

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 20, 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 – March 10, 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. 15-009 and Site Plan Review No. 15-013 – A request to extend the Planning Commission’s approval for construction of a new single-family residence, detached garage, detached second residential unit, and associated development

Location: 5716 Kanan Dume Road

APN: 4467-033-026

Owners: Fordson Inc.

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

Recommended Action: Adopt Planning Commission Resolution No. 23-15 granting a one-year time extension of Coastal Development Permit No. 15-009 for construction of a new 8,633 square foot, two-story single-family residence with a 1,280 square foot basement, detached 665 square foot garage, detached 896 square foot second residential unit, gazebo, covered patios, trellises, ground-level decking, fencing, entry gates, swimming pools, spa, outdoor barbecue and fireplace, hardscape, landscaping, and onsite wastewater treatment system; including Site Plan Review No. 15-013 for construction in excess of 18 feet in height but not to exceed 28 feet for a pitched roof located in the Rural Residential, Five-Acre zoning district at 5716 Kanan Dume Road (Fordson Inc.).

- 2. De Minimis Waiver No. 21-026 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 5540 Horizon Drive, not within the appealable coastal zone

APN: 4469-007-008

Owner: Beale Family Living 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. 21-026 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

- 3. De Minimis Waiver No. 21-019 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 5730 Busch Drive, not within the appealable coastal zone
 APN: 4467-026-012
 Owner: Philip H. Gillin and Joyce S. Gillin Inter Vivos 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. 21-019 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

4. De Minimis Waiver No. 22-012 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 29800 Cuthbert Road, partially within the appealable coastal zone
 APN: 4469-041-009
 Owner: M G Investment Properties LLC
 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. 22-012 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

5. De Minimis Waiver No. 21-027 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 33935 Pacific Coast Highway, not within the appealable coastal zone
 APN: 4473-027-001
 Owner: 33935 Pacific Coast Highway LLC
 Case Planner: Planning Technician Elias, 456-2489, ext. 256

Recommended Action: Receive and file the Planning Director’s report on the issuance of De Minimis Waiver No. 21-027 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

4. **Continued Public Hearings**

None.

5. **New Public Hearings**

A. Zoning Text Amendment No. 21-005 – An Amendment to Title 17 (Zoning) of the Malibu Municipal Code to update regulations related to Temporary Use Permits

Applicant: City of Malibu
 Location: Citywide
 Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482
 Contract Planner Smith

Recommended Action: Adopt Planning Commission Resolution No. 23-17 determining the amendments are exempt from the California Environmental Quality Act and recommending that the City Council approve Zoning Text Amendment No. 21-005 for an amendment to Malibu Municipal Code Title 17 (Zoning) to update regulations related to Temporary Use Permits.

B. Coastal Development Permit No. 15-002, Variance Nos. 16-019 and 17-052, Site Plan Review No. 16-041 and Minor Modification No. 21-005 – An application for the construction of a new two-story single-family residence and associated development

Location: 28906 Verde Mesa Lane, partially within the appealable coastal zone
APN: 4467-018-031
Owner: Maron Family Trust
Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 23-18 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-002 for the construction of a new 5,913 square foot, two-story single-family residence plus a 668 square foot attached garage, swimming pool, spa, deck, hardscape, fencing, grading, retaining walls, and landscape, onsite wastewater treatment system; including Variance No. 16-019 for fuel modification encroachment into the Environmentally Sensitive Habitat Area and Environmentally Sensitive Habitat Area buffer, Variance No. 17-052 for construction on slopes steeper than 2.5 to 1, Site Plan Review No. 16-041 for height over 18 feet but not to exceed 28 feet for a pitched roof, and Minor Modification No. 21-005 for a less than 50 percent reduction to the required front yards setback in the Rural Residential, Five-Acre zoning district located at 28906 Verde Mesa Lane (Maron Family Trust).

6. Old Business

None.

7. New Business

None.

8. Planning Commission Items

None.

Adjournment

Future Meetings

Tuesday, March 14, 2023	6:30 p.m. Special 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
Monday, May 1, 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 10th day of March, 2023 at 2:30 p.m.

A handwritten signature in blue ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

Rebecca Evans, Administrative Assistant