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 6:34 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: Trevor Rusin, Assistant City Attorney; Richard Mollica, Planning Director; Rob Duboux, Public Works Director / City Engineer; Didier Murillo, Associate Planner; Lilly Rudolph, Contract Planner; Troy Spayd, Assistant Public Works Director/Assistant City Engineer; Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Chair Jennings 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 July 9, 2021.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Mazza stated there had been a fire earlier in the day just outside of the Malibu city limits and cautioned the community to be mindful of fire safety.
Commissioner Hill stated he did not receive the emergency notification in response to a fire that occurred earlier in the week at approximately 2:00 a.m. until 7:30 a.m. and that he would follow up with Malibu Public Safety Manager Susan Duenas. He stated he would like the public participants to have the option to be seen on video during teleconference Planning Commission meetings and to have an early cut-off time for submission of correspondence. He stated his appeal to the California Coastal Commission (CCC) was heard during the past week and although they determined no substantial issue existed, they agreed with his interpretation of wave uprush and the two-thirds rule.

Chair Jennings agreed with Commissioner Hill regarding the two-thirds rule and stated that the Commission could make their own determinations about application of the Local Coastal Program (LCP). He stated a court of appeal decision determined that the CCC and the State of California Department of Housing and Community Development had concurrent jurisdiction at mobile home parks.

In response to Commissioner Hill, Planning Director Mollica stated the two-thirds rule in the LCP was taken from the Malibu Municipal Code and research would need to be conducted to determine the reason why floor area was used versus total development square footage and that the Zoning Ordinance Revisions and Code Enforcement Subcommittee could explore the implications the CCC’s interpretation would have on future development. In response to Chair Jennings he stated Malibu’s zoning ordinances only addressed clubhouses at mobile home parks and that if the City was responsible for regulating the mobile homes, it was possible that new ordinances would need to adopted.

Assistant City Attorney Rusin stated there was likely not going to be any impact on the construction of the units but the ruling might involve unit placement or wastewater issues.

Commissioner Mazza stated there might be a requirement that the units met the Department of Transportation standards.

ITEM 3 CONSENT CALENDAR

Commissioner Hill 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 June 7, 2021 Regular Planning Commission meeting.
2. **De Minimis Waiver No. 21-008**— An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel  
   Location: 5841 Busch Drive, partially within the appealable coastal zone  
   APN: 4469-012-022  
   Case Planner: Contract Planner Shah, 456-2489, ext. 385  
   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 21-008 for a new onsite wastewater treatment system for a Woolsey affected parcel.

3. **De Minimis Waiver No. 21-013**— An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel  
   Location: 6100 Via Cabrillo Drive, not within the appealable coastal zone  
   APN: 4469-016-027  
   Case Planner: Planning Technician Carr, 456-2489, ext. 295  
   Recommended Action: Receive Planning Director’s report on De Minimis Waiver No. 21-013 for a new onsite wastewater treatment system for a Woolsey affected parcel.

4. **Administrative Coastal Development Permit No. 20-054**— An application for the construction of a replacement water well on a property developed with a single-family residence  
   Location: 31534 Anacapa View Drive, not within the appealable coastal zone  
   APN: 4470-007-013  
   Owners: David and Alisha Hirsch  
   Case Planner: Planning Technician Allen, 456-2489, ext. 233  
   Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 20-054.

The following item was pulled from the Consent Calendar for individual consideration:

5. **Administrative Coastal Development Permit No. 19-004**— An application for the construction of a new second unit, new onsite wastewater treatment system, and associated development, including a site plan review for a Fire Department access walkway on slopes steeper than 3 to 1, but less than 2.5 to 1  
   Location: 3343 Rambla Pacifico Street, not within the appealable coastal zone  
   APN: 4451-011-020  
   Owner: Lynn M MacCuish Trust  
   Case Planner: Associate Planner Murillo, 456-2489, ext. 353  
   Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 19-004. The Commission directed questions to staff.

The Commission received and filed the Planning Director’s report on Administrative Coastal Development Permit Amendment No. 19-004.
ITEM 4  CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit No. 17-075, Variance Nos. 17-024, 18-022 and 20-042, and Offer-to-Dedicate No. 20-002 — An application for a new two-story single-family residence with attached two-car garage and associated development

(Continued from June 21, 2021)

Location: 18868 Pacific Coast Highway, within the appealable coastal zone
APN: 4449-001-023
Owner: Farshid Etaat
Case Planner: Contract Planner Rudolph, 456-2489, ext. 250

Recommended Action: Adopt Planning Commission Resolution No. 21-11 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-075 for the construction of a new 3,778 square foot, two-story, single-family beachfront residence with attached garage, decks, retractable beach stairs, onsite wastewater treatment system, grading, retaining walls, hardscape, and seawall; including Variance (VAR) No. 17-024 for the single-family residence to extend seaward of the building stringline, VAR No. 18-022 for the first and second floor decks to extend seaward of the deck stringline, and VAR No. 20-042 for a greater than 50 percent reduction of the front yard setback, and Offer-to-Dedicate No. 21-002 for a lateral access easement across the property located in the Single-Family Medium Density zoning district at 18868 Pacific Coast Highway (Etaat).

Contract Planner Rudolph presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Dustin Woomer, Jason Ventress, and Lloyd Ahern.

Mr. Woomer 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 Mr. Woomer.

MOTION Commissioner Mazza moved and Commissioner Smith seconded a motion directing staff to return with a resolution denying Coastal Development Permit No. 17-075 for the construction of a new 3,778 square foot, two-story, single-family beachfront residence with attached garage, decks, retractable beach stairs, onsite wastewater treatment system, grading, retaining walls, hardscape, and seawall; including Variance (VAR) No. 17-024 for the single-family residence to extend...
seaward of the building stringline, VAR No. 18-022 for the first and second floor decks to extend seaward of the deck stringline, and VAR No. 20-042 for a greater than 50 percent reduction of the front yard setback, and Offer-to-Dedicate No. 21-002 for a lateral access easement across the property located in the Single-Family Medium Density zoning district at 18868 Pacific Coast Highway (Estate) based upon the inability to make the following finding for the coastal development permit: Finding 1) "That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program" and the inability to make the following findings for both the building and the deck stringline modifications: Finding 1: “There are special circumstances or exceptional characteristics applicable to the subject property, including size, topography, location or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification;” Finding 2: “The granting of such variance or modification will not be detrimental to the public interest, safety, health or welfare and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located;” Finding 3: “The granting of the variance will not constitute a special privilege to the applicant or property owner;” Finding 4: “The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this chapter, nor to the goals, objectives and policies of the LCP;” Finding 8: “The subject site is physically suitable for the proposed variance;” and Finding 9: “The variance complies with all requirements of State and local law.”

FRIENDLY AMENDMENT

Commissioner Hill amended the motion to include failure to make the finding for the project as designed was the least environmentally damaging alternative.

The amendment was accepted by the maker and the seconder.

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

B. Coastal Development Permit No. 17-111 – An application for the interior and exterior remodel of an existing two-story single-family residence new swimming pool and associated development (Continued from June 7, 2021)

Location: 27493 Calicut Road, not within the appealable coastal zone
APN: 4460-034-009
Owner: 27493 Calicut LLC
Case Planner: Associate Planner Murillo, 456-2489, ext. 353
Recommended Action: Adopt Planning Commission Resolution No. 21-50 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-111 to allow an interior and less than 10 percent exterior remodel of an existing two-story, single-family residence, new swimming pool and spa, relocate garage doors and new hardscape, located in the Rural Residential–Twenty Acre zoning district at 27493 Calicut Road (27493 Calicut LLC).
Associate Planner Murillo presented the staff report.
Disclosures: Commissioners Hill, Mazza, and Smith, and Vice Chair Weil.

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

Speaker: Matt Jewett.

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 Vice Chair Weil seconded a motion adopt Planning Commission Coastal Development Permit No. 21-50, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-111 to allow an interior and less than 10 percent exterior remodel of an existing two-story, single-family residence, new swimming pool and spa, relocate garage doors and new hardscape, located in the Rural Residential—Twenty Acre zoning district at 27493 Calicut Road (27493 Calicut LLC); and 2) amending Condition 38 to state: “No new landscaping other than the 1,330 square feet of grass, is proposed with this project. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting”

The question was called and the motion carried unanimously.

RECESS At 8:58 p.m. Chair Jennings recessed the meeting. The meeting reconvened at 9:07 p.m. with all Commissioners present.

C. Coastal Development Permit No. 16-012 and Lot Merger No. 20-001 — An application to merge two lots for a new single-family residence, basement, swimming pool, grading, onsite wastewater treatment system and associated development (Continued from June 7, 2021)

Location: 31573 Sea Level Drive, within the appealable coastal zone
APN: 4470-022-041
Owner: Keane Real Estate Holdings I LLC
Case Planner: Associate Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-24 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-012 to construct a new 2,684 square foot, single-story (not to exceed 18-feet in height with a flat roof), single-family residence with a 432 square foot attached garage, including a 997 square foot basement, swimming pool, grading, onsite wastewater treatment system, and associated development; including Lot Merger No. 20-001 for a lot merger of two lots located in the Single-Family Medium zoning district at 31573 Sea Level Drive (Keane Real Estate Holdings I LLC).
Associate Planner Murillo presented the staff report.

Disclosures: Commissioners Hill and Smith and Vice Chair Weil.

The Commission directed questions to staff.

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

Speakers: Scott Halley, Suzanne Furst, Dana Glantz, Michael Glantz, and Cheri LaFayette.

Mr. Halley and Thomas Keane 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.

**MOTION** Vice Chair Weil moved, and Commissioner Mazza seconded a motion adopt Planning Commission Coastal Development Permit No. 21-24, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-012 to construct a new 2,684 square foot, single-story (not to exceed 18-feet in height with a flat roof), single-family residence with a 432 square foot attached garage, including a 997 square foot basement, swimming pool, grading, onsite wastewater treatment system, and associated development; including Lot Merger No. 20-001 for a lot merger of two lots located in the Single-Family Medium zoning district at 31573 Sea Level Drive (Keane Real Estate Holdings I LLC); 2) adding Condition 21 which states, “Any future rooftop deck lighting must comply with the Dark Sky Ordinance and must be equipped with motion detector and timer. No string lights are permitted on the rooftop deck, except for seasonal lights from November 15 to January 15 only;” 3) adding Condition 32 which states, “The proposed chimney shall be replaced with a side vented system;” 4) and adding Condition 34 which states, “Noise emitted from the rooftop deck may not exceed 40 decibels at the property line;”

**AMENDMENT**
Commissioner Mazza moved, and Commissioner Smith seconded a motion to add Condition 33 which states, “Nothing left overnight on the proposed rooftop deck may exceed 18 feet in height above finish or natural grade, whichever is lower.”

The Commission discussed the amendment.

The question was called and the amendment carried 4-1, Vice Chair Weil dissenting.
FRIENDLY AMENDMENT
Commissioner Hill amended the motion adding Condition 31 which states, “The proposed exterior staircase shall be constructed of fireproof material, shall be reduced to a minimum width of 36 inches and shall be view permeable.”

The amendment was accepted by the maker and the seconder.

FRIENDLY AMENDMENT
Commissioner Hill amended the motion adding Condition 58 which states, “The proposed roof mounted air condition units shall be relocated on the ground floor and enclosed and screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3(A)”

The amendment was accepted by the maker and the seconder.

The Commission directed questions to staff, Mr. Halley, Mr. Keane, and Ryan Levis.

The question was called and the amended motion carried 3-2, Commissioner Smith and Chair Jennings dissenting.

ITEM 5  NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 21-027 and Temporary Use Permit No. 21-005 – An application for the 39th Annual Chili Cook-Off and Carnival, a four-day event, Labor Day weekend, and a one-day private fundraising event
Event Location: 23575 Civic Center Way, not within the appealable coastal zone
APN: 4458-022-907
Property Owner: City of Malibu
Applicant: The Boys and Girls Club of Malibu
Parking Locations: 23519 W. Civic Center Way (APN 4458-022-906)
                   23825 Stuart Ranch Road (APN 4458-021-901)
                   23805 Stuart Ranch Road (APN 4458-021-173)
                   3542 Coast View Drive (APN 4458-021-003)
                   3806 Cross Creek Road (APN 4452-011-035)
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Adopt Planning Commission Resolution No. 21-56 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-027 and Temporary Use Permit No. 21-005 to allow for the 39th Annual Chili Cook-Off and Carnival proposed to take place Friday, September 3, 2021, through Monday, September 6, 2021 (Labor Day Weekend) and a private fundraising event to take place Thursday, September 2, 2021, located in the Community Commercial zoning district at 23575 Civic Center Way (City of Malibu) and nearby offsite parking lots.

Associate Planner Thompson presented the staff report.
Disclosures: Commissioners Hill, Mazza, and Smith and Vice Chair Weil.

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

Speakers: Kasey Earnest, Ashlen Kerns, and Ryan Embree.

Ms. Earnest 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. Earnest.

**MOTION**

Commissioner Mazza moved and Commissioner Hill seconded a motion adopt Planning Commission Coastal Development Permit No. 21-56, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-027 and Temporary Use Permit No. 21-005 to allow for the 39th Annual Chili Cook-Off and Carnival proposed to take place Friday, September 3, 2021, through Monday, September 6, 2021 (Labor Day Weekend) and a private fundraising event to take place Thursday, September 2, 2021, located in the Community Commercial zoning district at 23575 Civic Center Way (City of Malibu) and nearby offsite parking lots; 2) require drop-off and pick-up areas to be relocated; 3) amend Condition 11 to prohibit the traffic signal at the intersection of Stuart Ranch Road and Civic Center Way from being placed on all flashing reds on weekdays; 4) require all residents within 1,000 feet of the event or parking areas to be sent a notification providing the telephone numbers for both the Los Angeles County Sheriff Department Lost Hills Station and a City Code Enforcement officer that would be available during event hours; 5) amend Condition 54 to state attendees will be offsite by 10:30 p.m.; 6) require lighting, except for security lighting, shall be extinguished by 11:00 p.m.; and 7) require the event to be compliant with all State of California and Los Angeles County COVID-19 social distancing requirements.

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

**B. Coastal Development Permit No. 21-008 – An application to construct median improvements to widen the outside shoulder for a distance of approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon Road**

Location: 24201.5 Pacific Coast Highway, approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon Road, within the appealable coastal zone

Applicant: City of Malibu Public Works Department and Caltrans

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

Recommended Action: Adopt Planning Commission Resolution No. 21-57 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 21-008 to construct median improvements to widen the outside shoulder for a distance of approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon.
Road located entirely within the California Department of Transportation (Caltrans) public right-of-way to better allow a combination of bicycle use and on-street parking (Caltrans).

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to continue to the September 8, 2021 Adjourned Regular meeting – Coastal Development Permit No. 21-008, an application to construct median improvements to widen the outside shoulder for a distance of approximately two miles along Pacific Coast Highway between Webb Way and Puerco Canyon Road located entirely within the California Department of Transportation (Caltrans) public right-of-way to better allow a combination of bicycle use and on-street parking (Caltrans).

The Commission discussed the motion and directed questions to staff.

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 11:00 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

ATTEST:

KATHLEEN STECKO, Administrative Assistant