MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MARCH 2, 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 Chris Marx (arrived 7:20 p.m.), Steve Uhring, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; David Eng, Assistant Planner; Adrian Fernandez, Principal Planner; Justine Kendall, Assistant Planner; Jessica Thompson, Associate Planner; Richard Mollica, Assistant Planning Director; Kathleen Stecko, Administrative Assistant; and Adam Chase, Assistant Public Works Director

PLEDGE OF ALLEGIANCE
Dennis Smith led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA
Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on February 21, 2020, with the amended agenda posted on February 26, 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.B. to the March 16, 2020 Regular Planning Commission meeting and Item Nos. 5.G. and 5.H. to the April 6, 2020 Regular Planning Commission meeting.

FRIENDLY AMENDMENT
Commissioner Weil amended the motion to hear Item No. 6.A. before Item No. 5.E. The amendment was accepted by the maker and the seconder.

The amended motion carried 4-0, Commissioner Marx absent.
ITEM 1  CEREMONIAL/PRESENTATIONS

A. Administration of Oath of Office to Newly Appointed Commissioner

Administrative Assistant Stecko administered the oath of office to newly appointed Planning Commissioner David Weil.

B. 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

Mikke Pierson welcomed Planning Commissioner David Weil.

Adam Freedman offered the services of his home building company, Homebound to the community and stated information could be found at www.homebound.com.

ITEM 2.B.  COMMISSION / STAFF COMMENTS

In response to Commissioner Uhring, Assistant City Attorney Rusin stated City Council Policy 43 explained code enforcement reporting guidelines and compliance with City Council policies were a matter to bring up with the City Council.

Vice Chair Mazza and Chair Jennings welcomed Planning Commissioner David Weil and thanked former Planning Commissioner Kraig Hill for his service.

Commissioner Weil thanked staff for its assistance in providing information to him as a new Commissioner.

Planning Director Blue announced Southern California Edison was beginning its annual vegetation maintenance program and stated it was coordinating with the City’s arborist. She stated she attended a workshop on February 29, 2020 held by the Resource Conservation District of the Santa Monica Mountains on the project to restore the Topanga Lagoon. She announced a meeting of the Zoning Ordinance and Code Enforcement Subcommittee was scheduled to be held on Tuesday, March 17, 2020 to discuss parking as a stand-alone use and that the City Council would be holding Public Hearings on March 12, 2020 at Malibu City Hall and March 13, 2020 at Malibu High School to explore conducting district-based elections.

In response to Vice Chair Mazza, she stated the matter of accessory dwelling unit regulations would be discussed at an upcoming Planning Commission meeting and information was available on the City’s website.
Chair Jennings stated the legislation regarding accessory dwelling units being brought forward by the State could be found on California State Assemblymember Richard Bloom’s website.

**ITEM 3  CONSENT CALENDAR**

Item No. 3.A.1. was pulled by the public, and Item Nos. 3.A.2., and 3.B.2., and 3.B.4. were pulled by the Commission.

**MOTION** Vice Chair Mazza moved and Commissioner Uhring seconded a motion to approve Item Nos. 3.A.3. and 3.B.3. The motion carried 3-0, Commissioner Marx absent and Commissioner Weil abstaining.

The Consent Calendar consisted of the following items:

A. **Previously Discussed Items**
   3. 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 (Continued from February 18, 2020)

   **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:** 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 No. 19-022 to allow for unenclosed parking to replace enclosed parking, Variance 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 No. 13-053 to allow for a 28-foot tall pitched roof, Site Plan Review 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 an existing accessory structure located in the Rural Residential-Five Acre zoning district at 3469 and 3441 Cross Creek Road (Malibu Realty, LLC).

B. **New Items**
   3. De Minimis Waiver No. 19-011 — An application for a new onsite wastewater treatment system

   **Location:** 5819 Filaree Heights, not within the appealable coastal zone
   **APN:** 4469-014-012
Owner: K. S. Mattson Partners, LP
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-011 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

The following item was continued upon approval of the agenda:

B. **New Items**

1. **Formula Retail Clearance No. 20-001 – Malibu Country Mart Shopping Center**
   
   Location: 3835 Cross Creek Road, Unit C
   
   APN: 4458-020-014
   
   Owner: 3835 Cross Creek, LLC
   
   Tenant: Seed Heritage
   
   Case Planner: Assistant Planner Thompson, 456-2489, ext. 280
   
   Recommended Action: Receive and file the Planning Director’s report on Formula Retail Clearance No. 20-001.

   This item was continued to the March 16, 2020 Regular Planning Commission Meeting upon approval of the agenda.

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

A. **Previously discussed items**

1. **Coastal Development Permit No. 19-003 and Demolition Permit No. 19-024 – A follow-up application for soldier pile bluff stabilization and associated development, plus denial of additional soldier pile installation (Continued from February 18, 2020)**
   
   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 in part Coastal Development Permit No. 19-003 and Demolition Permit No. 19-024 to allow 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 No. 15-009 and installation of a permanent wall at the demolished portion of the house, and denying the construction of 14 additional soldier piles, located in the Rural Residential-One Acre zoning district at 28820 Cliffside Drive (TES Trust).
As there were no questions for staff, Chair Jennings opened public comment.

Speaker: Norman Haynie.

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

The Commission directed questions to staff and Mr. Haynie.

**MOTION**

Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-19 determining the project is categorically exempt from the California Environmental Quality Act, and approving in part Coastal Development Permit No. 19-003 and Demolition Permit No. 19-024 to allow 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 No. 15-009 and installation of a permanent wall at the demolished portion of the house, and denying the construction of 14 additional soldier piles, located in the Rural Residential-One Acre zoning district at 28820 Cliffside Drive (TES Trust).

The Commission discussed the motion.

The motion carried 3-0, Commissioner Marx absent and Commissioner Weil abstaining.

2. 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 (Continued from February 18, 2020)

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

APN: 4473-021-010

Owner: Michael Price

Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 20-11 determining the project is categorically exempt from the California Environmental Quality Act, and denying Coastal Development Permit No. 17-071 for an interior and exterior remodel and addition to a two-story 2,547 square foot single-family residence in the Rural Residential Two-Acre zoning district located at 33608 Pacific Coast Highway (Price).

The Commission directed questions to staff.

As there were no further questions for staff, Chair Jennings opened public comment.
Speaker(s): None.

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

MOTION: Commissioner Uhring moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 20-11, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and 2) denying Coastal Development Permit No. 17-071 for an interior and exterior remodel and addition to a two-story 2,547 square foot single-family residence in the Rural Residential Two-Acre zoning district located at 33608 Pacific Coast Highway (Price) based upon the project failing to comply with the Local Coastal Program or Malibu Municipal Code, specifically the architectural plans do not comply with the two-thirds rule (Local Implementation Plan (LIP) Section 3.6(K)(2) or MMC Section 17.40.040(A)(13)(b) and all of the required findings to grant the site plan review cannot be made, specifically, the project will adversely affect neighborhood character due to the amount of building square footage proposed which is significantly greater than that of the surrounding properties.

The Commission discussed the motion.

The motion carried 3-0, Commissioner Marx absent and Commissioner Weil abstaining.

4. Conditional Use Permit No. 19-008 – An application for a conditional use permit to allow the operation of a new in-store wine tasting area located within an existing retail space in the Malibu Village shopping center, with no new square footage to be added (Continued from February 18, 2020)

Location: 3822 Cross Creek Road, Unit 3822
APN: 4452-011-042
Applicant: Wine Apothecary, LLC
Property Owner: Jamestown Premier Malibu Village LP
Case Planner: Assistant Planner Eng, 456-2489, ext. 372
Recommended Action: Adopt Planning Commission Resolution No. 20-08 determining that the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 19-008 to allow the operation of a new in-store wine tasting area including a California Department of Alcoholic Beverage Control License Type 2 (Winegrower) for onsite sale, service and consumption of alcohol (Apothecary Wines), in a 190 square foot “shop-in-shop” space within the existing 4,033 square foot “Fred Segal” retail store, in the Malibu Village shopping center located at 3822 Cross Creek Road, Unit 3822, in the Commercial Visitor Serving zoning district, and authorizing the Planning
Director to submit a Letter of Public Convenience or Necessity (Jamestown Premier Malibu Village LP).

