

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
MAY 4, 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; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

**REPORT ON POSTING OF AGENDA**

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on April 23, 2020

**APPROVAL OF AGENDA**

MOTION Vice Chair Mazza moved and Commissioner Uhring seconded a motion to approve the agenda, continuing Item No. 5.A. to the May 18, 2020 Regular Planning Commission meeting and Item No. 5.C. to the June 1, 2020 Regular Planning Commission meeting. 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 appeal fee increase recently considered by City Council.

**ITEM 2.B. COMMISSION / STAFF COMMENT**

Vice Chair Mazza stated the appeal fee had yet to be increased since the matter had to return to City Council to be approved along with the updated fee schedule. He stated he felt that if the appellant prevailed the appeal fee should be refunded to the appellant.

In response to Vice Chair Mazza, Planning Director Blue clarified the City Council did not alter the approved coastal development permit (CDP) for the temporary skate park. She stated additional landscape screening at the skate park would be brought before the Planning Commission as a CDP amendment in response to input from the neighboring property owner.

In response to Commissioner Uhring, Planning Director Blue suggested anyone having difficulty accessing the teleconference meeting contact the Planning Department for assistance and encouraged input from the public for enhanced instructions to be displayed on the City's website.

Commissioner Uhring stated the closure of restaurants and bars due to COVID-19 may lead to more short-term rental activity. He stated the Planning Commission should hear the short-term rental item prior to the beginning of the summer season. He commented on his concerns over uncovered dumpsters impacting the environment and encouraged those interested in seeing the matter pursued to contact City Council.

In response to Commissioner Weil, Planning Director Blue stated she had been advised by City Council and the City Manager to wait to address ordinances and legislative items until meetings could be held in person to facilitate maximum public participation. She stated Commissioners should contact City Councilmembers if there was interest in having the Planning Commission address those types of items.

In response to Chair Jennings, Planning Director Blue stated the Planning Department was accepting some electronic application submissions for fire rebuilds and resubmittals.

Chair Jennings stated he would like to have the teleconference aspect of Planning Commission meetings continue after in-person meetings resumed as a convenience to the public.

In response to Commissioner Marx, Assistant City Attorney Rusin stated deferral of time to increase another speaker's time during City meetings was not being offered at this time.

Planning Director Blue announced an appeal of the Planning Commission's approval of Coastal Development Permit No. 16-038 at 21479 Paseo Portola Street was scheduled for the June 8, 2020 Regular City Council meeting.

### **ITEM 3      CONSENT CALENDAR**

All items were pulled from the Consent Calendar for individual consideration by Vice Chair Mazza.

A.    Previously Discussed Items

None.

B.    New Items

1. De Minimis Waiver No. 19-009 — An application to relocate the MicroSep Tec tank for a previously approved onsite wastewater treatment system

Location:      6755 Dume Drive, partially within the appealable coastal zone

APN:            4468-008-015

Owners:        Robert and Sarah Wells

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

Recommended Action: Receive Planning Director's report on the revised De Minimis Waiver No. 19-009 to allow for the relocation of the MicroSep Tec Tank for a previously approved onsite wastewater treatment system (OWTS) to replace the existing OWTS for a Woolsey Fire affected parcel.

Associate Planner Thompson 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 the Planning Director's report on the revised De Minimis Waiver No. 19-009 to allow for the relocation of the MicroSep Tec Tank for a previously approved onsite wastewater treatment system (OWTS) to replace the existing OWTS for a Woolsey Fire affected parcel.

MOTION Commissioner Uhring moved and Commissioner Weil seconded a motion to hear Item No. 3.B.2. after Item No. 5.B. The question was called and the motion carried 4-1, Commissioner Marx abstaining.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

None.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Administrative Plan Review No. 19-143, Variance No. 19-041, Variance No. 19-042, Site Plan Review 19-087, and Site Plan Review No. 19-088 – An application for a new four-car garage and driveway at an existing single-family residence

Location: 3556 Sweetwater Mesa Road  
APN: 4452-017-008  
Owner: Michael Thomson  
Case Planner: Assistant Planner Eng, 456-2489, ext. 372  
Recommended Action: Receive and File.

