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 Mazza 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 John Mazza; Vice Chair Chris Marx; and Commissioners Jeffrey Jennings, Steve Uhring, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Rob Duboux, Public Works Director / City Engineer; Raneika Brooks, Associate Planner; Richard Mollica, Assistant Planning Director; Didier Murillo, Assistant Planner; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Administrative Assistant

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on August 28, 2020.

APPROVAL OF AGENDA

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to approve the agenda, continuing Item Nos. 3.B.2., 5.A., and 5.D. to the October 5, 2020 Regular Planning Commission meeting, Item No. 4.A. to a date uncertain, and hearing Item No. 4.B. after Item No. 5.C. The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.
ITEM 2.B.  COMMISSION / STAFF COMMENT

Chair Mazza commented on the proposed short-term rental ordinance agenda report for the September 14, 2020 Regular City Council meeting stating he would have liked the suggestions the Planning Commission had requested to be included regarding guest houses, City Council Policy 43, multi-family percentages, and tightening of revocation laws.

In response to Vice Chair Marx, Assistant Planning Director Mollica explained how total development square footage was calculated.

In response to Vice Chair Marx, Assistant City Attorney Rusin stated that it was at the discretion of the Chair to allow questions to be directed to speakers following the close of the public comment portion of the public hearing.

Commissioner Jennings stated such follow up questions should be specific rather than open-ended to avoid affording more time to one party over another.

Planning Director Blue announced the California Coastal Commission would be considering granting an extension on the City’s Local Coastal Program amendment pertaining to pesticides at its Thursday, September 10, 2020 virtual meeting. She stated the City Council would be considering the two proposed short-term rental ordinances and a sign code provision urgency ordinance at its Monday, September 14, 2020 virtual meeting. She stated parking as a stand-alone use would be on the September 21, 2020 Planning Commission meeting agenda.

In response to Commissioner Uhring and Chair Mazza, Planning Director Blue explained the process of drafting the proposed short-term rental ordinance stating it was a multi-departmental effort, and the staff report recited all of the Planning Commission’s recommendations, implemented many of them, and some were left in place as originally proposed to allow the City Council to choose in which direction it wished to proceed.

ITEM 3  CONSENT CALENDAR

B. New Items
2. Administrative Coastal Development Permit No. 19-010, Site Plan Review No. 19-017 and Minor Modification No. 20-010 – An application for a new single-family residence including second unit and associated development
Location: 6362 Sea Star Drive, not within the appealable coastal zone
APN: 4469-047-016
Owner: Canter Schoen Family Trust
Case Planner: Associate Planner Kendall, 456-2489, ext. 301
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 19-010.
MOTION    Commissioner Jennings moved and Commissioner Uhring 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 item:

A.  Previously Discussed Items
None.

B.  New Items

1.  Extension of Coastal Development Permit No. 16-026, Site Plan Review No. 16-029, and Demolition Permit No. 16-027 – A request to extend the Planning Commission’s approval of an application to allow construction of a new single-family residence and associated development
Location: 29458 Bluewater Road
APN: 4468-005-009
Owner: Kassoy Family Trust
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Adopt Planning Commission Resolution No. 20-54, granting a one-year extension of Coastal Development Permit No. 16-026 to allow the remodel and roofline modification to an existing second unit, construction of a new 3,801 square foot single-family residence, 504 square foot detached garage, swimming pool, spa, trellis, tennis court, bocce ball court) and landscaping, and replacement of the existing onsite wastewater treatment system; including Site Plan Review No. 16-029 for construction in excess of 18 feet in height for the primary residence and second unit up to 24 feet and 22 feet, respectively, and Demolition Permit No. 16-027 for the demolition of an existing 3,488 square foot residence located in the Rural Residential–One Acre zoning district at 29458 Bluewater Road (Kassoy Family Trust).

ITEM 4  CONTINUED PUBLIC HEARINGS

A.  Coastal Development Permit No. 19-007, Variance No. 20-010, Minor Modification No. 20-009, Stringline Modification Review No. 20-005, and Demolition Permit No. 19-010 – An application for the demolition of an existing single-family residence and associated development and construction of a new beachfront single-family residence and associated development (Continued from July 20, 2020)
Location: 31340 Broad Beach Road, within the appealable coastal zone
APN: 4470-016-011
Owner: 31340 Broad Beach Road, LLC
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Continue this item to a date uncertain.

