



# Commission Agenda Report

Planning Commission  
Meeting  
06-05-23

**Item  
3.B.5.**

To: Chair Smith and Members of the Planning Commission

Prepared by: Rebecca Evans, Administrative Assistant

Approved by: Richard Mollica, Planning Director

Date prepared: March 23, 2023

Meeting date: April 3, 2023

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes of the March 21, 2022 and April 4, 2022 Regular Planning Commission meetings.

**DISCUSSION:** Staff has prepared draft minutes for the above-referenced Planning Commission meetings and hereby submits the minutes for the Commission's consideration.

**ATTACHMENT:**

1. March 21, 2022 Regular Planning Commission Meeting Minutes
2. April 4, 2022 Regular Planning Commission Meeting Minutes

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
MARCH 21, 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 Hill called the meeting to order at 6:31 p.m.

**ROLL CALL**

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

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

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Richard Mollica, Planning Director; Adrian Fernandez, Assistant Planning Director; Tyler Eaton, Assistant Planner; Jessica Thompson, Senior Planner; Patricia Salazar, Senior Administrative Analyst; and Rebecca Evans, Recording Secretary

**APPROVAL OF AGENDA**

MOTION      Commissioner Mazza moved and Chair Hill seconded a motion to approve the agenda as recommended by staff and move Item No. 5.B. to follow Item No. 7.B.

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 March 11, 2022.

**ITEM 1      CEREMONIAL/PRESENTATIONS**  
None.

**ITEM 2.A.    PUBLIC COMMENTS**  
Jo Drummond requested clarification on why new owners of Woolsey Fire parcels are able to build like for like plus ten percent with just a planning

verification. She expressed concern developers will build mansions in replacement of regular Malibu homes.

Planning Director Mollica noted information explaining the process was previously sent to Ms. Drummond and clarified that the specific project she inquired about was an addition handled through the Administrative Plan Review process rather than based on just a planning verification. Staff processed fire rebuild properties with a Planning Verification application provided they met specific standards: 1) rebuilt in the same general location as the fire destroyed home and 2) mass and bulking were within in-kind plus ten percent.

The Planning Department held a planning workshop with both the Planning Commissioners and City Council in March 2019 where options for fire rebuilds were outlined. One of those options stemmed from the February, 12, 2019 City Council meeting, which created a two-step process for those who wanted to restore their previous home and add additional square footage. The policy created by a former Planning Director was to allow for a Planning Verification to be processed and then followed with an Administrative Plan Review if the additional square footage was less than fifty percent of the post-fire size of the home. These types of applications also qualified to receive an exemption from the requirement of a Coastal Development Permit if all exemption criteria contained in the LIP were met.

The ability to replace a home in kind creates a clear benefit. As Assistant City Attorney Rusin has previously noted, the Planning Department has a legal obligation to treat owners at the time of the fire in the same way as a developer in issues of development and ordinances. Prior legal decisions have been made in multiple states where the courts have ruled that zoning ordinances may not discriminate based on ownership.

Assistant City Attorney Rusin explained that a City program for waiver of fees, rather than a development ordinance, was made available solely to those who held ownership of a property during the Woolsey Fire. The City program was based on the damage suffered by those residents. Under the Local Coastal Program there was an exemption which allowed for like-for-like plus ten percent replacement of a pre-existing home destroyed in a natural disaster because the impacts to coastal resources were not equal to the resource impacts of new development, particularly in cases where size and footprint were comparable.

Commissioner Mazza noted the Local Implementation Plan specifically stated 110% not whatever an owner requested, and questioned why projects larger than that have been approved. He inquired if variances and site plan reviews were considered or if Woolsey-Fire owners could rebuild and block neighbors' views.

He asked if planning staff ignored neighborhood character studies. He stated there was a former City policy to disallow two permits issued within six months to prevent serial development. He asked if Woolsey-Fire lot benefits would expire after a set period of time.

Planning Director Mollica clarified that the Local Implementation Plan Section 13.4.1(A) had no cap on how big an addition could be if the project qualified for an exemption from a Coastal Development Permit: 1) no need for a septic upgrade, 2) no future improvements deed restriction on the home, and 3) if the improvement was greater than 10 percent and the lot was not between the first public road and the sea, then the addition to the home could be processed. The Local Implementation Plan Chapter 13.4 (Exemptions) specified exemption criteria. Site plan reviews and variances were two separate entitlements. For development over 18 feet up to 24 feet for a flat roof, owners and occupants within 500 feet were noticed. Primary View Determinations already on file have been used effectively. The department did not process new primary view determinations over Woolsey-Fire burned lots. The department reviewed proposed projects and often applicants voluntarily redesigned to accommodate neighbors' views.

Planning Director Mollica stated that Malibu has not had a formally adopted policy preventing owners from submitting a second application within a specified time period. Staff encouraged owners to submit all planned development as one project. The prior Planning Director created a specific and highly publicized program for processing fire rebuilds under the direction of the City Council. The Malibu Municipal Code has an expiration date for replacement of fire destroyed structures. The California Coastal Commission did not put an expiration date for fire-impacted parcels' exemptions. An owner could qualify for an exemption to a Coastal Commission permit and planning would process an Administrative Plan Review to provide a ministerial, local approval. Owners would go through the City's planning process, department reviews and notification of neighbors. While the Coastal Act would allow owners to keep all pre-existing nonconformities, the City would require current zoning ordinances and building codes be met, possibly through a requested variance, and the appropriate entitlement would be processed. Per the previous Planning Director's determination, any addition which would double the square footage of a home would trigger the need for a Coastal Development permit. Planning Director Mollica also noted that some fire rebuilds have been limited to 110% based on the parcel location, characteristics or deed restrictions.

Assistant City Attorney Rusin suggested that if further discussion on the topic was needed, the item could be placed on a future agenda.

**ITEM 2.B. COMMISSION / STAFF COMMENTS**

Commissioner Jennings assured Ms. Drummond that based on his Woolsey-Fire rebuild, even a relatively simple planning verification plus ten percent did not escape any of the required technical analysis. He was required to hire a considerable number of consultants.

Vice Chair Smith reflected on Commissioner Mazza's list of reasons why Malibu either cannot or should not have Accessory Dwelling Units despite the City having allowed guest houses. He noted the State had intervened and imposed legislation in prior cases when Malibu refused to enact legislation, with the Local Coastal Program as one example. He asked if property owners who wanted to rent a room at their home or a guest house would need to expand the size of their onsite wastewater treatment system and stated that an expense of one hundred and fifty thousand dollars was high for an owner who wanted to supplement income for one to two months.

Planning Director Mollica noted that Short-Term Rental permits include septic requirements, defined in the application. Aaron Gribben was available to provide property owners with short-term rental application information, which included a septic certification.

Commissioner Mazza stated that Accessory Dwelling units require a kitchen and can be rented while guest houses may neither be rented nor contain a kitchen.

Commissioner Wetton stated that Accessory Dwelling Units have potential for unintended consequences. Many Malibu Accessory Dwelling Units would be used as guest houses rather than rentals for lower income people. City land could be used to build affordable housing to help meet requirements and possibly provide housing to improve City employee retention.

Chair Hill wrote fourteen pages of comments regarding the Accessory Dwelling Unit proposed ordinance, which cannot be distributed until the next meeting when the item will be heard. He reminded Commissioners to file Statement of Economic Interest (Form 700) by April 1<sup>st</sup>. He heard Santa Barbara declared a restaurant a public nuisance due to traffic buildup and questioned if that strategy would be effective at Nobu. Chair Hill learned about California Appellate Case Elkhorn Slough v. Coastal Commission where the court found that even if it was stated that a project was exempt from California Environmental Quality Act (CEQA) review, it was still necessary to include specific findings about why a project is exempt. He requested a more thorough summary for consent items explaining why each item was exempt.

