



Commission Agenda Report

Planning Commission
Meeting
09-05-23

**Item
3.B.2.**

To: Chair Peak and Members of the Planning Commission

Prepared by: Rebecca Evans, Senior Administrative Analyst

Approved by: Richard Mollica, Planning Director

Date prepared: August 24, 2023 Meeting date: September 05, 2023

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes of the February 22, 2022, June 20, 2022, and May 15, 2023 Regular Planning Commission meetings and the May 31, 2022 Special Planning Commission meeting.

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

ATTACHMENTS:

1. February 22, 2022 Regular Planning Commission Meeting Minutes
2. June 20, 2022 Regular Planning Commission Meeting Minutes
3. May 15, 2023 Regular Planning Commission Meeting Minutes
4. May 31, 2022 Special Planning Commission Meeting Minutes

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 22, 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

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Adrian Fernandez, Assistant Planning Director; Lauren Doyel, Coastal Engineer and Geotechnical Reviewer; Paolo Quinto, Environmental Health Administrator; Raneika Brooks, Senior Planner; Jessica Thompson, Senior 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 Nos. 3.A.1. and 3.B.4. to a date uncertain.

The question was called and motion carried unanimously.

REPORT ON POSTING OF AGENDA

Recording Secretary Rebecca Evans reported that the agenda for the meeting was properly posted on February 11, 2022. The amended agenda was posted on February 16, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS
None.

ITEM 2.A. PUBLIC COMMENTS
None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Mazza asked Assistant City Attorney Rusin for the procedure to revoke Conditional Use Permits like those used by the car shows due to flagrant

violations.

Assistant City Attorney Rusin noted that very specific findings were required to revoke Conditional Use Permits. If there were documented violations of the Conditional Use Permit provisions by the property owner, the owner would enter code enforcement and be given the opportunity to comply.

Commissioner Wetton viewed progress on the new public staircase on Point Dume and found that the project had been shut down. He noted a new, large scar caused by recent heavy rains and requested an update on the project's status.

Commissioner Mazza stated the project was impacted by supply chain issues and the supplies to build the stairs were not yet available.

Commissioner Wetton noted that the landing seemed to be at the high tide line, which appeared to be a design error.

Vice Chair Smith asked if the landing floated with the waves or had a fixed design.

Commissioner Wetton stated that the landing was fixed but wave action came up onto the landing at high tide. A large amount of vegetation was cleared to bring in heavy equipment and recent rains created a crevasse. No runoff mitigation efforts were visible.

Commissioner Mazza noted that both the runoff and landing issue questions were raised by Councilmember Farrar at the last City Council meeting.

Chair Hill congratulated Planning Director Mollica and his wife on the birth of their baby girl. He thanked the Planning Department for the noticed hearings list provided to Commissioners and requested an editable version of the list in the future, along with a list of continued items. He expressed a need for clarification from the Zoning Ordinance Revisions and Code Enforcement Subcommittee on the two thirds rule as the Coastal Commission agreed with Chair Hill's reading of the rule in a prior instance.

Assistant City Attorney Rusin clarified that any extended discussion on the meaning of any part of Malibu's code would require noticing and should be agendaized for a future meeting.

Assistant Planning Director Fernandez noted that this was one of the policies intended to go before the City Council for further direction.

Commissioner Jennings stated there was a definition in the Malibu Municipal Code

and when the Local Implementation Plan was being written, authors attempted to clarify it. Unfortunately, the clarification was subject to different interpretations. The California Coastal Commission stated it was Malibu's job to interpret the Local Implementation Plan and determine how it applied. If cases were to be appealed to the California Coastal Commission in the future, he would agree with Chair Hill's point, but this should remain a local action.

Commissioner Mazza requested clarification on the process and asked if these items should go to the Zoning Ordinance Revisions and Code Enforcement Subcommittee or if staff should omit the Subcommittee and go directly to the City Council.

Assistant City Attorney Rusin noted that the Planning Commission does not have the authority to send items to the Zoning Ordinance Revisions and Code Enforcement Subcommittee. That action lies within the purview of the City Council. He stated the City and staff have an obligation to treat similar cases similarly.

MOTION Commissioner Mazza moved and Chair Hill seconded a motion for staff to bring an agenda item for a presentation on the two thirds rule and application at a future meeting.

The question was called and the motion carried unanimously.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.2. and 3.B.3. were pulled by Commissioner Mazza and Item Nos. 3.A.2. and 3.B.4. were pulled by staff.

MOTION Commissioner Mazza moved and Commissioner Jennings seconded a motion to approve the balance of the Consent Calendar.