The Commission directed questions to staff.

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

Speaker(s): None.

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

MOTION

Commissioner Uhring moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 20-08, as amended: 1) determining that the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 19-008 to allow the operation of a new in-store wine tasting area including a California Department of Alcoholic Beverage Control License Type 2 (Winegrower) for onsite sale, service and consumption of alcohol (Apothecary Wines), in a 190 square foot “shop-in-shop” space within the existing 4,033 square foot “Fred Segal” retail store, in the Malibu Village shopping center located at 3822 Cross Creek Road, Unit 3822, in the Commercial Visitor Serving zoning district, and authorizing the Planning Director to submit a Letter of Public Convenience or Necessity (Jamestown Premier Malibu Village LP) and 2) replacing the term “Wine Apothecary” with “wine tasting business.”

The Commission discussed the motion.

The motion carried 3-0, Commissioner Marx absent and Commissioner Weil abstaining.

At 7:20 p.m., Commissioner Marx arrived.

B. New Items

2. Administrative Coastal Development Permit Woolsey Fire No. 19-004, Site Plan Review Nos. 19-102 and 19-126, and Minor Modification No. 19-014 – An application for the construction of a new single-family residence including a semi-detached garage, detached square-foot second unit, after-the-fact sport court with fencing, landscape, hardscape, and retaining walls; grading; and installation of a new onsite wastewater treatment system and associated development
Location: 30130 Cuthbert Road, not within the appealable coastal zone
APN: 4469-044-003
Owner: The Dean and Graulich Trust
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 Woolsey Fire No. 19-004.

Disclosures: Commissioners Marx, Weil, and Uhring, Vice Chair Mazza, and Chair Jennings.

The Commission directed questions to staff.

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

Speaker: Lewin Wertheimer.

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

MOTION

Commissioner Uhring moved and Commissioner Marx seconded a motion directing staff to notice the item for a public hearing and process the application as a regular coastal development permit, Administrative Coastal Development Permit Woolsey Fire No. 19-004, Site Plan Review Nos. 19-102 and 19-126, and Minor Modification No. 19-014, an application for the construction of a new single-family residence including a semi-detached garage, detached square-foot second unit, after-the-fact sport court with fencing, landscape, hardscape, and retaining walls; grading; and installation of a new onsite wastewater treatment system and associated development

The Commission discussed the motion.

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

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 - An Amendment to the Local Coastal Program and Title 17 (Zoning) of the Malibu Municipal Code to Update Accessory Dwelling Unit Regulations (Continued from February 18, 2020)

Location: Citywide
Applicant: City of Malibu
Case Planner: Planning Director Blue, 456-2489, ext. 258
Recommended Action: Continue this item to the March 16, 2020 Regular Planning Commission meeting.

The item was continued to the March 16, 2020 Regular Planning Commission meeting upon approval of the agenda.

B. Coastal Development Permit No. 19-047, Code Violation No. 20-004 and Demolition Permit No. 19-044 — An application for new landscaping and hardscaping including the relocation of a swimming pool and demolition of development implemented without the benefit of permit (Continued from February 18, 2020)

Location: 29208 Cliffside Drive, within the appealable coastal zone
APN: 4468-001-003
Owner: Timara Limited, LLC
Case Planner: Assistant Planner Kendall, 456-2489, ext. 301

Recommended Action: Adopt Planning Commission Resolution No. 20-26 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-047 to allow the demolition of the existing swimming pool, hardscaping, and ficus trees constructed or planted without the benefit of permit; construction of a new steel trellis, retaining walls, outdoor dining area, hardscaping, swimming pool, spa, and pool equipment area; and new landscaping; including Demolition Permit No. 19-044 for the demolition of those improvements implemented without the benefit of permit at the existing single-family residence located in the Rural Residential-One Acre zoning district at 29208 Cliffside Drive (Timara, LLC).

Assistant Planner Kendall presented the staff report.

Disclosures: Commissioners Uhring and Weil and Vice Chair Mazza.

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: Jamie Harnish.

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 and Judy Kameon.

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-26, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-047 to allow the demolition of the existing swimming pool, hardscaping, and ficus trees constructed or planted...
without the benefit of permit; construction of a new steel trellis, retaining walls, outdoor dining area, hardscaping, swimming pool, spa, and pool equipment area; and new landscaping; including Demolition Permit No. 19-044 for the demolition of those improvements implemented without the benefit of permit at the existing single-family residence located in the Rural Residential-One Acre zoning district at 29208 Cliffside Drive (Timara, LLC); and 2) removal of the word “sequential” from the phrase that indicates three violations of this condition will result in a requirement to permanently remove the vegetation from the site.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

**ITEM 5  NEW PUBLIC HEARINGS**

**A. Coastal Development Permit No. 20-010** – An application to implement a parking management plan through installation of regulatory signage with staggered overnight parking limitations on both sides of Pacific Coast Highway in the Las Tunas Beach area

Location: Within the public right-of-way of Pacific Coast Highway between the west edge of the Pena Canyon drainage outfall to the east property line of 19562 Pacific Coast Highway

Owner: California Department of Transportation (Caltrans)

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

Recommended Action: Adopt Planning Commission Resolution No. 20-32 determining the project is exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-010 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 460 in the Las Tunas area along Pacific Coast Highway (PCH) so that no parking is allowed in the public right-of-way on the landward side between 12:00 a.m. and 2:00 a.m. and on the seaward side between 2:00 a.m. and 4:00 a.m., located in the public right-of-way between west edge of the Pena Canyon drainage outfall to the east property line of 19562 PCH (Caltrans).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil, Vice Chair Mazza, and Chair Jennings.

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

Speaker(s): None.

As there were no 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.

**MOTION** Vice Chair Mazza moved and Commissioner Weil seconded a motion adopt Planning Commission Resolution No. 20-32 determining the project is exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-010 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 460 in the Las Tunas area along Pacific Coast Highway (PCH) so that no parking is allowed in the public right-of-way on the landward side between 12:00 a.m. and 2:00 a.m. and on the seaward side between 2:00 a.m. and 4:00 a.m., located in the public right-of-way between west edge of the Pena Canyon drainage outfall to the east property line of 19562 PCH (Caltrans).

The Commission discussed the motion.

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

**B.** Coastal Development Permit No. 20-011 – An application to implement a parking management plan through the installation of regulatory signage with overnight parking limitations on both sides of Pacific Coast Highway between the Malibu Pier crosswalk and Sweetwater Canyon Road

Location: Within the public right-of-way of Pacific Coast Highway between the west boundary of Sweetwater Canyon Road and the west boundary of the crosswalk at the Malibu Pier

Owner: California Department of Transportation (Caltrans)

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

Recommended Action: Continue this item to the March 16, 2020 Regular Planning Commission meeting.

This item was continued to the March 16, 2020 Regular Planning Commission meeting upon approval of the agenda.

**C.** Coastal Development Permit No. 14-012, and Variance Nos. 14-002 and 14-003 - An application to widen a segment of West Sea Level Drive at 31848 Broad Beach Road and 31885 Sea Level Drive and associated development

Parcel 1: Location / APN: 31848 Broad Beach Road / 4470-026-001

Owners: Karl S. And Cynthia L. Handy Reinecker

Parcel 2: Location / APN: 31885 Sea Level Drive / 4470-026-003

Owner: Kiefer Family Trust

Parcel 3: Location / APN: Private Right-of-Way / 4470-021-008

Owner: Malibu Encinal Home Owners Association (MEHOA)

Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 20-22, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-012 to allow widening of an existing 12-foot wide access road between Broad Beach Road and
West Sea Level Drive to 20 feet to improve emergency access and add a new vehicular turnaround, landscaping, grading, retaining wall, privacy wall, fencing, bicycle racks and two new entry keypads, including Variance (VAR) No. 14-002 for development on slopes steeper than 2.5 to 1 and VAR No. 14-003 for a privacy wall in the side yard setback up to eight feet in height, located in the public and private right-of-way and in the Single-Family Medium Zoning District, located at 31848 Broach Beach Road and 31885 Sea Level Drive (Reinecker, Kiefer, and MEHOA).