This item was continued to a date uncertain upon approval of the agenda.
ITEM 5  NEW PUBLIC HEARINGS

A. Coastal Development Permit-Woolsey Fire No. 20-001, Site Plan Review Nos. 20-003 – An application for the construction of a new single-family residence and associated development to replace development lost in the Woolsey Fire.
Location: 6556 Zumirez Drive, within the appealable coastal zone
APN: 4466-002-012
 Owners: Alexander B. and Kirsten Cvitan
Case Planner: Contract Planner Shah, 456-2489, ext. 385
Recommended Action: Continue this item to the October 5, 2020 Regular Planning Commission meeting.

This item was continued to the October 5, 2020 Regular Planning Commission meeting upon approval of the agenda.

B. Coastal Development Permit No. 16-024, Site Plan Review No. 18-027 and Demolition Permit No. 19-022 – An application for the demolition of remaining onsite development and construction of a new one-story, single-family residence and associated development.
Location: 22271 Carbon Mesa Road, not within the appealable coastal zone
APN: 4451-012-043
Owner: Map Properties, LLC
Case Planner: Assistant Planner Murillo, 456-2489, ext. 353
Recommended Action: Adopt Planning Commission Resolution No. 20-59 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-024 to construct a new 11,170 square foot, one-story, single-family residence, including an attached four-car garage and 992 square foot basement, swimming pool and spa, fire department turnaround and driveway improvements, retaining walls, grading, decks, open-air trellises, two water tanks, hardscaping and landscaping, and a new onsite wastewater treatment system (OWTS); including Site Plan Review No. 18-027 for remedial grading to remediate slope failure due to failed drainage devices and Demolition Permit No. 19-022 to demolish the existing foundation, swimming pool and spa and abandon the existing OWTS, located in the Rural Residential-Ten Acre zoning district at 22271 Carbon Mesa Road (Map Properties, LLC).

Assistant Planner Murillo presented the staff report.

Disclosures: Commissioners Uhring and Weil and Chair Mazza.

The Commission directed questions to staff, Larry Harris, and Vitus Matare.

MOTION Commissioner Uhring moved and Chair Mazza seconded a motion to continue the item to the September 21, 2020 Regular Planning Commission meeting to allow staff time to provide additional information and for Commissioners to conduct site visits.

The Commission discussed the motion.
The question was called and the motion carried unanimously.

C. Coastal Development Permit No. 19-080 and Variance No. 19-058 – An application for the replacement of a bridge on Pacific Coast Highway that spans across Trancas Creek

Locations: The Area Between Trancas Canyon Road and Guernsey Avenue; Located within the appealable coastal zone

Addresses/APNs: 30050.5 Pacific Coast Highway (PCH) / 4469-027-901, and portions of the following properties that contain public right of way for PCH:
- 30708 Pacific Coast Highway / 4469-026-009
- 30712 Pacific Coast Highway / 4469-026-008
- 30718 Pacific Coast Highway / 4469-026-007
- 30724 Pacific Coast Highway / 4469-026-006
- 30728 Pacific Coast Highway / 4469-026-020
- 30732 Pacific Coast Highway / 4469-026-019
- 30738 Pacific Coast Highway / 4469-026-018
- 30745 Pacific Coast Highway / 4469-045-001
- 30748 Pacific Coast Highway / 4469-026-017

Owner: State of California

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

Recommended Action: Adopt Planning Commission Resolution No. 20-62 adopting Initial Study No. 20-002 and Mitigated Negative Declaration No. 20-002, and approving Coastal Development Permit No. 19-080 to approve the repair work to the existing bridge that took place under Emergency Coastal Development Permit No. 18-001 and allow for the replacement of the Trancas Creek Bridge which serves Pacific Coast Highway (PCH) by the State of California Department of Transportation (Caltrans), including associated utility and traffic/access management work and Variance No. 19-058 to allow for work within a riparian environmentally sensitive habitat area located at 30050.5 PCH (State of California).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Uhring and Weil and Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Reza Fateh, Chris Frost, Raja Gosnell, and Kraig Hill.