The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. De Minimis Waiver No. 21-012 – An application for a new advanced onsite wastewater treatment system for a Woolsey Fire affected parcel (Continued from February 7, 2022)

Location: 7034 Birdview Ave, not within the appealable coastal zone
APN: 4468-006-003

Owner: Medora C. Colberg Decd Trust
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Continue to a date uncertain.

Item No. 3.A.1. was continued to a date uncertain upon approval of the agenda.

2. Resolutions Approving Time Extension Requests to Submit a Planning Verification for Nonconforming Structures and Uses Damaged or Destroyed in the Woolsey Fire Previously Considered by the Planning Commission

Staff Contact: Patricia Salazar

Recommended Action: 1) Adopt Resolution No. 22-13 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6219 Ramirez Mesa Drive (TKH Zuma, LLC); 2) Adopt Resolution No. 22-14 granting a one-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 33505 Pacific Coast Highway (Kotler Family Trust); 3) Adopt Resolution No. 22-15 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 7003 Birdview Avenue (Alford Enterprises II, LP); 4) Adopt Resolution No. 22-16 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 33012 Pacific Coast Highway (Alford Children's Trust-1992); 5) Adopt Resolution No. 22-17 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6234 Cavalleri Road (Bowman-Smith); 6) Adopt Resolution No. 22-18 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 5911 Bonsall Drive (Muselli).

Senior Administrative Analyst Salazar presented the staff report and noted a typographical correction, an additional recital, and an additional sentence for the Planning Commission action for the record.

Disclosures: None.

MOTION: Commissioner Mazza and Vice Chair Smith seconded a motion to approve the staff recommendation, as amended by staff, to 1) adopt Resolution No. 22-13 granting a two-year extension to submit a planning verification for

nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6219 Ramirez Mesa Drive (TKH Zuma, LLC); 2) Adopt Resolution No. 22-14 granting a one-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 33505 Pacific Coast Highway (Kotler Family Trust); 3) Adopt Resolution No. 22-15 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 7003 Birdview Avenue (Alford Enterprises II, LP); 4) Adopt Resolution No. 22-16 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 33012 Pacific Coast Highway (Alford Children's Trust-1992); 5) Adopt Resolution No. 22-17 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6234 Cavalleri Road (Bowman-Smith); 6) Adopt Resolution No. 22-18 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 5911 Bonsall Drive (Muselli).

The question was called and the motion carried unanimously.

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the October 4, 2021 Regular Planning Commission meeting.
Staff Contact: Administrative Assistant Evans

This item was approved unanimously upon approval of the balance of the Consent Calendar.

2. De Minimis Waiver No. 20-026 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 30044 Andromeda Lane, not within the appealable coastal zone

APN: 4469-004-010

Owner: 30044 Andromeda Lane 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. 20-026 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

Speaker: John Yaroslaski

Commissioners directed questions to staff and the applicant team.

CONSENSUS

The Planning Commission received and filed the Planning Director’s report on the issuance of De Minimis Waiver No. 20-026 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

3. Formula Retail Clearance No. 21-005 – Malibu Country Mart Shopping Center

Location: 23410 Civic Center Way, Unit A-1
APN: 4458-020-010
Owner: 3835 Cross Creek, LLC
Tenant: CB2

Case Planner: Senior Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive and file the Planning Director’s approval of Formula Retail Clearance No. 21-005.

Senior Planner Thompson presented the staff report.

Chair Hill opened the public comment portion of the hearing. There being no speakers present, Chair Hill closed the public comment portion of the hearing.

The Commission discussed the item and directed questions to staff.

CONSENSUS

The Commission received and filed the Planning Director’s approval of Formula Retail Clearance No. 21-005.

4. Administrative Coastal Development Permit No. 21-056 – An application for a new onsite wastewater treatment system to replace an existing onsite wastewater treatment system servicing an existing single-family residence

Location: 29528 Harvester Road, not within the appealable coastal zone
APN: 4467-027-023
Owner: Matthew B. Pick Trust

Case Planner: Senior Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 21-056.

This item was pulled from the consent calendar at the request of staff upon approval of the agenda and continued to a date uncertain.

RECESS Chair Hill recessed the meeting at 8:16 p.m. The meeting reconvened at 8:25 p.m. with all Commissioners present.

ITEM 4 CONTINUED PUBLIC HEARINGS
None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 18-011 and Site Plan Review No. 20-048 – An application to replace an onsite wastewater treatment system and associated development
Location: 25147 Malibu Road, within the appealable coastal zone
APN: 4459-012-007
Owner: Scott A. Blake Separate Property Trust U/A/D June 13, 2014 and Carson Family Trust
Case Planner: Senior Planner Brooks, 456-2489, ext. 276
Recommendation: Adopt Planning Commission Resolution No. 22-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-011 to allow the replacement of an onsite wastewater treatment system, grading, and retaining walls; including Site Plan Review No. 20-048 for remedial grading, located in the Multi-Family zoning district at 25147 Malibu Road (Scott A. Blake Separate Property Trust U/A/D June 13, 2014 and Carson Family Trust).

