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; Jesse Bobbett, Community Services Director; Bonnie Blue, Planning Director; David Eng, Assistant Planner; Justine Kendall, Associate Planner; Richard Mollica, Assistant Planning Director; Kathleen Stecko, Administrative Assistant; Jessica Thompson, Associate Planner; Michael Phipps, Contract Geologist/Coastal Consultant; and Andrew Sheldon, Environmental Sustainability Division Manager

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on May 22, 2020

APPROVAL OF AGENDA

MOTION Commissioner Marx moved and Commissioner Uhring seconded a motion to approve the agenda, continuing Item Nos. 5.C. and 5.D. to the June 15, 2020 Regular Planning Commission meeting.

The Commission discussed the motion.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to continue Item Nos. 5.C. and 5.D. to a date uncertain.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried unanimously.
ITEM 1  CEREMONIAL/PRESENTATIONS

A. 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

Norman Haynie commented that some projects would be better heard in person rather than as a teleconference and provided ideas for facilitating in-person meetings.

Paul Grisanti commented on vegetation being removed on the Smith property.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Mr. Grisanti, Planning Director Blue stated that once the City received reports of work being done, staff investigated and had the work stopped. In response to Commissioner Uhring, she stated she would check the map to determine whether the Smith property had environmentally sensitive habitat area (ESHA) and development that would require a site specific environmental assessment and any development in the Civic Center would require a wetlands delineation.

Commissioner Uhring and Vice Chair Mazza expressed their desire to have the short-term rental regulation item be addressed at an in-person Planning Commission meeting in the near future.

In response to Vice Chair Mazza, Planning Director Blue stated the task of updating the ESHA maps had been removed from the City’s Work Plan for the time being due to limited resources. She stated the lack of an update to the maps did not alter how properties were developed.

In response to Vice Chair Mazza, Planning Director Blue stated the short-term rental item and the accessory dwelling unit (ADU) items were being worked on by staff, along with the other projects that were being processed.

Vice Chair Mazza stated the reports on conditional use permit compliance for Nobu and Soho House were overdue.

Chair Jennings stated in-person meetings should start back up as soon as possible, while still maintaining the teleconference feature so more public participation could be facilitated. He stated if the City failed to pass regulations on ADUs it caused the State regulations to be in effect.
In response to Chair Jennings, Planning Director Blue stated that cities with a Local Coastal Program with regulations more restrictive than the State ADU regulations, they were required to follow the Coastal Act, as the State regulations did not supersede the Coastal Act.

Commissioner Marx stated items drawing larger public participation would be better heard in person.

Commissioner Weil stated given what was happening in the world today, he hoped everyone would do unto others as they would have done unto them.

Planning Director Blue stated the City Council would be addressing the budget at its June 8, 2020 meeting.

Assistant Planning Director Mollica provided an update to the Commission on the impact the COVID-19 pandemic had on the discussions the City was having with Nobu and Soho House. He stated Nobu had indicated that it would keep the City apprised of any reopening plans.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled from the Consent Calendar for individual consideration by Commissioner Uhring and Item No. 3.B.3. was pulled by Commissioner Marx.

MOTION

Vice Chair Mazza moved and Commissioner Weil 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
1. Master Sign Program No. 19-001 and Minor Modification Nos. 20-003 and 20-004 – An application for a new master sign program with minor modifications to monument sign height and minimum sign separation distance.
   Location: 3939 Cross Creek Road, Malibu Lumber Yard
   APN: 4458-020-903
   Owner: WPG Malibu, LLC
   Case Planner: Planning Technician Coronel, 456-2489, ext. 373
   Recommended Action: Adopt Planning Commission Resolution No. 20-21 approving the above mentioned entitlements for the property located at 3939 Cross Creek Road.