Assistant City Attorney Rusin stated findings on CEQA exemption justification are already provided. Most exemptions were clear cut, but a fuller explanation of findings was provided when there was a unique situation.

In response to Chair Hill, Planning Director Mollica added that Section two of the resolution was typically an explanation of the CEQA exemption. In addition to the CEQA information in a staff report, Notice of Decision, or resolution, planning files an additional document and fee with the County Recorder's Office for each CEQA exemption. Malibu's Public Works Department did design a proposed traffic plan, flow and parking plan for the NOBU lot. The proposal included corrections to the intersection itself. The Public Works Director was working with CalTrans and the proposal would be brought back to the Planning Commission for review and approval.

Commissioner Mazza asked why Planning had not revoked Nobu's Conditional Use Permit.

In response to Commissioner Mazza, Planning Director Mollica stated the violations involved noise compliance and those issues had stopped. Nobu also had large shipping containers in the required parking area and Code Enforcement gave a deadline for removal. Code Enforcement noted a violation on how cars were stacked and worked with the Sheriff's Department to resolve that issue as well. The City placed a video camera on another building and recorded traffic flow for thirty days for the City Engineer to review footage and make recommendations.

### **ITEM 3      CONSENT CALENDAR**

**MOTION**      Commissioner Jennings moved and Commissioner Mazza seconded a motion to approve Consent Calendar Item No. 3.B.2, and pull Item No. 3.B.1. for comment.

The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

- A.      Previously Discussed Items  
None.
  
- B.      New 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:      25000 Pacific Coast Highway / APN 4458-015-009  
                         25040 Pacific Coast Highway / APN 4458-015-007

Owners: 25000 PCH LLC and Malibu 2018 PCH LP

Case Planner: Associate Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 22-20 granting a one-year extension of Coastal Development Permit No. 15-057 to extend the Planning Commission's approval to construct 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 25000 and 25040 Pacific Coast Highway (25000 PCH LLC and Malibu 2018 PCH LP).

Disclosures: Chair Hill

Speakers: Sharyl Beebe, Jo Drummond, Sean O'Brien, Tyler Cesar

The Commission directed questions to staff and applicants.

**MOTION**

Commissioner Mazza moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 22-20 granting a one-year extension of Coastal Development Permit No. 15-057 to extend the Planning Commission's approval to construct 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 25000 and 25040 Pacific Coast Highway (25000 PCH LLC and Malibu 2018 PCH LP)

The question was called and the motion carried unanimously.

- 2. Approval of Minutes  
Staff Contact: Administrative Assistant Evans, 456-2489, ext. 246  
Recommended Action: Approve the minutes for the March 7, 2021 Regular Planning Commission meeting.

The March 7, 2021 minutes were approved by unanimous consent.

**ITEM 4 CONTINUED PUBLIC HEARINGS**  
None.

**ITEM 5 NEW PUBLIC HEARINGS**  
A. Coastal Development Permit No. 19-086, Variance Nos. 21-020, 21-021 and 22-001, Neighborhood Standards No. 19-001, Site Plan Review Nos. 19-125 and 22-001, Minor Modification Nos. 19-017 and 19-018, and Demolition Permit No. 21-

029 - An application to permit the slope repair and demolition of the previously existing single-family residence pursuant to an Emergency Coastal Development Permit and to allow the construction of a new single-family residence and associated development

Location: 31697, 31691, and 31705 Sea Level Drive, within the appealable coastal zone

APNs: 4470-024-031, 4470-024-033, 4470-024-028

Owner: P & C Partners, LP

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

Recommended Action: Continue the item to the April 18, 2022 Regular Planning Commission meeting.

This item was continued to the April 18, 2022 Regular Planning Commission meeting upon approval of the agenda.

B. Coastal Development Permit No. 20-052 – An application for the construction of a new swimming pool, spa, onsite wastewater treatment system and other site improvements

Location: 6800 Wildlife Road, within the appealable coastal zone

APN: 4466-005-004

Owner: 6800 Wildlife LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 22-19 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-052 for the construction of a new swimming pool and associated equipment, pool deck, fencing, grading and a new onsite wastewater treatment system for the existing single-family residence located in the Rural Residential-One Acre zoning district at 6800 Wildlife Road (6800 Wildlife LLC).

Disclosures: Commissioners Mazza, Jennings and Hill

RECUSAL Commissioner Mazza recused himself due to proximity to the proposed development and left the meeting at 9:00 p.m.

RECESS The meeting was recessed at 9:02 p.m. and resumed at 9:08 p.m. with Commissioner Mazza absent.

The staff report was presented by Senior Planner Thompson.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Hill opened the public hearing.



Speakers: Suzanne Guldimann, Andrew Ferguson and Brigitte D'Annibale

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

The Commission directed questions to staff and the applicant team.

**MOTION** Commissioner Jennings moved and Commissioner Wetton seconded a motion to adopt Planning Commission Resolution No. 22-19 as amended by staff, 1) a qualified archaeologist must be present at the site to monitor all site excavation. Prior to the issuance of any development permit, the property owners or applicant must provide evidence that an archaeologist has been contracted to perform the required monitoring. After the monitoring is concluded, the qualified archaeologist is required to provide a summary in writing describing the monitoring findings.; 2) prior to the issuance of any development permit, any new fencing posts or associated footings must be removed and inspected by Code Enforcement and Building Safety staff; and 3) determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-052 for the construction of a new swimming pool and associated equipment, pool deck, fencing, grading and a new onsite wastewater treatment system for the existing single-family residence located in the Rural Residential-One Acre zoning district at 6800 Wildlife Road (6800 Wildlife LLC)

The question was called and the motion carried 3-1-1, Vice Chair Smith dissenting and Commissioner Mazza absent.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

- A. **Deadline for Submission of Materials**  
Staff Contact: Administrative Assistant Evans, 456-2489, ext. 246  
Recommended Action: Consider whether to establish a deadline for submission of materials prior to the start of the Planning Commission meeting to allow Commissioners adequate time for thoughtful consideration.

Administrative Assistant Evans presented the staff report.

The Commission directed questions to staff.

The Commission directed staff to add language to Planning Commission Agendas which emphasized that materials should be submitted as soon as possible, and correspondence submitted close to the start of the meeting may not receive full consideration from all Commissioners.

**CONSENSUS**

The Commission received the staff report by unanimous consensus.

- B. Presentation: Update on Planning Department  
Staff Contact: Planning Director Mollica, 456-2489, ext. 346  
Recommended Action: Receive the Planning Director's presentation.

Planning Director Mollica provided an update on the work of the Planning Department.

The Commission directed questions to staff.

**CONSENSUS** The Commission received the Planning Director's presentation by unanimous consensus.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 10:04 p.m., Commissioner Jennings moved and Vice Chair Smith seconded a motion to adjourn the meeting. The motion carried 4-0-1, Commissioner Mazza absent.

Approved and adopted by the Planning Commission  
of the City of Malibu on June 5, 2023.

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DENNIS R. SMITH, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
APRIL 4, 2022  
TELECONFERENCED – VARIOUS LOCATIONS  
6:30 P.M.

**CALL TO ORDER**

Chair Hill called the meeting to order at 6:31 p.m.

**ROLL CALL**

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

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

ABSENT:

ALSO PRESENT: Richard Mollica, Planning Director; Adrian Fernandez, Assistant Planning Director; Trevor Rusin, Assistant City Attorney; Jessica Thompson, Senior Planner; David Eng, Assistant Planner; Tyler Eaton, Associate Planner; Philip Coronel, Assistant Planner; Patricia Salazar, Senior Administrative Analyst; and Rebecca Evans, Recording Secretary

**APPROVAL OF AGENDA**

MOTION Commissioner Mazza moved and Commissioner Jennings seconded a motion to approve the agenda, continuing Item No. 4.B. to a date uncertain and continuing Item No. 5.B. to the May 2, 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 March 25, 2022.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

John Johannessen questioned why the long-standing tradition of showing movies in Malibu had recently been changed to require a Temporary Use Permit, in

particular for nonprofits such as the Malibu Film Society.