Disclosures: Commissioner Jennings, Vice Chair Smith and Chair Hill.

Senior Planner Brooks presented the staff report.

The Commission directed questions to staff.

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

Speaker: None. The applicant team was available for questions.

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

MOTION Commissioner Jennings moved and Vice Chair Smith seconded a motion to adopt Planning Commission Resolution No. 22-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-011 to allow the replacement of an onsite wastewater treatment system, grading, and retaining walls; including Site Plan Review No. 20-

048 for remedial grading, located in the Multi-Family zoning district at 25147 Malibu Road (Scott A. Blake Separate Property Trust U/A/D June 13, 2014 and Carson Family Trust).

The Commission directed questions to staff and the applicant team.

AMENDMENT

Commissioner Mazza moved and Chair Hill seconded a motion to amend the primary motion to require removal of debris and encroachment on city right-of-way and require a similar retaining wall structure to be built on the property line.

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

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

B. 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. 22-09 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)

Assistant Planning Director Fernandez presented the staff report.

Disclosures: Commissioners Mazza, Wetton and Hill.

The Commission directed questions to staff.

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

Speakers: Luke Tarr, Elizabeth Lynch, Patt Healy and John Yaroslaski

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.

The Commission discussed the item.

MOTION Vice Chair Smith moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 22-09, as amended, 1) modifying Condition 12 to delete “down to existing grade”; and 2) 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)

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

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

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS
None.

ITEM 7 NEW BUSINESS
None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:58 p.m. Commissioner Jennings moved and Commissioner Mazza seconded a motion to adjourn the meeting. The motion carried unanimously.

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

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JUNE 20, 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: Richard Mollica, Planning Director; Trevor Rusin, Assistant City Attorney; Jessica Thompson, Senior Planner; Philip Coronel, Assistant Planner; Lauren Doyel, Coastal Engineer and Geotechnical Reviewer; and Rebecca Evans, Recording Secretary

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Jennings seconded a motion to approve the agenda as recommended by staff and to continue Item No. 5.A. to July 18, 2022.

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 June 10, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Ryan Embree stated the City approved a project for the Santa Monica Community College-Malibu Campus, yet a noncompliant tower was installed. He asked why the tower had not been referred to code enforcement contract prosecutors, ordered to be torn down and laid flat on the ground during pending application processes.

Jo Drummond expressed agreement with Ryan Embree that the wireless tower was unattractive, unnecessarily large and should be removed. She requested an explanation of what staff was doing to resolve this.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Mazza and Chair Hill asked the Commission to dedicate the meeting in honor of the late Malibu Architect Harry Gesner.

Commissioner Jennings asked for clarification from Planning Director Mollica on his statement that Option 4 projects had been placed on hold, requested the Planning Department's definition of on hold, and asked if planners had ceased to work on projects designated as on hold. He also asked if projects which previously received planning approval were permitted to continue forward through Building and Safety up to the point of not issuing building permits. He asked who made the decision to temporarily suspend Option 4.

In response to Commissioner Jennings, Planning Director Mollica clarified that on hold meant that for anyone with an application currently under review, Planning was not currently issuing approvals or notices of application to start the 21-day process. Staff continued to review pending applications but would not yet issue decisions. Projects already under construction had been allowed to move forward due to approval prior to receipt of the letter from the California Coastal Commission. The matter was likely to go before the City Council for direction. The decision to place a hold on Option 4 was made by the City Attorney's Office, the City Manager and the Planning Director.

Commissioner Jennings stated that it appeared the applications in the Planning Department were being treated differently than applications now in Building and Safety, which had been moving forward with no hold and were eligible to receive stamps of approval. Planning Director Mollica confirmed that was true, because a decision was rendered prior to receipt of the email from the California Coastal Commission. Determinations were based on the date of the issuance of the Director's decision.

Commissioner Jennings asked whether the 45 already approved Administrative Plan Review-Woolsey Fire projects reported included the 26 placed on hold, or were in addition to the 26. Senior Planner Thompson confirmed that the 26 placed on hold were included in the 45 proposed projects reported. Planning Director Mollica noted that anyone who applied to use the exemption in Option 4 had been put on hold pending further conversation with the California Coastal Commission.

Commissioner Jennings asked if the City had determined how to move these projects forward, perhaps as California Coastal Commission administrative applications, should the California Coastal Commission deny the use of Option 4 and for an explanation of why variances were not progressing in the interim. Planning Director Mollica stated that Planning had not yet determined the process to move these projects forward pending a meeting with California Coastal Commission management and noted that there were costs associated with variance approvals.