B. New Items
1. Extension of Coastal Development Permit No. 15-028, Variance No. 16-016, Site Plan Review No. 16-009, Minor Modification No. 16-010, Conditional Use Permit No. 15-011, and Lot Merger No. 16-001
   Location: 4000 Malibu Canyon Road
   APNs: 4458-028-015, 4458-028-019, and 4458-030-007
Owner: Green Acres, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-45 granting a two-year extension of Coastal Development Permit No. 15-028 to allow the construction of a new memorial park, including a new 6,000 square foot chapel with 673 square feet of ancillary spaces, 8,002 square foot subterranean parking lot and 1,346 square foot basement, 47 mausoleum structures with a maximum area of 200 square feet each for a total maximum of 9,400 square feet, approximately 28,265 in-ground burial plot spaces intermittently located throughout the property, 3,644 interments in above grade wall crypt structures, a circular driveway, parking lot, entry gates, grading, landscaping and exterior lighting, including Variance No. 16-016 for non-exempt grading, Site Plan Review (SPR) No. 16-009 for height over 18 feet but less than 28 feet for the sloped roof of the chapel, Minor Modification No. 16-010 for mausoleums not to exceed a 50 percent front yard setback reduction, Conditional Use Permit (CUP) No. 15-011 for the proposed memorial park and chapel in the subject zoning district, and Lot Merger No. 16-001 for consolidation of the three existing legal lots into one legal lot located in the Commercial Visitor Serving-Two zoning district at 4000 Malibu Canyon Road (Green Acres, LLC).

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

B. New Items
   2. De Minimis Waiver No. 20-007—An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel
      Location: 5924 Bonsall Drive, not within the appealable coastal zone
      APNs: 4467-023-040
      Owner: 5924 Bonsall Drive, LLC
      Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
      Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 20-007 for a new onsite wastewater treatment system for a Woolsey affected parcel.

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. No further discussion occurred.

CONSENSUS By consensus, the Commission received the Planning Director’s report on De Minimis Waiver No. 20-007 for a new onsite wastewater treatment system for a Woolsey affected parcel.
3. **Administrative Coastal Development Permit-Woolsey Fire No. 20-006**—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:** 5853 Busch Drive, within the appealable coastal zone
- **APN:** 4469-012-023
- **Owner:** 5853 Busch Drive, LLC
- **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-Woolsey Fire No. 20-006.

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.

No further discussion occurred.

**CONSENSUS** By consensus, the Commission received and filed the Planning Director’s report on the approval of Administrative Coastal Development Permit-Woolsey Fire No. 20-006.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

**A.** 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 (continued from May 4, 2020)

- **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).

Associate Planner Brooks presented the staff report.

Disclosures: Commissioners Marx, Uhring, and Weil 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.

Speakers: Marny Randall, Judith Israel, and Brett Israel.

Ms. Randall 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 item to the table for discussion.

MOTION Commissioner Weil moved and Chair Jennings seconded a motion to adopt Planning Commission No. 20-18, as amended: 1) 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 located in the Single-Family Medium Density zoning district within the Malibu Colony Overlay District at 23325 Malibu Colony Drive (Axel 23324, LLC); 2) correcting Condition 2 to state a height of 28 feet, 2 inches rather than the incorrect height of 28 feet, 7 inches; 3) correcting the reference to the septic tank capacity to state 1,500 gallons rather than 1,250 gallons; and 4) requiring an archeological monitor during ground disturbing activities.

The Commission discussed the motion and directed questions to staff.

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

RECESS At 9:03 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 9:10 p.m. with all Commissioners present.
B. Coastal Development Permit No. 14-029, Variance Nos. 19-053 and 20-001, Minor Modification No. 19-015, and Site Plan Review 20-002 – An application for the construction of a new one-story, single-family residence and associated development (Continued from May 18, 2020)

Location: 24689 Pacific Coast Highway, not within the appealable coastal zone

APN: 4469-041-004

Owner: MLR Malibu, LLC

Case Planner: Assistant Planner Eng, 456-2489, ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 20-44 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-029 to construct a new one-story, 18-foot high residence with 6,758 square feet of total development square footage that includes a 425 square foot attached garage and 4,283 square feet of subterranean garage and basement area, and new onsite wastewater treatment system; including Variance (VAR) No. 19-053 to reduce the required 100-foot Environmentally Sensitive Habitat Area buffer; VAR No. 20-001 to allow for greater than 1,000 cubic yards of non-exempt grading; Site Plan Review No. 20-002 for remedial grading; and Minor Modification No. 19-015 for reduction of the required 65-foot front yard setback by 50 percent, located in the Single-Family Medium Density zoning district at 24689 Pacific Coast Highway (MLR Malibu, LLC).

Assistant Planner Eng 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 the public comment portion of the public hearing.

Speaker: Scott Gillen.

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

The Commission directed questions to staff and Mr. Gillen.

MOTION Chair Jennings moved and Commissioner Weil seconded a motion to adopt Planning Commission No. 20-44, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-029 to construct a new one-story, 18-foot high residence with 6,758 square feet of total development square footage that includes a 425 square foot attached garage and 4,283 square feet of subterranean garage and basement area, and new onsite wastewater treatment system; including Variance (VAR) No. 19-053 to reduce the required 100-foot Environmentally Sensitive Habitat Area buffer; VAR No. 20-001 to allow for
greater than 1,000 cubic yards of non-exempt grading; Site Plan Review No. 20-002 for remedial grading; and Minor Modification No. 19-015 for reduction of the required 65-foot front yard setback by 50 percent, located in the Single-Family Medium Density zoning district at 24689 Pacific Coast Highway (MLR Malibu, LLC); 2) modifying Condition 23 to specify a pad elevation of 205; and 3) requiring the applicant to provide certification that the amount of soil export would not exceed the amounts indicated in the resolution.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-005, Site Plan Review Nos. 19-072 and 20-013, Minor Modification No. 19-010 – An application for a new single-family residence and associated development
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 project is categorically exempt from the California Environmental Quality Act, and approving 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).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Marx, 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.

Speakers: Mark Baute, Daniela Rechtszajd, Trevor Colby, and Tony Dorn.

Mr. Baute and Mr. Colby 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 item to the table for discussion.
The Commission directed questions to staff.

**MOTION** Commissioner Weil moved and Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 20-46 determining the project is categorically exempt from the California Environmental Quality Act, and approving 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).

The Commission discussed the motion.

The question was called and the motion failed 2-3, Commissioners Marx and Uhring and Vice Chair Mazza dissenting.

The Commission directed questions to staff and Mr. Baute.

**MOTION** Commissioner Uhring moved to direct staff to return with a resolution on the Consent Calendar denying Coastal Development Permit No. 19-005, an application 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) for failure to comply with the 100 foot buffer.

Vice Chair Mazza seconded and amended the motion to add the project’s failure to comply with Malibu Municipal Code Section 17.40.040.(A)(6) (c) and (f), the Local Implementation Plan (LIP) parkland and rear setbacks, and the inability of the Commission to make Neighborhood Character findings.

The amendment was accepted by the maker.

The question was called and the amended motion carried 3-2, Commissioner Weil and Chair Jennings dissenting.
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
Location: 24250 Pacific Coast Highway
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).

MOTION Chair Jennings moved and Commissioner Uhring seconded a motion to continue the item to the June 15, 2020 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

C. Coastal Development Permit No. 18-004, Tentative Parcel Map No. 18-001, Site Plan Review No. 18-004, and Demolition Permit No. 18-006 – An application for a tentative parcel map to subdivide a parcel into two lots, and construct a new single-family residence and associated development on Lot A
Location: 29200 Larkspur Lane, within the appealable coastal zone
APN: 4468-008-001
Owner: 29200 Larkspur, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-27 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-004 for the construction of a new 8,147 square foot, two-story single-family residence that includes a 642 square foot attached two-car garage and 1,000 square foot basement, swimming pool, deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system; including Site Plan Review No. 18-004 for a height increase over 18 feet but not to exceed 24 feet for a flat roof; Tentative Parcel Map No. 18-001 to subdivide an existing 3.57-acre legal lot into two lots, and Demolition Permit No. 18-006 to demolish an existing residence and detached garage, located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC).

This item was continued to a date uncertain upon approval of the agenda.
D. Coastal Development Permit No. 18-005, Site Plan Review No. 18-005, and Minor Modification No. 18-005 – An application for construction of a new single-family residence and associated development on Lot B
Location: 29200 Larkspur Lane, within the appealable coastal zone
APN: 4468-008-001
Owner: 29200 Larkspur, LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-28 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-005 for the construction of a new 7,312 square foot, two-story single-family residence that includes a 725 square foot attached three-car garage and 996 square foot basement, swimming pool, deck, hardscape, grading and landscape, and installation of a new onsite wastewater treatment system; including Site Plan Review No. 18-005 for a height increase over 18 feet but not to exceed 24 feet for a flat roof and Minor Modification No. 18-005 for a 20 percent side yard setback reduction, located in the Rural Residential–One Acre zoning district at 29200 Larkspur Lane (29200 Larkspur LLC).

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 11:00 a.m., Vice Chair Mazza moved and Commissioner Uhring 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 SPECKO, Administrative Assistant