Jo Drummond disagreed with the Planning Director's explanation of the Woolsey-Fire rebuild process and believed that the Coastal Commission did not allow an addition of a basement. She stated Planning staff had established rules that violated Malibu codes and that all projects should be processed in the order received.

In response to John Johannessen, Planning Director Mollica explained that staff were not aware of the movies being shown with regularity at the Malibu Jewish Center or the size of those events, which required a temporary use permit. The film events were outside the scope of the Malibu Jewish Center's existing conditional use permit. However, the Planning Department would bring an item to the Zoning Ordinance Revisions and Code Enforcement Subcommittee regarding special consideration for community-based art and cultural events. The scheduled March Zoning Ordinance Revisions and Code Enforcement Subcommittee meeting was postponed for both the Temporary Use Permit and the Pesticide items and would be rescheduled as soon as practical.

In response to Ms. Drummond, Planning Director Mollica clarified that the specific project questioned would be brought to the Planning Commission in the future so it would not be appropriate to discuss specifics until the item was on the agenda. He stated that the general process began with a Planning Verification and that roughly ninety-nine percent of those permits have been issued over-the-counter while an applicant waits. For Woolsey-Fire rebuilds, a Planning Verification for replacement plus ten percent could be approved initially. Woolsey-Fire rebuild policies were established by the former Planning Director after extensive conversations with the California Coastal Commission, vetted in public hearings at the City Council and published on the City website. The California Coastal Commission required a separate application for each exemption applied for and that was the reason for the stacked process. Processing each application in the order received was not practicable. Projects were moved forward when they were deemed complete rather than based on the date of an initial request and each planner has several projects underway at any given time. He was not aware of any California Coastal Commission ban on basements, although basements required extensive geologic review.

## **ITEM 2.B. COMMISSION / STAFF COMMENTS**

Commissioner Mazza stated the Planning Commission asked for the Public Safety Commission to weigh in on evacuation route impacts during the Accessory Dwelling Unit hearing and asked if that was scheduled. He asked why applicant names were no longer on staff reports. He stated Planning Department staff were asked to contact the Los Angeles Regional Water Quality Control Board for

verification that the Malibu Inn Motel was qualified under the memorandum of understanding and asked why staff had not done so.

In response to Commissioner Mazza, Planning Director Mollica noted the September hearing's motion did not include a request that staff contact the Los Angeles Regional Water Quality Control Board. However, staff did ask for a letter from the Los Angeles Regional Water Quality Control Board, which was provided by the applicant. At the January 11, 2022 Special Planning Commission meeting, the request to contact the Los Angeles Regional Water Quality Control Board was included in the motion. Staff contacted the Los Angeles Regional Water Quality Control Board, had a discussion regarding flow and subsequent discussions, which resulted in continued research by both the Planning Director and City Building Official.

In response to Commissioner Mazza, Planning Director Mollica noted the requirement is for publication of the owner's name in the agenda report. As confirmed by Chair Hill, applicant information for each project is provided to Commissioners via email from staff upon publication of the agenda.

Chair Hill questioned when the Public Safety Commission would be asked for feedback on the impact of Accessory Dwelling Units on evacuation plans. He stated the palm tree issue on Pacific Coast Highway was raised over a month ago without visible remediation. He noted there had not been activity on landslide remediation by Hughes Research Laboratory and questioned why that was no longer considered an emergency.

In response to Chair Hill, Planning Director Mollica stated the palm tree on Pacific Coast Highway was an ongoing Code Enforcement case and he would look into the status of landslide remediation near Hughes Research Laboratory.

