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 Jennings 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: Chair Jeffrey Jennings, Vice Chair David Weil, and Commissioners Kraig Hill, John Mazza, and Dennis Robert Smith

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Richard Mollica, Planning Director; Rob DuBoux, Public Works Director / City Engineer; Philip Coronel; Assistant Planner; Adrian Fernandez, Principal Planner; Didier Murillo; Associate Planner; Kathleen Stecko, Administrative Assistant; Jessica Thompson, Associate Planner; and Mary Wright, Contract Planner.

PLEDGE OF ALLEGIANCE

Chair Jennings led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION Chair Mazza moved and Commissioner Hill seconded a motion to approve the agenda, continuing Item Nos. 4.C., 4.D., 4.E., 5.D., and 5.E. to the February 16, 2021 Regular Planning Commission meeting, and Item No. 5.B. to the March 1, 2021 Regular Planning Commission meeting, with Item No. 5.C. heard before Item No. 5.A.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on January 22, 2021, with the amended agenda properly posted on January 27, 2021.
ITEM 1  CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A.  PUBLIC COMMENTS

Nichole McGinley stated her concerns about Wireless Communication Facility (WCF) safety. She acknowledged staff had been working diligently to have the Code updated to ensure strategic and safe placement. She requested the Local Coastal Program Amendments include 1,500-foot setbacks from residences and schools, fire safety, engineering requirements, and design rigor, and adequate insurance requirements with no pollution exclusions.

Susan Foster requested the WCF Item be considered by the Commission at the February 16, 2021 Regular Planning Commission meeting and provided information about electrical and fire safety standards as it related to WCFs.

Lonnie Gordon commented on WCF safety and announced a webinar on February 9, 2021 at 2:00 p.m. hosted by Malibu for Safe Tech, regarding the use of cell phones, tablets, and cell sites.

ITEM 2.B.  COMMISSION / STAFF COMMENT

In response to Commissioner Mazza, Ms. McGinley stated the City had changed WCF consultants.

In response to Commissioner Mazza, Planning Director Mollica stated the City Council had not changed any protocols for speaking time deferment, but stated the Commission could allow the speakers to speak for 4 minutes and call upon speakers to answer specific questions.

Commissioner Hill suggested procedures be streamlined, for finding documents, concurrent submittals, digital processing of applications, and collaboration between City Departments.

In response to Commissioner Hill, Planning Director Mollica stated the City was exploring processes to streamline procedures, find missing documents, and coordinate electronic document stamping between City Departments.

In response to Vice Chair Weil, Chair Jennings suggested the Commission voluntarily minimize the time for their comments to be as concise as possible.

CONSENSUS

By consensus, the Commission directed staff to remove the Pledge of Allegiance from the future teleconference agendas until in-person meetings are resumed.
ITEM 3  CONSENT CALENDAR


MOTION  Commissioner Mazza moved and Commissioner Hill seconded a motion to approve the balance of the Consent Calendar. The question was called and the motion unanimously.

The consent calendar consisted of the following item:

B.  New Items
1.  Approval of Minutes
   Recommended Action: Approve the minutes for the January 19, 2021 Regular Planning Commission meeting.

The following items were pulled from the Consent Calendar for individual consideration:

A.  Previously Discussed Items
1.  De Minimis Waiver No. 20-021 - An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system (Continued from January 19, 2021)
   Location: 6671 Dume Drive, partially within the appealable coastal zone
   APN: 4468-008-018
   Owner: Paquette Family Trust
   Case Planner: Associate Planner Thompson 456-2489, ext. 280
   Recommended Action: Receive Planning Director's report on the De Minimis Waiver No. 20-021 to allow for the installation of a replacement onsite wastewater treatment system for a Woolsey Fire affected parcel.

   Disclosures: Commissioner Mazza.

   The Commission directed questions to staff.

   As there were no further questions to staff, Chair Jennings opened public comment.

   Speaker(s): None.

   As there were no speakers present, Chair Jennings closed public comment.

   CONSENSUS By consensus, the Commission received and filed Planning Director's report on the De Minimis Waiver No. 20-021 to allow for the installation of a replacement onsite wastewater treatment system for a Woolsey Fire affected parcel.
B. New Items

2. Administrative Coastal Development Permit No. 20-017 - An application for the replacement of an onsite wastewater treatment system serving an existing single-family residence
Location: 31026 Broad Beach Road, within the appealable coastal zone
APN: 4470-014-011
Owner: Diane Gooch
Case Planner: Assistant Planner Coronel 456-2489, ext. 373
Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 20-017.

Disclosures: Commissioner Mazza.

The Commission directed questions to staff.

As there were no further questions to staff, Chair Jennings opened public comment.

Speaker(s): None.

As there were no speakers present, Chair Jennings closed public comment.

CONSENSUS By consensus, the Commission received and filed the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 20-017, an application for the replacement of an onsite wastewater treatment system serving an existing single-family residence.

3. Formula Retail Clearance No. 20-002 - Malibu Country Mart Shopping Center
Location: 3835 Cross Creek Road, Unit Number 7
APN: 4458-020-014
Owner: 3835 Cross Creek, LLC
Tenant: Alfred Coffee
Case Planner: Associate Planner Thompson 456-2489, ext. 280
Recommended Action: Receive and file the Planning Director's report on Formula Retail Clearance No. 20-002.

Disclosures: Commissioner Mazza.

The Commission directed questions to staff.

As there were no further questions to staff, Chair Jennings opened public comment.

Speaker(s): None.
As there were no speakers present, Chair Jennings closed public comment.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on Formula Retail Clearance No. 20-002 - Malibu Country Mart Shopping Center.

4. Formula Retail Clearance No. 20-004 - Malibu Country Mart Shopping Center
Location: 3835 Cross Creek Road, Unit Number 12
APN: 4458-020-014
Owner: 3835 Cross Creek, LLC
Tenant: Brandy Melville
Case Planner: Associate Planner Thompson 456-2489, ext. 280
Recommended Action: Receive and file the Planning Director's report on Formula Retail Clearance No. 20-004.
Disclosures: Commissioner Mazza.

The Commission directed questions to staff.

As there were no further questions to staff, Chair Jennings opened public comment.

Speaker(s): None.

As there were no speakers present, Chair Jennings closed public comment.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on Formula Retail Clearance No. 20-004 - Malibu Country Mart Shopping Center.

ITEM 4 CONTINUED PUBLIC HEARINGS
A. Appeal No. 20-012 - Appeal of Planning Director's approval of Planning Clearance No. 20-017 for the Tesla Information Center and Showroom (Continued from January 19, 2021)
Location: 23401 Civic Center Way, not within the appealable coastal zone
APN: 4458-022-030
Owner: The Park at Cross Creek, LLC
Appellant: Patt Healy
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Adopt Planning Commission Resolution No. 21-04, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 20-012, and approving Planning Clearance No. 20-017 for the Tesla Information Center & Gallery/Showcase in the Civic Center Northeast-Specific Plan zoning district at 23401 Civic Center Way (The Park at Cross Creek, LLC).
Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Hill, Mazza, and Smith.

The Commission directed questions to staff.

**MOTION** Commissioner Hill moved and Commissioner Mazza seconded a motion to have the appellant speak first.

The Commission discussed the motion.

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

The Commission directed questions to staff.

As there were no further questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Marny Randall (Applicant), Patt Healy (Appellant), and Howard Rudzki.

Ms. Healy provided rebuttal to public comment.

Ms. Randall and Marshall Camp provided rebuttal to public comment.

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

The Commission directed questions to staff.

**MOTION** Commissioner Mazza moved and Commissioner Hill seconded a motion to grant Appeal No. 20-012, and deny Planning Clearance No. 20-017 for the Tesla Information Center & Gallery/Showcase in the Civic Center Northeast-Specific Plan zoning district at 23401 Civic Center Way (The Park at Cross Creek, LLC).

The Commission discussed the motion.

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

**MOTION** Vice Chair Weil moved and Commissioner Smith seconded a motion to adopt Planning Commission Resolution No. 21-04, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 20-012, and approving Planning Clearance No. 20-017 for the Tesla Information Center & Gallery/Showcase in the Civic Center Northeast-Specific Plan zoning district at 23401 Civic Center Way (The Park at Cross Creek, LLC).
The Commission discussed the motion.

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

**RECUSAL** Commissioner Smith recused himself due to having had spoken on Item No. 4.B. as a member of the public at a previous Planning Commission meeting and left the meeting at 8:14 p.m.

**RECESS** At 8:14 p.m. Chair Jennings recessed the meeting and the meeting reconvened at 8:19 p.m. with Commissioner Smith absent having recused himself.

**B.** Coastal Development Permit No. 17-001, Variance No. 19-004 and Site Plan Review No. 17-005 - An application for the construction of a new single-family residence and associated development (Continued from December 7, 2020)

Location: 5924 Zumirez Drive, within the appealable coastal zone

APN: 4467-008-034

Owner: Izad Family Trust

Case Planner: Associate Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-001 to construct a new 6,697 square foot, two-story, single-family residence including a 1,647 square foot subterranean garage, rooftop deck to contain an herb garden and elevator, swimming pool, spa, pool decks, landscaping, hardscape, retaining walls, fire department turnaround, driveway improvements, and new onsite wastewater treatment system; including Variance No. 19-004 for construction on slopes steeper than 2.5 to 1 and Site Plan Review No. 17-005 for construction up to 24 feet tall for the elevator shaft located in the Rural Residential-Five Acre zoning district at 5924 Zumirez Drive (Izad Family Trust).

Associate Planner Murillo presented the staff report.

Disclosures: Commissioners Hill and Mazza, Vice Chair Weil, and Chair Jennings.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Don Schmitz, Rick Mullen, Norman Haynie, Mindy Panunzio, and Beatrix Zilinskas.

Mr. Schmitz provided rebuttal to public comment.

As there were no other speakers present, Chair Jennings closed the public hearing and returned the matter to the table for discussion.
The Commission directed questions to staff.

Vice Chair Weil moved and Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 21-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-001 to construct a new 6,697 square foot, two-story, single-family residence including a 1,647 square foot subterranean garage, swimming pool, spa, pool decks, landscaping, hardscape, retaining walls, fire department turnaround, driveway improvements, and new onsite wastewater treatment system; including Variance No. 19-004 for construction on slopes steeper than 2.5 to 1 and Site Plan Review No. 17-005 for construction up to 24 feet tall for a flat roof located in the Rural Residential-Five Acre zoning district at 5924 Zumirez Drive (Izad Family Trust).

The Commission discussed the motion and directed questions to staff and Mr. Schmitz.

FRIENDLY AMENDMENT

Commissioner Hill amended the motion to bring back a resolution with the added requirements: 1) the rooftop deck, rooftop railing, rooftop herb garden, and elevator shaft leading to the rooftop deck be removed from the project; and 2) include a condition of approval to the effect that there shall be no internal access to the rooftop besides the required mechanical and maintenance access.

The Commission discussed the amendment.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried 4-0, Commissioner Smith absent.

RECESS

At 9:49 p.m. Chair Jennings recessed the meeting and the meeting reconvened at 9:55 p.m. with all Commissioners present.

C. Appeal No. 20-011 - An appeal of the Planning Director's approval of Administrative Coastal Development Permit-Woolsey Fire No. 20-002, an application to allow for the construction of a new 5,686 square-foot, two-story single-family residence with 806 square foot attached garage and associated development including the conversion of an existing accessory structure into a new 780 square-foot detached second unit with attached 210 utility room, a new lap pool/spa, a new 100 square-foot cabana, reconfiguring the existing driveway, hardscaping, grading; and installation of a new onsite wastewater treatment system, including Site Plan Review No. 20-010 for construction of the residence over 18 feet in height to replace a home destroyed in the 2018 Woolsey Fire (Continued from January 19, 2021)

Location: 29725 Harvester Road, not within the appealable coastal zone
APN: 4469-010-017
Owners: Gary and Daphne Murphy
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting.
The item was continued to the February 16, 2021 Regular Planning Commission meeting upon approval of the agenda.

D. Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood (Continued from January 19, 2021)
Location: 6480 Via Escondido Drive, not within the appealable coastal zone
APN: 4460-009-003
Owner: Sycamore Tennis Court Association
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting.
The item was continued to the February 16, 2021 Regular Planning Commission meeting upon approval of the agenda.

E. Local Coastal Program Amendment No. 16-007 And Zoning Text Amendment No. 16-005 - Implementing a comprehensive regulatory system for the placement of wireless facilities, including procedures, permitting, and penalties by amending Malibu Municipal Code (MMC) Title 17, including, but not limited to Chapter 17.46 and Table B and amending Local Coastal Program Local Implementation Plan Chapter 3, including, but not limited to Section 3.16 and Table B (Continued from January 19, 2021)
Applicant: City of Malibu
Location: Citywide
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting to allow staff additional time to incorporate public comments into the draft ordinance.
The item was continued to the February 16, 2021 Regular Planning Commission meeting upon approval of the agenda.

ITEM 5 NEW PUBLIC HEARINGS

C. Coastal Development Permit No. 20-063 and Variance No. 20-043 - An application for Phase 2 of the Civic Center Wastewater Treatment Facility, including the location of a temporary construction trailer and other facilities at the plant site; new and modified collection and distribution pipelines; pump stations and other above-ground equipment; and related facilities, including a variance for new development within 100 feet of a stream/riparian environmentally sensitive habitat area
Locations: 24000 Civic Center Way, and various public streets and private street easements in the Civic Center, Malibu Colony and Serra Retreat areas, within the appealable coastal zone
APNs: 4458-028-900 and -901, 4458-001-002, 4452-009-001 and various others in Serra Retreat area
Owners: City of Malibu, Malibu Colony Association, Adamson Companies and various others in Serra Retreat area
Case Planner: Mary Wright, 456-2489, ext. 250
Recommended Action: Adopt Planning Commission Resolution No. 21-05 adopting Addendum No. 1 to the Certified Malibu Civic Center Wastewater Treatment Facility Project (CCWTF) Final Environmental Impact Report (SCH No. 2013111075) and approving Coastal Development Permit No. 20-063 for the construction of Phase 2 of the CCWTF, including the location of a temporary construction trailer and other facilities at the plant site; new and modified collection and distribution pipelines; pump stations and other above-ground equipment; and related facilities, including Variance No. 20-043 for new development within 100 feet of a stream/riparian environmentally sensitive habitat area (City of Malibu).

Contract Planner Wright presented the staff report.

Disclosures: Commissioners Hill, Mazza, and Smith, Vice Chair Weil, and Chair Jennings.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Marissa Coughlan and Don Schmitz.

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

The Commission directed questions to staff.

MOTION Chair Jennings moved and Commissioner Smith seconded a motion to adopt Planning Commission Resolution No. 21-05: 1) adopting Addendum No. 1 to the Certified Malibu Civic Center Wastewater Treatment Facility Project (CCWTF) Final Environmental Impact Report (SCH No. 2013111075) and 2) approving Coastal Development Permit No. 20-063 for the construction of Phase 2 of the CCWTF, including the location of a temporary construction trailer and other facilities at the plant site; new and modified collection and distribution pipelines; pump stations and other above-ground equipment; and related facilities, including Variance No. 20-043 for new development within 100 feet of a stream/riparian environmentally sensitive habitat area (City of Malibu).

The Commission discussed the motion.

FRIENDLY AMENDMENT Commissioner Hill amended the motion to require a certified archaeologist and a culturally-affiliated Native American, with knowledge of cultural resources, to monitor all trenching and excavation activities in the Serra area and along Malibu
Creek, in addition to other monitoring specified in the Mitigation Monitoring and Reporting Plan.

The Commission discussed the amendment.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried unanimously.

A. Coastal Development Permit-Woolsey Fire No. 20-023 - An application for a 1,314 square foot addition, a new OWTS, and exterior site improvements (Continued from December 7, 2020)

Location: 30181 Cuthbert Road, within the appealable coastal zone
APN: 4469-007-002
Owner: Cuthbert Surf, LLC
Case Planner: Assistant Planner Coronel, 456-2489, ext. 373
Recommended Action: Adopt Planning Commission Resolution No. 21-10 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit-Woolsey Fire No. 20-023 to allow for the construction of a 1,314 square foot addition; 6,783 square feet of new impermeable coverage; view permeable front yard fence (not to exceed six feet in height); rear and side yard retaining walls (not to exceed six feet in height); a new pool and spa with associated equipment; and installation of a new onsite wastewater treatment system (OWTS), as an addition to a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 30181 Cuthbert Road (Cuthbert Surf, LLC).

Assistant Planner Coronel presented the staff report.

Disclosures: Commissioners Hill, Mazza, and Smith, Vice Chair Weil, and Chair Jennings.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Jennings opened the public comment portion of the public hearing.

Speakers: Vitus Matare, Howard Spunt, Anne Sadeghpour, and Saeed Sadeghpour.

Mr. Matare and Mr. Spunt provided rebuttal to public comment.

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

The Commission directed questions to staff.
MOTION  Vice Chair Weil moved and Commissioner Smith seconded a motion to adopt Planning Commission Resolution No. 21-10 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit-Woolsey Fire No. 20-023 to allow for the construction of a 1,314 square foot addition; 6,783 square feet of new impermeable coverage; view permeable front yard fence (not to exceed six feet in height); rear and side yard retaining walls (not to exceed six feet in height); a new pool and spa with associated equipment; and installation of a new onsite wastewater treatment system (OWTS), as an addition to a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 30181 Cuthbert Road (Cuthbert Surf, LLC).

The Commission discussed the motion.

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

B. Coastal Development Permit No. 17-088, Site Plan Review No. 19-030, Demolition Permit No. 19-023, and Code Violation No. 20-014 - An application for demolition of an existing residence and the construction of a new single-family residence and accessory development
Location: 6968 Dume Drive, not within the appealable coastal zone
APN: 4466-015-015
Owner: Highlands Investment Group LLC
Case Planner: Associate Planner Murillo, 456-2489, ext. 353
Recommended Action: Continue this item to the March 1, 2021 Regular Planning Commission meeting per the applicant's request.

The item was continued to the March 1, 2021 Regular Planning Commission meeting upon approval of the agenda.

D. Coastal Development Permit No. 14-072, Lot Line Adjustment No. 14-004, Lot Merger No. 17-007, Variance Nos. 17-050, 17-051, 18-001, 18-005, 18-006, and 18-015 - An application for a new single-family residence, associated development, lot merger, and lot line adjustment
Locations: 33398 and 33390 Pacific Coast Highway, within the appealable coastal zone
APNs: 4473-019-005 and 4473-019-006
Applicant/Owner: 180 PCH, LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting.

The item was continued to the February 16, 2021 Regular Planning Commission meeting upon approval of the agenda.
E. Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and 18-010, and Minor Modification No. 18-001 - An application for a new single-family residence and associated development
Locations: 33386 Pacific Coast Highway, within the appealable coastal zone
Applicant/Owner: 180 PCH, LLC
APN: 4473-019-007
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Continue this item to the February 16, 2021 Regular Planning Commission meeting.

The item was continued to the February 16, 2021 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS
None.

ITEM 7 NEW BUSINESS
None.

ITEM 8 PLANNING COMMISSION ITEMS
None.

ADJOURNMENT
MOTION At 11:17 p.m., Vice Chair Weil moved and Commissioner Smith 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 February 16, 2021.

JEFFREY JENNINGS, Chair

ATTEST:
KATHLEEN STECKO, Administrative Assistant