

**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 15, 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 – May 5, 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. 16-064, Variance No. 17-011, Site Plan Review No. 17-042, and Minor Modification No. 17-008 – An application to extend the Planning Commission’s approval for construction of a new one-story, single-family residence and associated development

Location: 5263 Horizon Drive  
APN: 4469-005-002  
Owner: Dougal Murray  
Case Planner: Senior Planner Bobbett, 456-2489, ext. 280

Recommended Action: Continue the item to the June 19, 2023 Regular Planning Commission meeting.

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 (Continued from May 1, 2023)

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

Recommended Action: Adopt Planning Commission Resolution No. 23-23 granting a one-year time extension of Coastal Development Permit No. 14-028 for the construction of a new 7,237 square foot single-family residence with attached garage, swimming pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance No. 14-012 for construction on steep slopes and Variance No. 15-013 for construction of a shoreline protection device to allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road (2XMD Partners LLC).

**4. Continued Public Hearings**

None.

## 5. New Public Hearings

- A. Conditional Use Permit No. 23-002 – An application to allow a temporary tow yard on weekends and holidays from May 27, 2023 - September 4, 2023 at the Malibu Middle and High School campus

Location: 30215 Morning View Drive, not within the appealable coastal zone  
APNs: 4469-017-900 and 4469-018-903  
Owner: Santa Monica-Malibu Unified School District  
Case Planner: Planning Technician Meyers, 456-2489, ext. 264

Recommended Action: Adopt Planning Commission Resolution No. 23-29 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 23-002 to permit a temporary short-term tow yard in the lower parking lot of the Malibu Middle and High School campus to store impounded vehicles from 8:00 AM to 7:00 PM on weekends and holidays from Memorial Day weekend through Labor Day weekend of 2023 in the Institutional Zoning District at 30215 Morning View Drive. (APNS: 4469-017-900 and 4469-018-903) (Santa Monica-Malibu Unified School District)

- B. Coastal Development Permit-Woolsey Fire No. 22-007, Site Plan Review No. 22-016 – An application for an addition to a previously approved fire rebuild single-family residence and associated development

Location: 30125 Harvester Road, not within the appealable coastal zone  
APN: 4469-044-005  
Owner: Jersie Investments, LLC  
Case Planner: Contract Planner Shah, 456-2489, ext. 385

Recommended Action: Adopt Planning Commission Resolution No. 23-26 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit–Woolsey Fire No. 22-007 for the construction of a 2,113 square foot addition to a replacement single-family residence approved under Planning Verification-Woolsey Fire No. 21-003, rooftop deck, after-the-fact landscape, swimming pool, spa and other site improvements; including Site Plan Review No. 22-016 for the addition over 18 feet in height not to exceed 24 feet in height for a flat roof, located in the Rural Residential, Two-Acre zoning district at 30125 Harvester Road (Jersie Investments, LLC)

- C. Coastal Development Permit No. 20-055, Minor Modification No. 21-010, and Demolition Permit No. 20-025 – An application for the demolition of an existing single-family residence, conversion of an existing guest house into the primary residence, and associated development

Location: 23746 Malibu Road, within the appealable coastal zone  
APN: 4458-006-032  
Owner: Capricorn West Coast, LLC  
Case Planner: Contract Planner Kanlund, 949-489-1442, ext. 132

Recommended Action: Adopt Planning Commission Resolution No. 23-30 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-055 for the demolition of an existing 2,176 square foot, two-story single-family residence, conversion of an existing 1,753 square foot guest house into the primary residence, remodel of an existing tea house, grading, landscaping, hardscape, and replacement of the onsite wastewater treatment system, including Minor Modification

No. 21-010 for up to a 50 percent reduction of the front yard setback and Demolition Permit No. 20-025 for the full demolition of the existing single-family residence and less than 50 percent demolition of the tea house, located on a beachfront lot in the Single Family Medium zoning district at 23746 Malibu Road (Capricorn West Coast, LLC)

6. **Old Business**

None.

7. **New Business**

A. **Over-the-Counter No. 22-231 Howdy’s Sonrisa Café Update**

Location: 23401 Civic Center Way, not within the appealable coastal zone  
APN: 4458-022-030  
Owner: The Park at Cross Creek, LLC  
Case Planner: Senior Planner Bobbett, 456-2489, ext. 280

Recommended Action: Receive an update on enclosed space at Howdy’s Sonrisa Cafe.

8. **Planning Commission Items**

None.

**Adjournment**

**Future Meetings**

Wednesday, 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
Monday, June 19, 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 5<sup>th</sup> day of May 2023 at 1:00 p.m.*



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*Rebecca Evans, Administrative Assistant*