Commissioner Mazza asked for an update on the status of virtual versus in-person public meetings.

In response to Commissioner Mazza, Planning Director Mollica stated May 9, 2022 would be the first in-person City Council meeting. Subsequent to that date, all Malibu commissions, committees, and boards would meet in-person. The first in-person Planning Commission meeting was scheduled for May 16, 2022. He noted he would provide a Planning Department overview at the City Council budget meeting.

**ITEM 3      CONSENT CALENDAR**

MOTION      Commissioner Mazza moved and Commissioner Jennings seconded a motion to approve the Consent Calendar. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

- A.      Previously Discussed Items  
None.
  
- B.      New Items
  - 1.      Extension of Coastal Development Permit No. 14-082 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family home, guest house, and associated development  
Location:      30385 Morning View Drive  
APN:            4469-016-006  
Owners:        Greg and Mica Belzberg  
Case Planner: Associate Planner Eaton, 456-2489, ext. 273  
Recommended Action: Adopt Planning Commission Resolution No. 22-33, granting a one-year time extension of Coastal Development Permit No. 14-082 for the construction of a new one-story 8,473 square foot single-family residence 18 feet in height plus a basement, detached 891 square foot garage, one-story detached 466 square foot guest house, 466 square foot pool house, swimming pools, spa, tennis court; retaining walls, water feature, hardscape, driveway with a fire truck turnaround, vehicular gates and landscaping, and installation of a new onsite wastewater treatment system located in the Rural Residential-Two Acre zoning district at 30385 Morning View Drive (Belzberg).
  
  - 2.      De Minimis Waiver No. 21-014 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel  
Location:      5685 Calpine Drive, not within the appealable coastal zone  
APN:            4467-023-040  
Owners:        Jason Thompson and Paloma Jonas  
Case Planner: Senior Planner Thompson, 456-2489, ext. 280  
Recommended Action: Receive and file the Planning Director’s report on the issuance of De Minimis Waiver No. 21-014 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

A. Conditional Use Permit Amendment No 13-006 and Joint Use Parking Agreement No. 14-001 – An application to amend Conditional Use Permit No. 09-009 and Joint Use Parking Agreement No. 10-001 to reduce the restaurant service area in order to accommodate for the creation of a new retail tenant space, and decrease the number of required off-site parking spaces (Aviator Nation) (Continued from January 11, 2022)

Location: 22969 Pacific Coast Highway  
APN: 4452-019-004  
Owner: SKA Group, LLC  
Tenant: Aviator Nation Dreamland/Aviator Nation  
Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482  
Recommended Action: Adopt Planning Commission Resolution No. 22-01 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 13-006 and Joint Use Parking Agreement (JUPA) No. 14-001 amending Conditional Use Permit No. 09-009 and JUPA No. 10-001 for the reduction of the restaurant service area in order to accommodate the permanent expansion of existing retail tenant space, and decrease the number of required off-site parking spaces in the JUPA to reflect the new number of required offsite parking spaces at an existing restaurant (Aviator Nation Dreamland) located in the Commercial Visitor Serving-One zoning district at 22969 Pacific Coast Highway (SKA Group, LLC).

Assistant Planning Director Fernandez presented the staff report.

Disclosures: Vice Chair Smith, Commissioner Mazza, Commissioner Wetton, Chair Hill

The Commission directed questions to staff.

As there were no further questions for staff, Chair Hill opened the public hearing.

Speakers: Steven Hakim, Alexander Hakim, Jo Drummond, Stella Allan, Ryan Embree

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

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Chair Hill seconded a motion to adopt Planning Commission Resolution No. 22-01 as amended 1) not amending the Joint Use

Parking Amendment and not allowing the spaces to be reduced; 2) adding a condition stating, “No employee parking allowed on Pacific Coast Highway.”; 3) modifying Condition 19 to allow one hundred attendees or less at an event and larger events will require a Temporary Use Permit and offsite parking by a valet within three hundred feet; 4) adding a condition stating, “Spaces on site cannot be rented to anyone other than the public without a Joint Use Parking Agreement and all other required entitlements.”; 4) adding a condition stating, “A compliance inspection will be required starting six months from the date of approval and every year thereafter.”; 5) adding a condition to ensure no lane is closed on Pacific Coast Highway; 6) adding a requirement that fifty percent of sales must be from food at the restaurant; 7) adding a condition that no outside music is permitted; 8) adding a requirement that the physical retail space must be separated from the restaurant by a wall; 9) adding a condition that the employee lounge must always be closed and locked; 10) modifying hours of operation to be 7:00 a.m. to midnight Sunday through Wednesday and 7:00 a.m. to 2:00 a.m. Thursday through Saturday except if Monday is a federal holiday then Sunday operating hours from 7:00 a.m. to 2:00 a.m.; 11) determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 13-006 and Joint Use Parking Agreement (JUPA) No. 14-001 amending Conditional Use Permit No. 09-009 and JUPA No. 10-001 for the reduction of the restaurant service area in order to accommodate the permanent expansion of existing retail tenant space, and decrease the number of required off-site parking spaces in the JUPA to reflect the new number of required offsite parking spaces at an existing restaurant (Aviator Nation Dreamland) located in the Commercial Visitor Serving-One zoning district at 22969 Pacific Coast Highway (SKA Group, LLC)

The question was called and the motion failed 3-2, Commissioners Jennings, Wetton and Vice Chair Smith dissenting.

**MOTION**

Commissioner Jennings moved and Vice Chair Smith seconded a motion to adopt Planning Commission Resolution No. 22-01 as amended 1) adding Condition 11 to state, “The retail space must be separated with a physical barrier from the restaurant with a fence or wall at least 42 inches in height;” 2) amending Condition 12 to state, “Seating, dining or drinking by non-employees is not permitted within the employee lounge area;” 3) adding Condition 13 to state, “All events authorized by Condition No. 19 of Resolution 10-59 must be approved by the Planning Director in advance as described in the following sentence and any condition approved by the Planning Director which may be added to mitigation impacts of the event must be complied with: “A six-month event schedule shall be submitted for approval every six months and any changes to such approval must be approved at least a month in advance of the event;” 4) adding Condition 7 to state, “The approved hours of operation are from 7:00 a.m. to 12:00 a.m. on Sundays, Mondays,



Tuesdays, and Wednesdays and from 7:00 a.m. to 2:00 a.m. on Thursdays, Fridays and Saturdays, with the exception that the use may be open until 2:00 a.m. only on those Sundays when the following Monday is a federal holiday. Closure must be complete, and all employees must vacate the premises no more than one hour after closing, daily. No afterhours operation shall be permitted.;" 5) determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 13-006 and Joint Use Parking Agreement (JUPA) No. 14-001 amending Conditional Use Permit No. 09-009 and JUPA No. 10-001 for the reduction of the restaurant service area in order to accommodate the permanent expansion of existing retail tenant space, and decrease the number of required off-site parking spaces in the JUPA to reflect the new number of required offsite parking spaces at an existing restaurant (Aviator Nation Dreamland) located in the Commercial Visitor Serving-One zoning district at 22969 Pacific Coast Highway (SKA Group, LLC)

#### FRIENDLY AMENDMENT

Chair Hill moved to amend the motion to revise operating hours to state, the approved hours of operation are from 7:00 a.m. to 12:00 a.m. on Sundays, Mondays, Tuesdays, and Wednesdays and from 7:00 a.m. to 2:00 a.m. on Thursdays, Fridays and Saturdays, with the exception that the use may be open until 2:00 a.m. only on those Sundays when the following Monday is a federal holiday. The maker and seconder accepted the amendment.

The question was called and the motion carried 3-2, Commissioner Mazza and Chair Hill dissenting.