Assistant City Attorney Rusin suggested that Commissioner Jennings follow up individually with the Planning Director because the discussion topic was not on the current agenda. Commissioner Jennings stated he had sent a letter the prior week and received no reply. Planning Director Mollica confirmed he had been on vacation the prior week but stated he would follow up with Commissioner Jennings.

Chair Hill asked what associated costs would be incurred if the applications should have to be processed as Coastal Development Permits with Director level approval. Planning Director Mollica explained that the costs would be related to the specific scope of work for each project. If the property were held by the original owner at time of the Woolsey Fire, Planning would have to look at whether costs were eligible for fee waiver or return to Council on that issue as well.

Commissioner Mazza asked if Planning had an answer on whether Howdy's Sonrisa Café's outdoor extension was considered enclosed or unenclosed space. Senior Planner Thompson stated that she conducted the analysis and would report on that issue during the hearing for the related item.

Commissioner Wetton noted that his questions were similar to the Option 4 issues already eloquently expressed by Commissioner Jennings.

Vice Chair Smith expressed concern that Commissioner Jennings' letter to Planning had not yet received a response despite his long-term service to the City of Malibu and his status as a Woolsey-Fire victim.

Chair Hill asked if the Klein project had been heard by the California Coastal Commission and the result if the matter had been decided.

In response to Chair Hill, Commissioner Mazza stated the Kleins agreed to move the house back, away from the creek, raise it up and to tear it down in the future if it became subject to wave uprush.

Chair Hill recalled the definition of enclosed space as sixty percent, related to the Floor Area Ratio. He asked for clarification on the sections of the code regarding enclosed space, the location of the formal definition and whether there was any interpretation of the word bulk other than volume.

Planning Director Mollica stated that commercial development standards use Floor Area Ratio and the term enclosed was in the definition section. While there was no formal definition, in general bulk referred to size and massing as descriptive terms.

Senior Planner Thompson noted the definition was in an unusual spot under definitions titled “Buildings, Enclosed.”

Chair Hill asked when the Local Implementation Plan 13.4.6. exemption for structures destroyed by natural disaster was put in place, after the 1993 fire or following the Woolsey Fire.

In response to Chair Hill, Planning Director Mollica explained the exemption had no relation to the City, the exemption came from the California Coastal Act and was independent of the Malibu replacement policies and history. Malibu City codes at the time were stricter and did not include the ten percent addition. Malibu changed the fire rebuild ordinance and the Malibu Municipal Code to align with the rebuild process in the California Coastal Act.

Commissioner Jennings confirmed the City of Malibu exemption language was imposed by the Coastal Act, which was imposed by the California State Legislature. It was purely statutory language out of the California Coastal Act.

Planning Director Mollica informed the Commission the Malibu Middle and High School campus Environmental Impact Report was scheduled for City Council on July 11, 2022 and the applicant had submitted an updated Specific Plan with the Cloverfield lot removed.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.

B. New Items

1. Approval of Minutes

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

Recommended Action: Approve the minutes of the May 16, 2022 Regular Planning Commission meeting.

MOTION Commissioner Mazza moved and Commissioner Jennings seconded a motion to continue Item 3.B.1. to the July 18, 2022 Regular Planning Commission meeting.

The question was called and the motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Administrative Plan Review-Woolsey Fire No. 20-062, and Variance Nos. 21-013, 21-014, and 22-008 – An application for a replacement driveway, and construction of new retaining walls, two-car garage, decking, and non-exempt grading over 1,000 cubic yards (Continued from June 6, 2022)

Location: 31113 Bailard Road, not within the appealable coastal zone

APN: 4470-011-038

Owner: David W. Ellis and Kate Williams Ellis

Case Planner: Assistant Planner Coronel, 456-2489, ext. 373

Recommended Action: Continue the item to a date uncertain.

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

B. Conditional Use Permit Amendment No. 21-002 – An application to allow the onsite sale and consumption of wine and beer (Alcoholic Beverage Control License Type 41) to patrons of a health and wellness center (CURE Spa) (Continued from June 6, 2022)

Location: 23401 Civic Center Way, Unit 1C

APN: 4458-022-030

Owner: The Park at Cross Creek, LLC

Tenant: CURE Spa – Malibu LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 22-43 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit Amendment No. 21-002 to amend Conditional Use Permit No. 18-005 to allow onsite service of wine and beer, and authorizing the Planning Director to submit a letter of public convenience or necessity for a California Department of Alcoholic Beverage Control License Type 41 (On-Sale General Eating Place) for the use located in the Commercial Visitor Serving-One zoning district and the Civic Center Northeast Specific Plan area at 23401 Civic Center Way, Unit 1C (The Park at Cross Creek, LLC).

