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; Philip Coronel, Planning Technician Tyler Eaton, Assistant Planner; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Justine Kendall, Associate Planner; Didier Murillo, Assistant Planner; Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

**PLEDGE OF ALLEGIANCE**

Commissioner Jennings led the pledge of allegiance.

**REPORT ON POSTING OF AGENDA**

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on September 25, 2020 with the amended agenda posted on October 1, 2020.

**APPROVAL OF AGENDA**

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to approve the agenda, continuing Item No. 4. B. to the October 19, 2020 Regular Planning Commission meeting and Item No. 5.A. to the November 2, 2020 Regular Planning Commission meeting.

The Commission discussed the motion.

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
Commissioner Uhring commented on enforcement of short-term rentals.

In response to Commissioner Uhring, Assistant Planning Director Mollica stated an update on enforcement of short-term rental violations would be provided at a later date.

In response to Commissioner Uhring and Chair Mazza, Assistant Planning Director Mollica stated City staff was working with Caltrans, Nobu, and Soho House to strategize solutions to traffic and parking issues including potential changes to the intersection, business operations, and the development of the proposed parking as a stand-alone use ordinance.

Vice Chair Marx suggested a summary of recently decided, upcoming, and outstanding applications would be informative for the Commission. He announced a City Council candidates forum would be hosted by the Malibu Foundation on October 11, 2020 at 3:00 p.m.

Chair Mazza stated, due to input from the community, he would attempt to keep meetings from running long by holding to the practice of not beginning new items past 10:30 p.m.

ITEM 3 CONSENT CALENDAR
All items were pulled from the Consent Calendar; Item No. 3.B.1. was pulled for individual consideration by Chair Mazza, Item No. 3.B.2. was pulled by Vice Chair Marx, and Item No. 3.B.3. was pulled by Commissioner Uhring.

A. Previously Discussed Items
None.

The following items were pulled from the Consent Calendar for individual consideration:

B. New Items

1. Approval of Minutes
   Recommended Action: Approve the minutes for the July 29, 2020 Special Planning Commission meeting and the July 20, 2020 and August 3, 2020 Regular Planning Commission meetings.
   The Commission directed questions to staff.
CONSENSUS

By consensus, the Commission approved the minutes for the July 29, 2020 Special Planning Commission meeting and the August 3, 2020 Regular Planning Commission meeting, and directed staff to return with corrections to the minutes for the July 20, 2020 Regular Planning Commission meeting, Item 3.A.1., approval of Resolution No. 20-23 at 5723 Busch Drive, Coastal Development Permit No. 13-40, adding the amendments, as approved by the Planning Commission at the May 18, 2020 Regular Planning Commission meeting, requiring the removal of the landscaping and requiring the addition of a transfer switch and backup generator.

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.

Disclosures: Commissioners Uhring and Weil and Vice Chair Marx.

The Commission directed questions to staff.

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

Speaker: Joseph Lezama.

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

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received and filed the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 19-010.

3. Administrative Coastal Development Permit No. 19-037, Site Plan Review No. 19-051 and Demolition Permit No. 19-027 – An application for the demolition of the existing one-story single-family residence and allow construction of a new two-story single-family residence, swimming pool, onsite wastewater treatment system, and associated development, including a site plan review to allow construction in excess of 18-feet in height, up to 24-feet in height for a flat roof
Location: 29706 Baden Place, not within the appealable coastal zone
APN: 4469-021-024
Owner: J Squared Zuma, LLC
Case Planner: Assistant Planner Murillo, 456-2489, ext. 353
Recommended Action: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit Amendment No. 19-037.

The Commission directed questions to staff and Gabriel Baron.
Disclosures: Commissioners Jennings, Uhring, and Weil, Vice Chair Marx, and Chair Mazza.

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

Speaker(s): None.

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

CONSENSUS By consensus, the Commission received and filed the Planning Director’s report on the approval of Administrative Coastal Development Permit Amendment No. 19-037.

RECUSSAL At 7:02 p.m. Chair Mazza recused himself from Item No. 4.A. and left the meeting due to the project being within 500 feet of his residence.

ITEM 4 CONTINUED PUBLIC HEARINGS

A. Coastal Development Permit—Woolsey Fire No. 20-001 and Site Plan Review No. 20-003 – An application for the construction of a new single-family residence and associated development for a Woolsey Fire affected parcel (Continued from September 8, 2020)
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: Adopt Planning Commission Resolution No. 20-69 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit—Woolsey Fire No. 20-001 to allow for the construction of a new 4,488-square-foot, single-story single-family residence and associated development including an attached garage, landscape, hardscape, grading and retaining walls; and the installation of a new onsite wastewater treatment system, including Site Plan Review No. 20-003 for construction above 18 feet in height, to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential—One Acre zoning district at 6556 Zumirez Road (Cvitan).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Jennings, Uhring, and Weil, and Vice Chair Marx.

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

Speakers: Don Schmitz and Everardo Garcia.

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 Mr. Schmitz.

**MOTION** Commissioner Jennings moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-69 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit—Woolsey Fire No. 20-001 to allow for the construction of a new 4,488-square-foot, single-story single-family residence and associated development including an attached garage, landscape, hardscape, grading and retaining walls; and the installation of a new onsite wastewater treatment system, including Site Plan Review No. 20-003 for construction above 18 feet in height, to replace a home destroyed in the 2018 Woolsey Fire, located in the Rural Residential—One Acre zoning district at 6556 Zumirez Road (Cvitan).

The Commission directed questions to staff.

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

**RECESS** At 7:30 p.m. Vice Chair Marx recessed the meeting. The meeting reconvened at 7:35 p.m. with all Commissioners present.

**B. Conditional Use Permit Amendment No. 18-001** – An application to amend Conditional Use Permit 14-001 to relocate service area to the roofdeck, modify alcohol service, and extend the hours of operation for an existing restaurant use (Continued from September 21, 2020)

Location: 22333 Pacific Coast Highway, Suite 150, within the appealable coastal zone

APN: 4452-024-005

Property Owner: KW/LF – Malibu Sands, LLC

Tenant: Nicolas Eatery

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

Recommended Action: Continue this item to the October 19, 2020 Regular Planning Commission meeting.

This item was continued to the October 19, 2020 Regular Planning Commission meeting upon approval of the agenda.
C. 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 (Continued from September 8, 2020)
Location: 26928 Malibu Cove Colony Drive, within the appealable coastal zone
APN: 4460-025-009
Owner: BoulderBeach, LLC
Case Planner: Planning Technician Coronel, 456-2489, ext. 373
Recommended Action: Adopt Planning Commission Resolution No. 20-60 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-054 to allow an interior and exterior remodel of an existing 2,525 square foot, one-story, beachfront single-family residence, a 764-square foot second story addition up to 24 feet for a flat roof, repair and maintenance of existing timber pile foundation, and new concrete piles located in the Single-Family Medium zoning district at 26928 Malibu Cove Colony Drive (BoulderBeach, LLC).

Planning Technician Coronel presented the staff report.

Disclosures: Commissioners Jennings, Uhring, and Weil, Vice Chair Marx, 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: Douglas Burdge and Evan Contino.

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. Burdge and Mr. Lezama.

MOTION Chair Mazza moved and Commissioner Uhring seconded a motion to continue the item to the November 2, 2020 Regular Planning Commission meeting to allow the applicant time to address comments from the California Coastal Commission – Coastal Development Permit No. 16-054 to allow an interior and exterior remodel of an existing 2,525 square foot, one-story, beachfront single-family residence, a 764-square foot second story addition up to 24 feet for a flat roof, repair and maintenance of existing timber pile foundation, and new concrete piles located in the Single-Family Medium zoning district.

The Commission directed questions to staff and Mr. Burdge.

The question was called and the motion carried 4-1, Commissioner Jennings dissenting.
D. Coastal Development Permit Amendment No. 19-004 – An application to amend Coastal Development Permit No. 10-014 to allow for changes in the previously approved scope of work (Continued from September 21, 2020)

Location: 24358 Malibu Road, within the appealable coastal zone
APN: 4458-011-020
Owner: Malibu Sunrise, LLC
Case Planner: Associate Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 20-63 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit Amendment No. 19-004 amending Coastal Development Permit No. 10-014 to allow for a previously approved new beachfront single-family residence to be reduced in size from 4,773 square feet to 2,558 square feet, and add to the project a new pool, deck, beach access stair and an increase in the height of the seawall by six inches, located in the Single Family Medium zoning district at 24358 Malibu Road (Malibu Sunrise, LLC).

Associate Planner Thompson presented the staff report.

Disclosures: Commissioners Uhring and Weil, Vice Chair Marx, 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.

Speaker: Ralph Mechur.

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.

MOTION Commissioner Uhring moved to adopt Planning Commission Resolution No. 20-63 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit Amendment No. 19-004 amending Coastal Development Permit No. 10-014 to allow for a previously approved new beachfront single-family residence to be reduced in size from 4,773 square feet to 2,558 square feet, and add to the project a new pool, deck, beach access stair and an increase in the height of the seawall by six inches, located in the Single Family Medium zoning district at 24358 Malibu Road (Malibu Sunrise, LLC).

FRIENDLY AMENDMENT Chair Mazza seconded and amended the motion directing staff to add to the recital section of the resolution the time extension history of the project. The amendment was accepted by the maker.
The Commission discussed the motion.

The question was called and the amended motion carried unanimously.

E. Coastal Development Permit No. 20-015—An application for a new prefabricated model home sales office, solar flower, and associated parking (for commercial use)
(Continued from September 21, 2020)
Location: 23839 Stuart Ranch Road, not within the appealable coastal zone
APN: 4458-021-174
Owner: North Broadway Ventures, LLC
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Adopt Planning Commission Resolution No. 20-67 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-015 to allow for the three-year placement of a 900-square foot prefabricated model home with an 87-square foot deck and exterior staircase on a temporary foundation to function as a commercial sales office and not as a private residence, a 225-square foot solar flower, and five unpaved parking spaces, located in the Community Commercial zoning district at 23839 Stuart Ranch Road (North Broadway Ventures, LLC).

Assistant Planner Eaton presented the staff report.

Disclosures: Commissioners Uhring and Weil, Vice Chair Marx, and Chair Mazza.

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

Speaker: Lauren Tucker.

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.

MOTION    Commissioner Weil moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 20-67 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-015 to allow for the three-year placement of a 900-square foot prefabricated model home with an 87-square foot deck and exterior staircase on a temporary foundation to function as a commercial sales office and not as a private residence, a 225-square foot solar flower, and five unpaved parking spaces, located in the Community Commercial zoning district at 23839 Stuart Ranch Road (North Broadway Ventures, LLC).

FRIENDLY AMENDMENT    Vice Chair Marx amended the motion directing staff to add to the resolution that the project was in response to the community needs following the Woolsey Fire. The amendment was accepted by the maker and the seconder.
The Commission discussed the amended motion.

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

ITEM 5  NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-001, Variance No. 19-001, Site Plan Review No. 19-001, and Minor Modification No. 19-001 – An application for a new single-family residence and associated development
Location: 20272 Inland Lane, within the appealable coastal zone
APN: 4450-012-032
Owner: The Jonathan L. Congdon Revocable Trust
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Continue the item to the November 2, 2020 Regular Planning Commission meeting.

This item was continued to the November 2, 2020 Regular Planning Commission meeting upon approval of the agenda.

RECUSSAL  At 9:40 p.m. Commissioner Weil recused himself and left the meeting due to his association with the property owner of the project.

RECESS  At 9:40 p.m. Chair Mazza recessed the meeting. The meeting reconvened at 9:45 p.m. with all Commissioners present except Commissioner Weil.

B. Coastal Development Permit No. 17-108 and Variance No. 19-002 - A follow-up application for a concrete slope cover for foundation protection of an existing residence, including a variance for construction on steep slopes
Location: 31500 Victoria Point Road, within the appealable coastal zone
APN: 4470-017-038
Owner: The Pritchett Family Trust
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Adopt Planning Commission Resolution No. 20-68 determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit (CDP) No. 17-108 as a follow-up approval to Emergency CDP No. 13-006 which allowed for the installation of a four to six-inch thick concrete slope cover on top of an existing rock and dirt slope that supports the foundation of an existing beachfront residence to prevent the failure of the foundation, including Variance No. 19-002 for construction on slopes steeper than 2.5 to 1, located in the Single-Family Medium zoning district at 31500 Victoria Point Road (The Pritchett Family Trust).

Associate Planner Thompson presented the staff report.

Disclosures: Vice Chair Marx.

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: Nick Barsocchini and Ray Files.

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 and Mr. Files.

**MOTION** Commissioner Uhring moved and Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 20-68 determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit (CDP) No. 17-108 as a follow-up approval to Emergency CDP No. 13-006 which allowed for the installation of a four to six-inch thick concrete slope cover on top of an existing rock and dirt slope that supports the foundation of an existing beachfront residence to prevent the failure of the foundation, including Variance No. 19-002 for construction on slopes steeper than 2.5 to 1, located in the Single-Family Medium zoning district at 31500 Victoria Point Road (The Pritchett Family Trust).

The Commission discussed the motion and directed questions to staff and Mr. Files.

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

At 10:10 p.m. Commissioner Weil returned to the meeting.

**MOTION** Commissioner Uhring moved and Commissioner Jennings seconded a motion to hear Item No. 5.E. before Item No. 5.C. The question was called and the motion carried unanimously.

