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: Patrick Donegan, Assistant City Attorney; Richard Mollica, Planning Director; Raneika Brooks, Associate Planner; Tyler Eaton, Assistant Planner; David Eng, Assistant Planner; Justine Kendall, Associate Planner; Didier Murillo, Associate Planner; and Kathleen Stecko, Administrative Assistant

APPROVAL OF AGENDA


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 May 7, 2021, with the amended agenda posted on May 12, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.
ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Mazza, Planning Director Mollica stated that the City was working with Caltrans to create a parking solution for Nobu and Soho House. He stated Code Enforcement staff would be in contact with both Nobu and Soho House to see what could be done now. He stated the City could potentially involve the Sheriff’s Department for enforcement which had been helpful in the past. He stated he had not been given a date when in-person meetings would resume but would check for updates at the City’s Department Head meeting that would be held on Tuesday, May 18, 2021.

Vice Chair Weil stated the removal of the fence at the end of La Costa Beach was a safety hazard and that a community meeting on the topic would be held on Wednesday, May 19, 2021 at a nearby resident’s home. He stated he understood there were discussions between the City and the Mountains Recreation and Conservation Authority (MRCA), which was the party supervising the beach, and hoped the matter would be addressed.

Commissioner Smith stated without a fence the area where the fence was removed seemed exposed. He stated that it may be a good idea to have projects processed by in-house staff as opposed to consultants. He commented on the challenges and expense of maintaining a law enforcement presence in Malibu. He recommended establishing a standard in the future for walls to blend better with the environment rather than using concrete. He complimented the Public Works Department and those who worked on the Civic Center Improvement Project on the stretch of roadway between Webb Way and Malibu Canyon Road.

Commissioner Hill stated he attended an MRCA hearing a year or two ago and he and former Planning Director Bonnie Blue had independently pointed La Costa Beach and Big Rock both had limited shoulder space for parking but there Big Rock had fencing, that prevented out the lack of shoulder space for beach parking in the area of La Costa Beach which was similar to the conditions near the Big Rock area except there was a fence in place at that location. He stated the recent Pacific Palisades fire would have been put out more quickly if the larger-capacity and night operating Chinook helicopters had been ready for use. He suggested staff make it a practice to take photographs of story poles from the public street as it might be relevant to evaluating ridgelines or neighborhood character. He commented that it could be a trend or just a coincidence for the State and Federal laws governing matters such as accessory dwelling units (ADU) and telecommunications to leave local municipalities with less input. He stated he would like to have more information provided by staff and more public input and outreach on the proposed ADU ordinance being discussed at the upcoming Planning Commission Special meeting on Thursday, May 20, 2021. He stated it might be a good idea to continue the matter and have it at an in-person meeting. He stated a substantial grant from the Annenberg Foundation would go toward creating a wildlife overpass across Highway 101.
Commissioner Mazza stated it was a huge victory and commended City staff for its work on the rodenticide ordinance unanimously approved by the California Coastal Commission at its May 13, 2021 meeting and announced that the ordinance would come back to City Council.

Chair Jennings stated based on his experience with the City on his rebuild project there was an increase in in-house capacity. He stated the Policy Interpretations Manual was originally created as a way to ensure similar situations were treated similarly and none of the policies were voted on by City Council. He stated they were not binding, but were intended to help staff process applications consistently.

In response to Vice Chair Weil, Planning Director Mollica stated he reached out to the MRCA to have a discussion with them about the beach fence removal and was awaiting a response. He stated staff would be following up. He stated he had confirmed that at the present time there were no pending projects in the City that would affect access along that stretch of beach.

In response to Planning Commissioner Hill, Planning Director Mollica stated the Policy Interpretations Manual was developed over time as a guide to ensure that staff treated everybody fairly and equitably and was based on lessons learned and comments from the Zoning Ordinance and Code Enforcement Subcommittee, Planning Commission, and City Council. He stated it was within the Commission’s discretion to continue the discussion on ADUs to a future meeting.

**ITEM 3 CONSENT CALENDAR**

Commissioner Mazza pulled Item No. 3.B.5. from the Consent Calendar.

**MOTION** Commissioner Mazza moved, and Chair Jennings seconded a motion to approve the balance 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 May 3, 2021 Regular Planning Commission meeting.

   2. **De Minimis Waiver No. 20-033 – An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system**
      Location: 6621 Wandermere Road, not within the appealable coastal zone
      APN: 4468-012-013
      Owner: Basso Revocable Trust
      Case Planner: Planning Technician Carr, 456-2489, ext. 295
3. **De Minimis Waiver No. 20-020** — An application for a De Minimis Waiver for the installation of a replacement onsite wastewater treatment system

   - **Location:** 5927 Busch Drive, not within the appealable coastal zone
   - **APN:** 4469-012-007
   - **Owner:** The Lisa Nugent Living Trust
   - **Case Planner:** Planning Technician Carr, 456-2489, ext. 295

   **Recommended Action:** Receive Planning Director’s report on De Minimis Waiver No. 20-020 to allow for the installation of a replacement onsite wastewater treatment system for a Woolsey Fire affected parcel.

4. **Administrative Coastal Development Woolsey Fire No. 21-017** — to install a new onsite wastewater treatment system (OWTS) to replace the existing OWTS serving an existing single-family residence on a Woolsey Fire affected parcel

   - **Location:** 6749 Wandermere Road, not within the appealable coastal zone
   - **APN:** 4468-012-003
   - **Owner:** Jamie Ottilie
   - **Case Planner:** Associate Planner Thompson, 456-2489, ext. 280

   **Recommended Action:** Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 21-017.

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

6. **Administrative Coastal Development Permit No. 18-060** — An application for an addition to the existing single-family residence, remodel of the guest house, replacement of the existing onsite wastewater treatment system, and other associated development, including a site plan review for construction of the addition to exceed 18 feet in height and a demolition permit

   - **Location:** 22251 Carbon Mesa Road, not within the appealable coastal zone
   - **APN:** 4451-012-021
   - **Owner:** CMR 22251 LLC
   - **Case Planner:** Contract Planner Rudolph, 456-2489, ext. 250

   **Recommended Action:** Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 18-060.

   This item was continued to the June 7, 2021 Regular Planning Commission meeting upon approval of the agenda.
The following item was removed from the Consent Calendar for individual consideration:

5. **Administrative Coastal Development Permit Amendment No. 18-001** – An application to amend Administrative Coastal Development Permit No. 07-070 to construct a new detached 670 square foot accessory structure, not to exceed 18 feet in height
   
   Location: 33363 Pacific Coast Highway, not within the appealable coastal zone
   
   APN: 4473-003-018
   
   Owner: Frederick Roberts
   
   Case Planner: Associate Planner Brooks, 456-2489, ext. 276
   
   Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit Amendment No. 18-001.

   The Commission directed questions to staff.

   Associate Planner Brooks presented the staff report.

   The Commission directed questions to staff.

   **MOTION** Commissioner Mazza moved, and Commissioner Hill seconded a motion to have the application processed as a regular coastal development permit.

   The Commission discussed the motion and directed questions to staff.

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

   The Commission received and filed the Planning Director’s report on Administrative Coastal Development Permit Amendment No. 18-001.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

**A.** Outdoor Lighting Review No. 20-001, Outdoor Lighting Review Deviation No. 21-002 – An application for new exterior lighting to meet the requirements of the Dark Sky Ordinance (Continued from April 19, 2021)

   Location: 23387 Pacific Coast Highway
   
   APN: 4452-011-033
   
   Owner: First Oaks Oil LLC
   
   Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
   
   Recommended Action: This item is to be continued to a date uncertain as applicant and staff try to resolve public comment issues.

   This item was continued to a date uncertain upon approval of the agenda.
B. Outdoor Lighting Review No. 20-004, Outdoor Lighting Review Deviation No. 21-001 – An application for new exterior lighting to meet the requirements of the Dark Sky Ordinance (Continued from April 19, 2021)
Location: 29145 Heathercliff Road, not within the appealable coastal zone
APN: 4468-010-014
Owner: Thrifty Oil Company
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: This item is to be continued to a date uncertain as applicant and staff try to resolve public comment issues.

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

C. 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 May 3, 2021)
Location: 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: 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.

D. 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 May 3, 2021)
Location: 33386 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-019-007
Applicant / Owner: 180 PCH, LLC
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.
ITEM 5  NEW PUBLIC HEARINGS

A. Wireless Communications Facility No. 18-008, Coastal Development Permit No. 18-032, Variance No. 18-039, and Site Plan Review No. 18-034 – An application for a new wireless communications facility on top of a replacement streetlight pole in the public right-of-way including a backup power battery unit

Location: 22651.5 Pacific Coast Highway, within the appealable coastal zone

Nearest APN: 4452-022-005

Applicant: Eukon Group for Verizon Wireless

Owner: California Department of Transportation Public Right-of-Way

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

Recommended Action: Adopt Planning Commission Resolution No. 21-40 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 18-008 and Coastal Development Permit No. 18-032 for Verizon Wireless to install an omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 32 feet, 3 inches and electrical support equipment, including Variance No. 18-039 to permit a streetlight pole over 28 feet in height and Site Plan Review No. 18-034 to install and operate a wireless communications facility within the public right-of-way located at 22651.5 Pacific Coast Highway (Verizon Wireless)

Assistant Planner Eaton presented the staff report.

Disclosures: Commissioner Hill.

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

Speakers: Bardo Osorio, Daisy Uy Kimpang, and Lonnie Gordon.

Ms. Uy Kimpang 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 Ms. Uy Kimpang

RECESS At 8:20 p.m. Chair Jennings recessed the meeting. The meeting reconvened at 8:32 p.m. with all Commissioners present.

The Commission directed questions to staff.
Commissioner Mazza moved and Vice Chair Weil seconded a motion to continue to a date uncertain in order to provide proper notice – Wireless Communications Facility No. 18-008, Coastal Development Permit No. 18-032, Variance No. 18-039, and Site Plan Review No. 18-034, an application for a new wireless communications facility on top of a replacement streetlight pole in the public right-of-way including a backup power battery unit. The question was called and the motion carried unanimously.

B. Coastal Development Permit Amendment No. 20-018 - An application amending Coastal Development Permit No. 16-050 to allow a 312 square foot addition to a previously approved single-family residence

Location: 27218 Pacific Coast Highway, within the appealable coastal zone
APN: 4460-028-007
Owner: Herve and Solange Willems Family Trust
Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Adopt Planning Commission Resolution No. 21-28, approving Coastal Development Permit Amendment No. 20-018 and amending Coastal Development Permit No. 16-050 to allow a 312 square foot addition to the previously approved single-family residence located in the Single-Family Medium Density Zoning District at 27218 Pacific Coast Highway (Herve and Solange Willems Family Trust).

Assistant Planner Eng presented the staff report.

Disclosures: Commissioners Hill and Smith and Vice Chair Weil.

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

Speaker: Scott Halley.

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. Halley.

Commissioner Mazza moved, and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 21-28, as amended: 1), approving Coastal Development Permit Amendment No. 20-018 and amending Coastal Development Permit No. 16-050 to allow a 312 square foot addition to the previously approved single-family residence located in the Single-Family Medium Density Zoning District at 27218 Pacific Coast Highway (Herve and Solange Willems Family Trust); 2) adding the standard Dark Sky Ordinance condition; and 3) adding the standard poison regulation condition.

The Commission discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.
C. Conditional Use Permit No. 20-005 – An application for a conditional use permit to allow the operation of a new alcohol-serving restaurant in an existing commercial tenant space formerly occupied by a restaurant; the project includes an interior and exterior remodel, including the replacement of a non-conforming storage room located within the rear setback with a new open air outdoor dining space within the same footprint and building envelope; no new building square footage is proposed

Applicant: KTGY Architecture and Planning
Property Owner: KW Malibu Colony, LLC
Location: 23841 Malibu Road, Unit 21
APN: 4458-019-010
Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Continue this item to the June 7, 2021 Planning Commission meeting at staff’s request in order to re-notice the project to include an application for administrative plan review in the project scope.

This item was continued to the June 7, 2021 Regular Planning Commission meeting upon approval of the agenda.

D. Conditional Use Permit Amendment No 21-001 – An application to amend Conditional Use Permit No 09-003 to allow off-site parking at a City-owned vacant parcel (also known as the Chili Cook-off Site) for the Malibu Farmers Market

Location: 23575 Civic Center Way, not within the appealable coastal zone
APN: 4458-022-907
Owner: City of Malibu
Case Planner: Associate Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-11 determining the project is categorically exempt from the California Environmental Quality Act and approving Conditional Use Permit Amendment No. 21-001 amending Conditional Use Permit No. 09-003 to allow off-site parking at 23575 Civic Center Way, a City-owned vacant parcel (also known as the Chili Cook-off Site) for the Malibu Farmers Market. The Malibu Farmers Market operations will remain at 23525 Civic Center Way located in the Institutional zoning district (City of Malibu).

Associate Planner Murillo presented the staff report.

Disclosures: Commissioner Mazza.

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

Speaker: Debra Bianco.

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 Mazza moved, and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 21-11, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act and approving Conditional Use Permit Amendment No. 21-001 amending Conditional Use Permit No. 09-003 to allow off-site parking at 23575 Civic Center Way, a City-owned vacant parcel (also known as the Chili Cook-off Site) for the Malibu Farmers Market. The Malibu Farmers Market operations will remain at 23525 Civic Center Way located in the Institutional zoning district (City of Malibu); 2) removing from Condition 2 the applicant's proposal to provide parking for up to 300 cars on site, eliminating Condition 14 which had stated parking spaces shall be clearly delineated with chalk/paint material, eliminating Condition 15 which had stated parking aisle widths must be maintained at 26 feet minimum, and eliminating Condition 16 which had stated parking space dimensions shall be 9 feet by 20 feet, and instead have parking subject to the conditions in the temporary use permit; 3) removing Condition 5 which stated the applicant shall digitally submit a complete set of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any permits; 4) adding to the resolution that staff may grant temporary use permits in six-month increments; and 5) adding to the resolution that the conditional use permit amendment shall expire the earlier of the issuance of a Certificate of Occupancy for Santa Monica College or on January 1, 2022 unless amended per City Council ordinance.

The Commission discussed the motion and directed questions to staff.

The question was called, and the motion carried unanimously.

E. Coastal Development Permit No. 17-083, Site Plan Review No. 17-051, Minor Modification No. 17-017 and Demolition Permit No. 17-029 – An application to demolish the existing single-family residence, and construction of a new two-story single-family residence and associated development

Location: 7247 Birdview Avenue, within the appealable coastal zone
APN: 4468-019-005
Owner: Westward Beach Partners LLC
Case Planner: Associate Planner Murillo, 456-2489, ext. 353
Recommended Action: Continue this item to a date uncertain to allow the applicant time to redesign due to an existing Primary View Determination.

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

F. Coastal Development Permit No. 18-013, Variance No. 19-039, and Site Plan Review No. 19-091 – An application for a new single-family residence with second unit and associated development

Location: 6361 Sea Star Drive, not within the appealable coastal zone
APN: 4469-047-001
Owner: Sea Star One, LLC
Case Planner: Associate Planner Kendall, 456-2489, ext. 301
Recommended Action: Adopt Planning Commission Resolution No. 21-43 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-013 to allow for the construction of a new 8,164 square-foot, maximum 18 feet tall, single-family residence, including a 995 square-foot garage, 3,770 square-foot basement, and attached 881 square-foot second unit, 1,067 square-foot swimming pool and spa, landscape, hardscape, and retaining walls; grading; and installation of a new onsite wastewater treatment system, including Variance No. 19-039 for the proposed fuel modification to extend into Environmentally Sensitive Habitat Area and Site Plan Review No. 19-091 for construction on slopes between 3 to 1 and 2.5 to 1 at a vacant lot located in the Rural Residential–Two Acre zoning district at 6361 Sea Star Drive (Sea Star One, LLC).

Associate Planner Kendall presented the staff report.

Disclosures: Commissioners Hill and Mazza, Vice Chair Weil, and Chair Jennings.

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

Speakers: Douglas Burdge and Gregory Bega.

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 Vice Chair Weil moved, and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 21-43 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-013 to allow for the construction of a new 8,164 square-foot, maximum 18 feet tall, single-family residence, including a 995 square-foot garage, 3,770 square-foot basement, and attached 881 square-foot second unit, 1,067 square-foot swimming pool and spa, landscape, hardscape, and retaining walls; grading; and installation of a new onsite wastewater treatment system, including Variance No. 19-039 for the proposed fuel modification to extend into Environmentally Sensitive Habitat Area and Site Plan Review No. 19-091 for construction on slopes between 3 to 1 and 2.5 to 1 at a vacant lot located in the Rural Residential–Two Acre zoning district at 6361 Sea Star Drive (Sea Star One, LLC).

The question was called, and the motion carried 4-1, Commissioner Mazza dissenting.
G. Coastal Development Permit No. 21-015 and Conditional Use Permit No. 21-004 — An application to allow minor surface grading to clear vegetation, installation of temporary protective drift fencing to protect Environmentally Sensitive Habitat Area, and placement of other temporary structures, and to permit the operation of a temporary tow yard on a vacant lot in the Institutional zoning district

Location: 6464 Busch Drive, within the appealable coastal zone
APN: 4467-029-900
Owner: Los Angeles County Department of Beaches and Harbors
Applicant: Sierra Towing (Under contract with Los Angeles Sheriff Department)
Case Planner: Associate Planner Kendall, 456-2489, ext. 301
Recommended Action: Continue this item to the June 7, 2021 Planning Commission Meeting in order to continue discussions with the Los Angeles County Department of Beaches and Harbors.

This item was continued to the June 7, 2021 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:47 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 June 7, 2021.

JEFFREY JENNINGS, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant