

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 6, 2023  
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 Smith called the meeting to order at 6:31 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Chair Dennis Robert Smith, Vice Chair John Mazza and Commissioners Kraig Hill, Jeffrey D. Jennings, and Skylar Peak

ALSO PRESENT: Patrick Donegan, Assistant City Attorney; Adrian Fernandez, Assistant Planning Director; Jessica Thompson, Senior Planner; Tyler Eaton, Senior Planner; Courtney McCammon, City Biologist; and Rebecca Evans, Recording Secretary

**APPROVAL OF AGENDA**

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to approve the agenda as recommended by staff, continuing Item No. 5.A. to the March 6, 2023 Regular Planning Commission meeting.

The question was called and the motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Evans reported that the agenda for the meeting was properly posted on January 27, 2023.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

None.

**ITEM 2.B. COMMISSION / STAFF COMMENTS**

Commissioner Hill asked if the Planning Commission was scheduled to tour the new college and if having a Sheriff's substation at that site would alleviate the issue of late-night speeding on Pacific Coast Highway. He asked if a tour of the gas station lighting with the City lighting consultant had been scheduled and requested a legally noticed meeting for the tour. He stated the California Coastal Commission held a January 27, 2023 meeting regarding neighborhood scale adaptation for sea level rise and a link to the recorded video was available.

Commissioner Jennings left the dais at 6:35 p.m. due to technical difficulties.

Vice Chair Mazza asked if any Brown Act or ethics training for the new Commissioner or the Planning Commission was planned in the near future. He inquired if the Planning Commission would return to in-person or hybrid meetings.

In response to Vice Chair Mazza, Assistant Planning Director Fernandez clarified the City Council would conduct a hybrid meeting format trial. All other Commissions and Boards, including the Planning Commission, would remain virtual until further notice.

Commissioner Peak believed in-person meetings were better for the public and was ready to return to in-person or hybrid meetings as soon as the City Council deemed it appropriate.

Commissioner Jennings rejoined the dais at 6:42 p.m.

**ITEM 3 CONSENT CALENDAR**

The Consent Calendar consisted of the following Items:

CONSENSUS The Consent Calendar was received and filed by consensus.

A. Previously Discussed Items  
None.

B. New Items

1. De Minimis Waiver No. 22-009 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

Location: 6070 Ramirez Canyon Road, partially within the appealable coastal zone

APN: 4467-006-002

Owner: San Simon Charitable Foundation

Case Planner: Contract Planner Shah, 456-2489, ext. 385

Recommended Action: Receive and file the Planning Director's report on

the issuance of De Minimis Waiver No. 22-009 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The item was received and filed by consensus.

2. De Minimis Waiver No. 21-018 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

Location: 6766 Wandermere Road, partially within the appealable coastal zone

APN: 4468-007-002

Owner: Colleen Denson

Case Planner: Contract Planner Shah, 456-2489, ext. 385

Recommended Action: Receive and file the Planning Director's report on the issuance of De Minimis Waiver No. 21-018 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The item was received and filed by consensus.

3. De Minimis Waiver No. 22-015 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

Location: 5680 Busch Drive, not within the appealable coastal zone

APN: 4467-026-010

Owner: Cheong Family Trust

Case Planner: Contract Planner Shah, 456-2489, ext. 385

Recommended Action: Receive and file the Planning Director's report on the issuance of De Minimis Waiver No. 22-015 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The item was received and filed by consensus.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

None.

**ITEM 5 NEW PUBLIC HEARINGS**

A. Outdoor Lighting Review No. 20-004, Outdoor Lighting Review Deviation No. 21-001 – An application for new exterior lighting to meet the requirements of the Dark Sky Ordinance.

Location: 29145 Heathercliff Road, not within the appealable coastal zone

APN: 4468-010-014

Owner: Thrifty Oil Company

Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 23-05 determining the project is categorically exempt from the California Environmental

Quality Act, and approving Outdoor Lighting Review No. 20-004 to replace 32 exterior light fixtures to meet the Dark Sky Ordinance; including Outdoor Lighting Review Deviation No. 21-001 to allow light trespass onto an adjacent parcel over the maximum allowable 0.25 foot-candle for a commercial service station, located in the Community Commercial zoning district at 29145 Heathercliff Road (Thrifty Oil Company).

This item was continued to the March 6, 2023 Regular Planning Commission meeting upon approval of the agenda.

B. Coastal Development Permit No. 17-104, Variance No. 19-035, Site Plan Review 23-003, Minor Modification No. 20-012, and Offer-to-Dedicate No. 23-001 – An application for a new single-family residence and exterior site improvements.

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

APN: 4473-026-002

Owner: 3620 Noranda Lane, LLC

Case Planner: Senior Planner Bobbett, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 23-02 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-104 for the construction of a new single-family residence, a basement including a subterranean garage, a new onsite wastewater treatment system, exterior site improvements including a new swimming pool, spa, deck, landscape, hardscape, and grading; including Variance No. 19-035 to allow for development within the required Environmentally Sensitive Habitat Area buffer, Site Plan Review No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1, Minor Modification No. 20-012 for the reduction of the required front yard setback by up to 50 percent, and Offer-to-Dedicate No. 23-001 for a trail easement, for the property located in the Rural Residential-Five Acre zoning district at 3620 Noranda Lane (3620 Noranda Lane, LLC).

Senior Planner Thompson presented the staff report.

Disclosures: Chair Smith, Vice Chair Mazza, Commissioners Hill, Commissioner Jennings.

Chair Smith opened the public comment portion of the hearing.

Speakers: Vitus Mataré and Neil Popowitz.

As there were no other speakers present, Chair Smith 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 the applicant team.

MOTION Chair Smith moved and Commissioner Jennings seconded a motion to approve Planning Commission Resolution No. 23-02 determining the project is categorically exempt from the California Environmental Quality Act, and approved Coastal Development Permit No. 17-104 for the construction of a new single-family residence, a basement including a subterranean garage, a new onsite wastewater treatment system, exterior site improvements including a new swimming pool, spa, deck, landscape, hardscape, and grading; including Variance No. 19-035 to allow for development within the required Environmentally Sensitive Habitat Area buffer, Site Plan Review No. 23-003 for development on slopes steeper than 3 to 1, but flatter than 2.5 to 1, Minor Modification No. 20-012 for the reduction of the required front yard setback by up to 50 percent, and Offer-to-Dedicate No. 23-001 for a trail easement, for the property located in the Rural Residential-Five Acre zoning district at 3620 Noranda Lane (3620 Noranda Lane, LLC).

The question was called and the motion carried, 3-2, Commissioner Hill and Vice Chair Mazza dissenting.

RECUSAL Commissioner Peak left the dais at 8:07 p.m. from hearing Item Nos. 5.C. and 5.D, stemming from his absence in the initial discussion of these items on November 7, 2022. Assistant City Attorney Donegan noted that his recusal would not impact Commissioner Peak's ability to participate in any future hearings on these items after familiarizing himself with past Planning Commission hearings on the proposed developments.

C. Coastal Development Permit No. 19-045 and Demolition Permit No. 19-029, Variance No. 20-003, Site Plan Review No. 19-057, Minor Modification No. 20-006 and Neighborhood Standards No. 21-002 – An application for the demolition of the existing residence and construction of a new single-family residence and associated development.

Location: 31662 Broad Beach Road, within the appealable coastal zone

APN: 4470-024-052

Owner: LaShay Trust

Case Planner: Senior Planner Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 23-04 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-045 and Demolition Permit No. 19-029 for the construction of a new single-family residence and demolition of an existing single-family residence, landscaping, grading, retaining walls, bluff slope repair with below grade piles and onsite wastewater treatment system; including Variance No. 20-003 for reduction of the top of bluff setback, Site Plan Review No. 19-057 for structure height greater than 18 feet, up to 28 feet in height for a pitched roof, Minor Modification No. 20-006 for a reduced front yard setback, and Neighborhood Standards No. 21-002 for structure size

similar to the neighborhood average, on a parcel located in the Single Family, Medium Density zoning district at 31662 Broad Beach Road (LaShay Trust).

Senior Planner Eaton presented the staff report.

Disclosures: Chair Smith, Vice Chair Mazza, Commissioners Hill.

Chair Smith opened the public comment portion of the hearing.

Speakers: Steve Kent and Mark Kruger.

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

RECESS Commissioner Hill moved to recess at 8:31 p.m. PST. The meeting resumed at 8:38 p.m. Chair Smith, Vice Chair Mazza, and Commissioners Jennings and Hill rejoined the dais. Commissioner Peak absent.

The Commission directed questions to staff and the applicant team.

MOTION Vice Chair Mazza moved and Commissioner Hill seconded a motion to approve Planning Commission Resolution No. 23-04 as amended, Planning Commission Resolution No. 23-04, as amended, 1) modifying Finding E2 to state, "The analysis of the 'neighborhood' determined that the average Total Development Square Footage (TDSF) in the neighborhood is 3,389 square feet. The project proposes 3,426 square feet of TDSF, which is 37 square feet over the neighborhood average. As conditioned, the project will be revised to 3,389 square feet, which will be in compliance with the neighborhood average. As such, the proposed TDSF would not adversely affect neighborhood character."; 2) modifying Condition 2.c. to state, "Construction of a new 3,389 square foot two-story single-family residence with an attached two-car garage (this reflects a 37 square foot reduction to the residence)."; 3) modifying Condition 3's first sentence to state, "Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped December 27, 2022, except for revised plans to reflect a 37 square foot reduction to the residence."; 4) adding Condition 86 stating, "Prior to plan check submittal, the applicant/property owner must provide revised project plans showing a 37 square foot reduction of the residence and the plans must be acceptable to the Planning Director."; 5) adding Condition 87 stating, "Prior to plan check submittal, the applicant/property owner must submit an erosion control study in compliance with LIP Section 10.4(D)(2) and to the satisfaction of City geotechnical staff. The house shall be at least 4 feet back from the bluff retreat line and the deck shall not extend beyond the bluff retreat line. Staff must report the findings of this study to the

Planning Commission. “In no case shall the house be closer than 15 feet from the top of bluff.” and 6) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-045 and Demolition Permit No. 19-029 for the construction of a new single-family residence and demolition of an existing single-family residence, landscaping, grading, retaining walls, bluff slope repair with below grade piles and onsite wastewater treatment system; including Variance No. 20-003 for reduction of the top of bluff setback, Site Plan Review No. 19-057 for structure height greater than 18 feet, up to 28 feet in height for a pitched roof, Minor Modification No. 20-006 for a reduced front yard setback, and Neighborhood Standards No. 21-002 for structure size similar to the neighborhood average, on a parcel located in the Single Family, Medium Density zoning district (31662 Broad Beach Road) (LaShay Trust).

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

D. Coastal Development Permit No. 05-081, Variance Nos. 09-023 and 16-024, and Site Plan Review No. 06-032 – An application for the construction of a new single-family residence and associated development.

Location: 31864 Sea Level Drive, within the appealable coastal zone

APN: 4470-027-020

Owners: Narod Najarian and Garo Bedrossian

Case Planner: Assistant Planning Director Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 23-03 (Attachment A) determining the California Environmental Quality Act (CEQA) does not apply to the project, and denying Coastal Development Permit (CDP) No. 05-081 for the construction of a new 1,799 square foot, two-story single-family residence plus a 398 square foot attached garage and 995 square foot basement, 240 square foot ground floor deck, 349 square foot second floor deck, 125 square foot second floor balcony, permeable driveway and onsite wastewater treatment system (OWTS); including Variance (VAR) No. 09-023 for construction in a stream Environmentally Sensitive Habitat Area (ESHA) buffer, VAR No. 16-024 to allow for the septic system’s dispersal field to extend into the required 100-foot setback from the creek, and Site Plan Review (SPR) No. 06-032 for height over 18 feet but not to exceed 26 feet, 2 inches for a pitched roof, in the Single-Family Medium Density (SFM) zoning district located at 31864 Sea Level Drive (Najarian and Bedrossian).

Assistant Planning Director Fernandez presented the staff report.

Disclosures: Chair Smith, Vice Chair Mazza, Commissioners Hill, Commissioner Jennings.

Chair Smith opened the public comment portion of the hearing.

Speakers: Don Schmitz, Elizabeth Lynch, Patt Healy, Jo Drummond, John Yaroslaski, and Andrew Forde

As there were no other speakers present, Chair Smith 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 the applicant team.

**MOTION** Chair Smith moved and Commissioner Jennings seconded a motion to continue the item to the April 3, 2023, Regular Planning Commission meeting.

**MOTION** The question was called and the motion failed, 2-2, Commissioner Hill and Vice Chair Mazza dissenting and Commissioner Peak absent.

**MOTION** Vice Chair Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 23-03 (Attachment A) determining the California Environmental Quality Act (CEQA) does not apply to the project, and denying Coastal Development Permit (CDP) No. 05-081 for the construction of a new 1,799 square foot, two-story single-family residence plus a 398 square foot attached garage and 995 square foot basement, 240 square foot ground floor deck, 349 square foot second floor deck, 125 square foot second floor balcony, permeable driveway and onsite wastewater treatment system (OWTS); including Variance (VAR) No. 09-023 for construction in a stream Environmentally Sensitive Habitat Area (ESHA) buffer, VAR No. 16-024 to allow for the septic system's dispersal field to extend into the required 100-foot setback from the creek, and Site Plan Review (SPR) No. 06-032 for height over 18 feet but not to exceed 26 feet, 2 inches for a pitched roof, in the Single-Family Medium Density (SFM) zoning district located at 31864 Sea Level Drive (Najarian and Bedrossian).

The question was called and the motion failed, 2-2, Commissioner Jennings and Chair Smith dissenting and Commissioner Peak absent.

**MOTION** Chair Smith moved and Vice Chair Mazza seconded a motion to continue the item to the April 3, 2023 Regular Planning Commission Meeting.

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

**ITEM 6** **OLD BUSINESS**  
None.

**ITEM 7** **NEW BUSINESS**  
None.



**ITEM 8 PLANNING COMMISSION ITEMS**  
None.

**ADJOURNMENT**

**MOTION** At 11:36 p.m. Vice Chair Mazza moved and Chair Smith seconded a motion to adjourn the meeting. The question was called and the motion carried 4-0, Commissioner Peak absent.

Approved and adopted by the Planning Commission  
of the City of Malibu on August 21, 2023.

  
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SKYLAR PEAK, Planning Commission Chair

ATTEST:

  
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REBECCA EVANS, Recording Secretary