith called the meeting to order at 6:35 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Dennis R. Smith, Vice Chair John Mazza and Commissioners Kraig Hill, Jeffrey Jennings and Mark Wetton

ALSO PRESENT: Patrick Donegan, Assistant City Attorney; Richard Mollica, Planning Director; Adrian Fernandez, Assistant Planning Director; Jessica Thompson, Senior Planner; Lauren Doyel, Contract Coastal Engineer and Geotechnical Reviewer; Paolo Quinto, Environmental Health Administrator; Mike Phipps, Contract Geologist; and Rebecca Evans, Recording Secretary

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to approve the agenda as recommended by staff and to continue Item No. 5.A. to the December 5, 2022 Regular Planning Commission meeting, continue Item No. 5.B. to the November 7, 2022 Regular Planning Commission meeting and to continue Item No. 7.A. to the November 21, 2022 Regular Planning Commission meeting.

The question was called and the motion carried unanimously

REPORT ON POSTING OF AGENDA

Recording Secretary Evans reported that the agenda for the meeting was properly posted on October 7, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS
None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Hill stated he saw ten campers at Tuna Beach last week and noted that may be an enforcement issue. He stated he also observed trucks unloading from the center lane of Pacific Coast Highway near the pier, which had been an area with pedestrian problems. He asked for a staff update on the linear parcel near Topanga Canyon Road and the California Department of Transportation revetment project near Big Rock.

Vice Chair Mazza encouraged Malibu residents to vote in the upcoming election.

Commissioner Jennings asked for an update on the Zoning Ordinance Revisions and Code Enforcement Subcommittee meeting regarding Temporary Use Permits and the implications for Malibu Film Society events. He asked staff for clarification on the process to change Planning Department policies and where the policy manual could be viewed by the public. He recommended changes not apply to projects which have been deemed complete and that the public be informed in advance of implementation.

Commissioner Wetton mentioned issues with buses parking in fire lanes on the east side by the Trancas Country Mart project, which created pedestrian safety hazards in addition to blocking access for fire safety.

In response to Commissioner Hill, Planning Director Mollica stated he had a meeting scheduled with the Sheriff's Department Captain and he would mention both issues. The revetment project would be heard at the November 7, 2022 Planning Commission meeting. He was not certain which project near Topanga Canyon Commissioner Hill referenced.

Vice Chair Mazza noted that he was able to locate the Planning Department's policy manual online. However, a link on the opening page for the Planning Department would be helpful for public access.

In response to Commissioner Jennings, Planning Director Mollica stated staff had not attended the private event regarding City Planning services hosted by Schmitz and Associates. However, he was aware of some inaccurate statements made at the event and added that no recent changes have been made to the policies regarding demolitions or the treatment of swimming pools in terms of permeable surfaces. He added the published policy on demolition stated there should be no demolition allowed over-the-counter. Former Planning Director Blue allowed up to five

percent demolition at the Director's discretion and the Planning Department had remained consistent with that policy. Schmitz and Associates incorrectly stated that ten percent was formerly allowed over-the-counter. He further stated that the City's zoning code was silent on whether swimming pools should be considered permeable or impermeable. However, Public Works Director DuBoux clarified the Public Works department considered swimming pools to be impermeable.

Commissioner Jennings clarified his question was regarding the process followed for policy or interpretation changes, how changes were made, and what was done to mitigate costs incurred by applicants due to policy changes rather than specifics raised by Schmitz and Associates.

In response to Commissioner Jennings, Planning Director Mollica noted typically policy or interpretation changes were first presented to the Zoning Ordinance Revisions and Code Enforcement Subcommittee and the City's practice was that if an application was already deemed complete, the change to interpretation or policy would not be applicable.

Planning Director Mollica stated the Temporary Use Permit proposed ordinance was recently considered by the Zoning Ordinance Revisions and Code Enforcement Subcommittee and staff received adequate direction to schedule the item for a Planning Commission hearing. He further discussed the particulars of the direction provided by the Subcommittee. He stated that the

Malibu Film Society screenings were discussed with concern regarding traffic impacts expressed and added that the church had operated without a conditional use permit and if regularly scheduled screenings were held there, it would be an intensification of use that would require a conditional use permit. He further offered, if the Commission's pleasure, the Planning Director would bring a full explanation of the history of the Malibu Film Society issue at a later date.

Chair Smith stated he observed a large number of motorhomes at the side of Pacific Coast Highway when returning to Malibu near 2:00 a.m. He met the operators of the recent car show, which was well organized. However, there were noise and speed issues as vehicles left the car show.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

The following items were pulled from the consent calendar for questions to staff:
Item Nos. 3.B.2. and 3.B.3.

A. Previously Discussed Items
None.

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes of the September 6, 2022 and September 19, 2022 Regular Planning Commission meetings.

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

MOTION Vice Chair Mazza moved and Commissioner Hill seconded a motion to approve the minutes of the September 6, 2022 and September 19, 2022 Regular Planning Commission meetings.

The question was called and the motion carried unanimously.

2. De Minimis Waiver No. 20-018 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 5810 Filaree Heights, not within the appealable coastal zone

APN: 4469-013-021

Owner: Christiaansen Family Trust

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

Recommended Action: Receive and file the Planning Director's report on the issuance of De Minimis Waiver No. 20-018 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

Disclosures: Commissioner Wetton recused himself due to a conflict of interest.

CONSENSUS Received and filed the Planning Director's report on the issuance of De Minimis Waiver No. 20-018 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel by consensus, Commissioner Wetton recused himself.

3. De Minimis Waiver No. 22-006 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 29652 Cuthbert Road, not within the appealable coastal zone

APN: 4469-011-006

Owner: Douglas Estate Inc.

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

Recommended Action: Receive and file the Planning Director's report on the issuance of De Minimis Waiver No. 22-006 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

CONSENSUS Received and filed the Planning Director’s report on the issuance of De Minimis Waiver No. 22-006 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel by consensus.

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 October 3, 2022)

Location: 20238 Piedra Chica Road, not within the appealable coastal zone

APN: 4450-013-084

Owner: Reza Nebavi and Maryam Akbar

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

Recommended Action: Adopt Planning Commission Resolution No. 22-57 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, replacement of existing landscaping, including Variance No. 21-015 for the geotechnical factory of safety for the single-family residence located in the Single-Family Low Density zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

Senior Planner Thompson presented the staff report.

Disclosures: Hill, Mazza, Jennings, Smith

Speakers: Dan Allen, Reza Nebavi, Don Kowalewsky, Fred Gaines, Hooshang Vahedi, Norman Haynie, Rosemarie Ihde, Jo Drummond

As there were no other speakers present, Chair Smith closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to the applicant and staff.

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 22-57 as amended 1) adding to finding C.1., “The findings contained in this Resolution are limited to this project alone. These findings, including but not limited to, the specific geological findings for this specific project are not precedential for any future projects; and 2) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel

and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, replacement of existing landscaping, including Variance No. 21-015 for the geotechnical factory of safety for the single-family residence located in the Single-Family Low Density zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

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

RECESS The meeting was recessed at 9:23 p.m. and resumed at 9:33 p.m. with all Commissioners present.

B. Coastal Development Permit No. 21-009 and Demolition Permit No. 22-015 – An application for an interior and exterior remodel, additions to an existing beachfront single-family residence and other associated development (Continued from September 19, 2022)

Location: 23936 Malibu Road, within the appealable coastal zone

APN: 4458-008-013

Owners: 23936 Malibu, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 22-31 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-009 and Demolition Permit No. 22-015 to allow for an interior and exterior remodel, partial demolition and additions to an existing two-story beachfront single-family residence, relocation of an existing spa, ground floor deck, second floor decks, open-air trellis, onsite wastewater treatment system and other associated development in the Single-Family Medium zoning district at 23936 Malibu Road (23936 Malibu, LLC).

Senior Planner Thompson presented the staff report.

Disclosures: Commissioners Wetton, Hill and Smith

Speakers: Farshad Azarnoush, Mike Ahmar, John Yaroslowski, Fred Gaines, Seena Samimi, Carlo Brandon-Gordon, and Howard Rudzki

As there were no other speakers present, Chair Smith closed the public comment portion of the public hearing and returned the matter to the table for discussion.

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to continue the item to a date uncertain.

The question was called and the motion carried 4-1, Chair Smith dissenting.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit Amendment No. 16-009 – An application to amend Coastal Development Permit No. 05-025 replacing the previously approved two-story, single-family residence and guest house with a two-story, 9,524 square foot single-family residence and guest house and associated development; including site plan reviews for remedial grading over the amount previously approved and for new construction over 18 feet in height, up to 24 feet in height for a flat roof
Location: 18805 Pacific Coast Highway, partially within the appealable coastal zone
APN: 4449-009-012
Owner: EVO M SPV 100, LLC
Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482
Recommended Action: Continue this item to the December 5, 2022 Regular Planning Commission meeting.

The item was continued to the December 5, 2022 Regular Planning Commission meeting upon approval of the agenda.

- B. Coastal Development Permit No. 18-015, Variance No. 18-024, Site Plan Review Nos. 18-017 and 22-023, and Minor Modification No. 18-007 – An application to construct a new two-story, 4,864 square foot single-family residence, including a 2,258 square foot basement, swimming pool, spa, grading, hardscape, landscaping, and onsite wastewater treatment system; including a variance for construction on slopes steeper than 2.5 to 1, site plan reviews for construction over 18 feet up to a maximum height of 24 feet for a flat roof and an exemption from the Hillside Development Ordinance, and a minor modification for up to a 50 percent reduction of the front yard setback
Location: 30015 Andromeda Lane, not within the appealable coastal zone
APN: 4469-004-027
Owner: Sandy Fazeli
Case Planner: Senior Planner Brooks, 456-2489, ext. 276
Recommended Action: Continue this item to the November 7, 2022 Regular Planning Commission meeting.

The item was continued to the November 7, 2022 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

- A. Presentation: Update on Planning Department
Staff Contact: Development and Operations Manager Salazar 456-2489, ext. 245

The item was continued to the November 21, 2022 Regular Planning Commission meeting upon approval of the agenda.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:47 p.m., Vice Chair Mazza moved and Commissioner Jennings 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 March 6, 2023.

DENNIS R. SMITH, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary