

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 17, 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 Jennings called the meeting to order at 6:30 p.m.

ROLL CALL

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

PRESENT: Chair Jeffrey Jennings; Vice Chair John Mazza; and Commissioners Chris Marx, Steve Uhring, and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Adrian Fernandez, Principal Planner; Richard Mollica, Assistant Planning Director; Didier Murillo, Assistant Planner; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Administrative Assistant; and Jessica Thompson, Associate Planner

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on August 7, 2020.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Election of Chair and Vice Chair

MOTION Commissioner Uhring moved and Chair Jennings seconded a motion nominating Vice Chair Mazza to serve as Chair of the Planning Commission. The question was called and the motion carried unanimously.

MOTION Commissioner Jennings moved to nominate Commissioner Weil to serve as Vice Chair of the Planning Commission. The motion died due to lack of second.

MOTION Chair Mazza moved and Commissioner Uhring seconded a motion nominating Commissioner Marx to serve as Vice Chair of the Planning Commission. The question was called and the motion carried unanimously.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Commissioner Uhring, Planning Director Blue stated the City would have a meeting with the California Coastal Commission in the coming week to discuss the proposed short-term rental ordinance. She stated she did not know the reason for the seemingly low response by Malibu residents to the 2020 Census. She stated that the Farmer's Market would be allowed to use the Chili Cook-off site for parking under a temporary use permit (TUP) while Santa Monica City College was under construction, but they had not yet applied for a TUP.

Commissioner Uhring stated his preference would be to have the City Council consider the short-term rental ordinance during a Special meeting.

Chair Mazza stated the 2020 Census numbers would be impacted by the loss of households due to homes burned in the 2018 Woolsey Fire, short-term rentals, and a number of homes not being primary residences. He stated parking for the Farmers Market was lacking.

In response to Chair Mazza, Planning Director Blue stated the model house display on the parcel in the Civic Center that was still standing was awaiting the processing of a coastal development permit. She stated radius noticing data was provided by the applicant based upon Los Angeles County Assessor records and those interested in a particular project or parcel may request to be listed as an interested party.

In response to Chair Mazza, Assistant City Attorney Rusin stated speaking time at meetings was dictated by the City Council and any changes would need to be approved by them.

Vice Chair Marx commented on the upcoming election and the 2020 Census.

In response to Vice Chair Marx, Chair Mazza stated the 2020 Census was based on a person's permanent residence address.

In response to Vice Chair Marx, Planning Director Blue stated providing permit information online through the geographic information system mapping system was being explored.

In response to Vice Chair Marx, Assistant City Attorney Rusin stated any changes to the Malibu Municipal Code regarding water capacity as it pertained to firefighting would be through a zoning text amendment initiated by City Council.

Planning Director Blue stated the comprehensive zoning code update and a second phase to address the Local Coastal Program had been initiated several years ago, but had become a large undertaking and was paused currently in internal

administrative draft form which could be referred to by staff on specific topics as necessary.

In response to Commissioner Weil, Planning Director Blue stated the Public Safety Commission and a multi-agency group were addressing safety on Pacific Coast Highway (PCH).

Chair Mazza added there was a task force addressing safety on PCH and Councilmember Karen Farrer was the representative for the City.

Commissioner Weil commented on short-term rental policy and stated those creating a nuisance should be addressed by Code Enforcement but those that were not should not be unfairly penalized as they contributed to the community.

ITEM 3 CONSENT CALENDAR

CONSENSUS

As there were no objections, the Commission received and filed the items listed on the Consent Calendar.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Administrative Coastal Development Permit No. 17-114, Site Plan Review No. 18-012, and Demolition Permit No. 19-042 – An application for an interior and exterior remodel, including first and second story additions, new onsite wastewater treatment system and associated development

Location: 29502 Harvester Road, not within the appealable coastal zone

APN: 4467-030-014

Owner: Mark Amin

Case Planner: Principal Planner Fernandez, 456-2489, ext. 482

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Development Permit No. 17-114.