**E.** Coastal Development Permit No. 17-055 and Demolition Permit No. 20-007 – An application for an interior and exterior remodel, additions and partial demolition of an existing two-story beachfront single-family residence and detached garage with second floor guest house, and other associated development

Location: 23762 Malibu Road, within the appealable coastal zone
APN: 4458-006-027
Owner: 23762 Bu Road LLC
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-70 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-055 and Demolition Permit No. 20-007 to allow an interior and exterior remodel, partial demolition and additions to an existing two-story beachfront single-family residence and detached garage with second floor guest house, trellis covers, ground-floor deck, second floor decks, onsite wastewater treatment system and other associated development in the Single-Family Medium zoning district at 23762 Malibu Road (23762 Bu Road LLC).
Principal Planner Fernandez presented the staff report.

Disclosures: Commissioners Uhring and Weil and Vice Chair Marx.

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.

Speaker: Susan Villain.

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.

MOTION Commissioner Uhring moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-70 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-055 and Demolition Permit No. 20-007 to allow an interior and exterior remodel, partial demolition and additions to an existing two-story beachfront single-family residence and detached garage with second floor guest house, trellis covers, ground-floor deck, second floor decks, onsite wastewater treatment system and other associated development in the Single-Family Medium zoning district at 23762 Malibu Road (23762 Bu Road LLC). The question was called and the motion carried unanimously.

C. Wireless Communications Facility No. 19-014, Coastal Development Permit No. 19-075, Variance No. 19-050, and Site Plan Review No. 19-110 — An application for a new wireless communications facility on top of a replacement street light pole in the public right-of-way

Location: 3956.5 Cross Creek Road, not within the appealable coastal zone
Nearest APN: 4452-011-033
Applicant: Eukon Group for Verizon Wireless
Owner: City of Malibu Public Right-of-Way
Case Planner: Assistant Planner Eaton, 456-2489, ext. 273
Recommended Action: Adopt Planning Commission Resolution No. 20-71 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Communications Facility No. 19-014 and Coastal Development Permit No. 19-075 for Verizon Wireless to install an omnidirectional canister antenna on top of a replacement streetlight pole reaching a maximum height of 32 feet, 3 inches and electrical support equipment, including Variance No. 19-050 to permit a streetlight pole over 28 feet in height and Site Plan Review No. 19-110 to install and operate a wireless communications facility within the public right-of-way located at 3956.5 Cross Creek Road.

Assistant Planner Eaton presented the staff report.
Disclosures: Commissioner Jennings.

The Commission directed questions to staff.

MOTION In light of the public correspondence that was submitted by the public directly to two commissioners and not the entire commission, Commissioner Uhring moved and Vice Chair Marx seconded a motion to continue to the October 19, 2020 Regular Planning Commission meeting – Wireless Communications Facility No. 19-014, Coastal Development Permit No. 19-075, Variance No. 19-050, and Site Plan Review No. 19-110, an application for a new wireless communications facility on top of a replacement street light pole in the public right-of-way. The question was called and the motion carried unanimously.

D. Wireless Communications Facility No. 15-004, Coastal Development Permit No. 17-010, and Site Plan Review No. 15-012 – An application to install a new wireless communications facility, 28-foot tall pole and electrical support equipment
Location: 7361.5 Birdview Avenue, within the appealable coastal zone
Nearest APN: 4468-004-028
Applicant/Carrier: Rob Searcy of Fulsang Architecture / Verizon Wireless
Owner: City of Malibu Public Right-of-Way
Case Planner: Principal Planner Fernandez, 456-2489, ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 20-72 determining the project is categorically exempt from the California Environmental Quality Act and approving Wireless Communications Facility No. 15-004 and Coastal Development Permit No. 17-010 for Verizon Wireless to install an omni/sectorized canister antenna with a tapered shroud attached on top of a new wood utility pole at a maximum height of 28 feet, and pole-mounted and in-ground electrical support equipment, including Site Plan Review No. 15-012 to install and operate a wireless communications facility within the Public Right-of-Way located at 7361.5 Birdview Avenue (Verizon Wireless).

MOTION In light of the public correspondence that was submitted by the public directly to two commissioners and not the entire commission, Commissioner Uhring moved and Vice Chair Marx seconded a motion to continue to the October 19, 2020 Regular Planning Commission meeting – Wireless Communications Facility No. 15-004, Coastal Development Permit No. 17-010, and Site Plan Review No. 15-012, an application to install a new wireless communications facility, 28-foot tall pole and electrical support equipment. The question was called and the motion carried unanimously.

ADJOURNMENT

MOTION At 10:31 p.m., Chair Mazza moved and Vice Chair Marx 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 November 2, 2020.

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant