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; Tyler Eaton, Assistant Planner; Adrian Fernandez, Principal Planner; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Administrative Assistant

**APPROVAL OF AGENDA**

MOTION

Commissioner Mazza moved and Vice Chair Weil seconded a motion to approve the agenda. The question was called, and the motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on June 25, 2021.

**ITEM 1.A. PUBLIC COMMENTS**

Scott Dittrich stated he would like to see community supported projects such as the Sea View Hotel project avoid delay as they were a benefit to the community.

**ITEM 1.B. COMMISSION / STAFF COMMENT**

Commissioner Mazza stated he wanted the public to know that the time spent discussing projects at Planning Commission meetings was necessary to fairly render decisions.

Commissioner Hill stated issues discussed at Planning Commission meetings regarding utility poles may have seemed trivial, however the Planning Commission had limited discretion on more consequential aspects of the projects given the Federal Communications Commission rules.
In response to Vice Chair Weil, Planning Director Mollica stated the City was working toward a remedy to the safety hazard created by the removal of the fence at the end of La Costa Beach.

ITEM 2 CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, General Plan Amendment No. 21-001, General Plan Map Amendment No. 17-002, Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, Development Agreement No. 21-001, Lot Merger No. 20-002, Demolition Permit No. 20-19, Initial Study No. 21-001, and Mitigated Negative Declaration No. 21-001 – An application for the conversion of an existing office building and gas station into a hotel, including new development (Continued from June 21, 2021)

Locations: 22729 and 22741 Pacific Coast Highway, within the appealable coastal zone
APNs: 4452 022-010 and 4452-022-017
Owners: Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC

Case Planner: Contract Planner Rudolph, 456-2489, ext. 250
Recommended Action: Adopt Planning Commission Resolution No. 21-47 recommending to the City Council the adoption of Initial Study No. 21-001 and Mitigated Negative Declaration No. 21-001 prepared for the project pursuant to the California Environmental Quality Act and approval of Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, General Plan Amendment No. 21-001, General Plan Map Amendment No. 17-002, Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, Development Agreement No. 21-001, Lot Merger No. 20-002, and Demolition Permit No. 20-19 to rezone and change the land use designation of the properties from Community Commercial to Commercial Visitor Serving-Two an Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project, and a new 26,734 square foot, 39-room hotel, involving the remodel of an existing four-story, 15,392 square foot commercial building and a 9,500 square foot parking level at 22741 Pacific Coast Highway (PCH) and construction of a new two-story, 11,342 square foot addition plus a basement on an adjacent parcel at 22729 PCH, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use. The project includes a restaurant/bar, spa, rooftop deck, swimming pool, new surface parking lot, hardscape, landscaping, grading, retaining wall, lighting, utilities, and an upgrade and expansion of the existing onsite wastewater treatment system and associated lot merger of the two involved (Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC).

Contract Planner Rudolph presented the staff report.

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

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.


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.

RECESS At 8:45 p.m. Chair Jennings recessed the meeting. The meeting reconvened at 8:57 p.m. with all Commissioners present.

The Commission directed questions to staff and Mr. Haynie.

