

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
OCTOBER 19, 2020
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 Mazza called the meeting to order at 6:32 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; Patrick Donegan, Assistant City Attorney, Bonnie Blue, Planning Director; Joyce Parker Bozylinski, Contract Planner; Philip Coronel, Planning Technician; Tyler Eaton, Assistant Planner; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Didier Murillo, Assistant Planner; and Kathleen Stecko, Administrative Assistant

PLEDGE OF ALLEGIANCE

Vice Chair Marx led the pledge of allegiance.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on October 9, 2020 with the amended agenda posted on October 14, 2020.

APPROVAL OF AGENDA

MOTION Commissioner Jennings moved to approve the agenda, continuing Item No. 4. A. to a date uncertain and Item No. 5.D. to the November 2, 2020 Regular Planning Commission meeting.

FRIENDLY AMENDMENT

Chair Mazza seconded and amended the motion to have Item Nos. 5.B. and 5.C. heard concurrently after the Consent Calendar. The amendment was accepted by the maker.

The Commission discussed the amended motion.

The question was called and the amended motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

The Commission and Assistant City Attorney Rusin thanked and wished well Planning Director Blue upon her departure from the City and Assistant Planning Director Mollica on his promotion to Acting Planning Director.

In response to Chair Mazza, Planning Director Blue stated the zoning code amendment was completed to allow the Farmers Market to use offsite parking upon their application for a temporary use permit. She also added that no application for a temporary use permit had been filed by the Farmers Market. She stated Planning Commission meeting protocols were modeled after City Council meetings.

Vice Chair Marx reminded the community to stay safe during the windy weather.

Planning Director Blue thanked the Commission, City staff and the community for all their efforts and participation over the years.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.1. and 3.B.2. were pulled from the Consent Calendar by Vice Chair Marx.

MOTION Commissioner Jennings moved and Commissioner Weil 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 items:

A. Previously Discussed Items

1. Approval of Minutes

Recommended Action: Approve the corrected minutes for the July 20, 2020 Regular Planning Commission meeting

B. New Items

3. Approval of Minutes

Recommended Action: Approve the minutes for the August 17, 2020, September 8, 2020, and September 21, 2020 Regular Planning Commission meetings.

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

B. New Items

1. Extension of Coastal Development Permit No. 14-035 - A request to extend the Planning Commission's approval of an application to allow the replacement of an onsite wastewater treatment system and associated development

Location: 25321 Malibu Road

APN: 4459-014-002

Owners: Alessandro and Irene Dazzan

Case Planner: Assistant Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 20-78 granting a one-year extension of Coastal Development Permit No. 14-035 to allow the abandonment of an existing onsite wastewater treatment system (OWTS) and dewatering well, and installation of a new OWTS, and a new dewatering well located in the Rural Residential-Two Acre zoning district at 25321 Malibu Road (Dazzan).

Assistant Planner Murillo presented the staff report.

Disclosures: Commissioner Weil and Chair Mazza.

The Commission directed questions to staff.

MOTION

Commissioner Uhring moved and Vice Chair Marx seconded a motion to adopt Planning Commission Resolution No. 20-78 granting a one-year extension of Coastal Development Permit No. 14-035 to allow the abandonment of an existing onsite wastewater treatment system (OWTS) and dewatering well, and installation of a new OWTS, and a new dewatering well located in the Rural Residential-Two Acre zoning district at 25321 Malibu Road (Dazzan). The question was called and the motion carried unanimously.

2. De Minimis Waiver No. 20-010 - An application for a new onsite wastewater treatment system

Location: 29825 Cuthbert Road, not within the appealable coastal zone

APN: 4469-008-003

Owners: James and Melinda M Zanoni

Case Planner: Planning Technician Coronel, 456-2489, ext. 373

Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 20-010 for a new onsite wastewater treatment system to replace one existing septic tank and three seepage pits.

The Commission directed questions to staff.

MOTION

Commissioner Uhring moved and Vice Chair Marx seconded a motion to continue to the November 2, 2020 Regular Planning Commission meeting to allow staff time to provide additional information – De Minimis Waiver No. 20-010, an application for a new onsite wastewater treatment system to replace one existing septic tank and three seepage pits. The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

Item Nos. 5.B. and 5.C. were heard concurrently.

- B. Coastal Development Permit No. 20-046 – An application to implement a parking management plan through installation of regulatory signage with staggered overnight parking limitations on both sides of Pacific Coast Highway in the Corral Beach area

Location: Within the public right-of-way of Pacific Coast Highway between the west edge of West Malibu Road to the east edge of the property line of 26044 Pacific Coast Highway

Owner: California Department of Transportation (CALTRANS)

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

Recommended Action: Adopt Planning Commission Resolution No. 20-76 determining the project is exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-046 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 469 in the Corral Beach area along Pacific Coast Highway (PCH) so that no parking is allowed in the public-right-of-way on the landward side between 12:00 a.m. to 2:00 a.m. and on the seaward side between 2:00 a.m. and 4:00 a.m., located in the public right-of-way between the west edge of West Malibu Road to the east edge of the property line of 26044 PCH (Caltrans).

- C. Coastal Development Permit No. 20-047 – An application to implement a parking management plan through installation of regulatory signage with staggered overnight parking limitations on the seaward side of Pacific Coast Highway in the Zuma Beach area

Location: Within the public right-of-way of Pacific Coast Highway between the entrance to Zuma Beach at the east end, to the east edge of Trancas Canyon bridge on the west end

Owner: California Department of Transportation (CALTRANS)

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

Recommended Action: Adopt Planning Commission Resolution No. 20-77 determining the project is exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-047 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 469 in the Zuma Beach area along the seaward side Pacific Coast Highway (PCH) so that no parking is allowed in the public-right-of-way between the west edge of Zuma Beach parking entrance and the east property boundary of 30245 PCH between

12:00 a.m. to 2:00 a.m. and between the west property boundary of 30245 PCH to the east edge of Trancas Creek bridge between 2:00 a.m. and 4:00 a.m., located in the public right-of-way (Caltrans).

Contract Planner Bozylinski presented the staff report.

Disclosures: 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: Hans Laetz.

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 seconded a motion to 1) adopt Planning Commission Resolution No. 20-76 determining the project is exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-046 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 469 in the Corral Beach area along Pacific Coast Highway (PCH) so that no parking is allowed in the public-right-of-way on the landward side between 12:00 a.m. to 2:00 a.m. and on the seaward side between 2:00 a.m. and 4:00 a.m. (in the public right-of-way between the west edge of West Malibu Road to the east edge of the property line of 26044 PCH); and 2) adopt Planning Commission Resolution No. No. 20-77 determining the project is exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 20-047 for the installation of regulatory signage to implement the parking restrictions of Ordinance No. 469 in the Zuma Beach area along the seaward side Pacific Coast Highway (PCH) so that no parking is allowed in the public-right-of-way between the west edge of Zuma Beach parking entrance and the east property boundary of 30245 PCH between 12:00 a.m. to 2:00 a.m. and between the west property boundary of 30245 PCH to the east edge of Trancas Creek bridge between 2:00 a.m. and 4:00 a.m. (in the public right-of-way).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. 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 October 5, 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 a date uncertain.

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

- B. 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 streetlight pole in the public right-of-way (Continued from October 5, 2020)

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: 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: Sonal Thakur, Lonnie Gordon, Nichole McGinley, and Ryan Embree.

Ms. Thakur, William Hammett, and Daisy Uy Kimpang 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, Dr. Jonathan Kramer, Ms. Kimpang, and Ms. Thakur.

MOTION Commissioner Uhring moved and Chair Mazza seconded a motion to continue to a date uncertain 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 streetlight pole in the public right-of-way located at 3956.5 Cross Creek Road to have additional information provided including an alternative site analysis to improve aesthetics, potentially locating the equipment on roofs and undergrounding above ground facilities, and provide a map of prospective locations and applications submitted for the area between Malibu Canyon and Cross Creek Road in order to inform what a footprint would be over the next year and one half.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

MOTION Commissioner Uhring moved and Vice Chair Marx seconded a motion to continue Item No. 5.A. to the November 2, 2020 Regular Planning Commission meeting. The question was called and the motion carried unanimously.

RECESS At 10:05 p.m. Vice Chair Marx recessed the meeting. The meeting reconvened at 10:12 p.m. with all Commissioners present.

C. 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 (Continued from October 5, 2020)

Location: 7361.5 Birdview Avenue, within the appealable coastal zone

Nearest APN: 4468-004-028

Applicant: Rob Searcy of Fulsang Architecture

Carrier: 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).

Principal Planner Fernandez presented the staff report.

The Commission directed questions to staff.

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

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

Speakers: Rob Searcy, Lonnie Gordon, Nichole McGinley, and Ryan Embree.

Mr. Searcy and Mr. Hammett 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. Searcy, Ms. Kimpang, Dr. Kramer, and Mr. Hammett.

MOTION

Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 20-72, as amended: 1) 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; and 2) requiring the applicant to demonstrate compliance with all applicable Federal, State, and local laws to the satisfaction of the Planning Commission should any change to the project or the facilities result in a change of the radio frequency emissions.

The Commission directed questions to staff.

The question was called and the motion carried 4-1, Vice Chair Marx dissenting.

ITEM 5 NEW PUBLIC HEARINGS (CONTINUED)

- A. Coastal Development Permit No. 16-062, Site Plan Review No. 18-030, Minor Modification No. 20-002, Demolition Permit No. 16-013, and Code Violation No. 19-003 – An application for the after-the-fact replacement of an existing, two-story single-family residence and associated development

Location: 29215 Cliffside Drive, within the appealable coastal zone

APN: 4468-003-005

Owner: Cliffside Dume LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 20-57 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-062 for the after-the-fact replacement of an existing, two-story single-family residence, demolition of more than 50 percent of the exterior walls of the original residence and full demolition of a detached guest house, garage and storage building, detached garage, swimming pool and tennis court, construction of a new detached second unit with an exterior access basement to be used as na gym, swimming pool, spa, decking, driveway, fire department turnaround and grading, and replacement of the existing onsite wastewater treatment system, including Site Plan Review No. 18-030 for construction of the residence over 18 feet in height, Minor Modification No. 20-002 for a 50 percent reduction of the front yard setback, and Demolition Permit No. 19-008 for demolition of more than 50 percent of the existing single-family residence, and full demolition of an existing detached guest house/garage/storage building, detached garage, swimming pool, and tennis court, located in the Rural Residential–One Acre zoning district at 29215 Cliffside Drive (Cliffside Dume LLC).

This item was continued to the November 2, 2020 Regular Planning Commission meeting.

- D. Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood

Location: 6480 Via Escondido Drive, not within the appealable coastal zone

APN: 4460-009-003

Owner: Sycamore Tennis Court Association

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

Recommended Action: Continue this 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.

ADJOURNMENT

MOTION At 11:27 p.m., Commissioner Jennings moved and Commissioner Weil 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