#### RECESS

The meeting was recessed at 9:40 PM and resumed at 9:51 PM, all Commissioners present.

- B. Malibu Inn Motel – Coastal Development Permit No. 09-067, Mitigated Negative Declaration No. 20-003 and Initial Study No. 20-003, Conditional Use Permit No. 18-002, Variance Nos. 18-029, 18-030, 18-031, and 20-035, Site Plan Review No. 18-025, and Joint Use Parking Agreement No. 18-001 – An application for development of a motel project (Continued from January 11, 2022)

Location: 22959 Pacific Coast Highway, within the appealable coastal zone

APN: 4452-019-005

Owner: Surfrider Plaza, LLC

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

Recommended Action: Continue the item to a date uncertain to permit the applicant additional time to resolve compliance with the Memorandum of Understanding between the City and Regional Water Quality Control Board.

This item was continued to a date uncertain upon approval of the agenda.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Coastal Development Permit–Woolsey Fire No. 19-001 and Variance No. 19-016 - An application for the reconstruction of an unpermitted, pre-existing non-conforming walk-out basement, decks, new swimming pool, and associated development (Continued from January 18, 2022)

Location: 4756 Latigo Canyon Road, not within the appealable coastal zone  
APN: 4459-002-021  
Owners: James and Kim Tomlinson  
Case Planner: Philip Coronel, Assistant Planner  
Recommended Action: Adopt Planning Commission Resolution No. 22-05 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit–Woolsey Fire No. 19-001 to allow for the reconstruction of a previously existing, unpermitted non-conforming basement, and construction of a new swimming pool and onsite wastewater treatment system, including Variance No. 19-016 for the proposed basement to daylight more than three vertical feet below a residence destroyed by the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 4756 Latigo Canyon Road (Tomlinson).

Assistant Planner Coronel presented the staff report.

Disclosures: Commissioners Mazza, Wetton, Smith and Hill

The Commission directed questions to staff.

As there were no further questions for staff, Chair Hill opened the public hearing.

Speakers: James Tomlinson; Kim Tomlinson, Daniel Ziese, Jo Drummond

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

The Commission directed questions to staff.

**MOTION** Commissioner Jennings moved and Vice Chair Smith seconded a motion to adopt Planning Commission Resolution No. 22-05 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit–Woolsey Fire No. 19-001 to allow for the reconstruction of a previously existing, unpermitted non-conforming basement, and construction of a new swimming pool and onsite wastewater treatment system,

including Variance No. 19-016 for the proposed basement to daylight more than three vertical feet below a residence destroyed by the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 4756 Latigo Canyon Road (Tomlinson)

The Commission discussed the motion.

The question was called and the motion carried 3-1-1, Commissioner Mazza dissenting and Chair Hill abstaining.

**B. Coastal Development Permit No. 16-028 – An application for a new single-family residence and associated development**

Location: 6333 Sea Star Drive, not within the appealable coastal zone  
APN: 4469-047-003  
Owner: Issac Real Estate Holdings, Series LLC, Series A  
Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Adopt Planning Commission Resolution No. 22-32 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-028 for the construction of a 5,984 square foot, one-story single-family residence with a rooftop deck, a 422 square foot detached two-car garage, swimming pool and spa, grading, landscaping and hardscape, and the installation of an onsite wastewater treatment system on an undeveloped parcel, located in the Rural Residential, Two-Acre zoning district at 6333 Sea Star Drive (Issac Real Estate Holdings, Series LLC, Series A).

This item was continued to the May 2, 2022 Regular Planning Commission meeting.

**ITEM 6 OLD BUSINESS**  
None.

**ITEM 7 NEW BUSINESS**  
None.

**ITEM 8 PLANNING COMMISSION ITEMS**  
None.

**ADJOURNMENT**

MOTION At 11:06 p.m., Vice Chair Smith moved and Commissioner Jennings seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission  
of the City of Malibu on June 5, 2023.

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DENNIS R. SMITH, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary