

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 19, 2019
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Uhring called the meeting to order at 6:30 p.m.

ROLL CALL

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

PRESENT: Chair Steve Uhring; Vice Chair Jeffrey Jennings; and Commissioners Kraig Hill, Chris Marx, and John Mazza

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Colvard, Associate Planner, Justine Kendall, Assistant Planner; Richard Mollica, Assistant Planning Director; Kathleen Stecko, Senior Office Assistant; and Jessica Thompson, Associate Planner

PLEDGE OF ALLEGIANCE

Lloyd Ahern led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Senior Office Assistant Stecko reported that the agenda for the meeting was properly posted on August 9, 2019.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to approve the agenda and continue Item No. 5.A. to a date uncertain. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on the Woolsey Fire Rebuild Process

Planning Director Blue and Assistant Planning Director Mollica provided an update on the Woolsey Fire rebuild process.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Marx, Assistant Planning Director Mollica stated fee waivers were limited to those who owned and occupied the property at the time of the disaster.

Chair Uhring commented on the limited parking at the Farmers Market.

Planning Director Blue announced that the City Council would hold a Special meeting on a temporary skate park proposal on Wednesday, August 21, 2019. She announced the Local Coastal Program Amendments for the Housing Element and Public Access Map updates would be discussed at the August 26, 2019 Regular City Council meeting.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled by Commissioner Hill.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to approve the Consent Calendar except for Item No. 3.B.2. The motion carried unanimously.

The Consent Calendar consisted of the following item:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Administrative Coastal Development Permit No. 18-037 – An application to install a new onsite wastewater treatment system (OWTS) to replace the existing OWTS serving an existing single-family residence
Location: 31100 Broad Beach Road, within the appealable coastal zone
APN: 4470-015-004
Owner: B.H. Broad Beach, LLC
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 18-037.

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

- B. Previously Discussed Items
 - 2. Extension of Coastal Development Permit No. 13-013, Variance No. 14-006, Neighborhood Standards Review No. 14-003, and Site Plan Review No. 13-005 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 5920 Paseo Canyon Drive
APN: 4469-046-007
Owner: 8Paseo LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 19-40 granting a sixth-month extension of Coastal Development Permit No. 13-013, Variance No. 14-006, Neighborhood Standards Review No. 14-003, and Site Plan Review No. 13-005, an application for the construction of a new single-family residence and associated development in the Single-Family Low Density zoning district located at 5920 Paseo Canyon Drive (8Paseo LLC).

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to move the item to the end of the agenda to allow staff time to provide additional information regarding the date of the submission of the extension request. The motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Conditional Use Permit No. 18-005 – An application to allow the operation of a new restaurant (Café D’ Amore), including the onsite sale and consumption of alcohol (Continued from August 5, 2019)

Location: 23401 Civic Center Way, Unit 1C, not within the appealable coastal zone

APN: 4458-022-030

Owner: The Park at Cross Creek, LLC

Tenant: Café D’ Amore

Case Planner: Contract Planner Rudolph, 456-2489, ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 19-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 18-005 to allow the operation of a new restaurant (Café D’ Amore), including a California Department of Alcoholic Beverage Control License Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) to allow the onsite service of beer and wine, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use in the Commercial Visitor Serving-One zoning district located at 23401 Civic Center Way (The Park at Cross Creek, LLC).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioners Marx and Hill.

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

Speakers: Steven Olshan and Joe D'Amore.

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

The Commission directed questions to staff, Mr. Olshan, and Mr. D'Amore.

MOTION

Commissioner Marx moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 19-51, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit (CUP) No. 18-005 to allow the operation of a new restaurant (Café D' Amore), including a California Department of Alcoholic Beverage Control License Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) to allow the onsite service of beer and wine, and authorizing the Planning Director to submit a letter of public convenience or necessity for the use in the Commercial Visitor Serving-One zoning district located at 23401 Civic Center Way (The Park at Cross Creek, LLC); and 2) requiring signage stating that alcohol may only be consumed in compliance with the restaurant's Department of Alcoholic Beverage Control license.

The Commission discussed the motion.

FRIENDLY AMENMENT

Commissioner Mazza amended the motion to add a condition that requires the Planning Department conduct a review of restaurant operations and compliance with conditions of approval that shall be presented to the Planning Commission five years after CUP approval.

The Commission discussed the amendment.

The question was called and the amended motion carried unanimously.

- B. Coastal Development Permit No. 19-025, Conditional Use Permit No. 19-005, and Temporary Use Permit No. 19-019 – A follow-up application to Emergency Coastal Development Permit Nos. 19-005 and -014 for the establishment and temporary use of a laydown yard, permanent retention of the onsite improvements and use of the site for parking associated with neighborhood construction services (Continued from August 5, 2019)

Location: 23833 Stuart Ranch Road, within the appealable coastal zone

APN: 4458-021-175

Owner: Bradley Bell, Surfrider Partners, LLC

Case Planner: Assistant Planner Kendall, 456-2489, ext. 301

Recommended Action: Adopt Planning Commission Resolution No. 19-49 denying Conditional Use Permit No. 19-005 for use of the property for parking associated with neighborhood construction services, determining the project is

categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 19-025, the follow-up application to Emergency Coastal Development Permit Nos. 19-005 and -014 which allowed the establishment and temporary use of a laydown yard by Southern California Edison for critical fire prevention infrastructure repairs, including restoration of the site to its original condition and approving Temporary Use Permit No. 19-019 to allow for the continued use through the end of 2019 of a portion of the site as the laydown yard for the remaining critical repairs, located in the Community Commercial zoning district at 23833 Stuart Ranch Road (Surfrider Partners, LLC).

Assistant Planner Kendall presented the staff report.

Disclosures: Commissioners Hill, Marx, and Mazza, Vice Chair Jennings, and Chair Uhring.

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

Speakers: Rudy Gonzales, Robert Jaramillo, Len Malo, Michael Dryer, Patt Healy (Georgia Goldfarb deferred time to Ms. Healy), Bruce Silverstein (John Hathorn, Leticia Aloï, Gigi Goyette, Rosy, and Mari Stanley deferred time to Mr. Silverstein), Patrick Perry, Brad Bell, Andy Lyon, and Alexis Aria.

Disclosures: Commissioner Marx and Vice Chair Jennings made additional disclosures.

RECESS At 8:19 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 8:30 p.m. with all Commissioners present.

The Commission directed questions to staff.

Mr. Malo and Rudy Gonzales provided rebuttal to public comment.

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

The Commission directed questions to staff, Mr. Jaramillo, Donald Kowalewsky, Brian Villegas, Patt Healy, Mr. Malo, and Mr. Silverstein.

MOTION Vice Chair Jennings moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 19-49, as amended: 1) denying Conditional Use Permit No. 19-005 for the use of the property for parking associated with neighborhood construction services; 2) determining the project is categorically exempt from the California Environmental Quality Act, 3) approving Temporary Use Permit No. 19-19 to allow for the continued use of the site as currently configured through December 31, 2019, or the completion of the critical

infrastructure repair work, whichever was sooner, and 4) approving Coastal Development Permit No. 19-025, the follow-up application to Emergency Coastal Development Permit Nos. 19-005 and 19-004, allowing a temporary laydown yard by Southern California Edison (SCE) for critical fire prevention infrastructure repairs to be restored to its pre-project condition to the satisfaction of the Planning Director after a detailed remediation plan, prepared by an expert chosen by the City at the applicant's expense, is posted on the City's website for a 30 day public comment period to which the City and SCE will respond and the plan is reported at a Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

MOTION Chair Uhring moved and Commissioner Marx seconded a motion to hear Item No. 3.B.2. prior to Item No. 5.B. The motion carried unanimously.

ITEM 3 CONSENT CALENDAR (Continued)

B. Previously Discussed Items

2. Extension of Coastal Development Permit No. 13-013, Variance No. 14-006, Neighborhood Standards Review No. 14-003, and Site Plan Review No. 13-005 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 5920 Paseo Canyon Drive

APN: 4469-046-007

Owner: 8Paseo LLC

Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 19-40 granting a sixth-month extension of Coastal Development Permit No. 13-013, Variance No. 14-006, Neighborhood Standards Review No. 14-003, and Site Plan Review No. 13-005, an application for the construction of a new single-family residence and associated development in the Single-Family Low Density zoning district located at 5920 Paseo Canyon Drive (8Paseo LLC).

The Commission directed questions to staff.

MOTION Vice Chair Jennings moved and Chair Uhring seconded a motion adopt Planning Commission Resolution No. 19-40 granting a sixth-month extension of Coastal Development Permit No. 13-013, Variance No. 14-006, Neighborhood Standards Review No. 14-003, and Site Plan Review No. 13-005, an application for the construction of a new single-family residence and associated development in the Single-Family Low Density zoning district located at 5920 Paseo Canyon Drive (8Paseo LLC).

The Commission discussed the motion.

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

MOTION Chair Uhring moved and Commissioner Marx seconded a motion to continue Item Nos. 5.C. and 5.D. to the September 3, 2019 Regular Planning Commission meeting.

The Commission discussed the motion.

The motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 17-001, Variance Nos. 19-004, 19-018 and 19-024 and Site Plan Review Nos. 17-005 and 19-062 – An application for the construction of a new single-family residence and associated development

Location: 5924 Zumirez Drive, within the appealable coastal zone

APN: 4467-008-034

Owner: Izad Family Trust

Case Planner: Associate Planner Colvard, 456-2489, ext. 301

Recommended Action: Continue this item to a date uncertain. This item will be renoticed to include a variance for fuel modification to extend into environmentally sensitive habitat area.

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

- B. Coastal Development Permit No. 17-116 and Demolition Permit No. 19-007 – An application for an upgrade and expansion of an existing onsite water treatment system and associated exterior site improvements

Location: 24910 Pacific Coast Highway, within the appealable coastal zone

APNs: 4458-015-013 and 4458-015-014

Property Owners: Grant and Patricia Sims

Case Planner: Associate Planner Brooks, 456-2489, ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 19-44 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit (CDP) No. 17-116 and Demolition Permit No. 19-007 for an upgrade and expansion of the existing onsite wastewater treatment system that serves an existing single-family residence, new hardscape, landscaping, new walls and a vehicle entry gate, water feature, pergola, barbeque area, demolition of a deck, and the after-the-fact approval of a sports court, a covered patio, and 115 cubic yards of after-the-fact non-exempt grading associated with construction of the unpermitted sports court, located in the Rural Residential-Two Acre zoning district at 24910 Pacific Coast Highway (Sims).

Associate Planner Brooks presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioners Hill and Mazza and Chair Uhring.

The Commission directed questions to staff.

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

Speaker: Justin Block.

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

The Commission directed questions to staff, Mr. Block, and Mr. Kowalewsky.

MOTION

Vice Chair Jennings moved and Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 19-44, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit (CD) No. 17-116 and Demolition Permit No. 19-007 for an upgrade and expansion of the existing onsite wastewater treatment system that serves an existing single-family residence, new hardscape, landscaping, new walls and a vehicle entry gate, water feature, pergola, barbeque area, demolition of a deck and the after-the-fact approval of a sports court, a covered patio, and 115 cubic yards of after-the-fact non-exempt grading associated with construction of the unpermitted sports court, located in the Rural Residential-Two Acre zoning district at 24910 Pacific Coast Highway (Sims); and 2) limiting the approval of the sports court to the portion that is located on the subject property only and excluding the portion that is within the offsite landscape easement.

AMENDMENT

Commissioner Hill moved and Commissioner Marx seconded a motion to amend the motion to require a certified archeologist be present, and a Chumash representative be invited to be present during grading activities.

The Commission discussed the amendment. The motion for the amendment was withdrawn.

AMENDMENT

Commissioner Hill moved and Commissioner Mazza seconded a motion to amend the motion to revise Condition No. 14 to modify the second sentence to replace "Native American representative" with "qualified professional archaeologist" and to modify the fourth sentence to state "...work shall immediately cease until the

qualified archaeologist reports the nature and significance of the resources to the Planning Director for review.”

The question was called on the amendment and the amendment carried 4-1, Vice Chair Jennings dissenting.

The question was called and the amended motion carried unanimously.

C. Administrative Plan Review No. 17-034 and Variance No. 18-047 – An application to permit the repair and restoration of a failed slope

Location: 3011 Malibu Canyon Road, not located within the appealable coastal zone

APN: 4458-029-015

Owner: HRL Laboratories, LLC

Case Planner: Associate Planner Brooks, 456-2489, ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 19-47 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 17-034 to allow the repair and restoration of a failed slope which includes 1,700 cubic yards of remedial grading, the installation of two pile supported retaining walls, resulting in a maximum height of 12 feet for the combination of walls, two concrete swales, and five bollards to protect an existing high pressure water line serving an existing research and development facility, including Variance No. 18-047 for construction on slopes steeper than 2.5 to 1, located in the Industrial and Research and Development zoning district at 3011 Malibu Canyon Road (HRL Laboratories, LLC).

This item was continued to the September 3, 2019 Regular Planning Commission meeting.

D. Coastal Development Permit No. 16-038 and Variance Nos. 16-017 and 18-045 – An application for a new single-family residence and associated development

Location: 21490 Paseo Portola Street, within the appealable coastal zone

APN: 4451-023-037

Owner: Richard K. Perrin

Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 19-20 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-038 to construct a new 2,963 square foot, two-story single-family residence, with a 434 square foot attached two-car garage, spa and associated equipment, decks, pile-supported retaining walls, landscaping, hardscaping, grading, and construction of a new onsite wastewater treatment system (OWTS), including Variance No. 16-017 for construction on slopes steeper than 1.5 to 1 and VAR No. 18-045 for height of retaining wall in excess of six feet for up to nine feet located in the Single-Family

Medium zoning district within the La Costa Overlay District at 21490 Paseo Portola Street (Perrin).

This item was continued to the September 3, 2019 Regular Planning Commission meeting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 11:16 p.m., Commissioner Mazza moved and Commissioner Marx seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission
of the City of Malibu on October 7, 2019.



STEVE UHRING, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary