

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 21, 2023
COUNCIL CHAMBERS AND TELECONFERENCED
6:30 P.M.

The following meeting was held in a hybrid format that allowed members of the public to participate in-person and remotely via Zoom.

CALL TO ORDER

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

ALSO PRESENT: Pat Donegan, Assistant City Attorney; Adrian Fernandez, Assistant Planning Director; Tyler Eaton, Senior Planner; Parker Davis, Media Technician; and Rebecca Evans, Recording Secretary

PLEDGE OF ALLEGIANCE

Lloyd Ahern led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to approve the agenda as recommended by staff.

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 August 10, 2023. The amended agenda was posted on August 16, 2023.

ITEM 1 CEREMONIAL/PRESENTATIONS
None.

ITEM 2.A. PUBLIC COMMENTS

Bill Sampson stated the Broad Beach wedding held on the weekend was not in compliance with permit conditions and impacted neighborhood traffic. The size of the special event was inappropriate for a residential area and events of that size should not be allowed in the future. He noted the upcoming triathlon would heavily impact residents and local traffic and would raise significant money for a private foundation with little financial benefit to the City.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Smith stated continued simplification of the permitting process would encourage residents to submit applications and obtain proper permits for new development. He noted that both Code Enforcement and Public Works personnel were working over the weekend to ensure safety during the weather event and thanked them.

Commissioner Hill expressed concern regarding safety due to the increased use of high-speed electric bikes in both residential neighborhoods and on Pacific Coast Highway. He asked whether the Trancas Creek bridge approved improvements factored in additional height required for future sea level rise and noted Caltrans appeared to have maintained the previous height. Commissioner Hill stated it appeared the City prioritized developers over private citizens and cited both the large wedding approved for a special event permit over the weekend and the July 4th event held at Nobu Malibu, which exceeded the maximum attendees for fire safety. He questioned the rental of a City-owned park like Malibu Bluffs Park for a private event on a weekend and asked for clarification on the statutory authority for that approval.

Vice Chair Mazza stated that many owners have trouble getting permits for full structures while other properties routinely installed significant new development without the benefit of permits. Short-Term Rental violation fees were less costly for owners than proper permitting and reporting. He stated the City needed consistent information and enforcement. Planning made a start through an updated website. He noted that current code enforcement fines were insignificant in comparison to profit potential for situations like the Nobu Malibu July 4th event. He asked for more information regarding the settlement with Nobu Malibu.

Chair Peak expressed appreciation that Commissioners were asking the public to seek permits for new development and noted staff have been very helpful in response.

Assistant Planning Director Fernandez thanked Alexander Montano for his service to the City of Malibu and wished him well in his next endeavor.

In response to Vice Chair Mazza and Commissioner Hill, Assistant Planning

Director Fernandez stated there was not a special event permit which limited the number of guests to 300 and the applicant for the weekend wedding was straightforward regarding expected attendance. Special event permits do not have a legal noticing requirement in the code. The notice of the week's event permits was distributed the day after the four special event permits were issued. He noted that setup of the event began prior to the stated date and time, however, all other conditions of approval were met. In response to neighbor concerns, both Code Enforcement and Public Works staff inspected the site.

In response to Commissioner Hill, Assistant Planning Director Fernandez clarified that the City Council determined which private events would be held at Malibu Bluffs Park. Regarding Nobu Malibu, there would be a future City Council item to consider changing rules to enable Code Enforcement to assess fines for events without permits. The Nobu Malibu event traffic concerns were not within Code Enforcement's purview. The Los Angeles County Fire Department would remove people if the number of people within the building exceeded capacity. The Sheriff's office was responsible for all other traffic and public safety concerns.

Chair Peak suggested consideration of a change to provide greater notice of large-scale public events.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

The following item was pulled: Item No. 3.B.5.

MOTION Chair Peak moved and Commissioner Jennings seconded a motion to approve the balance of the consent calendar.

The question was called and the motion carried unanimously.

A. Previously Discussed Items
None.

B. New Items

1. De Minimis Waiver No. 22-013 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel
Location: 28908 Wight Road, not within the appealable coastal zone
APN: 4467-034-009
Owners: John J. III and Donna S. Cummings
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. 22-013 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The item was received and filed upon approval of the balance of the consent calendar.

2. De Minimis Waiver No. 23-008 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 29636 Cuthbert Road, not within the appealable coastal zone

APN: 4469-011-017

Owners: Mark and Julie Martin

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. 23-008 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The item was received and filed upon approval of the balance of the consent calendar.

3. De Minimis Waiver No. 22-017 – An application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel

Location: 5961 Floris Heights Road, partially within the appealable coastal zone

APN: 4469-013-014

Owner: Harmeet Singh Anand

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. 22-017 for a new onsite wastewater treatment system for a Woolsey Fire affected parcel.

The item was received and filed upon approval of the balance of the consent calendar.

4. *Removed from the agenda.*

5. Approval of Minutes

Recommended Action: Approve the minutes of the November 21, 2022, December 5, 2022 and February 6, 2023 Regular Planning Commission meetings.

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

CONSENSUS

The minutes of the November 21, 2022, December 5, 2022 and February 5, 2023 Regular Planning Commission meetings were approved by unanimous consensus.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 22-041, Variance No. 23-010 and Site Plan Review No. 22-028 – An application to construct a new single-family residence, second unit, landscaping, pool, onsite wastewater treatment system, retaining walls and associated development

Location: 3915 Puerco Canyon Road, not within the appealable coastal zone

APN: 4459-011-009

Owner: Luis Strohmeier

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

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

- A. Planning Commission Rules of Procedure and Decorum
Recommended Action: Adopt Planning Commission Resolution No. 23-47, amending the Planning Commission Rules of Procedure and Decorum and rescinding Resolution No. 12-59.
Staff Contact: Senior Administrative Analyst Evans, 456-2489, ext. 246

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

Public Comment: Don Schmitz

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

MOTION Chair Peak moved and Commissioner Jennings seconded the motion to adopt Planning Commission Resolution No. 23-47, as amended, 1) modifying Section 2.I.B.1. to state, "The Commission shall elect from among its members a person to serve as Chair at the pleasure of the Commission. Elections will be held at intervals of four, five-month terms and one, four-month term in alignment with the schedule of City Council appointments to the Commission. The Commission shall at the

same intervals, elect another of its members to serve as Vice Chair at the pleasure of the Commission for corresponding terms”; 2) Section 2.III.B.2., first sentence, replacing the word “defer” with the word “donate”; Section 2.V.A., second sentence, replacing the word “uncertain” with the word “certain”; 3) modifying Section 2.V.B. to state, “The Planning Commission shall not consider any new agenda item after 10:30 p.m. at any meeting except by vote of a simple majority. Not later than 10:30 p.m. at each meeting, the Commission shall determine the disposition of its remaining agenda items. If the Commission determines that remaining agenda items must be continued to a subsequent regular meeting, the Commission shall immediately take action to schedule such a meeting. Each meeting of the Planning Commission shall adjourn or be continued to a time and date certain not later than midnight of the night that meeting began.”; 4) Section 2.V.G., striking the final sentence; and 5) amending the Planning Commission Rules of Procedure and Decorum and rescinding Resolution No. 12-59.

The question was called and the motion carried 4-1, Vice Chair Mazza abstaining.

ADJOURNMENT

MOTION At 8:15 p.m., Vice Chair Mazza moved and Chair Peak seconded a motion to adjourn the meeting in honor of Alexander Montano. The question was called and the motion carried unanimously.

Approved and adopted by the Planning Commission
of the City of Malibu on September 18, 2023.



SKYLAR PEAK, Planning Commission Chair

ATTEST:



REBECCA EVANS, Recording Secretary