MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MAY 3, 2021
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 David Weil, and Commissioners Kraig Hill, John Mazza, and Dennis Robert Smith

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Adrian Fernandez, Principal Planner; Tyler Eaton, Assistant Planner; and Kathleen Stecko, Administrative Assistant

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Vice Chair Weil seconded a motion to approve the agenda, continuing Item Nos. 4.A. and 5.A. to a date uncertain and Nos. 4.B. and 4.C. to the May 17, 2021 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called, and the amended motion carried unanimously.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on April 22, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.
ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Mazza, Principal Planner Fernandez stated the Commission would be provided an update on the parking and traffic conditions at Nobu and Soho House once the traffic realignment plan that is being worked on with Caltrans is approved.

He stated in-person Planning Commission meetings would resume at a time determined by City Council.

In response to Commissioner Mazza, Commissioner Smith stated there did not seem to be as many double trailer dump trucks driving on Pacific Coast Highway but that they were still an issue.

In response to Commissioner Mazza, Assistant City Attorney Rusin stated the Via Escondido gate application scheduled to be considered by the Planning Commission was noticed as only locally appealable. The Mountains Recreation and Conservation Authority (MRCA) challenged the appealability determination. The Planning Director determination that the project was not appealable to the California Coastal Commission (CCC) was not in agreement with the Executive Director of the CCC. The issue was heard by the CCC at its April hearing and the CCC voted in favor of the Executive Director's determination that the project is appealable to the CCC. The applicant is currently considering options on how to proceed. Independently a lawsuit pending to resolve the rights of access along Via Escondido Drive and through that area between neighborhood residents and the MRCA is scheduled to go to trial in early September.

In response to Commissioner Hill, Chair Jennings stated setback measurement provisions were implemented from an Interim Zoning Ordinance which probably derived from other cities with square and rectangular lots and did not fully address irregularly shaped lots like most lots in Malibu. To his recollection, it was not discussed in detail at the City Council level at the time of adoption.

Commissioner Mazza stated that the interpretations manual showed a diagram of calculations for irregularly shaped lots.

Commissioner Smith stated gray concrete walls need to be addressed to ensure they blend with the surrounding area.

In response to Commissioner Hill, Principal Planner Fernandez clarified that there were interpretations about setback measurements from road easements when the property is immediately in front of a road easement and the road easement is the front yard of the property. In cases where a road bisects a property in half, two methods of measuring setbacks. For example, front yard setback could be measured from both sides of the street, or if the setback is only measured from one side of the road, it would create this no man’s land on the opposite side of the street and a lot of times that is where accessory structures are located. That is the reason for how we measure front yard setbacks in those cases.
In response to Commissioner Smith, Principal Planner Fernandez indicated that he would be looking into finding out if there is a condition about colors and materials that would need to be used for the exterior walls. An update would be provided to the Commission at the next meeting.

**ITEM 3  CONSENT CALENDAR**

**MOTION** Commissioner Jennings moved, and Chair Jennings seconded a motion to approve the Consent Calendar. The question was called, and the motion 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 April 19, 2021 Regular Planning Commission meeting.
      Staff Contact: Planning Director Mollica, 456-2489, ext. 346

4. CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood (Continued from March 15, 2021)
   Location: 6480 Via Escondido Drive, not within the appealable coastal zone
   APN: 4460-009-003
   Owner: Sycamore Tennis Court Association
   Case Planner: Associate Planner Thompson, 456-2489, ext. 280
   Recommended Action: Continue this item to a date uncertain.

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

B. Coastal Development Permit No. 14-072, Lot Merger No. 17-007, Lot Line Adjustment No. 14-004, 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 (Continued from April 5, 2021)
   Location: 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: Associate Planner Thompson, 456-2489, ext. 280
   Recommended Action: Continue this item to May 17, 2021, Planning Commission meeting upon the applicant’s request to pursue redesign options.

   This item was continued to the May 3, 2021 Regular Planning Commission meeting upon approval of the agenda.
C. 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 (Continued from April 5, 2021)

Location: 33386 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-019-007
Owner: 180 PCH, LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Continue this item to May 3, 2021, Planning Commission meeting upon the applicant’s request to pursue redesign options.

This item was continued to the May 17, 2021 Regular Planning Commission meeting upon approval of the agenda.

5. NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-052, Variance Nos. 19-047 and 19-048, Demolition Permit No. 20-020 and Code Violation No. 19-039 - An application for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, garage addition and associated development

Location: 25429 Malibu Road, within the appealable coastal zone
APN: 4459-014-014
Owner: The Celestial Trust
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 21-39 the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-052 and Demolition Permit No. 20-020 for an after-the-fact replacement of an existing single-family residence due to the unpermitted demolition/replacement of exterior walls in excess of 50 percent, including an after-the-fact replacement of the attached garage with a new garage, rear on-grade deck extension, and associated development; including Variance (VAR) No. 19-047 for construction on slopes steeper than 2.5 to 1 and VAR No. 19-048 for the reduction of the required side yard setbacks and cumulative side yard setbacks located in the Rural Residential, Two-Acre zoning district at 25429 Malibu Road (The Celestial Trust).

This item was continued to a date uncertain upon approval of the agenda.
B. Wireless Communications Facility No. 20-022, Coastal Development Permit No. 20-043, Variance No. 20-028, and Site Plan Review No. 20-059 – An application for a new wireless communications facility on top of a replacement streetlight pole in the public right-of-way

Location: 22967.5 Pacific Coast Highway, within the appealable coastal zone

Nearest APN: 4452-019-005

Applicant: Fulsang Architecture for Verizon Wireless

Owner: California Department of Transportation (Caltrans) Public Right-of-Way

Case Planner: Assistant Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 21-37 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 20-022 and Coastal Development Permit No. 20-043 for Verizon Wireless to install an omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 34 feet, 9 inches and electrical support equipment, including Variance No. 20-028 to permit a streetlight pole over 28 feet in height and Site Plan Review No. 20-059 to install and operate a wireless communications facility within the public right-of-way located at 22967.5 Pacific Coast Highway (Verizon Wireless)

Assistant Planner Eaton presented the staff report.

Disclosures: Commissioner Hill

The Commission directed questions to staff.

RECESS At 7:08 p.m. Chair Jennings recessed the meeting. The meeting reconvened at 7:17 with all Commissioners present.

The Commission directed questions to staff.

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

Speakers: Ron Searcy, Daisy M. Uy Kimpang, Nichole McGinley, and Lonnie Gordon.

Ms. Uy Kimpang 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, Ms. Uy Kimpang, Mr. Searcy, and Robert Ross.
Vice Chair Weil moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 21-37, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 20-022 and Coastal Development Permit No. 20-043 for Verizon Wireless to install an omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 34 feet, 9 inches and electrical support equipment, including Variance No. 20-028 to permit a streetlight pole over 28 feet in height and Site Plan Review No. 20-059 to install and operate a wireless communications facility within the public right-of-way located at 22967.5 Pacific Coast Highway; 2) adding the following to Condition 9: “This 30-day period may be extended by the Planning Director if the applicant can demonstrate that construction has been diligently pursued but, due to circumstances beyond the applicant’s control, construction cannot be completed within 30 days of when it is commenced;” and 3) adding the following to Condition 38: “if such signs are prohibited by federal law, they shall not be required.”

The Commission discussed the motion.

The question was called and to motion carried 4-1, Commissioner Hill dissenting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 8:32 p.m., Commissioner Mazza moved and Chair 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 May 17, 2021.

JEFFREY JENNINGS, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant