

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
MAY 15, 2023  
TELECONFERENCED – VARIOUS LOCATIONS  
6:30 P.M.

The following meeting was held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to AB 361.

**CALL TO ORDER**

Chair Smith called the meeting to order at 6:44 p.m.

**ROLL CALL**

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

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

ALSO PRESENT: Patrick Donegan, Assistant City Attorney; Richard Mollica, Planning Director; Adrian Fernandez, Assistant Planning Director; Tyler Eaton, Senior Planner; Alisanne Meyers, Assistant Planner; John Kanlund, Contract Planner; Luis Flores, Public Safety Liaison; and Rebecca Evans, Recording Secretary

**APPROVAL OF AGENDA**

MOTION Vice Chair Mazza moved and Commissioner Hill seconded a motion to approve the agenda as recommended by staff with an amendment to continue Item No. 3.B.1. to the Regular Planning Commission meeting on June 19, 2023.

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 May 5, 2023.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

**WRITTEN AND ORAL COMMUNICATION FROM THE PUBLIC**

Dougal Murray questioned the cause of delays on his project, reassignment to a new case planner and requested a meeting with Planning Director Mollica.

In response to Dougal Murray's comment, Recording Secretary Evans informed Mr. Murray that Contract Planner Shah was assigned to his project and would be available in person from 8:00 a.m. to noon Tuesday and Thursday. Planning Director Mollica informed Mr. Murray that staff would follow up with him.

Vice Chair Mazza asked if the Commission could continue the hearing of Item No. 3.B.1 to either the May 31, 2023 special meeting or the June 16, 2023 regular meeting.

In response to Vice Chair Mazza, Planning Director Mollica stated that staff could have the agenda report for Item No. 3.B.1. prepared for the May 31, 2023 special meeting on the condition that the applicant provided the requested additional information. Planning Director Mollica asked Assistant City Attorney Donegan if the Commission could make a motion for reconsideration to bring Item No. 3.B.1. to the May 31, 2023 special meeting, pending the receipt of applicant information.

In response to Planning Director Mollica's question, Assistant City Attorney Donegan stated the Commission could make a motion to reconsider, and continue Item No. 3.B.1. to a date certain.

**MOTION** Vice Chair Mazza moved and Commissioner Jennings seconded a motion to continue Item No. 3.B.1. to the May 31, 2023 special meeting.

The question was called and the motion carried unanimously.

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

Vice Chair Mazza asked if the Brown Act training was still scheduled for May 31, 2023, the same date as the Special Planning Commission Meeting.

In response to Vice Chair Mazza, Recording Secretary Evans confirmed the Brown Act training would be held on May 31, 2023 and would conclude well in advance of the Planning Commission meeting.

Vice Chair Mazza asked when meetings would return to the pre-pandemic format.

In response to Vice Chair Mazza, Recording Secretary Evans stated that changes in

meeting format were at the discretion of the City Council.

Commissioner Hill reaffirmed his rejection of a quid pro quo offer from an agent of an applicant and disclosed all communication. He stated he would be compelled to pursue legal remedies if defamation continued.

Chair Smith congratulated Malibu High School senior Dylan Ram on becoming a National Merit Scholar.

Planning Director Mollica stated the Planning Department was following up on the Mountains Recreation and Conservation Authority's recent letters to homeowners on Murphy Way and a Senior Planner was reviewing the applicant's submittal.

Vice Chair Mazza questioned why the Santa Monica Community College – Malibu Campus was occupied without a Certificate of Occupancy from the city or state.

In response to Vice Chair Mazza, Planning Director Mollica stated the college may have the equivalent of a temporary Certificate of Occupancy from the state, and noted the state was aware of the building's occupation.

### ITEM 3      CONSENT CALENDAR

The Consent Calendar consisted of the following items:

The following item was pulled from the consent calendar: Item No. 3.B.2.

A.      Previously Discussed Items

None.

B.      New Items

1.      Extension of Coastal Development Permit No. 16-064, Variance No. 17-011, Site Plan Review No. 17-042, and Minor Modification No. 17-008 – An application to extend the Planning Commission's approval for construction of a new one-story, single-family residence and associated development

Location:      5263 Horizon Drive

APN:            4469-005-002

Owner:         Dougal Murray

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

Recommended Action: Continue the item to the June 19, 2023 Regular Planning Commission meeting

### MOTION

This item was continued to the May 31, 2023 Special Planning Commission

meeting, pending receipt of applicant's materials.

2. Extension of Coastal Development Permit No. 14-028 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family home and associated development (Continued from May 1, 2023)

Location: 31438 Broad Beach Road

APN: 4470-017-065

Owner: 2XMD Partners LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 23-23 granting a one-year time extension of Coastal Development Permit No. 14-028 for the construction of a new 7,237 square foot single-family residence with attached garage, swimming pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance No. 14-012 for construction on steep slopes and Variance No. 15-013 for construction of a shoreline protection device to allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road (2XMD Partners LLC)

MOTION

Vice Chair Mazza moved and Commissioner Jennings seconded the motion to adopt Planning Commission Resolution No. 23-23 granting a one-year time extension of Coastal Development Permit No. 14-028 for the construction of a new 7,237 square foot single-family residence with attached garage, swimming pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance No. 14-012 for construction on steep slopes and Variance No. 15-013 for construction of a shoreline protection device to allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road.

The question was called and the motion carried unanimously.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

None.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Conditional Use Permit No. 23-002 – An application to allow a temporary tow yard on weekends and holidays from May 27, 2023 – September 4, 2023 at the Malibu Middle and High School Campus

Location: 30215 Morning View Drive, not within the appealable coastal zone

APN: 4469-017-900 and 4469-018-903

Owner: Santa Monica-Malibu Unified School District  
Case Planner: Planning Technician Meyers, 456-2489, ext. 264  
Recommended Action: Adopt Planning Commission Resolution No. 23-29 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 23-002 to permit a temporary short-term tow yard in the lower parking lot of the Malibu Middle and High School campus to store impounded vehicles from 8:00 AM to 7:00 PM on weekends and holidays from Memorial Day weekend through Labor Day weekend of 2023 in the Institutional Zoning District at 30215 Morning View Drive. (APNS: 4469-017-900 and 4469-018-903) (Santa Monica-Malibu Unified School District)

Associate Planner Meyers presented the staff report.

Disclosures: Vice Chair Mazza, Commissioner Hill

The Commission directed questions to staff and the applicant team.

Speakers: Luis Flores, Ryan Embree, Chris Frost, Josh Spiegel

Chair Smith opened the public comment portion of the hearing.

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.

**MOTION** Commissioner Peak moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 23-29 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 23-002 to permit a temporary short-term tow yard in the lower parking lot of the Malibu Middle and High School campus to store impounded vehicles from 8:00 AM to 7:00 PM on weekends and holidays from Memorial Day weekend through Labor Day weekend of 2023 in the Institutional Zoning District at 30215 Morning View Drive (APNS: 4469-017-900 and 4469-018-903).

**FRIENDLY AMENDMENT** Vice Chair Mazza moved a friendly amendment to revise Resolution 23-29, Section 5.1 of the LIP liability agreement to read, "The City of Malibu and their successors in interest shall indemnify the Santa Monica School District". Also, to revise Section 10 of the Resolution to indemnify the property owner from liability.

The amendment was not accepted by the maker or the seconder.

The question was called and the motion carried 3-0, Vice Chair Mazza and Commissioner Hill abstaining.

B. Coastal Development Permit-Woolsey Fire No. 22-007, Site Plan Review No. 22-016 – An application for an addition to a previously approved fire rebuild single-family residence and associated development

Location: 30125 Harvester Road, not within the appealable coastal zone

APN: 4469-044-005

Owner: Jersie Investments, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 23-26 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit–Woolsey Fire No. 22-007 for the construction of a 2,113 square foot addition to a replacement single-family residence approved under Planning Verification–Woolsey Fire No. 21-003, rooftop deck, after-the-fact landscape, swimming pool, spa and other site improvements; including Site Plan Review No. 22-016 for the addition over 18 feet in height not to exceed 24 feet in height for a flat roof, located in the Rural Residential, Two-Acre zoning district at 30125 Harvester Road (Jersie Investments, LLC)

Senior Planner Eaton presented the staff report.

Disclosures: Chair Smith, Vice Chair Mazza, Commissioner Hill, Commissioner Peak

Speaker: James Byford

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

Commissioner Hill moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 23-26 determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit–Woolsey Fire No. 22-007 for the construction of a 2,113 square foot addition to a replacement single-family residence approved under Planning Verification–Woolsey Fire No. 21-003, rooftop deck, after-the-fact landscape, swimming pool, spa and other site improvements; including Site Plan Review No. 22-016 for the addition over 18 feet in height not to exceed 24 feet in height for a flat roof, located in the Rural Residential, Two-Acre zoning district at 30125 Harvester Road (Jersie Investments, LLC). With the added condition to remove the larger of the three proposed decks, therein, excising the kitchen-roof deck and the approval of the two decks to the south and east.

FRIENDLY AMENDMENT Commissioner Peak moved a friendly amendment to add Condition No. 33 to state, “The applicant and/or owner must submit a landscape plan to the Planning Director for review and approval prior to the Planning Department’s final approval on this project.”, with the added recommendation for the Planning Department to conduct inspections during the final framing and post drywall construction.

The amendment was not accepted by the maker or the seconder.

FRIENDLY AMENDMENT Commissioner Jennings moved a friendly amendment to revise Condition No. 60 from stating, “no furniture or other attachment, whether temporary or fixed, shall be placed on the rooftop overnight” to state, “nothing left overnight on the proposed rooftop decks may exceed a maximum height of 18 feet”.

The amendment was accepted by the maker.

The question was called and the motion failed, 2-3, Chair Smith and Commissioners Jennings and Peak dissenting.

MOTION Commissioner Jennings moved and Commissioner Peak seconded the motion to adopt Planning Commission Resolution No. 23-26, as amended, 1) adding Condition No. 33 stating, “The applicant and/or owner must submit a landscape plan to the Planning Director for review and approval prior to the Planning Department’s final approval on this project.”; 2) modifying Condition No. 60 to state, “Nothing left overnight on the proposed rooftop decks may exceed 18 feet in height above finish or natural grade, whichever is lower.”; and 3) determining that the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit–Woolsey Fire No. 22-007 for the construction of a 2,113 square foot addition to a replacement single-family residence approved under Planning Verification–Woolsey Fire No. 21-003, rooftop deck, after-the-fact landscape, swimming pool, spa and other site improvements; including Site Plan Review No. 22-016 for the addition over 18 feet in height not to exceed 24 feet in height for a flat roof, located in the Rural Residential, Two-Acre zoning district at 30125 Harvester Road (Jersie Investments, LLC).

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

RECESS Chair Smith recessed the meeting at 8:46 p.m. The meeting resumed at 8:56 p.m. with all Commissioners present.

C. Coastal Development Permit No. 20-055, Minor Modification No. 21-010, and Demolition Permit No. 20-025 – An application for the demolition of an existing single-family residence, conversion of an existing guest house into the primary

residence, and associated development

Location: 23746 Malibu Road, within the appealable coastal zone

APN: 4458-006-032

Owner: Capricorn West Coast, LLC

Case Planner: Contract Planner Kanlund, (949) 489-1442, ext. 132

Recommended Action: Adopt Planning Commission Resolution No. 23-30 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 20-055 for the demolition of an existing 2,176 square foot, two-story single-family residence, conversion of an existing 1,753 square foot guest house into the primary residence, remodel of an existing tea house, grading, landscaping, hardscape, and replacement of the onsite wastewater treatment system, including Minor Modification No. 21-010 for up to a 50 percent reduction of the front yard setback and Demolition Permit No. 20-025 for the full demolition of the existing single-family residence and less than 50 percent demolition of the tea house, located on a beachfront lot in the Single Family Medium zoning district at 23746 Malibu Road (Capricorn West Coast, LLC)

Contract Planner Kanlund presented the staff report.

Disclosures: Chair Smith, Vice Chair Mazza, Commissioner Hill, Commissioner Jennings, Commissioner Peak

Speakers: Chris Deleau

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

Commissioner Jennings moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 23-30, as amended, 1) modifying Condition 21 to state, "Pursuant to LIP Section 6.5(E)(2)(e) and in order to ensure the protection of scenic and visual resources, the applicant and/or owner is required to maintain: a. A view corridor a minimum of six-feet wide adjacent to the western property line extending the length of the property.; b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.; c. Any fencing across the view corridor shall be permanently maintained as visually permeable. Tinted or frosted glass, and louvered or slatted screen fences are not permitted.; d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.; e. If at any time the property owner allows the view corridor to become impaired or blocked it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.;" and 2) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit



No. 20-055 for the demolition of an existing 2,176 square foot, two-story single-family residence, conversion of an existing 1,753 square foot guest house into the primary residence, remodel of an existing tea house, grading, landscaping, hardscape, and replacement of the onsite wastewater treatment system, including Minor Modification No. 21-010 for up to a 50 percent reduction of the front yard setback and Demolition Permit No. 20-025 for the full demolition of the existing single-family residence and less than 50 percent demolition of the tea house, located on a beachfront lot in the Single Family Medium zoning district at 23746 Malibu Road.

FRIENDLY AMENDMENT Vice Chair Mazza moved a friendly amendment to require engineering to strap the structure to the deck as opposed to nailing.

The amendment was not accepted by the maker.

The question was called and the motion carried unanimously.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

A. Over-the-Counter No. 22-231 Howdy's Sonrisa Café Update

Location: 23401 Civic Center Way, not within the appealable coastal zone

APN: 4458-022-030

Owner: The Park at Cross Creek, LLC

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

Recommended Action: Receive an update on enclosed space at Howdy's Sonrisa Café

Planning Director Mollica presented the staff report.

Disclosures: None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 10:11 p.m. Commissioner Jennings moved and Commissioner Peak 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 September 5, 2023.

   
\_\_\_\_\_  
SKYLAR PEAK, Planning Commission Chair

ATTEST:

  
\_\_\_\_\_  
REBECCA EVANS, Recording Secretary