2. Administrative Coastal Development Permit Woolsey Fire No. 19-002 – An application to replace the existing onsite wastewater treatment system serving an existing single-family residence on a Woolsey Fire affected parcel

Location: 32234 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-014-003

Owner: 32234 PCH, LLC

Case Planner: Associate Planner Kendall, 456-2489, ext. 301

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit Woolsey Fire No. 19-002.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-061– An application to allow for the repair of an existing rock revetment

Location: 23940 Malibu Road, within the appealable coastal zone

APN: 4458-008-018

Owner: David and Linda Shaheen Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 20-55 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-061 to allow for the repair of no more than 20 percent of an existing rock revetment, located in the Single-Family Medium zoning district at 23940 Malibu Road (David and Linda Shaheen Trust).

Assistant Planning Director Mollica presented the staff report.

Disclosures: Commissioners Jennings, Uhring, and Weil 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: Don Schmitz.

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

MOTION Commissioner Uhring moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 20-55 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-061 to allow for the repair of no more than 20 percent of an existing rock revetment, located in the Single-Family Medium zoning district at 23940 Malibu Road (David and Linda Shaheen Trust).

The Commission discussed the motion.

The question was called and the motion carried unanimously.

B. Appeal No. 20-008 - Appeal of Planning Director's approval of Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify a like-for-like rebuild of a single-family residence and associated development destroyed by the November 2018 Woolsey Fire

Location: 5936 Filaree Heights Avenue, not within the appealable coastal zone

APN: 4469-013-023

Owner: Denker Family Trust

Appellants: Terry Lucoff, Robert Brinkmann, and Stacy Clunies-Ross

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

Recommended Action: Adopt Planning Commission Resolution No. 20-58, determining the project is categorically exempt from the California Environmental Quality Act, denying Appeal No. 20-008 and approving Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify a like-for-like fire rebuild of a single-family residence, second unit, garage and hobby/greenhouse destroyed by the November 2018 Woolsey Fire that was approved under Planning Verification-Woolsey Fire No. 19-188 located in the Rural Residential-Two Acre zoning district at 5936 Filaree Heights Avenue (Denker Family Trust).

Associate Planner Thompson 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.

Speakers: Stacy Clunies-Ross, Terry Lucoff, Robert Brinkmann, and Jennifer Denker.

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 Jennings seconded a motion adopt Planning Commission Resolution No. 20-58, as amended; 1) determining the project is categorically exempt from the California Environmental Quality Act; 2) denying Appeal No. 20-008; 3) approving Administrative Plan Review-Woolsey Fire No. 19-060 and Site Plan Review No. 19-099 for improvements to modify a like-for-like fire rebuild of a single-family residence, second unit, garage and hobby/greenhouse destroyed by the November 2018 Woolsey Fire that was approved under Planning Verification-Woolsey Fire No. 19-188 located in the Rural Residential-Two Acre zoning district at 5936 Filaree Heights Avenue (Denker Family Trust); and 4) incorporating the changes recommended and read into the record by staff, on Page 2, Section 3, finding A, should state: "No evidence

has been presented that the proposed development would block the primary view, as documented by primary view determinations,” and on Page 4, Section 4, Finding 2 should read as the following, “the subject application was reviewed by the Planning Department and the City Biologist and was determined to not adversely affect environmental resources.”

The Commission discussed the motion.

AMENDMENT

Chair Mazza moved and Vice Chair Marx seconded a motion to amend the resolution to specify no new landscape or vegetation that has the potential to exceed six feet in height could be planted, unless it was demonstrated to be replacing vegetation legally established before the 2018 Woolsey Fire.

The Commission discussed the amendment.

The question was called and the amendment carried 3-2, Commissioners Jennings and Weil dissenting.

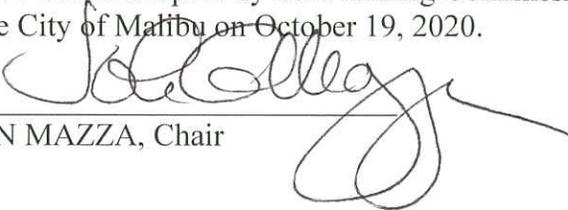
The Commission discussed the amended motion.

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

ADJOURNMENT

MOTION At 9:58 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 October 19, 2020.



JOHN MAZZA, Chair

ATTEST:



KATHLEEN STECKO, Administrative Assistant