Principal Planner Fernandez presented the staff report.

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

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

Speakers: Allan Abshez and Norman Haynie.

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. Abshez, and Bill Kiefer

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion adopt Planning Commission Resolution No. 20-22, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-012 to allow widening of an existing 12-foot wide access road between Broad Beach Road and West Sea Level Drive to 20 feet to improve emergency access and add a new vehicular turnaround, landscaping, grading, retaining wall, privacy wall, fencing, bicycle racks and two new entry keypads, including Variance (VAR) No. 14-002 for development on slopes steeper than 2.5 to 1 and VAR No. 14-003 for a privacy wall in the side yard setback up to eight feet in height, located in the public and private right-of-way and in the Single-Family Medium Zoning District, located at 31848 Broach Beach Road and 31885 Sea Level Drive (Reinecker, Kiefer, and MEHOA).

The question was called and the motion carried unanimously.

RECESS At 8:31 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 8:41 p.m. with all Commissioners present.

D. 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
Location: 5924 Zumirez Drive, within the appealable coastal zone
APN: 4467-008-034
Owner: Izad Family Trust  
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482  
Recommended Action: Adopt Planning Commission Resolution No. 20-30 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-001 to construct a new 7,759 square foot, two-story, single-family residence with a 2,094 square foot subterranean garage, roof-top deck and elevator, swimming pool, spa, decks, landscaping, hardscape, retaining walls, fire department turnaround, driveway improvements, stormwater detention tank, drainage 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 with flat roofs for the single-family residence and 28 feet with a pitched roof for the elevator shaft located in the Rural Residential-Five Acre zoning district at 5924 Zumirez Drive (Izad Family Trust).

Principal Planner Fernandez presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil, Vice Chair Mazza, and Chair Jennings.

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

Speakers: Hassan Izad, Rick Mullen, and Mr. Smith.

Mr. Izad provided rebuttal to public comment.

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 and Mr. Izad.

**MOTION**  
Vice Chair Mazza moved and Commissioner Weil seconded a motion to continue the item to a date uncertain to allow the applicant to consider redesign of the project – Coastal Development Permit No. 17-001 to construct a new 7,759 square foot, two-story, single-family residence with a 2,094 square foot subterranean garage, roof-top deck and elevator, swimming pool, spa, decks, landscaping, hardscape, retaining walls, fire department turnaround, driveway improvements, stormwater detention tank, drainage 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 with flat roofs for the single-family residence and 28 feet with a pitched roof for the elevator shaft located in the Rural Residential-Five Acre zoning district at 5924 Zumirez Drive (Izad Family Trust).
ITEM 6  OLD BUSINESS

A. Progress Update on Changes to the Existing Valet and Parking Plan for Nobu Malibu and Soho Little Beach House Malibu (Continued from February 18, 2020)
Locations: 22706 and 22716 Pacific Coast Highway
APNs: 4452-004-038 and 4452-004-070
Owners: Wavebreak, LLC and Malibu Cantina, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346
Recommended Action: Receive and file.

Assistant Planning Director Mollica presented the staff report.

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

Speaker: Antonio Coco.

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. Coco, and Ryan Embree.

CONSENSUS

By consensus, the Commission received and filed the progress update on changes to the existing valet and parking plan for Nobu Malibu and Soho Little Beach House Malibu.

ITEM 5  NEW PUBLIC HEARINGS (CONTINUED)

E. Conditional Use Permit Amendment No. 19-003 – An Application to Amend the Conditional Use Permit for the Operation of a Restaurant (Soho Little Beach House Malibu)
Location: 22716 Pacific Coast Highway
APN: 4452-004-070
Owner: Malibu Cantina, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346
Recommended Action: Adopt Planning Commission Resolution No. 20-31 determining the project is categorically exempt from the California Environmental Quality Act and approving Conditional Use Permit Amendment (CUPA) No. 19-003, amending Conditional Use Permit No. 06-010, which was previously amended by CUPA Nos. 12-004 and 15-002, to now allow the restaurant use to have amplified sound, modify the current hours of operation, and allow alcohol sales to
commence at the same time as food service in the Community Commercial zoning
district at 22716 Pacific Coast Highway (Soho Little Beach House Malibu).

Assistant Planning Director Mollica presented the staff report.

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

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

Speaker: Ken Ehrlich.

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, John Zeman, Ken Ehrlich, and David
Stewart.

MOTION Commissioner Uhring moved and Vice Chair Mazza seconded a motion to: 1) adopt
Planning Commission Resolution No. 20-31 determining the project is
categorically exempt from the California Environmental Quality Act and approving
Conditional Use Permit Amendment (CUPA) No. 19-003, amending Conditional
Use Permit No. 06-010, which was previously amended by CUPA Nos. 12-004 and
15-002, to now allow the restaurant use to have amplified sound, modify the current
hours of operation, and allow alcohol sales to commence at the same time as food
service in the Community Commercial zoning district at 22716 Pacific Coast
Highway (Soho Little Beach House Malibu); and 2) include the sound study as an
exhibit to the resolution.

The Commission discussed the motion.

The motion carried unanimously.

F. Coastal Development Permit No. 20-008 and Demolition Permit No. 20-003 – An
application for an interior and exterior remodel, and exterior site improvements for
an existing single-family residence
Location: 33616 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-021-011
Owner: 33616 Malibu, LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Adopt Planning Commission Resolution No. 19-29
determining the project is categorically exempt from the California Environmental
Quality Act, and approving Coastal Development Permit No. 20-008 and
Demolition Permit No. 20-003 to allow for an interior and exterior remodel of an
existing single-family residence including, demolition of four percent of exterior
walls resulting in a 98-square foot reduction in the size of the existing residence,
demolition of existing trellis, demolition of a staircase that was built without the benefit of permits, new metal roof to replace existing roof (no change in roof height or design), new pool, new pool equipment within existing equipment vault, demolition of 1,029-square feet of impermeable surface area, new front yard pedestrian gate (not to exceed 42 inches solid, up to six feet in height), new 18 inch high garden walls, remodel of an existing rear yard deck and railing, and new water features for an single-family residence located in the Rural Residential-Two Acre zoning district at 33616 Pacific Coast Highway (33616 Malibu LLC).

Associate Planner Thompson Mollica presented the staff report.

Disclosures: Commissioner Weil and Vice Chair Mazza.

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

Speaker: Joseph Lezama.

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 and Mr. Lezama.

MOTION Commissioner Uhring moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 19-29, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-008 and Demolition Permit No. 20-003 to allow for an interior and exterior remodel of an existing single-family residence including, demolition of four percent of exterior walls resulting in a 98-square foot reduction in the size of the existing residence, demolition of existing trellis, demolition of a staircase that was built without the benefit of permits, new metal roof to replace existing roof (no change in roof height or design), new pool, new pool equipment within existing equipment vault, demolition of 1,029-square feet of impermeable surface area, new front yard pedestrian gate (not to exceed 42 inches solid, up to six feet in height), new 18 inch high garden walls, remodel of an existing rear yard deck and railing, and new water features for an single-family residence located in the Rural Residential-Two Acre zoning district at 33616 Pacific Coast Highway (33616 Malibu LLC); and 2) correcting the scope of work to reflect the remodel is of an existing 6,793 square foot residence.

The Commission discussed the motion.

The motion carried unanimously
G. 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
Location: 33386 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-019-007
Owner: 180 PCH, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346
Recommended Action: Continue this item to the April 6, 2020 Regular Planning Commission meeting.

This item was continued to the April 6, 2020 Regular Planning Commission meeting upon approval of the agenda.

H. 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
Owner: 180 PCH, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346
Recommended Action: Continue this item to the April 6, 2020 Regular Planning Commission meeting.

This item was continued to the April 6, 2020 Regular Planning Commission meeting upon approval of the agenda.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:38 p.m., Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adjourn the meeting. The motion carried unanimously.
Approved and adopted by the Planning Commission of the City of Malibu on June 15, 2020.

JEFFREY JENNINGS, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant