

**This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361. 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](mailto: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, May 1, 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 – April 21, 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

1. Extension of Coastal Development Permit No. 15-057 – A request to extend the Planning Commission’s approval of an application for the construction of an underground soldier pile wall

Locations: 25040 and 25000 Pacific Coast Highway  
APNs: 4458-015-007 and 4458-015-009  
Owners: Malibu 2018 PCH, L.P. and 25000 PCH, LLC  
Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 23-09 denying a one-year time extension of Coastal Development Permit No. 15-057, to extend the Planning Commission’s approval for the construction of an underground soldier pile wall across two properties to stabilize a bluff slope and protect an existing single-family residence and surrounding downslope residentially developed properties located in the Rural Residential-Two Acre zoning district at 25040 and 25000 Pacific Coast Highway (Malibu 2018 PCH, L.P. and 25000 PCH, LLC)

2. Coastal Development Permit No. 05-081, Variance Nos. 09-023 and 16-024, and Site Plan Review No. 06-032 – An application for the construction of a new single-family residence and associated development

Location: 31864 Sea Level Drive, within the appealable coastal zone  
APN: 4470-027-020  
Owners: Narod Najarian and Garo Bedrossian  
Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 23-03 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 05-081 for the construction of a new 1,799 square foot, two-story single-family residence plus a 398 square foot attached garage and 995 square foot basement, 240 square foot ground floor deck, 349 square foot second floor deck, 125 square foot second floor balcony, permeable driveway and onsite wastewater treatment system; including Variance No. 09-023 for construction in a stream Environmentally Sensitive Habitat Area buffer, Variance No. 16-024 to allow for the septic system’s dispersal field to extend into the required 100-foot setback from the creek, and Site Plan Review No. 06-032 for height over 18 feet but not to exceed 26 feet, 2 inches for a pitched roof, in the Single-Family Medium Density zoning district located at 31864 Sea Level Drive (Najarian and Bedrossian)

**B. New Items**

1. Extension of Coastal Development Permit No. 13-054, Lot Line Adjustment No. 18-001, Variance Nos. 19-022 and 19-023, Site Plan Review Nos. 13-053 and 13-054, and Demolition Permit No. 19-048 – An application to extend the Planning Commission’s approval for a lot line adjustment and the construction of a new 5,056 square foot, single-story single-family residence with a 920 square foot basement, landscaping and associated development

Location: 3469 Cross Creek Road and 3441 Cross Creek Road  
APNs: 4458-023-003 and 4458-023-004  
Owner: Malibu Realty, LLC  
Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 23-22 granting a one-year time extension of Coastal Development Permit No. 13-054 for construction of a new 5,056 square foot, single-story, single-family residence with a 920 square foot basement, landscaping, riparian habitat restoration, Lot Line Adjustment No. 18-001 to allow for a lot line adjustment between 3469 and 3441 Cross Creek Road, Variance No. 19-022 to allow for unenclosed parking to replace enclosed parking, Variance No. 19-023 to allow for the proposed residence’s fuel modification to extend into the required Environmentally Sensitive Habitat Area buffer, Site Plan Review No. 13-053 to allow for a 28 foot tall pitched roof, and Site Plan Review No. 13-054 to allow for construction on slopes steeper than 3 to 1 but flatter than 2.5 to 1 and Demolition Permit No. 19-048 to allow for the demolition of the existing accessory structure located in the Rural Residential, Five-Acre zoning district at 3469 and 3441 Cross Creek Road (Malibu Realty, LLC)

2. Extension of Coastal Development Permit No. 14-028 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family home and associated development

Location: 31438 Broad Beach Road  
APN: 4470-017-065  
Owner: 2XMD Partners, LLC  
Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Continue the item to the May 15, 2023 Planning Commission meeting at the applicant’s request.

3. De Minimis Waiver No. 22-018 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 6611 Portshhead Road, partially within the appealable coastal zone  
APN: 4466-021-013  
Owner: Moonraker LLC  
Case Planner: Contract Planner Shah, 456-2489, 385

Recommended Action: Receive and file the Planning Director’s report on the issuance of De Minimis Waiver No. 22-018 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

#### 4. **Continued Public Hearings**

- A. Coastal Development Permit-Woolsey Fire No. 21-005 and Minor Modification No. 22-001 – An application for a new single-family residence and associated development (Continued from April 17, 2023)

Location: 6642 Zumirez Drive, within the appealable coastal zone  
APN: 4466-002-008  
Owner: Keyvan Taheri  
Case Planner: Contract Planner Pisarkiewicz, 949-489-1442

Recommended Action: Adopt Planning Commission Resolution No. 23-25 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit-Woolsey Fire No. 21-005 for the construction of a new one-story, 4,691 square foot single-family residence plus a 2,686 square foot basement, a 737 square foot detached garage, 227 square foot surf shack, pickleball court, swimming pool, spa, grading, retaining walls, hardscaping and landscaping, a new onsite wastewater treatment system and associated development; including Minor Modification No. 22-001 for a 50 percent reduction of the front yard setback, located in the Rural Residential, One-Acre zoning district at 6642 Zumirez Drive (Taheri)

- B. 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 (Continued from March 20, 2023)

Applicant: City of Malibu  
Location: Citywide  
Case Planner: Contract Planner Smith  
Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 23-17, as revised per feedback received at the March 20, 2023 Regular Planning Commission meeting, 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.

#### 5. **New Public Hearings**

- A. Coastal Development Permit No. 21-048 – An application to replace a failed retaining wall as part of a follow-up to Emergency Coastal Development Permit No. 20-005

Location: 32852 Pacific Coast Highway  
APN: 4473-017-024  
Owner: Miracle Mile I, LLC  
Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Continue the item to a date uncertain so that the applicant can submit a biological assessment to the City.

**6. Old Business**

None.

**7. New Business**

None.

**8. Planning Commission Items**

None.

**Adjournment**

**Future Meetings**

Monday, May 15, 2023	6:30 p.m. Regular Planning Commission Meeting	Location TBD
Monday, May 31, 2023	6:30 p.m. Special Planning Commission Meeting	Location TBD
Monday, June 5, 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. In order to reduce the risk of spreading COVID-19, the Planning Commission meeting will be open and public but conducted virtually because meeting in person would present imminent risks to the health or safety of attendees. 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](mailto: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](mailto: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 21<sup>st</sup> day of April 2023 at 2:30 p.m.*



---

Rebecca Evans, Administrative Assistant