MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JUNE 15, 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 (arrived at 6:35 p.m.), Steve Uhrling, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Jesse Bobbett, Community Services Director; Bonnie Blue, Tyler Eaton, Assistant Planner; Planning Director; David Eng, Assistant Planner; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Lilly Rudolph, Contract Planner; 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 June 5, 2020, with the amended agenda posted on June 11, 2020

Commissioner Marx arrived at 6:35 p.m.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item No. 3.A.3. to the July 20, 2020 Regular Planning Commission meeting and Item No. 4.A. to a date uncertain.

The Commission discussed the motion.

The question was called and the motion moved unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.
ITEM 2.A. PUBLIC COMMENTS
None.

ITEM 2.B. COMMISSION / STAFF COMMENT
Commissioner Marx inquired regarding various categories of Woolsey Fire rebuilds and fee waivers.

Assistant Planning Director Mollica stated that some fire related applications may not qualify for exemptions from the requirement of a coastal development permit because all applications need to be consistent with the Coastal Act.

Commissioner Marx commented on the differences between in-person meetings and teleconference meetings as it related to interaction with the public.

Assistant City Attorney Rusin stated the City was following specific guidelines to avoid technological problems and ensure the public had an opportunity to speak during public comment. He stated the Chair had the ability to question specific people should it become necessary.

Commissioners Uhring and Weil complimented staff and the Council on the plan to address the short-term rental item. He stated he had a number of members from the public approach him on the topic.

In response to Commission Uhring, Assistant Planning Director Mollica indicated the City’s software was only designed to report on approved projects, not projects in the application process. He stated the Planning Department met with representatives from Nobu and Soho House, and the City’s Public Works Department to work toward a resolution on the parking and traffic difficulties. Assistant City Attorney Rusin stated the applicant was responsible for submitting the application and staff was responsible for reviewing the proposal.

Vice Chair Mazza stated Nobu was cited six years ago and had an active violation and inquired when code enforcement action would be taken.

In response to Vice Chair Mazza, Planning Director Blue stated she would report back on the progress on resolving the parking and traffic issues at Nobu and Soho House. She stated applicants were allowed to make an addition to their property with an administrative plan review, and the threshold for a project to have to be heard by the Planning Commission was when certain changes were planned, such as changes in footprint, square footage, changes in amenities, and other such significant changes.

In response to Chair Jennings, Planning Director Blue stated the Council would consider an urgency ordinance that would allow restaurants to expand their service area within the parameters of not increasing intensity of usage in an effort to recover from the impacts of the COVID-19 pandemic.
Planning Director Blue announced there would not be a Planning Commission meeting on July 6, 2020. She stated a Special Planning Commission teleconference meeting would be held to discuss short-term rentals. She stated the Council approved a six-month extension of the Woolsey Fire fee waiver program, and the final budget hearing would be held on July 22, 2020. She stated the Woolsey Fire rebuild report would no longer be on the Planning Commission meeting agenda but would be addressed at the first City Council meeting of each month.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.1. was pulled from the Consent Calendar for individual consideration by Vice Chair Mazza, Item No. 3.B.4. was pulled by Commissioner Uhring, Item No. 3.A.1. was pulled by the applicant, Marny Randall, and Item No. 3.A.3. was continued to the July 20, 2020.

MOTION Commissioner Marx moved and Commissioner Uhring seconded a motion to approve the balance of the Consent Calendar.

The Consent Calendar consisted of the following items.

A. Previously Discussed Items

2. Coastal Development Permit No. 19-005, Site Plan Review Nos. 19-072 and 20-013, and Minor Modification No. 19-010 — An application for a new single-family residence and associated development (Continued from June 1, 2020)

   Location: 29623 Cuthbert Road, not within the appealable coastal zone
   APN: 4469-008-010
   Owner: Colby Family Trust
   Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346
   Recommended Action: Adopt Planning Commission Resolution No. 20-46 determining the California Environmental Quality Act does not apply, and denying Coastal Development Permit No. 19-005 to allow for a new single-family residence with attached garage, a secondary dwelling unit, swimming pool/spa, and a new onsite wastewater treatment system, including Site Plan Review (SPR) No. 19-072 for construction of the residence above 18 feet in height, SPR No. 20-013 for construction of the second residential unit above 18 feet in height, and Minor Modification No. 19-010 for a 13 percent reduction of the required rear yard setback to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential-Two Acre zoning district at 29623 Cuthbert Road (Colby Family Trust).

B. New Items

2. De Minimis Waiver No. 19-015 — An application for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS

   Location: 29901 Cuthbert Road, not within the appealable coastal zone
   APN: 4469-007-016
   Owner: Neil R. Witt and Guadalupe C. Witt Trust
   Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 19-015 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

3. Approval of Minutes
Recommended Action: Approve the minutes for the March 2, 2020 Regular Planning Commission meeting.

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

A. Previously Discussed Items
   Location: 3556 Sweetwater Mesa Road
   APN: 4452-017-008
   Owner: Michael Thomson
   Case Planner: Assistant Planner Eng. 456-2489, ext. 372
   Recommended Action: Adopt Planning Commission Resolution No. 20-39 determining the California Environmental Quality Act does not apply to the project and denying Administrative Plan Review No. 19-143 for construction of a new 900 square foot, four-car garage constructed on piles with a wood wraparound deck and concrete driveway, including Variance (VAR) No. 19-041 for construction on slopes greater than 2½:1, VAR No. 19-042 for a 40.5 percent reduction of the side yard setback, Site Plan Review (SPR) No. 19-087 for a 27 percent reduction of the front yard setback, and SPR No. 19-088 to allow for a 27.25-foot tall pitched roof and 24-foot tall flat roof; at an existing single-family residence located in the Rural Residential-One Acre zoning district at 3556 Sweetwater Mesa Road (Thomson).

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: Marny Randall.

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.

MOTION Vice Chair Mazza moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-39, as amended: 1) determining the California Environmental Quality Act does not apply to the project and denying Administrative Plan Review No. 19-143 for...
construction of a new 900 square foot, four-car garage constructed on piles with a wood wraparound deck and concrete driveway, including Variance (VAR) No. 19-041 for construction on slopes greater than 2-½:1, VAR No. 19-042 for a 40.5 percent reduction of the side yard setback, Site Plan Review (SPR) No. 19-087 for a 27 percent reduction of the front yard setback, and SPR No. 19-088 to allow for a 27.25-foot tall pitched roof and 24-foot tall flat roof; at an existing single-family residence located in the Rural Residential-One Acre zoning district at 3556 Sweetwater Mesa Road (Thomson); and 2) adding to the resolution that the denial would be without prejudice.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

3. Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Variance Nos. 13-042, 13-043, 15-035 and 15-036, Minor Modification No. 13-011 and Demolition Permit No. 20-011 - An application for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards and associated development (Continued from May 18, 2020)

Location: 5723 Busch Drive, not within the appealable jurisdiction of the coastal zone
APN: 4469-028-006
Owner: Serra Canyon Co. LTD
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-23 determining that the California Environmental Quality Act does not apply to the project and denying Coastal Development Permit No. 13-040 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing, Conditional Use Permit No. 13-015 for a water tank on a rural residential parcel, Variance (VAR) No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, VAR No. 13-043 for non-view permeable, eight in height fencing within the front yard setback, VAR No. 15-035 for the installation of an 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, VAR No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, Minor Modification No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet, and Demolition Permit No. 20-011 for the full demolition of the existing water tank and other associated development located in the Rural Residential-Two (RR-2) Acre Zone District at 5723 Busch Drive (Serra Canyon Co., LTD).
This item was continued to the July 20, 2020 Regular Planning Commission meeting upon approval of the agenda, due to an error in the posted Recommended Action that recommended denial of the project rather than the intended approval.

B. New Items

1. De Minimis Waiver No. 19-015 — An application for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS

   Location: 29901 Cuthbert Road, not within the appealable coastal zone
   APN: 4469-007-016
   Owner: Neil R. Witt and Guadalupe C. Witt Trust
   Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
   Recommended Action: Receive Planning Director’s report on De Minimis Waiver (DMW) No. 19-015 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS.

   Associate Planner Thompson presented the staff report.

   Disclosures: Commissioner Marx.

   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.

   **MOTION**

   Commissioner Marx moved and Commissioner Weil seconded a motion to receive Planning Director’s report on De Minimis Waiver (DMW) No. 19-015 for a new onsite wastewater treatment system (OWTS) to replace the existing OWTS. The question was called and the motion carried unanimously.

   **RECUSAL**

   At 7:32 p.m., Vice Chair Mazza recused himself based upon having recused himself from the item in the past and left the meeting.

4. Extension of Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018 — A request to extend the Planning Commission’s approval for the construction of a new two-story single-family residence and associated development

   Location: 6050 Murphy Way
   APN: 4467-004-039
   Owner: C.A. Rasmussen Co., LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Adopt Planning Commission Resolution No. 20-47 granting a one-year extension of Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018, an application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage and associated development located in the Rural Residential-Ten Acre zoning district at 6050 Murphy Way (C.A. Rasmussen Co., LLC).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil.

The Commission directed questions to staff.

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

Speakers: Norman Haynie, Eric Rasmussen, Dean Rasmussen, and Brian Biglin.

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. Haynie.

MOTION
Commissioner Marx moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-47, as amended, granting a six-month extension of Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018, an application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage and associated development located in the Rural Residential-Ten Acre zoning district at 6050 Murphy Way (C.A. Rasmussen Co., LLC).

FRIENDLY AMENDMENT
Commissioner Weil amended the motion to grant a nine-month extension. The amendment was accepted by the maker and the seconder.

The Commission discussed the motion.

The question was called and the amended motion carried 4-0, Vice Chair Mazza absent.

RECESS
At 8:05 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 8:10 p.m. with all Commissioners present.
4. **Continued Public Hearings**

A. Coastal Development Permit No. 15-032, Site Plan Review No. 15-028, and Demolition Permit No. 15-010 — An application for the demolition of an existing one-story, single-family residence and associated development and construction of a new one-story single-family residence and associated development (Continued from May 18, 2020)

- **Location:** 6837 Zumirez Drive, within the appealable coastal zone
- **APN:** 4466-003-007
- **Owner:** The James Perse Revocable Trust
- **Case Planner:** Contract Planner Rudolph, 456-2489, ext. 238

**Recommended Action:** Adopt Planning Commission Resolution No. 20-24 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-032 for the construction of a new 6,912 square foot, one-story single-family residence that includes a 2,354 square foot basement, plus a 720 square foot detached garage, swimming pool, spa, hardscape, landscaping, grading, drainage, fencing, gates, retaining walls, and installation of a new onsite wastewater treatment system (OWTS); including Site Plan Review No. 15-028 for construction in excess of 18 feet up to 24 feet for a flat roof for the residence, and Demolition Permit No. 15-010 for the demolition of an existing single-family residence with an attached garage, guest house, hardscape, walls, and OWTS, located in the Rural Residential-One Acre zoning district at 6837 Zumirez Drive (The James Perse Revocable Trust).

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

B. Coastal Development Permit Amendment No. 20-016 — An application to amend the temporary skate park project (Coastal Development Permit No. 19-083) to allow placement of 244 linear feet of potted trees for screening (Continued from June 1, 2020)

- **Location:** 24250 Pacific Coast Highway, not within the appealable coastal zone
- **APNs:** 4458-018-906 and 4458-018-907
- **Owner:** City of Malibu
- **Case Planner:** Associate Planner Thompson, 456-2489, ext. 280

**Recommended Action:** Determine that the proposed amendment is consistent with the previously considered Addendum No. 2 to the Crummer Site Subdivision Final Environmental Impact Report and adopt Planning Commission Resolution No. 20-40 approving Coastal Development Permit Amendment No. 20-016 amending Coastal Development Permit No. 19-083 to allow for the placement of 244 linear feet of potted trees as ancillary development to the previously approved above-ground temporary skate park, located on Lot 7 of the Crummer/Case property in the Planned Development and Public Open Space zoning districts located at 24250 Pacific Coast Highway (City of Malibu).

Associate Planner Thompson presented the staff report.
Disclosures: Commissioner Marx and Vice Chair Mazza.

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.

The Commission directed questions to staff.

**MOTION** Vice Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-40, as amended, 1) determining that the proposed amendment is consistent with the previously considered Addendum No. 2 to the Crummer Site Subdivision Final Environmental Impact Report; 2) approving Coastal Development Permit Amendment No. 20-016 amending Coastal Development Permit No. 19-083 to allow for the placement of 244 linear feet of potted trees as ancillary development to the previously approved above-ground temporary skate park, located on Lot 7 of the Crummer/Case property in the Planned Development and Public Open Space zoning districts; 3) specifying throughout the resolution that the height of the trees be measured from finished grade; and 4) adding a condition that potted trees are permitted but not required.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

**ITEM 5** NEW PUBLIC HEARINGS

None.

**ITEM 6** OLD BUSINESS

None.

**ITEM 7** NEW BUSINESS

None.

**ITEM 8** PLANNING COMMISSION ITEMS

None.
ADJOURNMENT

MOTION  At 8:37 p.m., Commissioner Marx moved and Vice Chair Mazza 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 September 21, 2020.

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECK, Administrative Assistant