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; Tyler Eaton, Assistant Planner; Justine Kendall, Associate Planner; Richard Mollica, Assistant Planning Director; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Administrative Assistant

REPORT ON POSTING OF AGENDA

Administrative Stecko reported that the agenda for the meeting was properly posted on April 13, 2020

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item No. 5.A. 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 on the evaluation criteria of neighborhood character discussed at the April 6, 2020 Adjourned Regular Planning Commission meeting during the course of hearing the projects. He stated he would like to see neighborhood character preserved. He commented on the need for testing for the COVID-19 virus, particularly during the summer season.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Uhring stated the Planning Commission should hear the short-term rental items prior to the summer season. He speculated that people would retreat to Malibu in an attempt to escape the COVID-19 virus. He stated the Malibu Farmers Market received positive press regarding its social distancing protocols.

Vice Chair Mazza stated he received information from residents that houses were being rented.

In response to Vice Chair Mazza, Planning Director Blue stated complaints should be directed to the City’s Code Enforcement personnel and the Los Angeles (L.A.) County Sheriff’s Department.

Assistant City Attorney Rusin stated the Sheriff’s Department had jurisdiction to enforce the L.A. County Health Order rather than the L.A. County Health Department.

Commissioners Marx and Uhring suggested outreach to the community on whom they should contact to report nuisances surrounding short-term rentals.

Commissioner Marx stated enforcement personnel and agencies should be apprised of guidelines they were expected to enforce.

In response to the Commission, Planning Director Blue stated the short-term rental item would be brought before the Commission when public participation could be facilitated and stated a short-term rental hotline was available on the City’s website.

Commissioner Marx commented on fire-fighting measures that were being put in place to better coordinate efforts and better utilize local resources.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.1., 3.B.2., and 3.B.3. were pulled by Vice Chair Mazza.

CONSENSUS

By consensus, the Commission approved the remainder of the Consent Calendar.
The Consent Calendar consisted of the following item:

A. **Previously Discussed Items**
   None.

B. **New Items**
   4. **De Minimis Waiver No. 20-009 — An application for a new onsite wastewater treatment system**
      Location: 5878 Deerhead Road, partially within the appealable coastal zone
      APN: 4469-015-012
      Owner: Donald H. Ball and Marjorie C. Ball Survivor's Trust
      Case Planner: Contract Planner Shah, 456-2489, ext. 385

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

B. **New Items**
   1. **Extension of Coastal Development Permit (CDP) No. 13-047 and CDP Amendment No. 15-007 (Continued from April 6, 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: Adopt Planning Commission Resolution No. 20-25 granting a one and a half-year extension of Coastal Development Permit No. 13-047, Site Plan Review No. 13-045, Minor Modification Nos. 13-016 and 13-017, Demolition Permit No. 13-022, and CDP Amendment No. 15-007 to allow the demolition of an existing 7,316 square foot single-family residence, and the construction of a new 6,843 square foot two-story single-family residence with a 791 square foot basement, a 979 square foot detached subterranean garage, a 468 square foot pool cabana, a 348 square foot gym, a 48 square foot guard station, 89 square foot seating room, an alternative onsite wastewater treatment system, and other ancillary improvements, Site Plan Review No. 13-045 for height in excess of 18 feet in height (up to 24 feet for a flat roof), Minor Modification No. 13-016 for a 20 percent reduction in the cumulative side yard setback, and Minor Modification No. 13-017 for a 50 percent reduction in the front yard setback located in the Rural Residential-Two Acre zoning district at 24840 Pacific Coast Highway (Johnson Family Trust).

The Commission directed questions to staff.

Contract Planner Rudolph presented the staff report.

Disclosures: None.

The Commission directed questions to staff.
As there were no further questions for staff, Chair Jennings opened public comment.

Speaker: Craig Knickerbocker.

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

The Commission directed questions to staff and Mr. Knickerbocker.

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to deny extension of Coastal Development Permit (CDP) No. 13-047 and CDP Amendment No. 15-007.

The Commission discussed the motion.

The motion was withdrawn.

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-25, as amended, granting a one-year extension of Coastal Development Permit No. 13-047, Site Plan Review No. 13-045, Minor Modification Nos. 13-016 and 13-017, Demolition Permit No. 13-022, and CDP Amendment No. 15-007 to allow the demolition of an existing 7,316 square foot single-family residence, and the construction of a new 6,843 square foot two-story single-family residence with a 791 square foot basement, a 979 square foot detached subterranean garage, a 468 square foot pool cabana, a 348 square foot gym, a 48 square foot guard station, 89 square foot seating room, an alternative onsite wastewater treatment system, and other ancillary improvements, Site Plan Review No. 13-045 for height in excess of 18 feet in height (up to 24 feet for a flat roof), Minor Modification No. 13-016 for a 20 percent reduction in the cumulative side yard setback, and Minor Modification No. 13-017 for a 50 percent reduction in the front yard setback located in the Rural Residential-Two Acre zoning district at 24840 Pacific Coast Highway (Johnson Family Trust).

The Commission discussed the motion.

AMENDMENT Commissioner Weil moved and Chair Jennings seconded an amendment of the motion to grant a one and one-half year extension of Coastal Development Permit (CDP) No. 13-047 and CDP Amendment No. 15-007.

The Commission discussed the amendment.

The question was called and the amendment carried 3-2, Commissioner Uhring and Vice Chair Mazza dissenting.
AMENDMENT

Vice Chair Mazza moved to amend the amended motion to grant a one year extension of Coastal Development Permit (CDP) No. 13-047 and CDP Amendment No. 15-007. The amendment was not accepted by the seconder.

The question was called and the original amended motion to grant a one and one-half year extension of Coastal Development Permit (CDP) No. 13-047 and CDP Amendment No. 15-007 carried 3-2, Commissioner Uhring and Vice Chair Mazza dissenting.

2. Administrative Coastal Development Permit No. 19-072 – A follow-up application for a new wastewater treatment system to replace the existing system for an existing multi-family structure

Location: 28711 Pacific Coast Highway, not within the appealable coastal zone
APN: 4467-015-042
Owner: Malibu Zumirez View Homeowners Association
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 19-072.

The Commission directed questions to staff.

Assistant Planner Eaton presented the staff report.

Disclosures: None.

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.

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received and filed the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 19-072.

3. Administrative Coastal Development Permit-Woolsey Fire No. 19-005 – An application for the construction of a new single-family residence and associated development destroyed during the 2018 Woolsey Fire

Location: 29623 Cuthbert Road, not within the appealable coastal zone
APN: 4469-008-010
Owner: Colby Family Trust
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit-Woolsey Fire No. 19-005.

The Commission directed questions to staff.

Disclosures: Commissioners Marx and Weil and Chair Jennings. The Commission directed questions to staff.

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

Speakers: Daniela Rechtszasd and Dana Graulich.

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

The Commission directed questions to staff and Ms. Rechtszasd.

Assistant Planning Director Mollica presented the staff report.

The Commission directed questions to staff.

MOTION Vice Chair Mazza 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. 19-005, an application for the construction of a new single-family residence and associated development destroyed during the 2018 Woolsey Fire.

The Commissioner directed questions to staff.

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

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 an upgraded wastewater treatment system and recycled water plant (Continued from April 6, 2020)
Location: 28128 Pacific Coast Highway, within the appealable coastal zone
APNs: 4466-001-004 and 4466-001-005
Owner: Paradise Cove Land Company, LLC
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Adopt Planning Commission Resolution No. 20-36 adopting Initial Study No. 20-001 and Mitigated Negative Declaration No. 20-001 and approving Coastal Development Permit No. 17-118 for construction of a
Contract Planner Rudolph presented the staff report.

Disclosures: Commissioners Marx 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.

Speakers: Steve Dahlberg and Mr. Hill.

Mr. Dahlberg provided rebuttal to public comment.

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

The Commission directed questions to staff, Mr. Dahlberg, and Barbara Bradley.

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to deny Coastal Development Permit No. 17-118, Variance Nos. 20-004 and 20-005, and Demolition Permit No. 20-005, an application for an upgraded wastewater treatment system and recycled water plant based upon inadequate alternatives analysis, ESHA studies, and City reviews.

The Commission discussed the motion and directed questions to staff and Ms. Bradley.

AMENDMENT

Vice Chair Mazza moved to amend the motion to continue to the May 18, 2020 Regular Planning Commission meeting Coastal Development Permit No. 17-118, Variance Nos. 20-004 and 20-005, and Demolition Permit No. 20-005, an application for an upgraded wastewater treatment system and recycled water plant to allow staff to provide information on alternatives analysis for siting, further justification for the ESHA variance, geotechnical analysis related to wastewater flows, information on jurisdiction for inspections of the project and conditions of approval pertaining to operation of the system. The amendment was accepted by the seconder.
The question was called and the amended motion carried 3-2, Commissioner Weil and Chair Jennings dissenting.

ITEM 5  NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 18-007 – An application for the installation of a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead

Location: 27555 Winding Way, not within the appealable coastal zone
APN: 4460-002-903
Owner: Mountains Recreation and Conservation Authority
Case Planner: Associate Brooks, 456-2489, ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 20-01 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-007 for the installation of a portable toilet enclosed by a permanent six-foot-high fence to serve the public at the Edward Albert Escondido Canyon Trailhead in the Public Open Space zoning district located at 27555 Winding Way (Mountains Recreation and Conservation Authority).

This item was continued to a date uncertain at the applicant’s request upon approval of the agenda.

B. Coastal Development Permit No. 19-084 – A follow-up application for the placement of a lifeguard tower on the bluff at El Matador State Beach

Location: 32216 Pacific Coast Highway, within the appealable coastal zone (El Matador State Beach)
APN: 4473-013-901
Applicant / Owner: State of California Department of Parks and Recreation
Case Planner: Associate Planner Kendall, 456-2489, ext. 301

Recommended Action: Adopt Planning Commission Resolution No. 20-43 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-084 to allow for the creation of a roughly 240 square foot packed earth and aggregate pad and placement of one free-standing approximately 15.5 foot tall steel lifeguard tower and antenna, erosion control materials, and a temporary fence in a previously disturbed area on the bluff, which took place under Emergency Coastal Development Permit No. 19-012, located in the Public Open Space zoning district at El Matador State Beach (State of California).

Associate Planner Kendall presented the staff report.

Disclosures: None.

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(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.

MOTION

Vice Chair Mazza moved and Commissioner Uhring seconded a motion adopt Planning Commission Resolution No. 20-43 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-084 to allow for the creation of a roughly 240 square foot packed earth and aggregate pad and placement of one freestanding approximately 15.5 foot tall steel lifeguard tower and antenna, erosion control materials, and a temporary fence in a previously disturbed area on the bluff, which took place under Emergency Coastal Development Permit No. 19-012, located in the Public Open Space zoning district at El Matador State Beach (State of California).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION

At 9:57 p.m., Vice Chair Mazza moved and Commissioner Marx 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