

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
NOVEMBER 2, 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 6:33 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: Patrick Donegan, Assistant City Attorney, Richard Mollica, Acting Planning Director; Raneika Brooks, Associate Planner; Philip Coronel, Planning Technician; 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 23, 2020 with the amended agenda posted on October 28, 2020.

**APPROVAL OF AGENDA**

MOTION Commissioner Weil moved to approve the agenda.

**FRIENDLY AMENDMENT**

Chair Mazza seconded and amended the motion to continue Item Nos. 4.C., 4.D., and 5.C. the November 16, 2020 Regular Planning Commission meeting and Item No. 5.B. to the December 7, 2020 Regular Planning Commission meeting. The amendment was accepted by the maker.

The Commission discussed the 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**

In response to Commissioner Uhring, Acting Planning Director Mollica stated a fact sheet showing a short-term rental enforcement program could be provided in December 2020 when staff time would allow, after processing the fire rebuild extensions.

Vice Chair Marx suggested a main speaker representing the applicant team could raise their virtual hand within the teleconference on behalf of the other applicant team members should they wish to interject during Commissioner discussion.

Commissioner Jennings stated speakers should adhere to standard allotted time during the public comment portion of the public hearing in order to provide equitable speaking time to all parties. He stated if additional questions were to present themselves, it was at the Commission's discretion to call upon parties to answer those specific questions.

Chair Mazza attributed the Planning Commission's recent success in hearing volumes of items to conducting the Commissioner discussions in an efficient manner and encouraged that practice at future meetings. He encouraged the public to participate in the upcoming election.

**ITEM 3 CONSENT CALENDAR**

Item No. 3.A.1. was pulled from the Consent Calendar by Commissioner Uhring.

**MOTION** Commissioner Uhring moved and Vice Chair Marx 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:

B. New Items

1. Extension of Coastal Development Permit No. 14-051 – request to extend the Planning Commission's approval of an application to demolish an existing single-family residence and construct a new single-family beachfront residence and associated development  
Location: 31224 Broad Beach Road  
APN: 4470-015-017  
Owner: Bel Air Estates at Mulholland Drive, Inc.  
Case Planner: Planning Technician Valencia, 456-2489, ext. 247  
Recommended Action: Adopt Planning Commission Resolution No. 20-73 granting a two-year extension of Coastal Development Permit No. 14-051 and Demolition Permit No. 17-002, allowing for the construction of a new 5,560-square foot, two-story, single-family residence, with an attached two-car garage, a 602-square foot second unit located on the upper level, an understructure mechanical storage area, rooftop deck, swimming pool and two spas, a nine-foot view corridor, and installation of a new alternative onsite wastewater treatment system on a beachfront lot located in the Single-Family Medium Residential zoning district and Trancas Beach Overlay District at 31224 Broad Beach Road (Bel Air Estates at Mulholland Drive, Inc.).
2. Approval of Minutes  
Recommended Action: Approve the minutes for the October 5, 2020 and October 19, 2020 Regular Planning Commission meetings.

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

A. Previously Discussed Items

1. De Minimis Waiver No. 20-010 — An application for a new onsite wastewater treatment system (Continued from October 19, 2020)  
Location: 29825 Cuthbert Road, not within the appealable coastal zone  
APN: 4469-008-003  
Owners: James and Melinda M. Zononi  
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.

Acting Planning Director Mollica 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 public comment.

Speaker(s): None.

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

The Commission directed questions to staff and Joseph Lezama.

MOTION

Commissioner Uhring moved and Vice Chair Marx seconded a motion to receive and file 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 discussed the motion.

The question was called and the motion carried unanimously.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- 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 (Continued from October 19, 2020)

Location: 29215 Cliffside Drive, not 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 a 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 up to 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).

Associate Planner Brooks 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 other questions for staff, Chair Mazza opened the public comment portion of the public hearing.

Speaker: Don Schmitz.

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 Jennings seconded a motion to adopt Planning Commission Resolution No. 20-57, as amended: 1) 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 a 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 up to 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); 2) having the condition state: "The height of fences and walls shall comply with LIP Section 3.5.3(A). All fence and wall height restrictions apply to both sides of the fence and/or wall;" and 3) requiring a traffic management plan.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

- B. 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 October 5, 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 Density 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 Reg Browne.

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 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 Density zoning district at 26928 Malibu Cove Colony Drive (BoulderBeach, LLC). The question was called and the motion carried unanimously.

- C. 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 (Continued from October 5, 2020)

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. 374  
Recommended Action: Continue the item to the November 16, 2020 Regular Planning Commission meeting.

This item was continued to the November 16, 2020 Regular Planning Commission meeting upon approval of the agenda.

- D. Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood (Continued from October 19, 2020)

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 the item to the November 16, 2020 Regular Planning Commission meeting.

This item was continued to the November 16, 2020 Regular Planning Commission meeting upon approval of the agenda.

RECESS At 8:50 p.m. Chair Mazza recessed the meeting. The meeting reconvened at 8:55 p.m. with all Commissioners present.

## ITEM 5 NEW PUBLIC HEARINGS

- A. Zoning Text Amendment No. 20-002 to Extend Deadlines for Nonconforming In-kind Disaster Rebuild Projects

Recommended Action: Adopt Planning Commission Resolution No. 20-81 recommending the City Council adopt ZTA No. 20-002 to amend Chapter 17.60 (Nonconforming Uses and Structures) of the Malibu Municipal Code (MMC) to add one year to the deadlines in subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed pursuant to a planning verification and finding the action exempt for the California Environmental Quality Act.  
Staff Contact: Senior Administrative Analyst Salazar, 456-2489, ext. 245

Senior Administrative Analyst Salazar presented the staff report.

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: Vince Muselli.

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 Jennings seconded a motion to adopt Planning Commission Resolution No. 20-81 recommending the City Council adopt ZTA No. 20-002 to amend Chapter 17.60 (Nonconforming Uses and Structures) of the Malibu Municipal Code (MMC) to add one year to the deadlines in subsection (C) to initiate the application process and obtain building permits to rebuild a legal nonconforming structure that was damaged or destroyed pursuant to a planning verification and finding the action exempt for the California Environmental Quality Act.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

B. Coastal Development Permit No. 17-001, Variance No. 19-004 and Site Plan Review No. 17-005 – 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: Assistant Planner Murillo, 456-2489, ext. 353

Recommended Action: Continue the item to the December 7, 2020 Regular Planning Commission meeting per property owner's request.

This item was continued to the December 7, 2020 Regular Planning Commission meeting upon approval of the agenda.

C. Coastal Development Permit No. 17-104, Variance No. 19-035, Site Plan Review No. 20-072, and Minor Modification No. 20-012 - An application for a new single-family residence and associated development

Location: 3620 Noranda Lane, not within the appealable coastal zone

APN: 4473-026-002

Owner: 3620 Noranda LLC

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

Recommended Action: Continue the item to the November 16, 2020 Regular Planning Commission meeting.

This item was continued to the November 16, 2020 Regular Planning Commission meeting upon approval of the agenda.



**ITEM 6      OLD BUSINESS**

None.

**ITEM 7      NEW BUSINESS**

None.

**ITEM 8      PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

MOTION      At 10:03 p.m., Commissioner Weil 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 16, 2020.

  
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JOHN MAZZA, Chair

ATTEST:

  
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KATHLEEN STECKO, Administrative Assistant