MOTION Vice Chair Weil moved to adopt Planning Commission Resolution No. 21-47 recommending to the City Council the adoption of Initial Study No. 21-001 and Mitigated Negative Declaration No. 21-001 prepared for the project pursuant to the California Environmental Quality Act and approval of Coastal Development Permit No. 17-086, Conditional Use Permit No. 21-001, General Plan Amendment No. 21-001, General Plan Map Amendment No. 17-002, Local Coastal Program Amendment No. 16-006, Zoning Map Amendment No. 17-002, Zoning Text Amendment No. 20-001, Development Agreement No. 21-001, Lot Merger No. 20-002, and Demolition Permit No. 20-19 to rezone and change the land use designation of the properties from Community Commercial to Commercial Visitor Serving-Two a new Sea View Hotel Overlay District with associated development standards, including the proposed floor area ratio of 0.52 for the public benefits provided by the project, and a new 26,734 square foot, 39-room hotel, involving the remodel of an existing four-story, 15,392 square foot commercial building and a 9,500 square foot parking level at 22741 Pacific Coast Highway (PCH) and construction of a new two-story, 11,342 square foot addition plus a basement on an adjacent parcel at 22729 PCH, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use. The project includes a restaurant/bar, spa, rooftop deck, swimming pool, new surface parking lot, hardscape, landscaping, grading, retaining wall, lighting, utilities, and an upgrade and expansion of the existing onsite wastewater treatment system and associated lot merger of the two involved (Grey Granite, LLC; Las Tunas Beach, LLC; and Sea View Terrace, LLC); 2) Add condition of approval to require payment of in-lieu fee for overnight luxury accommodations of $110,000; 3) Add condition of approval to grant authority to the Planning Director to approve the relocation of the restaurant from the first level to the fifth level; 4) Amend Condition No. 30 to require installation of the check valve replacement at the time of certificate of compliance; 5) Amend Condition No. 35 to allow the incorporation of colors including light shades consistent with the existing colors; and 6) Add condition of approval to require adequate staff shall be provided to manage traffic entering and exiting the site to ensure that traffic does not back up onto Pacific Coast Highway.
FRIENDLY AMENDMENT
Chair Jennings seconded and amended the motion to require temporary use permits for all events. The amendment was accepted by the maker of the motion.

The Commission directed questions to staff and Mr. Haynie.

FRIENDLY AMENDMENT
Commissioner Mazza amended the motion to require all valet parking.

The amendment was accepted by the maker and the seconder.

AMENDMENT
Commissioner Mazza moved and Commissioner Hill seconded a motion requiring a guaranteed public benefit of a minimum of one half of the $1,300,000.00 proposed by the applicant, indexed to inflation with a provision that the business has to be open a minimum of 50 percent of the year.

The Commission discussed the amendment.

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

FRIENDLY AMENDMENT
Commissioner Mazza amended the motion to: 1) Add conditions of approval regarding sound: a) No amplified sound, including a pager system, is permitted which creates a nuisance. All sound emanating from the site shall comply with MMC Chapter 8.24 (Noise Ordinance); b) All speakers shall be down facing and the sound limiter built into the sound system shall be used at all times; c) The Planning Director shall have the ability to lower the approved sound level if verified complaints are received; d) The operator shall cease the use of the amplified music/sound system upon notice by the Planning Director of three sequential violations of the noise conditions; 2) Add a condition of approval to require the Planning Department staff conduct a review of hotel operations and compliance with conditions of approval one year and five years after hotel operations commence; 3) Add a condition of approval to grant the Planning Director authority to review monument signs, with lighting type determined by safety alternatives; 4) Prohibit a joint use parking; 5) Add a condition of approval to require delivery trucks to park onsite, not in median; 6) Prohibit off-site sales of alcohol, require that all alcohol purchased is consumed onsite; 7) Add a condition of approval requiring exterior walls must be sound tight should the service area of the restaurant be reconfigured to be indoor-outdoor; 8) Add a condition of approval to prohibit use of the private patios for public use, patios attached to hotel rooms may be accessed by hotel patrons only; and 9) Add a condition of approval to require that the five car lifts are removed from the project plans.

The amendment was accepted by the maker and the seconder.
FRIENDLY AMENDMENT
Commissioner Mazza amended the motion to require a generator adequate to operate for two days in order for the facility to be used as a shelter during an emergency.

The Commission discussed the amendment.

The amendment was withdrawn.

FRIENDLY AMENDMENT
Commissioner Hill amended the motion requiring the in lieu of fee to be allocated for improvements and not placed into the General Fund.

The Commission discussed the amendment.

The amendment was withdrawn.

FRIENDLY AMENDMENT
Commissioner Mazza amended the motion prohibiting linens from being laundered onsite.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried unanimously.

Item Nos. 2.B., 2.C., and 2.D. were heard concurrently.

B. 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, including a ground-mounted backup power battery unit, in the public right-of-way (Continued from June 21, 2021)
Location: 22651.5 Pacific Coast Highway, within the appealable coastal zone
Nearest APN: 4452-022-005
Geo-coordinates: 34°02'22.07"N, 118°40'05.2"W
Applicant: Eukan 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).
C. Wireless Communications Facility No. 19-020, Coastal Development Permit No. 20-019, Variance No. 19-049, and Site Plan Review No. 20-020 — An application for an upgraded wireless communications facility on a new replacement wooden utility pole in the public right-of-way (Continued from June 21, 2021)

Location: 18921.5 Pacific Coast Highway, within the appealable coastal zone
Nearest APN: 4449-009-012
Geo-coordinates: 34°02'22.03"N, 118°35'16.10"W
Applicant: Motive 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. 21-42 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 19-020 and Coastal Development Permit No. 20-019 for Verizon Wireless to install replacement wireless communications facility antennas at a height of 30 feet, 6 inches and electrical support equipment mounted on a 39-foot tall replacement wooden utility pole, including Variance No. 19-049 to permit an upgraded wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-020 to install and operate a wireless communications facility within the public right-of-way located at 18921.5 Pacific Coast Highway (Verizon Wireless).

D. Wireless Communications Facility No. 20-005, Coastal Development Permit No. 20-031, Variance No. 20-021, and Site Plan Review No. 20-037 — An application for a new wireless communications facility on top of a replacement streetlight pole in the public right-of-way (Continued from June 21, 2021)

Location: 22340.5 Pacific Coast Highway, within the appealable coastal zone
Nearest APN: 4452-001-019
Geo-coordinates: 34°02'21.70"N, 118°39'41.47"W
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. 21-52 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 20-005 and Coastal Development Permit No. 20-031 for Verizon Wireless to install a new omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 32 feet, 3 inches and, pole-mounted electrical support equipment, including Variance No. 20-021 to permit a new wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-037 to install and operate a wireless communications facility within the public right-of-way located at 22340.5 Pacific Coast Highway (Verizon Wireless).

Assistant Planner Eaton presented the staff report.

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

Speakers: Bardo Osorio and Daisy Uy Kimpang.

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 Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 21-40, as amended: 1) 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 22631.5 Pacific Coast Highway (Verizon Wireless); and 2) eliminating Condition of Approval No. 30, which states: “If not already completed, permittee shall enter into the appropriate agreement with the City, as determined by the City, prior to constructing, attaching, or operating a facility on municipal infrastructure. This permit is not a substitute for such agreement.”

The Commission discussed the motion.

The Commission directed questions to staff, Ms. Uy Kimpang, and Mr. Osorio.

The question was called, and the motion carried unanimously.

**MOTION** Commissioner Mazza moved and Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 21-42, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 19-020 and Coastal Development Permit No. 20-019 for Verizon Wireless to install replacement wireless communications facility antennas at a height of 30 feet, 6 inches and electrical support equipment mounted on a 39-foot tall replacement wooden utility pole, including Variance No. 19-049 to permit an upgraded wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-020 to install and operate a wireless communications facility within the public right-of-way located at 18921.5 Pacific Coast Highway (Verizon Wireless); and 2) eliminating Condition of Approval No. 30, which states: “If not already completed, permittee shall enter into the appropriate agreement with the City, as determined by the City, prior to constructing, attaching, or operating a facility on municipal infrastructure. This permit is not a substitute for such agreement.”

The question was called, and the motion carried unanimously.
MOTION Commissioner Mazza moved and Chair Jennings seconded a motion to adopt Planning Commission Resolution No. 21-52, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 20-005 and Coastal Development Permit No. 20-031 for Verizon Wireless to install a new omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 32 feet, 3 inches and, pole-mounted electrical support equipment, including Variance No. 20-021 to permit a new wireless communications facility mounted over 28 feet in height and Site Plan Review No. 20-037 to install and operate a wireless communications facility within the public right-of-way located at 22340.5 Pacific Coast Highway (Verizon Wireless); and 2) eliminated Condition of Approval No. 30, which states: “If not already completed, permittee shall enter into the appropriate agreement with the City, as determined by the City, prior to constructing, attaching, or operating a facility on municipal infrastructure. This permit is not a substitute for such agreement.”

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

MOTION Commissioner Mazza moved and Chair Jennings seconded a motion recommending staff recommend City Council create a Telecommunications Commission.

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:47 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 August 2, 2021.

DAVID WEIL, Vice Chair

KATHLEEN STECKO, Administrative Assistant