Reza Fateh provided rebuttal to public comment.

As there were no other speakers present, Chair Mazza 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. Fateh, and Ginger Lu.
MOTION

Commissioner Uhring moved and Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 20-62 adopting Initial Study No. 20-002 and Mitigated Negative Declaration No. 20-002, and approving Coastal Development Permit No. 19-080 to approve the repair work to the existing bridge that took place under Emergency Coastal Development Permit No. 18-001 and allow for the replacement of the Trancas Creek Bridge which serves Pacific Coast Highway (PCH) by the State of California Department of Transportation (Caltrans), including associated utility and traffic/access management work and Variance No. 19-058 to allow for work within a riparian environmentally sensitive habitat area located at 30050.5 PCH (State of California).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

D. Coastal Development Permit No. 16-054 - An application for an interior and exterior remodel of an existing single-family residence, including a 764-square foot addition, an increase in roof height from 17 feet and five inches to 24 feet, not to exceed 24 feet in height for a flat roof
Location: 26928 Malibu Cove Colony Drive, within the appealable coastal zone
APN: 4460-025-009
Owner: Boulder Beach, LLC
Case Planner: Planning Technician Coronel, 456-2489, ext. 373
Recommended Action: Continue this item to the September 21, 2020 Regular Planning Commission meeting.

This item was continued to the October 5, 2020 Regular Planning Commission meeting upon approval of the agenda.

RECUSAL

At 8:45 p.m. Chair Mazza recused himself due from Item No. 4.B. due to having recused himself previously on the project and left the meeting.

RECESS

At 8:45 p.m., Vice Chair Marx recessed the meeting. The meeting reconvened at 8:50 p.m. with all Commissioners present except Chair Mazza.

ITEM 4 CONTINUED PUBLIC HEARINGS (Continued)

B. Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development (Continued from August 3, 2020)
Location: 29043 Grayfox Street, not within the appealable coastal zone
APN: 4466-017-002
Owners: John and Tatiana Atwill
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Adopt Planning Commission Resolution No. 20-51 determining the project is categorically exempt from the California Environmental
Quality Act, and approving Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

Associate Planner Brooks presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioners Jennings, Uhring, and Weil.

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

Speakers: Don Schmitz, John Stockwell, Matthew Palmieri, and Kraig Hill.

Mr. Schmitz provided rebuttal to public comment.

As there were no other speakers present, Vice Chair Marx 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. Schmitz.

MOTION Commissioner Weil moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 20-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

The Commission discussed the motion.
The question was called and the motion failed 2-2-0, Commissioner Uhring and Vice Chair Marx dissenting and Chair Mazza absent.

The Commission directed questions to staff.

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to deny Coastal Development Permit No. 17-043 for demolition of an existing single-family residence and associated development and the construction of a new 5,085 square foot, two-story single-family residence plus a 966 square foot attached garage, a 345 square foot covered loggia on the first floor, a 312 square foot trellised loggia on the second floor, swimming pool, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet for a pitched roof located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill) based upon the inability to make the finding for neighborhood character.

The Commission discussed the motion.

The Commission directed questions to staff and Mr. Schmitz.

The question was called and the motion failed 2-2-0, Commissioners Jennings and Weil dissenting and Chair Mazza absent.

The Commission directed questions to staff.

MOTION Commissioner Uhring moved and Commissioner Jennings seconded a motion directing staff to prepare a resolution indicating the Planning Commission was unable to make a decision on the project and recommend that the City Council take back jurisdiction and hear the item - Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013, an application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development.

The Commission directed questions to staff.

The question was called and the motion carried 4-0, Chair Mazza absent.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.
ITEM 8  PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION  At 10:13 p.m., Commissioner Jennings moved and Commissioner Weil seconded a motion to adjourn the meeting. The question was called and the motion carried 4-0, Chair Mazza absent.

Approved and adopted by the Planning Commission of the City of Malibu on October 19, 2020.

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant