

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 15, 2022
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 Hill called the meeting to order at 6:34 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Kraig Hill, Vice Chair Dennis Robert Smith, and Commissioners Jeffrey Jennings, John Mazza, and Mark Wetton

ALSO PRESENT: Patrick Donegan, Assistant City Attorney; Richard Mollica, Planning Director; Adrian Fernandez, Assistant Planning Director; Jessica Thompson, Senior Planner; Adam Pisarkiewicz, Contract Planner; Lauren Doyel, Contract Geotechnical Engineer; and Rebecca Evans, Recording Secretary

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Jennings seconded a motion to approve the agenda as recommended by staff.

The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Recording Secretary Evans reported that the agenda for the meeting was properly posted on August 5, 2022.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Mazza noted the California Coastal Commission held a seminar on coastal rise and he asked for a quick update from staff.

In response to Commissioner Mazza, Lauren Doyel provided a brief update on the California Coastal Commission presentation.

Chair Hill stated California Coastal Commission ruled on the City's Short-Term Rentals Hosted Ordinance at its most recent meeting and he asked Planning Director Mollica where the City stands with California Coastal Commission's denial of the proposed Malibu ordinance.

In response to Chair Hill, Planning Director Mollica clarified that California Coastal Commission staff recommended denial due to concerns about reductions to visitor-serving accommodations and its recommendation passed with a 5-3 vote. He added that the Planning Department will bring the topic back to the City Council for further direction and that anyone operating a Short-Term Rental should have registered with the City for taxation purposes and the property is checked for code enforcement issues as part of the registration process.

Commissioner Mazza asked if it was likely that the California Coastal Commission would have new Commissioners appointed following elections.

Planning Director Mollica stated it appeared likely that there would be some change in the composition of the California Coastal Commission next year.

Vice Chair Smith noted a City Councilmember had threatened litigation against the California Coastal Commission on the issue of the Hosted Ordinance and questioned the value of staff time on this effort at the current time.

Planning Director Mollica stated the Chair of the California Coastal Commission made it clear during comments that the City needs to be more of a partner in the process of future updates to the Local Coastal Program regarding short-term rentals.

Commissioner Mazza requested comment from Don Schmitz regarding potential changes to California Coastal Commission composition.

Don Schmitz noted California Coastal Commissioners, aside from the Gubernatorial appointees, serve fixed terms. He believes a change in Commissioner composition at the California Coastal Commission is unlikely in the upcoming year.

He also commented on the California Coastal Commission's sea level rise guidelines.

Chair Hill asked Planning Director Mollica if an item on the consent calendar with a blank Affidavit of Acceptance of Conditions was an issue. Planning Director Mollica noted the Planning Commission and applicant received the information at the same time so there was no opportunity for the Affidavit of Acceptance of Conditions to be signed in time for inclusion in the packet. However, that does not constitute a concern for approval of the item.

Chair Hill questioned Code Enforcement practices beginning with the Sunset Jazz Festival, future enforcement of the Dark Sky Ordinance, and a potential parking issue in regards to car shows at Bluffs Park at the same time as the softball league on Thursday night.

In response to Chair Hill, Planning Director Mollica informed the Commission the goal is to eventually have seven-day a week code enforcement per the City Council's direction. However, Code Enforcement's recruitment for vacant positions is ongoing. Additionally, some of the items mentioned by Chair Hill were not Code Enforcement issues. For example, film permits are handled by the City Manager's film department. Conflicts such as parking for Cars and Coffee overlapping with the baseball fields falls under the Community Services Department. The City had three staff members present during the Sunset Jazz Festival. The Planning Director reviewed the promoter's website in advance of the event and it did not include the word alcohol, rather the promoter used the term bar and explained that it was a non-alcoholic bar. The City Attorney also examined the issue and agreed that changes to the website were within the Planning Commission's direction. Both the Community Services Director and Planning Director Mollica worked the Saturday afternoon of the Sunset Jazz Festival and responded to ongoing concerns as they were raised. The Code Enforcement Hotline is checked on weekends and staff has been reorganized when large events were scheduled for weekends. The Planning Department has planned to locate a specialist to support code enforcement for evening inspections in response to light trespass issues when the Dark Sky Ordinance becomes effective.

Chair Hill previously provided recommendations to City Council for enforcement of the Dark Sky Ordinance, which included suggestions for how the public could support enforcement.

Vice Chair Smith stated that Commissioner Mazza, Vice Chair Smith and Patt Healy all agreed that the service stations were capable of coming into compliance as did the Chevron station, which looks great.

In response to Vice Chair Smith, Planning Director Mollica noted the Chevron station plans for lighting reduction reviewed by Jim Benya have not yet been installed.

Planning Director Mollica noted that at least three of the California Coastal Commissioners were publicly listed as holding terms ending May 2023 and two serve at the will of the Governor with a possibility of up to five changing based on the California Coastal Commission website information.

Planning Director Mollica also informed that staff was present at the Mountain Recreation Conservancy Authority hearing and summarized the meeting. Mr. Richard Weintraub has proposed development of new residences at 33386 and 33398 PCH, and Mr. Weintraub and his partner made an offer to the Mountain Recreation Conservancy Authority to allow public use of the four-foot-wide easement on the east end of the property to access the beach. He added that Code Enforcement staff has contacted the owners' representatives and informed them of the need to coordinate with the City on the permitting to install a new gate. Code Enforcement staff has increased monitoring patrols in that area.

Chair Hill spoke with one of the two private property owners impacted by the easement and there is current litigation regarding conflicts with existing deed restrictions.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items
None.

- B. New Items
 - I. Administrative Coastal Development Permit No. 19-085 – An application for a new onsite wastewater treatment system to replace an existing onsite wastewater treatment system serving an existing single-family residence
Location: 28943 Grayfox Street, within the appealable coastal zone
APN: 4466-007-014
Owner: Highlands Investment Group, LLC
Case Planner: Senior 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. 19-085.

CONSENSUS Received and filed the Planning Director's report on the approval of Administrative Coastal Development Permit No. 19-085 by unanimous consensus.

2. Extension of Coastal Development Permit No. 15-028, Conditional Use Permit No. 15-011, Initial Study No. 16-002, Mitigated Negative Declaration No. 16-001, Lot Merger No. 16-001, Variance No. 16-016, Site Plan Review No. 16-009, and Minor Modification No. 16-010 – A request to extend the Planning Commission's approval of an application for 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, approximately 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 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 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 in the Commercial Visitor Serving-Two zoning district

Location: 4000 Malibu Canyon Road, not within the appealable coastal zone

APNs: 4452-028-015, 4458-028-019 and 4458-030-007

Applicant: Jake Jesson

Owner: Green Acres LLC

Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Continue this item to the September 6, 2022 Regular Planning Commission meeting.

The item was continued to the September 6, 2022 Regular Planning Commission meeting upon approval of the agenda.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 22-003 - An application to amend Coastal Development Permit No. 14-051 for the construction of a shoring wall to protect

existing development on adjacent lots during construction of a previously approved single-family residence

Location: 31224 Broad Beach Road, within the appealable coastal zone

APN: 4470-015-017

Owner: 31224 Broad Beach, LLC

Case Planner: Contract Planner Pisarkiewicz, AICP, 949-489-1442

Recommended Action: Adopt Planning Commission Resolution No. 22-53, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 22-003 to amend Coastal Development Permit No. 14-051 for the construction of a shoring wall to protect existing development on adjacent lots during construction of the previously approved single-family residence located in the Single-Family Medium Density Zoning District and Trancas Beach Overlay District at 31224 Broad Beach Road (31224 Broad Beach, LLC).

Contract Planner Pisarkiewicz presented the staff report.

Disclosures: Commissioners Jennings, Wetton, Smith and Hill

The Commission directed questions to staff.

As there were no further questions for staff, Chair Hill opened the public hearing.

Speakers: Lynn James Heacox; Contractor Jens Holst, Structural Engineer Marshall Mead and Geologist Mark Barrett available for questions

As there were no other speakers present, Chair Hill 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 the applicant team.

MOTION

Commissioner Jennings moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 22-53, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 22-003 to amend Coastal Development Permit No. 14-051 for the construction of a shoring wall to protect existing development on adjacent lots during construction of the previously approved single-family residence located in the Single-Family Medium Density Zoning District and Trancas Beach Overlay District at 31224 Broad Beach Road (31224 Broad Beach, LLC)

The Commission discussed the motion and directed questions to staff.

The question was called and the motion carried unanimously.

- B. Coastal Development Permit No. 21-013, Capital Improvement Project No. 21-002, Initial Study No. 22-001, and Mitigated Negative Declaration No. 22-001 (State Clearinghouse Number 2018111004) – An application to replace two damaged drainage culverts on Pacific Coast Highway near Nicholas Canyon Beach Road and biological habitat restoration

Locations: 34685, 34555, 34405, and 33904 Pacific Coast Highway and in the California Department of Transportation public right-of-way, within the coastal appeal zone

APNs: 4473-027-005; 4473-027-006; 4473-027-007; 4473-024-911 and 4473-024-900

Owner: California Department of Transportation

Case Planner: Contract Planner Pisarkiewicz, AICP, 949-489-1442

Recommended Action: Continue this item to the September 6, 2022 Regular Planning Commission meeting.

The item was continued to the September 6, 2022 Regular Planning Commission meeting upon approval of the agenda.

- C. Coastal Development Permit Amendment No. 16-009, Variance 19-017 and Site Plan Review No. 19-049 – An application to amend Coastal Development Permit No. 05-025 replacing the previously approved, two-story, single-family residence and guest house with a two-story, 9,524-sq.ft. single family residence and guest house; associated development; including a variance for non-exempt grading over 1,000 cubic yards; and a site plan review for construction over 18 feet in height, up to 24 feet in height to allow for a flat roof

Location: 18805 Pacific Coast Highway, partially within the appealable coastal zone

APN: 4449-009-012

Owner: EVO M SPV 100, LLC

Case Planner: Assistant Planner Coronel, 456-2489, ext. 373

Recommended Action: Continue this item to the September 6, 2022 Regular Planning Commission meeting.

The item was continued to the September 6, 2022 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

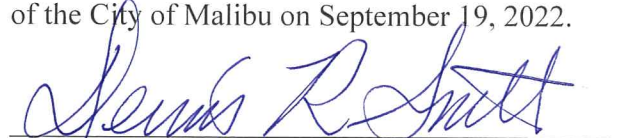
None.

ITEM 8 PLANNING COMMISSION ITEMS
None.

ADJOURNMENT

MOTION At 7:54 p.m., Commissioner Jennings moved and Chair Hill 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 19, 2022.



DENNIS R. SMITH, Planning Commission Chair

ATTEST:



REBECCA EVANS, Recording Secretary