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

- B. 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

Location: 29140 Cliffside Drive, within the appealable coastal zone  
APN: 4468-001-005  
Owner: Setara Limited  
Case Planner: Associate Planner Thompson, 456-2489, ext. 280  
Recommended Action: Adopt Planning Commission Resolution No. 20-34 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-069, Site Plan Review No. 15-057, and Demolition Permit No. 20-004 for the demolition of an existing 3,413-square foot single-family residence, construction of a new 24-foot tall, two-story, 6,927-square foot, single-family residence including an attached one-car garage, three-car carport, new onsite wastewater treatment system, landscaping, new driveway, retaining walls, water feature, pool and spa and associated equipment, pool decking, non-exempt grading; and including a site plan review for construction above 18 feet in height, not to exceed 24 feet in height for a flat roof located in the Rural Residential-One Acre zoning district at 29140 Cliffside Drive (Setara Limited).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners 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 Uhring seconded a motion adopt Planning Commission Resolution No. 20-34, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-069, Site Plan Review No. 15-057, and Demolition Permit No. 20-004 for the demolition of an existing 3,413-square foot single-family residence, construction of a new 24-foot tall, two-story, 6,927-square foot, single-family residence including an attached one-car garage, three-car carport, new onsite wastewater treatment system, landscaping, new driveway, retaining walls, water feature, pool and spa and associated equipment, pool decking, non-exempt grading; and including a site plan review for construction above 18 feet in height, not to exceed 24 feet in height for a flat roof located in the Rural Residential-One Acre zoning district at 29140 Cliffside Drive (Setara Limited); and 2) adding standard conditions for lighting and wildfire hazard deed restrictions. The Commission discussed the motion.

AMENDMENT

Vice Chair Mazza amended the motion to state the project will not have significant adverse or scenic visual impacts rather than stating the project would not be visible.

The amendment was accepted by the seconder.

The question was called and the amended motion carried unanimously.

- C. 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

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: Adopt Planning Commission Resolution No. 20-18

determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-035 for the demolition of a one-story single-family residence and associated development, totaling 2,963 square feet, and construction of a new 5,220 square foot, two-story single-family residence, swimming pool, decks, permeable driveway and other associated development, and replacement of the onsite wastewater treatment system; including Variance No. 19-062 for the reduction of the required 100-foot buffer from an Environmentally Sensitive Habitat Area (Malibu Lagoon) and Demolition Permit No. 19-003 for the demolition of the existing residence and associated development located in the Single-Family Medium Density zoning district within the Malibu Colony Overlay District at 23325 Malibu Colony Drive (Axel 23324, LLC).

This item was continued to the June 1, 2020 Regular Planning Commission meeting upon approval of the agenda.

Commissioner Marx recused himself and left the meeting at 7:40 p.m. due to his residence being within 500 foot proximity to the project being considered under Item No. 3.B.2.

### ITEM 3      **CONSENT CALENDAR (Continued)**

#### B.      New Items

2. Administrative Coastal Development Permit Amendment No. 17-014 – An amendment to Administrative Coastal Development Permit No. 13-014 for the construction of a new 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 Commission directed questions to staff.

Principal Planner Fernandez presented the staff report.

Disclosures: Commissioners Uhring and Weil.

The Commission directed questions to staff.

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

Speaker: Don Schmitz.

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.

**CONSENSUS** By consensus, the Commission received and filed the Planning Director's report on the approval of Administrative Coastal Development Permit Amendment No. 17-014, with Commissioner Marx absent.

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**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 7:52 p.m., Vice Chair Mazza moved and Commissioner Weil 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.

  
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JEFFREY JENNINGS, Chair

ATTEST:

  
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KATHLEEN STECKO, Administrative Assistant