

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 3, 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 and John Mazza

ABSENT: Commissioner Chris Marx

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Raneika Brooks, Associate Planner; Adrian Fernandez, Principal Planner; Justine Kendall, Assistant Planner; Kathleen Stecko, Senior Office Assistant; and Jessica Thompson, Associate Planner

**PLEDGE OF ALLEGIANCE**

Dennis Smith 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 23, 2019, with the amended agenda properly posted on August 27, 2019.

**APPROVAL OF AGENDA**

MOTION Commissioner Mazza moved and Chair Uhring seconded a motion to approve the agenda. The motion carried 4-0, Commissioner Marx absent.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Staff Update on the Woolsey Fire Rebuild Process

Associate Planner Thompson 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 Hill, Planning Director Blue stated that a revised Notice of Final Local Action for the Southern California Edison (SCE) staging yard coastal development permit and temporary permit application at 23833 Stuart Ranch Road recently approved by the Planning Commission was sent to the California Coastal Commission (CCC) to correct the previously sent document which erroneously referred to the project as not being appealable to the CCC.

In response to Commissioner Mazza, Planning Director Blue stated applications for like-for-like replacement of a second unit on Woolsey Fire affected properties would be treated as a planning verification with fees waived. She stated if it were a brand-new second unit, it would require a coastal development permit, and if that was the only scope of development involved, it would be eligible for the statutory processing timeline of 120 days. She stated an Accessory Dwelling Unit ordinance would be coming back before the Planning Commission at a future meeting with the additional information that was requested.

In response to Chair Uhring, Planning Director Blue stated she would look into the particular case of a resident who had contacted him with questions about building a second unit.

In response to Chair Uhring, Planning Director Blue stated the timing of SCE vacating the Bell property involved the Malibu Municipal Code requirement that the decision to be rendered 24 days before issuance of the permit, and that temporary use permit timelines would be observed more stringently, whereas previously more flexibility was afforded. She announced the coastal development permit application approval for the SCE staging yard was appealed to the CCC on September 3, 2019.

**ITEM 3 CONSENT CALENDAR**

Item No. 3.B.1., the only item on the Consent Calendar, was pulled by Commissioner Mazza.

A. Previously Discussed Items

None.

B. New Items

1. Administrative Coastal Development Permit No. 19-028 – An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence

Location: 28730 Grayfox Street, within the appealable coastal zone

APN: 4466-011-002

Owner: The Beach House, 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 No. 19-028.

Associate Planner Thompson presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Uhring opened public comment.

Speakers: None.

As there were no speakers present, Chair Uhring closed public comment.

The Commission directed questions to staff and Norman Haynie.

MOTION

Commissioner Mazza moved and Commissioner Hill seconded a motion to receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 19-028. The motion carried 4-0, Commissioner Marx absent.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- A. 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 (Continued from August 20, 2019)

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, including Variance (VAR) 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).

Principal Planner Fernandez presented the staff report.

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

Speakers: Richard Perrin, Jake Holt, James Moore (Tracy Moore, Marilyn Kroppach, Duane King, and Solomon Aflalo deferred time to Mr. Moore), Ms. Castroll, and Norman Haynie.

Jose Fulginiti 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. Moore, Mr. Holt, Mr. Haynie, and Mr. Fulginiti.

MOTION

Vice Chair Jennings moved and Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 19-20, as amended: 1) 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, including Variance (VAR) 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); and 2) requiring a condition that a vertical living wall or similar landscape along the south-facing retaining wall be installed and maintained to help visually screen the wall from Pacific Coast Highway.

The Commission discussed the motion.

The question was called and the motion carried 3-1-0, Commissioner Hill dissenting and Commissioner Marx absent.

B. Administrative Plan Review No. 17-034 and Variance No. 18-047 – An application to permit the repair and restoration of a failed slope (Continued from August 19, 2019)

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 (RD 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).

Associate Planner Brooks presented the staff report.

Disclosures: Commissioner Hill 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.

Speakers: Val Levin and Bill LaChapelle.

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 and Mr. Levin.

MOTION Vice Chair Jennings moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 19-47, as amended: 1) 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 (RD 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); and 2) correcting Condition 7 to state the expiration date of September 5, 2022.

FRIENDLY AMENDMENT

Commissioner Hill amended the motion to require restoration of any damaged environmentally sensitive habitat area. The amendment was accepted by the maker and the seconder.

The Commission discussed the motion.

The question was called and the amended motion carried 4-0, Commissioner Marx absent.

C. Conditional Use Permit Amendment No. 19-003 – An Application to Amend the Conditional Use Permit for the Operation of Restaurant (Soho Little Beach House Malibu) (Continued from July 15, 2019)

Location: 22716 Pacific Coast Highway

APN: 4452-004-070

Owner: Malibu Cantina, LLC

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Continue this item to the September 16, 2019 Regular Planning Commission meeting

This item was continued to the September 16, 2019 Regular Planning Commission meeting upon approval of the agenda.

RECESS At 8:35 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 8:40 p.m. with Commissioner Marx absent.

**ITEM 5 NEW PUBLIC HEARINGS**

A. Coastal Development Permit No. 13-064, Code Violation No. 19-006, Variance Nos. 19-007, 19-020, and 19-021, and Demolition Permit No. 19-016 – A follow-up Coastal Development Permit for emergency slope and drainage repair, and for the demolition of unpermitted work and permitting after-the-fact hardscape

Parcel 1: Owner: Jonathan Frank

Location: 32640 Pacific Coast Highway/ APN 4473-016-001  
within the appealable coastal zone

Parcel 2: Owner: California Department of Parks and Recreation

Location: La Piedra State Beach / APN 4473-016-902  
within the appealable coastal zone

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

Recommended Action: Adopt Planning Commission Resolution No. 19-53 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-064 to allow for the initial slope repair and expansion of the drainage system which took place under Emergency Coastal Development Permit No. 18-005; completion of the slope repair; revegetation of slopes; demolition of a path and gate within the public right-of-way, stairs, and steel poles constructed without the benefit of permits; and after-

the-fact construction of hardscaping, including Variance (VAR) No. 19-007 to allow for remedial grading exceeding 15,000 cubic yards, and Demolition Permit No. 19-016 for the removal of the development constructed without the benefit of permits, and denying VAR No. 19-020 to allow a nine-foot tall archway within the front yard setback, and VAR No. 19-021 to allow a wall within the bluff top setback at an existing single-family residence located in the Rural Residential–Two Acre zoning district at 32640 Pacific Coast Highway and La Piedra State Beach located in the Public Open Space zoning district at APN 4473-016-902 (Frank).

Assistant Planner Kendall presented the staff report.

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

Speakers: Travis Cullen and Norman Haynie.

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. Haynie, Mr. Cullen, and Leonard Liston.

#### MOTION

Commissioner Hill moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 19-53, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-064 to allow for the initial slope repair and expansion of the drainage system which took place under Emergency Coastal Development Permit No. 18-005; completion of the slope repair; revegetation of slopes; demolition of a path and gate within the public right-of-way, stairs, and steel poles constructed without the benefit of permits; and after-the-fact construction of hardscaping, including Variance (VAR) No. 19-007 to allow for remedial grading exceeding 15,000 cubic yards, and Demolition Permit No. 19-016 for the removal of the development constructed without the benefit of permits, and denying VAR No. 19-020 to allow a nine-foot tall archway within the front yard setback, and VAR No. 19-021 to allow a wall within the bluff top setback at an existing single-family residence located in the Rural Residential–Two Acre zoning district at 32640 Pacific Coast Highway and La Piedra State Beach located in the Public Open Space zoning district at APN 4473-016-902 (Frank); 2) revising the demolition of the bluff-top development to include the wall above grade and the stone patio but keeping the footings beneath the wall; and 3) revising Condition 43

to add that the construction shall comply with a construction management plan reviewed by the City.

The Commission discussed the motion.

The question was called and the motion carried 4-0, Commissioner Marx absent.

B. Coastal Development Permit No. 18-063 – An application for the construction of a water well and storage tank

Location: 32340 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-014-009

Owner: Big Bluff, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 19-54 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-063 for the construction of a water well and a 550 gallon water storage tank measuring forty eight inches in height to provide non-potable water for irrigation of existing landscaping on a residentially developed parcel located within the Rural Residential–Two Acre zoning district at 32340 Pacific Coast Highway (Big Bluff, LLC).

Associate Planner Thompson presented the staff report.

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(s): None.

As there were no 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 and Gigi Goyette.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 19-54, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit (CDP) No. 18-063 for the construction of a water well and a 550 gallon water storage tank measuring forty eight inches in height to provide non-potable water for irrigation of existing landscaping on a residentially developed parcel located within the Rural Residential–Two Acre zoning district at 32340 Pacific Coast Highway (Big Bluff, LLC); and 2) adding to Finding 2 of the General Coastal Development Permit Findings the reference to the



August 30, 2019 Mountain Recreation Conservancy Authority correspondence noting that the property does have a Lateral Access document recorded per CDP No. A-220-80, which was accepted by the State Lands Commission in 2002.

The Commission discussed the motion.

The question was called and the motion carried 4-0, Commissioner Marx absent.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 10:04 p.m., Commissioner Mazza moved and Commissioner Hill seconded a motion to adjourn the meeting. The motion carried 4-0, Commissioner Marx absent.

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

  
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STEVE UHRING, Chair

ATTEST:

  
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KATHLEEN STECKO, Recording Secretary