

MINUTES
MALIBU PLANNING COMMISSION
ADJOURNED REGULAR MEETING
APRIL 6, 2020
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 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 John Mazza; and Commissioners Chris Marx, Steve Uhring, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Justine Kendall, Associate Planner; Jessica Thompson, Associate Planner; Richard Mollica, Assistant Planning Director; and Patricia Salazar, Senior Administrative Analyst

REPORT ON POSTING OF AGENDA

Senior Administrative Analyst Salazar reported that the agenda for the meeting was properly posted on March 27, 2020, with the amended agenda posted on April 3, 2020.

APPROVAL OF AGENDA

MOTION Chair Jennings moved and Commissioner Uhring seconded a motion to approve the agenda, continuing Item Nos. 3.B.7. and 4.A. to the April 20, 2020 Regular Planning Commission meeting, Item No. 4.E. to the May 4, 2020 Regular Planning Commission meeting, and Item Nos. 4.B., 4.C., 4.D., 4.F., 4.G., 4.H., 4.I., 5.B. and 5.C. to a date uncertain. The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Update on Planning Department’s Operations During COVID-19 Emergency Declaration

Planning Director Blue provided an update on the Planning Department’s operations during the COVID-19 emergency declaration.

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

Kraig Hill commented that the City's COVID-19 State of Emergency declaration reorganized some internal matters. He stated the Federal response focused on availability of masks and ventilators, but more emphasis should be placed on testing and social distancing. He stated the City should work with the National Council of Mayors to contribute toward a coordinated national-scale response, which could include simultaneous social distancing to minimize time that isolation would be necessary so those who have developed antibodies to the virus can begin to rebuild the economy. He stated a more streamlined City alert system would be desirable, with the information included in the message rather than the alert consisting of links to webpages.

In response to Mr. Hill, Assistant City Attorney Rusin stated the Local State of Emergency declared by the City was put into place to facilitate local action. He stated the City Council would be considering items in the near future that would allow the City to take additional action locally.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Marx stated the community was recovering from the Woolsey Fire and stated he would like to see the City and the Planning Commission diligently assist in the rebuilding process progressing safely through social distancing during the current COVID-19 pandemic.

Commissioner Uhring encouraged everyone to stay safely at home to prevent the spread of the COVID-19 virus.

In response to Commissioner Uhring, Assistant City Attorney Rusin stated speakers participating in the Zoom teleconference meeting would be audio only, but that video may be an option in the future.

Commissioner Weil stated he was encouraged to see community involvement in projects being considered by the Planning Commission during this challenging time.

Vice Chair Mazza commented that Planning Commission meetings held via Zoom teleconference differed from in-person meetings where visual materials were broadcast and stated additional information would be requested of staff and applicants, if necessary, to make informed decisions on projects.

Chair Jennings stated he found the volume of activity taking place to rebuild the neighborhoods heartening.

Planning Director Blue announced an item to facilitate fee waiver extensions would be considered by the Council on April 13, 2020, via Zoom teleconference. She stated COVID-19 testing would be conducted at City Hall by appointment through Saturday, April 11, 2020.

Chair Jennings stated Malibu Urgent Care was conducting testing as well.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.8. was pulled by Vice Chair Mazza.

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the remainder 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
None.
- B. New Items
 - 1. Approval of Minutes
Recommended Action: Approve the minutes for the February 18, 2020 Regular Planning Commission meeting.
Staff contact: Planning Director Blue, 456-2489, ext. 258
 - 2. Formula Retail Clearance No. 20-001 – Malibu Country Mart Shopping Center (Continued from March 16, 2020)
Location: 3835 Cross Creek Road, Unit C
APN: 4458-020-014
Owner: 3835 Cross Creek, LLC
Tenant: Seed Heritage
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive and file.
 - 3. De Minimis Waiver No. 19-010— An application for a new onsite wastewater treatment system (Continued from March 16, 2020)
Location: 29851 Harvester Road, not within the appealable coastal zone
zone APN: 4469-010-025
Owner: Vue Ventures, Inc.
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-010 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.
 - 4. De Minimis Waiver No. 19-013 — An application for a new onsite wastewater treatment system (Continued from March 16, 2020)
Location: 6375 Zuma Mesa Drive, not within the appealable coastal zone
zone
APN: 4467-016-011
Owner: Paula Gardner
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

- Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 19-013 for a new onsite wastewater treatment system (OWTS) to replace the existing Cesspool.
5. De Minimis Waiver No. 20-003 — An application for a new onsite wastewater treatment system (Continued from March 16, 2020)
Location: 29848 Harvester Road, not within the appealable coastal zone
APN: 4469-013-032
Owners: Guy and Jana Lynn Blake
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-003 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.
6. De Minimis Waiver No. 20-004 — An application for a new onsite wastewater treatment system
Location: 29956 Cuthbert Road, not within the appealable coastal zone
APN: 4469-009-012
Owner: Bonnie B. Bates Living Trust
Case Planner: Planning Technician Coronel, 456-2489, ext. 373
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-004 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.
7. Extension of Coastal Development Permit (CDP) No. 13-047 and CDP Amendment No. 15-007 (Continued from March 16, 2020)
Location: 24840 Pacific Coast Highway
APN: 4458-015-019
Owner: Johnson Family Trust
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Continue this item to the April 20, 2020 Regular Planning Commission meeting.
9. Administrative Coastal Development Permit (ACDP) Amendment No. 17-014 – An amendment to amend ACDP 13-014, an application for the construction of a two-story, single-family residence, detached accessory structures and associated development
Location: 28465 Via Acero Street, not within the appealable coastal zone
APN: 4467-033-014
Owner: Thilo Kuther
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit Amendment No. 17-014.

The following item was pulled from the Consent Calendar for individual consideration:

B. Previously Discussed Items

8. Extension of Coastal Development Permit No. 11-019 – A request to extend the Planning Commission's approval of an application for the construction of a new two-story, single-family residence and associated development

Location: 26714 Seagull Way

APN: 4460-022-033

Owner: Armitage Development Group, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 20-42 granting a one-year extension of Coastal Development Permit No. 11-019, Variance No. 13-011, and Site Plan Review No. 11-008 for the construction of a new two-story, single-family residence and associated development located in the Single-Family Medium Density zoning district at 26714 Seagull Way (Armitage Development Group, LLC).

Assistant Planning Director Mollica presented the staff report.

The Commission directed questions to staff.

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

Speaker: Kraig Hill.

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

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received and filed the report from staff indicating the request for extension was unnecessary due to a typographical error that erroneously gave the impression the approval was approaching expiration.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 17-118, Variance Nos. 20-004 and 20-005, and Demolition Permit No. 20-005 – An application for the installation of a new wastewater treatment system and recycled water plant (Continued from March 30, 2020)

Location: 28128 Pacific Coast Highway

APNs: 4466-001-004 and 4466-001-005

Owner: Paradise Cove Land Company, LLC

Case Planner: Planning Director Blue, 456-2489, ext. 258

Recommended Action: Continue this item to the April 20, 2020 Regular Planning Commission meeting.

The item was continued to the April 20, 2020 Regular Planning Commission meeting upon approval of the agenda.

- B. Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 - An Amendment to the Local Coastal Program and Malibu Municipal Code Title 17 (Zoning) to Update Accessory Dwelling Unit Regulations (Continued from March 16, 2020)

Applicant: City of Malibu

Location: Citywide

Case Planner: Planning Director Blue, 456-2489, ext. 258

Recommended Action: Continue this item to a date uncertain.

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

- C. Local Coastal Program Amendment No. 19-003 and Zoning Text Amendment No. 19-005 – An amendment to the Local Coastal Program and to Title 17 (Zoning) of the Malibu Municipal Code modifying regulations pertaining to the rental of residential units for 30 days or less (Short-Term Rentals) to require the presence of an on-site host during short-term rental, and other restrictions (Continued from March 30, 2020)

Applicant: City of Malibu

Location: Citywide

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

Recommended Action: Continue this item to a date uncertain.

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

- D. Coastal Development Permit No. 20-011 – An application to implement a parking management plan through installation of regulatory signage with staggered overnight parking limitations on both side of Pacific Coast Highway in the Malibu Pier area (Continued from March 16, 2020)

Location: Within the Public Right-of-Way of Pacific Coast Highway between the west boundary of Sweetwater Canyon Road to the west boundary of the crosswalk at the Malibu Pier

Owner: California Department of Transportation (Caltrans)

Case Planner: Planning Director Blue, 456-2489, ext. 258

Recommended Action: Continue this item to a date uncertain.

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

- E. Coastal Development Permit No. 15-069, Site Plan Review No. 15-057 and Demolition Permit No. 20-004 – An application to for the demolition of an existing single-family residence, the construction of a new single-family residence, and exterior site improvements (Continued from March 16, 2020)

Location: 29140 Cliffside Drive, within the appealable coastal zone

APN: 4468-001-005

Applicant /

Owner: Setara Limited

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

Recommended Action: Continue this item to the May 4, 2020 Regular Planning Commission meeting.

The item was continued to the May 4, 2020 Regular Planning Commission meeting upon the approval of the agenda.

- F. Administrative Plan Review No. 19-143, Variance Nos. 19-041 and 19-042, and Site Plan Review Nos. 19-087 and 19-088 – An application for a new four-car garage and driveway for an existing single-family residence (Continued from March 16, 2020)

Location: 3556 Sweetwater Mesa Road
APN: 4452-017-008
Owner: Michael Thomson
Case Planner: Assistant Planner Eng, 456-2489, ext. 372
Recommended Action: Continue this item to a date uncertain.

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

- G. Coastal Development Permit No. 18-035, Variance No. 19-062, and Demolition Permit No. 19-003 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development (Continued from March 16, 2020)

Location: 23325 Malibu Colony Drive, within the appealable coastal zone
APN: 4452-010-017
Owner: Axel 23324, LLC
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Continue this item to a date uncertain.

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

- H. Coastal Development Permit No. 18-004, Tentative Parcel Map No. 18-001, Site Plan Review No. 18-004, and Demolition Permit No. 18-006 – An application for a tentative parcel map to subdivide a parcel into two lots, and construction of a new single-family residence and associated development (Continued from March 16, 2020)

Location: 29200 Larkspur Lane, within the appealable coastal zone
APN: 4468-008-001 (Lot A)
Owner: 29200 Larkspur, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Continue this item to a date uncertain.

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

I. Coastal Development Permit No. 18-005, Site Plan Review No. 18-005, and Minor Modification No. 18-005 – Construction of a new single-family residence and associated development (Continued from March 16, 2020)

Location: 29200 Larkspur Lane, within the appealable coastal zone
APN: 4468-008-001 (Lot B)
Owner: 29200 Larkspur, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Continue this item to a date uncertain.

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

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit - Woolsey Fire No. 19-004, 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 and associated development to replace development lost in the Woolsey Fire

Location: 30130 Cuthbert Road, not within the appealable coastal zone
APN: 4469-044-003
Owner: The Graulich Family Trust
Case Planner: Associate Planner Kendall, 456-2489, ext. 301
Recommended Action: Adopt Planning Commission Resolution No. 20-37 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit – Woolsey Fire No. 19-004 to allow for the construction of a new 5,932 square-foot, 24 foot tall, two-story single-family residence and associated development including an 832 square-foot attached garage, 718 detached square-foot second unit, after-the-fact hardscaping and sport court with fencing, landscape, hardscape, and retaining walls; grading; and installation of a new onsite wastewater treatment system, including Site Plan Review No. 19-102 for construction of the residence over 18 feet in height, SPR No. 19-126 for construction on slopes between 3 to 1 and 2.5 to 1, and Minor Modification No. 19-014 for a 50 percent reduction of the front yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential–Two Acre zoning district at 30130 Cuthbert Road (The Graulich Family Trust).

Associate Planner Kendall presented the staff report.

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

Speaker: Lewin Wertheimer, Dana Graulich, and Steven Nichols.

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.

MOTION

Commissioner Weil moved and Commissioner Marx seconded a motion adopt Planning Commission Resolution No. 20-37 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit – Woolsey Fire No. 19-004 to allow for the construction of a new 5,932 square-foot, 24 foot tall, two-story single-family residence and associated development including an 832 square-foot attached garage, 718 detached square-foot second unit, after-the-fact hardscaping and sport court with fencing, landscape, hardscape, and retaining walls; grading; and installation of a new onsite wastewater treatment system, including Site Plan Review No. 19-102 for construction of the residence over 18 feet in height, SPR No. 19-126 for construction on slopes between 3 to 1 and 2.5 to 1, and Minor Modification No. 19-014 for a 50 percent reduction of the front yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential–Two Acre zoning district at 30130 Cuthbert Road (The Graulich Family Trust).

The Commission discussed the motion.

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

- B. 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
Applicant / Owner: 180 PCH, LLC
Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346
Recommended Action: Continue this item to a date uncertain.

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

- C. 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: Assistant Planning Director Mollica, 456-2489, ext. 346
Recommended Action: Continue this item to a date uncertain.

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:07 p.m., Vice Chair Mazza moved and Commissioner Jennings 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 July 20, 2020.



JEFFREY JENNINGS, Chair

ATTEST:



KATHLEEN STECKO, Administrative Assistant