Senior Planner Thompson presented the staff report and her analysis of the exterior space at Howdy's Sonrisa Café.

Disclosures: Commissioner Mazza

The Commission directed questions to staff.

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

Speakers: Marny Randall, Ryan Embree, 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 and the applicant team.

MOTION Commissioner Mazza moved and Chair Hill seconded a motion to deny Planning Commission Resolution No. 22-43 based on the inability to make findings 2, 3 and 4, determining the project is categorically exempt from the California Environmental Quality Act, and denying Conditional Use Permit Amendment No. 21-002 to amend Conditional Use Permit No. 18-005 to allow onsite service of wine and beer, and authorizing the Planning Director to submit a letter of public convenience or necessity for a California Department of Alcoholic Beverage Control License Type 41 (On-Sale General Eating Place) for the use located in the Commercial Visitor Serving-One zoning district and the Civic Center Northeast Specific Plan area at 23401 Civic Center Way, Unit 1C (The Park at Cross Creek, LLC).

The Commission discussed the motion and directed questions to staff.

FRIENDLY AMENDMENT

Commissioner Mazza amended his motion to omit the inability to make finding 4. The amendment was accepted by the seconder.

Based on the applicant's request for continuance, Commissioner Mazza withdrew his prior motion.

MOTION Commissioner Mazza moved and Commissioner Jennings seconded a motion to continue the item to a date uncertain to allow the applicant time to revise the application.

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

RECESS The meeting was recessed at 8:53 p.m. and resumed at 9:02 p.m. with all Commissioners present.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-007, Variance No. 20-010, Minor Modification No. 20-009, Stringline Modification Review No. 20-005, Demolition Permit No. 19-010 and Offer-to-Dedicate No. 21-001 – An application for the demolition of an existing single-family residence and associated development and construction of a new beachfront single-family residence and associated development

Location: 31340 Broad Beach Road, within the appealable coastal zone

APN: 4470-016-011

Owner: 31340 Broad Beach Rd LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 22-47 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-007 for construction of a new 5,245 square foot beachfront single-family residence, a 742 square foot attached garage, 1,547 square feet of covered areas, landscaping, hardscape, grading, retaining walls and onsite wastewater treatment system, including Variance No. 20-010 for construction of a six-foot high wall seaward of the building stringline and within Area I of the Trancas Beach Overlay District, Minor Modification No. 20-009 for a 50 percent reduction of the front yard setback, Stringline Modification Review No. 20-005 for the single-family residence to extend 3.5 feet beyond the building stringline, Demolition Permit No. 19-010 to demolish the existing residence and carport and Offer-to-Dedicate No. 21-001, located in the Single-Family Medium zoning district and Trancas Beach Overlay District at 31340 Broad Beach Road (31340 Broad Beach Rd LLC).

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

B. Coastal Development Permit No. 22-013 and Temporary Use Permit No. 22-010 – An application for the 40th Annual Chili Cook-Off and Carnival, a four-day event, Labor Day weekend, and a one-day private fundraising event

Event Location: 23575 Civic Center Way, not within the appealable coastal zone

APN: 4458-022-907

Property Owner: City of Malibu

Applicant: The Boys and Girls Club of Malibu

Parking Locations: 23825 Stuart Ranch Road (APN 4458-021-011)
23805 Stuart Ranch Road (APN 4458-021-173)

3542 Coast View Drive (APN 4458-021-003)
23525 Civic Center Way (APN 4458-022-906)
23575 Civic Center Way (APN 4458-022-907)
3602 Winter Canyon Road (APN 4458-027-903)
3806 Cross Creek Road (APN 4452-011-035)
Ride Share/Drop 23789 Stuart Ranch Road (APN 4458-022-011)
Case Planner: Senior Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 22-45 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 22-013 and Temporary Use Permit No. 22-010 to allow for the 40th Annual Chili Cook-Off and Carnival proposed to take place Friday, September 2, 2022, through Monday, September 5, 2022 (Labor Day Weekend) and a private fundraising event to take place Thursday, September 1, 2022, located in the Community Commercial zoning district at 23575 Civic Center Way (City of Malibu) and nearby offsite parking lots. Assistant Planner Coronel presented the staff report.

Disclosures: Commissioners Mazza, Wetton, and Hill

The Commission directed questions to staff.

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

Speakers: Kasey Earnest, Ashlen Kernes, Ryan Embree and 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.

MOTION

Commissioner Mazza moved and Commissioner Wetton seconded a motion to adopt Planning Commission Resolution No. 22-45 as amended, 1) modifying Condition 11 to read, “During event times traffic control at the intersection of Stuart Ranch Road and Civic Center Way will be provided by the applicant.”; 2) modifying Condition 15 to add “and the south side of Civic Center Way” to the end of the first sentence, modifying signage to read, “NO EVENT PARKING ON STUART RANCH ROAD OR SOUTH SIDE OF CIVIC CENTER WAY” and adding “or the south side of Civic Center Way” to the end of the final sentence; 3) modifying the second to last sentence of Condition 52 to state, “The applicant shall be billed for any additional law enforcement charges they may accrue at the current hourly rate, and agree to pay those added charges within seven days of the date billed.”; 4) modifying Condition 58 to state, “Two weeks prior to the event, the applicant shall provide the Planning Director with a contact number that will be answered promptly by the applicant 24 hours a day to respond to concerns and

which shall be posted on the City website.”; 5) adding a condition stating, “Operators of the Chili Cook-Off will follow Los Angeles County Covid guidelines and post signs at the entrance noting that masks are recommended but not required.”; 6) adding a condition stating, “The operators of the event shall pay all sales and parking taxes within thirty days of the end of the event.”; 7) adding a condition stating that, “Fire extinguishers and personnel are required to be located on site at the WAVE lot when it is used for event parking.”; 8) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 22-013 and Temporary Use Permit No. 22-010 to allow for the 40th Annual Chili Cook-Off and Carnival proposed to take place Friday, September 2, 2022, through Monday, September 5, 2022 (Labor Day Weekend) and a private fundraising event to take place Thursday, September 1, 2022, located in the Community Commercial zoning district at 23575 Civic Center Way (City of Malibu) and nearby offsite parking lots.

The Commission discussed the motion and directed questions to staff.

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS
None.

ITEM 7 NEW BUSINESS
None.

ITEM 8 PLANNING COMMISSION ITEMS
None.

|

ADJOURNMENT

MOTION At 10:00 p.m., Commissioner Mazza moved and Chair Hill seconded a motion to adjourn the meeting in honor of Harry Gesner. The question was called and the motion carried unanimously.

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

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MAY 15, 2023
TELECONFERENCED – VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361.

CALL TO ORDER

Chair Smith called the meeting to order at 6:44 p.m.

ROLL CALL

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

PRESENT: Chair Dennis Robert Smith, Vice Chair John G. Mazza and Commissioners Kraig Hill, Jeffrey D. Jennings and Skylar Peak

ALSO PRESENT: Patrick Donegan, Assistant City Attorney; Richard Mollica, Planning Director; Adrian Fernandez, Assistant Planning Director; Tyler Eaton, Senior Planner; Alisanne Meyers, Assistant Planner; John Kanlund, Contract Planner; Luis Flores, Public Safety Liaison; and Rebecca Evans, Recording Secretary

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Hill seconded a motion to approve the agenda as recommended by staff with an amendment to continue Item No. 3.B.1. to the Regular Planning Commission meeting on June 19, 2023.

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 May 5, 2023.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

WRITTEN AND ORAL COMMUNICATION FROM THE PUBLIC

Dougal Murray questioned the cause of delays on his project, reassignment to a new case planner and requested a meeting with Planning Director Mollica.

In response to Dougal Murray's comment, Recording Secretary Evans informed Mr. Murray that Contract Planner Shah was assigned to his project and would be available in person from 8:00 a.m. to noon Tuesday and Thursday. Planning Director Mollica informed Mr. Murray that staff would follow up with him.

Vice Chair Mazza asked if the Commission could continue the hearing of Item No. 3.B.1 to either the May 31, 2023 special meeting or the June 16, 2023 regular meeting.

In response to Vice Chair Mazza, Planning Director Mollica stated that staff could have the agenda report for Item No. 3.B.1. prepared for the May 31, 2023 special meeting on the condition that the applicant provided the requested additional information. Planning Director Mollica asked Assistant City Attorney Donegan if the Commission could make a motion for reconsideration to bring Item No. 3.B.1. to the May 31, 2023 special meeting, pending the receipt of applicant information.

In response to Planning Director Mollica's question, Assistant City Attorney Donegan stated the Commission could make a motion to reconsider, and continue Item No. 3.B.1. to a date certain.

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to continue Item No. 3.B.1. to the May 31, 2023 special meeting.

The question was called and the motion carried unanimously.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Vice Chair Mazza asked if the Brown Act training was still scheduled for May 31, 2023, the same date as the Special Planning Commission Meeting.

In response to Vice Chair Mazza, Recording Secretary Evans confirmed the Brown Act training would be held on May 31, 2023 and would conclude well in advance of the Planning Commission meeting.

Vice Chair Mazza asked when meetings would return to the pre-pandemic format.

In response to Vice Chair Mazza, Recording Secretary Evans stated that changes in

meeting format were at the discretion of the City Council.

Commissioner Hill reaffirmed his rejection of a quid pro quo offer from an agent of an applicant and disclosed all communication. He stated he would be compelled to pursue legal remedies if defamation continued.

Chair Smith congratulated Malibu High School senior Dylan Ram on becoming a National Merit Scholar.

Planning Director Mollica stated the Planning Department was following up on the Mountains Recreation and Conservation Authority's recent letters to homeowners on Murphy Way and a Senior Planner was reviewing the applicant's submittal.

Vice Chair Mazza questioned why the Santa Monica Community College – Malibu Campus was occupied without a Certificate of Occupancy from the city or state.

In response to Vice Chair Mazza, Planning Director Mollica stated the college may have the equivalent of a temporary Certificate of Occupancy from the state, and noted the state was aware of the building's occupation.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

The following item was pulled from the consent calendar: Item No. 3.B.2.

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

MOTION This item was continued to the May 31, 2023 Special Planning Commission

meeting, pending receipt of applicant's materials.

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

Owner: 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)

MOTION

Vice Chair Mazza moved and Commissioner Jennings seconded the motion to 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.

The question was called and the motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 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

APN: 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)

Associate Planner Meyers presented the staff report.

Disclosures: Vice Chair Mazza, Commissioner Hill

The Commission directed questions to staff and the applicant team.

Speakers: Luis Flores, Ryan Embree, Chris Frost, Josh Spiegel

Chair Smith opened the public comment portion of the hearing.

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 Commissioner Peak moved and Commissioner Jennings seconded a motion to 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).

FRIENDLY AMENDMENT Vice Chair Mazza moved a friendly amendment to revise Resolution 23-29, Section 5.1 of the LIP liability agreement to read, "The City of Malibu and their successors in interest shall indemnify the Santa Monica School District". Also, to revise Section 10 of the Resolution to indemnify the property owner from liability.

The amendment was not accepted by the maker or the seconder.

The question was called and the motion carried 3-0, Vice Chair Mazza and Commissioner Hill abstaining.

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)

Senior Planner Eaton presented the staff report.

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

Speaker: James Byford

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 staff and the applicant team.

MOTION Commissioner Hill moved and Vice Chair Mazza seconded a motion to 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). With the added condition to remove the larger of the three proposed decks, therein, excising the kitchen-roof deck and the approval of the two decks to the south and east.

FRIENDLY AMENDMENT Commissioner Peak moved a friendly amendment to add Condition No. 33 to state, “The applicant and/or owner must submit a landscape plan to the Planning Director for review and approval prior to the Planning Department’s final approval on this project.”, with the added recommendation for the Planning Department to conduct inspections during the final framing and post drywall construction.

The amendment was not accepted by the maker or the seconder.

FRIENDLY AMENDMENT Commissioner Jennings moved a friendly amendment to revise Condition No. 60 from stating, “no furniture or other attachment, whether temporary or fixed, shall be placed on the rooftop overnight” to state, “nothing left overnight on the proposed rooftop decks may exceed a maximum height of 18 feet”.

The amendment was accepted by the maker.

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

MOTION Commissioner Jennings moved and Commissioner Peak seconded the motion to adopt Planning Commission Resolution No. 23-26, as amended, 1) adding Condition No. 33 stating, “The applicant and/or owner must submit a landscape plan to the Planning Director for review and approval prior to the Planning Department’s final approval on this project.”; 2) modifying Condition No. 60 to state, “Nothing left overnight on the proposed rooftop decks may exceed 18 feet in height above finish or natural grade, whichever is lower.”; and 3) 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).

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

RECESS Chair Smith recessed the meeting at 8:46 p.m. The meeting resumed at 8:56 p.m. with all Commissioners present.

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)

Contract Planner Kanlund presented the staff report.

Disclosures: Chair Smith, Vice Chair Mazza, Commissioner Hill, Commissioner Jennings, Commissioner Peak

Speakers: Chris Deleau

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 staff and the applicant team.

MOTION Commissioner Jennings moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 23-30, as amended, 1) modifying Condition 21 to state, "Pursuant to LIP Section 6.5(E)(2)(e) and in order to ensure the protection of scenic and visual resources, the applicant and/or owner is required to maintain: a. A view corridor a minimum of six-feet wide adjacent to the western property line extending the length of the property.; b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.; c. Any fencing across the view corridor shall be permanently maintained as visually permeable. Tinted or frosted glass, and louvered or slatted screen fences are not permitted.; d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.; e. If at any time the property owner allows the view corridor to become impaired or blocked it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies."; and 2) 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.

FRIENDLY AMENDMENT Vice Chair Mazza moved a friendly amendment to require engineering to strap the structure to the deck as opposed to nailing.

The amendment was not accepted by the maker.

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS
None.

ITEM 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 Café

Planning Director Mollica presented the staff report.

Disclosures: None.

ITEM 8 PLANNING COMMISSION ITEMS
None.

ADJOURNMENT

MOTION At 10:11 p.m. Commissioner Jennings moved and Commissioner Peak 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 September 5, 2023.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

MINUTES
MALIBU PLANNING COMMISSION
SPECIAL MEETING
MAY 31, 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

Vice Chair Smith called the meeting to order at 6:30 p.m.

ROLL CALL

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

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

ABSENT: Chair Kraig Hill

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Richard Mollica, Planning Director; Adrian Fernandez, Assistant Planning Director; Rob DuBoux, Public Works Director; Raneika Brooks, Senior Planner, Courtney McCammon, City Biologist; 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 as recommended by staff.

The question was called, and the motion carried 4-0, Chair Hill absent.

REPORT ON POSTING OF AGENDA

Recording Secretary Evans reported that the agenda for the meeting was properly posted on May 25, 2022.

ITEM 1 NEW PUBLIC HEARINGS

- A. Malibu Middle and High School Specific Plan - Final Environmental Impact Report No. 20-001, Local Coastal Program Amendment No. 21-002, General

Plan Map Amendment No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 - An application to redevelop and modernize the existing Malibu Middle and High School campus and former Juan Cabrillo Elementary School campus

Location: 30215 Morning View Drive, within the appealable coastal zone

APNs: 4469-017-900, 4469-018-900, and 4469-018-904

Owner: Santa Monica-Malibu Unified School District

Case Planner: Senior Planner Brooks, 456-2489, ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 22-40 making a recommendation to the City Council on the adequacy of the Final Environmental Impact Report (SCH No. 202008350), the Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations; and Local Coastal Program Amendment No. 21-002 adding the Malibu Middle and High School Campus Specific Plan to the Local Coastal Program and corollary amendments including General Plan Map Amendment No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 (Santa Monica-Malibu Unified School District)

RECUSED: Commissioner Jennings recused himself due to proximity to the proposed development and left the meeting at 6:35 PM.

Assistant City Attorney Rusin noted that the Planning Commission would consider a legislative item, review the proposed specific plan, entitlements and Environmental Impact Report and make recommendations to the City Council. Coastal Development Permits would be presented to the Planning Commission at a future date.

Disclosures: Commissioners Mazza, Wetton and Vice Chair Smith

Senior Planner Brooks presented the staff report.

The Commission directed questions to staff.

As there were no further questions for staff, Vice Chair Smith opened the public comment section of the public hearing.

Speakers: Steve Massetti, Carey Upton, Rachel Stowell, Bill Sampson, Robert Brinkman, Isaac Burgess, Stacy Rouse, Colin Drummond, Craig Foster, Jo Drummond, Roui Israel, Carl Randall, Caren Leib, Kim Ford, Valerie Seabaugh, Lou LaMonte, Marianne Riggins, Charmaine Mark, Bessie Zhang, Sue Murphree, Adam Friedman, Howard Rudzki, Michael Burke, Seth Jacobson

The applicant team declined rebuttal to public comment.

As there were no other speakers present, Vice Chair Smith closed the public

comment portion of the public hearing and returned the matter to the table for discussion.

The Commission discussed the project and directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Wetton seconded a motion to adopt Planning Commission Resolution No. 22-40 as amended, 1) City performs monitoring functions proposed by the Environmental Impact Report; 2) Public Works Department complete the traffic review prior to the City Council hearing; 3) the Dark Sky Ordinance applies to the whole campus including the pool; 4) electronic messaging signs should face toward the school rather than toward the street, be limited to five feet in height, and required to be turned off one half hour following the last scheduled event; 5) all public entrances to the school for pedestrian and auto access shall be taken off Morning View Drive and parking Lot F shall thereby be eliminated; 6) denying staff's recommendation to remove the grading quantities for phases 2-4; and 7) making a recommendation to the City Council on the adequacy of the Final Environmental Impact Report (SCH No. 202008350), the Mitigation Monitoring and Reporting Program, and the Statement of Overriding Considerations; and Local Coastal Program Amendment No. 21-002 adding the Malibu Middle and High School Campus Specific Plan to the Local Coastal Program and corollary amendments including General Plan Map Amendment No. 21-002, Zoning Map Amendment No. 22-001, and Zoning Text Amendment No. 22-002 (Santa Monica-Malibu Unified School District)

The question was called and the motion carried 3-0, Chair Hill and Commissioner Jennings absent.

ADJOURNMENT

MOTION At 11:01 p.m., Commissioner Wetton moved and Commissioner Mazza 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 September 5, 2023.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary