

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 3, 2020
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

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

ROLL CALL

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

PRESENT: Chair Jeffrey Jennings; Vice Chair John Mazza; and Commissioners Kraig Hill, Chris Marx, and Steve Uhring

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jesse Bobbett, Community Services Director; Rob Duboux, Public Works Director / City Engineer; Jessica Cleavenger, Associate Planner; Rachel Cummings, Recreation Coordinator; Tyler Eaton; Assistant Planner; Richard Mollica, Assistant Planning Director; Kristen Riesgo, Community Services Deputy Director; Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

PLEDGE OF ALLEGIANCE

Douglas Burdge led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on January 24, 2020, with the amended agenda properly posted on January 29, 2020.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Chair Jennings seconded a motion to approve the agenda, continuing Item Nos. 4.A. and 5.C. to the February 18, 2020 Regular Planning Commission meeting.

FRIENDLY AMENDMENT

Commissioner Uhring amended the motion to continue Item No. 5.B. to the February 18, 2020 Regular Planning Commission meeting.

The Commission directed questions to Mr. Burdge.

The Commission discussed the amendment.

The amendment was accepted by the maker and the seconder.

The amended motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on the Woolsey Fire Rebuild Process

Assistant Planning Director Mollica provided an update on the Woolsey Fire rebuild process.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Uhring expressed concerns regarding the accuracy of amendments made to Planning Commission resolutions and commented on the process staff used to ensure the accuracy of resolutions incorporating amendments by the Commission, specifically citing concerns regarding the recent amended resolution for the La Paz Ranch project and potential lack of public notice regarding service area.

Vice Chair Mazza suggested requiring any amended resolutions be brought back on the Consent Calendar for adoption to allow the Commission to review and approve any changes in the resolution from what was presented with the staff report. He questioned whether Resolution No. 20-17 regarding the La Paz project should be brought back.

Commissioner Hill agreed that a more formal process to review amended resolutions should be implemented and commented on the La Paz project.

In response to Commissioner Marx, Planning Director Blue stated the term “outdoor dining” was not defined by the Local Implementation Plan (LIP), but was self-explanatory, in terms of being dining that is outside. She stated service area had never been defined in the LIP and was only mentioned in the parking section. She stated certain terms developed functional definitions over time.

Chair Jennings stated there were three separate issues at hand: the question of whether adequate notice that service area would be discussed was provided, the definition of service area, and whether the resolution accurately reflected the Commission’s intent.

In response to the Commission, Planning Director Blue stated that the Commission had an opportunity to clarify its amendments when the Assistant City Attorney read back the motion during the hearing. She stated outdoor dining was specifically addressed in the conditional use permit (CUP) findings of the original project and was illustrated on the site plan included in the agenda report for the CUP amendment application for informational purposes and that she did not believe there was a conflict in the way the condition was added to Resolution No. 20-17. She stated an earlier start time was proposed for a special meeting to avoid the

Commission having to make decisions late into the evening, but the special meeting was adjourned to the regular meeting out of the Commission's concern that the public would not have the opportunity to provide input at a meeting held earlier in the day. In response to Vice Chair Mazza, she stated the circumstance surrounding the inaccuracies he cited for the fire resistant landscape ordinance was an isolated incident.

Assistant City Attorney Rusin suggested that the Commission diligently give direction to staff on a case by case basis on whether the Commission would like to have amended resolutions brought back on the Consent Calendar for adoption.

CONSENSUS

By consensus, the Commission agreed to table Commission/Staff Comments and the discussion surrounding amended resolutions being brought back to the Commission on the Consent Calendar to the end of the agenda in order to address the other items.

In response to Commissioner Hill, Planning Director Blue stated the City had not actively promoted the concept of fire resistant basements and cellars because the City's position was aligned with the fire department's Ready, Set, Go protocol rather than shelter in place.

ITEM 3 CONSENT CALENDAR

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Approval of Minutes
Recommended Action: Approve the minutes for the January 6, 2020 Regular Planning Commission meeting.
 - 2. Administrative Coastal Development Permit No. 19-051 – An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence and second unit
Location: 32518 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-015-005
Owner: TMP Holding
Case Planner: Assistant Planner Kendall, 456-2489, ext. 301
Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 19-051.

3. Administrative Coastal Development Permit No. 19-081 – An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence
Location: 6316 Busch Drive, partially within the appealable coastal zone
APN: 4467-029-005
Owner: Hubschman Family Trust
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive and file the Planning Director’s report on Administrative Coastal Development Permit No. 19-081.
4. De Minimis Waiver No. 19-012 — An application for a new onsite wastewater treatment system
Location: 30010 Andromeda Lane, not within the appealable coastal zone
APN: 4469-004-011
Owner: 30010 Andromeda Lane, LLC
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-012 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 - An Amendment to Title 17 (Zoning) of the Malibu Municipal Code and the Local Coastal Program to Update Accessory Dwelling Unit Regulations (Continued from January 6, 2020)
Location: Citywide
Applicant: City of Malibu
Case Planner: Assistant Planner Kendall, 456-2489, ext. 301
Recommended Action: Continue this item to the February 18, 2020 Regular Planning Commission meeting.

The item was continued to the February 18, 2020 Regular Planning Commission meeting upon approval of the agenda.

- B. Coastal Development Permit No. 19-003 and Demolition Permit No. 19-024 – A follow-up application for soldier pile bluff stabilization, plus additional soldier pile installation and associated development (Continued from November 4, 2019)
Location: 28820 Cliffside Drive, within the appealable coastal zone
APN: 4466-009-032
Owner: TES Trust
Case Planner: Assistant Planner Kendall, 456-2489, ext. 301
Recommended Action: Adopt Planning Commission Resolution No. 20-19 determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 19-003 to approve the construction of 20 soldier piles tied together by a grade beam and demolition of a

portion of the existing single-family residence, which took place under Emergency Coastal Development Permit (ECDP) No. 15-009, as well as to allow the construction of 14 additional soldier piles and a permanent wall at the demolished portion of the house, including Demolition Permit No. 19-024 to memorialize the demolition which took place under ECDP No. 15-009, located in the Rural Residential-One Acre zoning district at 28820 Cliffside Drive (TES Trust).

Assistant Planner Kendall presented the staff report.

Disclosures: None.

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

Speakers: Norman Haynie and Fred Gaines

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

The Commission directed questions to staff, Mr. Haynie, Mr. Gaines, and Mark Barrett.

MOTION

Commissioner Hill moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-19, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 19-003 to approve the construction of 20 soldier piles tied together by a grade beam and demolition of a portion of the existing single-family residence, which took place under Emergency Coastal Development Permit (ECDP) No. 15-009 and construction of a permanent wall at the demolished portion of the house, including Demolition Permit No. 19-024 to memorialize the demolition which took place under ECDP No. 15-009, located in the Rural Residential-One Acre zoning district at 28820 Cliffside Drive (TES Trust); 2) denying the construction of 14 additional soldier piles; 3) adding a condition requiring a report to the Planning Commission on the erosion of the bluff face 20 years from the date of approval and every five years thereafter; 4) adding a condition requiring landscaping to be drought-tolerant; 5) adding a condition that a swale shall be located along the top of the bluff; and 6) directing staff to examine the indemnity provisions to see if they need to be adjusted to deal with any issues related to erosion of the bluff.

The Commission discussed the motion.

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

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-083 – An application for construction of a 12,320-square foot Temporary Skate Park and associated development

Location: 24250 Pacific Coast Highway, not within the appealable coastal zone

APNs: 4458-018-906 and 4458-018-907

Owner: City of Malibu

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

Recommended Action: Consider Addendum No. 2 to the Crummer Site Subdivision Final Environmental Impact Report and adopt Planning Commission Resolution No. 20-15 approving Coastal Development Permit No. 19-083 to allow for the installation of a 12,320-square foot above-ground temporary skate park, including construction of various skating equipment, fencing, and benches (elements) to be placed on a portion of a new 24,176-square foot asphalt lot, along with a drop-off/pick-up area including two ADA parking spaces, plus a dirt parking lot with 40 spaces and a cross-walk over Winter Mesa Drive and associated development, located on Lot 7 of the Crummer/Case property in the Planned Development and Public Open Space zoning districts located at 24250 Pacific Coast Highway (City of Malibu).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Hill, Marx, and Uhring, and Vice Chair Mazza.

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

Speakers: Judy Villablanca, Finn Murphy, Robert Gold, Scott Gillen, Hamish Patterson, Jodi Gourson, Layla Polito, Max Gourson, Chris Wyatt, Jaden Mitchell, and Heather Gardner.

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

The Commission directed questions to staff, Ms. Villablanca, Mr. Murphy, Mr. Patterson, and Mr. Gillen.

MOTION Chair Jennings moved and Commissioner Uhring seconded a motion to: 1) consider Addendum No. 2 to the Crummer Site Subdivision Final Environmental Impact Report; and 2) adopt Planning Commission Resolution No. 20-15, as amended, eliminating Condition 38 which limited the hours of operation from 8:00 a.m. to sunset or 7:00 p.m. (whichever is earlier), seven days a week, and approving Coastal Development Permit No. 19-083 to allow for the installation of a 12,320-square foot above-ground temporary skate park, including construction of various skating equipment, fencing, and benches (elements) to be placed on a portion of a new 24,176-square foot asphalt lot, along with a drop-off/pick-up area including two ADA parking spaces, plus a dirt parking lot with 40 spaces and a cross-walk

over Winter Mesa Drive and associated development, located on Lot 7 of the Crummer/Case property in the Planned Development and Public Open Space zoning districts located at 24250 Pacific Coast Highway (City of Malibu).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

B. Coastal Development Permit No. 17-071 and Site Plan Review No. 17-036 - An application for an interior and exterior remodel of, and addition to, an existing single-family residence

Location: 33608 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-021-010

Owner: Michael Price

Case Planner: Associate Planner Cleavenger, 456-2489, ext. 301

Recommended Action: Adopt Planning Commission Resolution No. 20-11 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-071 to allow an interior and exterior remodel of, and 1,159 square feet of additions to, an existing 2,547 square foot, two-story, single-family residence, involving 15 percent demolition of exterior walls; including Site Plan Review No. 17-036 for construction up to 24 feet in height with flat roofs for the residence located in the Rural Residential-Two Acre zoning district at 33608 Pacific Coast Highway (Price).

The item was continued to the February 18, 2020 Regular Planning Commission meeting upon approval of the agenda.

C. Coastal Development Permit No. 13-054, Lot Line Adjustment No. 18-001, Variance Nos. 19-022 and 19-023, Site Plan Review Nos. 13-053 and 13-054 and Demolition Permit No. 19-048 – An application for a lot line adjustment and the construction of a new single-family residence

Locations: 3469 and 3441 Cross Creek Road, within the appealable coastal zone

APNs: 4458-023-003 and 4458-023-004

Owner: Malibu Realty, LLC

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 20-16 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-054 to construct a new 5,056 square foot, single-story, single-family residence with a 920 square foot basement, landscaping, riparian habitat restoration, Lot Line Adjustment No. 18-001 to allow for a lot line adjustment between 3469 and 3441 Cross Creek Road, Variance (VAR) No. 19-022 to allow for unenclosed parking to replace enclosed parking, VAR No. 19-023 to allow for the proposed residence's fuel modification to extend into the required Environmentally Sensitive Habitat Area buffer, Site Plan Review (SPR) No. 13-053 to allow for a 28 foot tall pitched roof, and SPR No. 13-054 to allow for construction on slopes steeper than 3:1 but flatter than 2.5:1 and

Demolition Permit No. 19-048 to allow for the demolition of the existing accessory structure located in the Rural Residential-Five Acre zoning district at 3469 and 3441 Cross Creek Road (Malibu Realty, LLC).

The item was continued to the February 18, 2020 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.

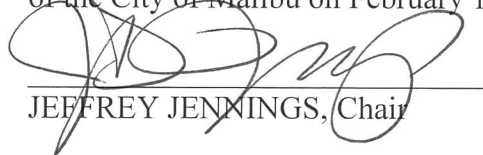
ITEM 2.B. COMMISSION / STAFF COMMENT (continued)

The Commission discussed options for ensuring the accuracy of resolutions amended by the Commission and suggested all amended resolutions with substantive changes be brought back to the Commission on the Consent Calendar.

ADJOURNMENT

MOTION At 9:53 p.m., Vice Chair Mazza moved and Commissioner Marx seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission
of the City of Malibu on February 18, 2020.



JEFFREY JENNINGS, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary