

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JUNE 5, 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 AB361.

CALL TO ORDER

Chair Smith called the meeting to order at 6:32 p.m.

ROLL CALL

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

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

ALSO PRESENT: Trevor Rusin, Interim City Attorney; Richard Mollica, Planning Director; Tyler Eaton, Senior Planner; Raneika Brooks, Senior Planner; Johana Valencia, Planning Technician; 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 a date uncertain.

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 26, 2023.

ITEM 1 CEREMONIAL/PRESENTATIONS
None.

ITEM 2.A. PUBLIC COMMENTS

Ryan Embree stated the correct address for the Santa Monica Community College-Malibu Campus wireless tower was 23555 Civic Center Way. He asked for an update on the status of bringing the tower into compliance and an explanation

regarding why the College received permission for occupancy.

Jo Drummond concurred with Ryan Embree's comments and expressed concern regarding the wireless tower's non-compliance and the time City staff have taken to resolve the issue.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Hill asked for more narrative to be provided regarding consent calendar items. Minutes from March 21, 2022 indicated his mention of Elkhorn Slough v. Coastal Commission. He requested specific findings for why each item was exempt. Minutes from April 4, 2022 noted he questioned when the Public Safety Commission would be asked for feedback on evacuation plans in relation to the Accessory Dwelling Unit Ordinance. He requested meeting minutes be produced in a timely manner.

Vice Chair Mazza asked the Commissioners to dedicate the meeting in memory of John Wall. He noted more than a year had passed since the Aviator Nation conditional use permit amendment had been approved and asked for their status on building the partial wall and whether they were submitting six-month event calendars to the Planning Director.

Commissioner Peak attended the first Little League parade in recent years and noted the success of the community event.

Planning Director Mollica announced two new members of the Planning staff, Assistant Planner Larbi Azzaz and Office Assistant Gail Duncan.

In response to Vice Chair Mazza, Planning Director Mollica stated the applicants for the conditional use permit amendment had received the executed resolution recently and the City was waiting for the signed acceptance of conditions affidavit.

In response to Commissioner Hill, Planning Director Mollica stated the purpose of a De Minimis Waiver on the consent calendar was to meet a reporting requirement for an administrative decision rather than for Planning Commission review of the individual items. He added that attempts had been made to streamline the De Minimis Waiver report, both in order to expedite processing and due to the similarities for these projects.

Interim City Attorney Rusin clarified that the Planning Commission did not have purview to request a review by the Public Safety Commission.

Planning Director Mollica confirmed that the Planning Commission's request for a Public Safety Commission review of potential evacuation route impacts related to the Accessory Dwelling Unit Ordinance had been expressed to City Council.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

The following items were pulled from the consent calendar: Item No. 3.B.1., Item No. 3.B.2., Item No. 3.B.3, and Item No. 3.B.5.

MOTION Commissioner Peak moved and Vice Chair Mazza seconded a motion to receive and file the Planning Director's report on the issuance of De Minimis Waiver No. 21-022 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel; and to pull the remainder of the Consent Calendar for further discussion.

The question was called and the motion carried unanimously.

A. Previously Discussed Items
None.

B. New Items

1. Administrative Coastal Development Permit No. 22-051 and Code Violation No. 22-046 – An application for the installation of a new onsite wastewater treatment system

Location: 7133 Birdview Avenue, within the appealable coastal zone

APN: 4468-018-011

Owner: 7133 Birdview LLC

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

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 22-051.

Disclosures: Commissioner Peak

RECUSAL Commissioner Peak left the meeting at 7:04 PM.

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. 22-051.

Commissioner Peak returned to the dais at 7:10 PM.

2. Administrative Coastal Development Permit No. 21-050 and Code Violation No. 21-127 – An application to replace a failing onsite wastewater treatment system and the extension of an existing soldier pile wall

Location: 27551 Pacific Coast Highway, not within the appealable coastal zone

APN: 4460-005-020

Owner: New Freedom, LLC

Case Planner: Senior Planner Brooks, 456-2489, ext.

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 21-050.

Disclosures: Vice Chair Mazza

The Commission directed questions to staff.

As there were no further questions for staff, Chair Smith opened the public hearing.

Speaker: Kevin Poffenbarger

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.

MOTION

Vice Chair Mazza moved and Commissioner Hill seconded the motion that the issuance of the administrative coastal development permit shall not become effective but should the applicant wish to pursue the application, it shall be treated as a coastal development permit.

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

3. De Minimis Waiver No. 21-029 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 30084 Harvester Road, not within the appealable coastal zone

APN: 4469-014-019

Owner: Harvester Road Properties LLC

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. 21-029 for a new onsite wastewater

treatment system for a Woolsey Fire affected parcel.

Disclosures: None

The Commission directed questions to staff.

As there were no further questions for staff, Chair Smith opened the public hearing.

Speaker: Jason Herber

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.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on the issuance of De Minimis Waiver No. 21-029 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel
The question was called and the motion carried unanimously.

4. De Minimis Waiver No. 21-022 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 5837 Murphy Way, not within the appealable coastal zone

APN: 4467-003-034

Owner: Amit Shok

Case Planner: Planning Technician Valencia, 456-2489, ext. 247

Recommended Action: Receive and file the Planning Director's report on the issuance of De Minimis Waiver No. 21-022 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The item was received and filed by consensus.

5. Approval of Minutes

Recommended Action: Approve the minutes of the March 21, 2022 and April 4, 2022 Regular Planning Commission meetings.

Staff Contact: Administrative Assistant Evans, 456-2489, ext. 246

Disclosures: Commissioner Peak

Commissioner Peak left the dais at 8:01 p.m.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Smith opened the public hearing.

Speaker: Colin Drummond (donation of 1 minute to Jo Drummond), Jo Drummond (4 minutes), Ryan Embree

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.

MOTION Commissioner Hill moved approval of the minutes with instructions to provide more detail on speakers' positions on individual items. The motion failed for lack of a second.

MOTION Commissioner Jennings moved and Vice Chair Mazza seconded a motion to approve the minutes of the March 21, 2022 and April 4, 2022 Regular Planning Commission meetings.

The question was called and the motion carried 4-1-0, Commissioner Peak absent.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 15-067 and Conditional Use Permit No. 17-009 – An application for an interior and exterior remodel of an existing four-unit apartment building resulting in a reduction of two residential units, first- and second-floor additions resulting in an additional 1,604 square feet, an upgrade to the existing onsite wastewater treatment system, and other associated development; including a conditional use permit for expansion over five hundred square feet of a multiple-family residential use and for a non-conforming multi-family use

Location: 25426 Malibu Road, within the appealable coastal zone

APN: 4459-017-015

Owner: Andrew Beath

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

Recommended Action: Continue the item to a date uncertain.

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

ITEM 6 OLD BUSINESS
None.

ITEM 7 NEW BUSINESS
None.

ITEM 8 PLANNING COMMISSION ITEMS
None.

ADJOURNMENT

MOTION At 8:15 p.m., Vice Chair Mazza moved and Commissioner Hill seconded a motion to dedicate the meeting in memory of John Wall and adjourn the meeting. The question was called and the motion carried 4-1-0, Commissioner Peak absent.

Approved and adopted by the Planning Commission
of the City of Malibu on July 17, 2023.



SKYLAR PEAK, Planning Commission Chair

ATTEST:



REBECCA EVANS, Recording Secretary