

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 5, 2023
TELECONFERENCED – VARIOUS LOCATIONS
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 6:36 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; Richard Mollica, Planning Director; Raneika Brooks, Senior Planner; Tyler Eaton, Senior Planner; Parker Davis, Media Technician; and Rebecca Evans, Recording Secretary

PLEDGE OF ALLEGIANCE

Wade Major led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Chair Peak moved and Vice Chair Mazza seconded a motion to approve the agenda as recommended by staff, hearing Item No. 5.B. prior to Item No. 5.A.

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 25, 2023.

ITEM 1 CEREMONIAL/PRESENTATIONS
None.

ITEM 2.A. PUBLIC COMMENTS

Norm Haynie clarified his role regarding the Special Event Permit for the Broad Beach wedding held on August 20, 2023.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Vice Chair Mazza commented on the general perception of the public regarding the role of expeditors in the permit process. He requested a staff presentation regarding Formula Retail Clearance.

Commissioner Hill suggested a reconfiguration of the dais to improve sight lines, which would require a casing around the electronics for the center seat. He stated teleconference participants were not able to see others present in the meeting or view an active presentation to talk over a slideshow. He expressed concern that several recent developments had been on consent calendars with the appeal period beginning prior to the PC hearing, and neighbors may not have received adequate advance notice in time to appeal a decision. Commissioner Hill asked for Formula Retail Clearance developments to include the name of the business to occupy the space. He noted that New York City had recently adopted a hosted short-term rental ordinance, which should indicate that would be possible for Malibu as well.

Chair Peak, Commissioner Jennings and Commissioner Smith thanked attendees and limited remarks in the interests of time.

In response to Commissioner Hill, Planning Director Mollica stated the Short Term Rental Ordinance was currently in process with the Council's Ad Hoc Committee that was formed for this purpose. That Ad Hoc Committee met with the California Coastal Commission regarding their concerns and staff would meet with the Ad Hoc Committee to discuss next steps. He noted that the current members were Mayor Silverstein and Councilmember Riggins.

ITEM 3 CONSENT CALENDAR

The Consent Calendar consisted of the following items:

The following items were pulled: Item Nos. 3.B.1. and Item No. 3.B.2.

- A. Previously Discussed Items
None.

B. New Items

1. Administrative Coastal Development Permit No. 22-026 – An application to install a new water well for future domestic, irrigation, and fire protection uses on a vacant parcel

Location: 28462 Via Acero Street, partially within the appealable coastal zone

APN: 4467-033-019

Owner: Jagora LLC

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

Recommended Action: Receive and file the Planning Director's report on the approval of Administrative Coastal Permit No. 22-026

Disclosures: None

Chair Peak opened the public comment portion of the hearing.

Speakers: Farzaneh Bibian, Don Schmitz

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

CONSENSUS The item was approved by unanimous consensus.

2. Approval of Minutes

Recommended Action: Approve the minutes of the February 22, 2022, June 20, 2022 and May 15, 2023 Regular Planning Commission meetings and the May 31, 2022 Special Planning Commission meeting.

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

MOTION Vice Chair Mazza moved and Commissioner Hill seconded a motion to approve the minutes of the February 22, 2022, June 20, 2022 and May 15, 2023 Regular Planning Commission meetings and the May 31, 2022 Special Planning Commission meeting.

The question was called and the motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS
None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 21-068, Conditional Use Permit 21-001, Site Plan Review No. 21-003, Lot Merger No. 21-002, and Demolition Permit No. 21-036 – An application to implement Phase 1 of the Malibu Middle and High School Campus Specific Plan which includes the construction of a new 36-foot tall, two-story high school building and associated development

Location: 30215 Morning View Drive, within the appealable coastal zone

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

Owner: Santa Monica – Malibu Unified School District

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

Recommended Action: Adopt Planning Commission Resolution No. 23-39 finding the project consistent with the Final Environmental Impact Report (State Clearinghouse No. 202008350), the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations certified by the City Council on July 11, 2022 in Resolution No. 22-32, and approving Coastal Development Permit No. 21-068 to implement Phase 1 of the Malibu Middle and High School Campus Specific Plan which includes the construction of a new 36-foot tall, two-story high school building (Building C), reconfigured drive aisles and new parking areas, grading, hardscape, landscaping, Environmentally Sensitive Habitat Area restoration, the after-the-fact relocation of five portable buildings, and associated development, including Conditional Use Permit No. 21-001 for a new public educational institution facility, Site Plan Review No. 21-003 for a height increase over 18 feet, not to exceed 36 feet for a flat roof in accordance with the pending MMHS Campus Specific Plan Overlay District, Lot Merger No. 21-002 to consolidate two existing parcels into one, and Demolition Permit No. 21-036 to demolish the remaining outdoor improvements associated with the former Juan Cabrillo Elementary School campus, located in the Institutional zone at 30215 Morning View Drive (Santa Monica–Malibu Unified School District).

The staff report was presented by Senior Planner Brooks.

Disclosures: Commissioners Mazza, Smith, Jennings, Peak and Hill

Chair Peak opened the public comment portion of the hearing.

Speakers: Jo Drummond, Wade Major, Carl Randall, Seth Jacobson, Valerie Sebaugh, Dr. Antonio Shelton, Carey Upton

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

MOTION

Chair Peak moved and Commissioner Smith seconded a motion to adopt Planning Commission Resolution No. 23-39, as amended, 1) Condition 17.b. replacing “residence” with “structure”; 2) replacing Condition 17.e. to state, “All lighting at the MMHS campus shall be minimized, restricted to low intensity features, directed downward and away from ESHA, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views and wildlife to the maximum extent feasible.”; 3) adding Condition 17.f. to state, “All outdoor lighting shall be extinguished by 11:00 p.m. or close of campus use, whichever is later, except for security lighting activated by motion sensor which extinguishes ten (10) minutes after activation and lighting at the building entrances and driveway egress points.”; 4) modifying Condition 32.a. to state, “During Phase 1 demolition of hardscape within the 100-foot buffer of the downstream area, the habitat restoration plan shall require weed abatement along the upstream, middle, and downstream riparian and upland habitat, broadcast of native seed in the downstream riparian and upland habitat as well as upstream upland habitat, and planting of native stock in the downstream riparian and upland habitat. Bank stability improvements and erosion control would occur in the upstream, middle, and downstream portions of the ESHA during Phase 1, which includes the proposed pedestrian trail and new roadways.”; 5) Condition 33 deleting “and monitoring”; 6) modifying Condition 34 to state, “Maintenance and monitoring of the restoration shall commence after installation and continue for five years in each portion of the riparian and upland habitat areas (downstream, middle, and upstream). In any case, the restoration project shall be complete prior to the issuance of certificates of occupancy for any structures approved in the coastal development permit.”; 7) deleting Condition 46, “The CCC issued CDP discussed the presence of native trees protected under LIP Chapter. Any and all encroachments to any native trees shall be mitigated pursuant to the approved CCC CDP and pursuant to LIP Chapter 5.”; and 7) finding the project consistent with the Final Environmental Impact Report (State Clearinghouse No. 202008350), the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations certified by the City Council on July 11, 2022 in Resolution No. 22-32, and approving Coastal Development Permit No. 21-068 to implement Phase 1 of the Malibu Middle and High School Campus Specific Plan which includes the construction of a new 36-foot tall, two-story high school building (Building C), reconfigured drive aisles and new parking areas, grading, hardscape, landscaping, Environmentally Sensitive Habitat Area restoration, the after-the-fact relocation of five portable buildings, and associated development, including Conditional Use Permit No. 21-001 for a new public educational institution facility, Site Plan Review No. 21-003 for a height increase over 18 feet, not to exceed 36 feet for a flat roof in accordance with the pending MMHS Campus Specific Plan Overlay District, Lot Merger No. 21-002 to consolidate two existing parcels into one, and Demolition Permit No. 21-036 to demolish the remaining outdoor improvements associated with the former Juan Cabrillo Elementary School campus, located in the Institutional zone at 30215

Morning View Drive (Santa Monica–Malibu Unified School District)

The question was called and the motion carried 4-0, Vice Chair Mazza abstaining.

- B. Coastal Development Permit-Woolsey Fire No. 22-004, Variance No. 22-007 – An application to allow for a conversion of a 508-square feet of office/gym space in an attached second unit and a new onsite wastewater treatment system; including a variance for development within the required Environmentally Sensitive Habitat Area buffer to allow for the replacement onsite wastewater treatment system

Location: 6244 Busch Drive, partially within the appealable coastal zone

APN: 4467-029-021

Owners: Tyler Muir and Bridgette Muir

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

Recommended Action: Adopt Planning Commission Resolution No. 23-40 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit – Woolsey Fire No. 22-004 to allow for a conversion of a 508 square feet of office/gym space into an attached second unit, landscaping and a replacement onsite wastewater treatment system; including Variance No. 22-007 for a development within the required Environmentally Sensitive Habitat Area buffer to allow for the installation of the replacement onsite wastewater treatment system, in the Rural Residential, Two-Acre zoning district located at 6244 Busch Drive.

The staff report was presented by Senior Planner Eaton

Disclosures: Commissioners Jennings, Smith, Mazza, Hill, and Peak

Chair Peak opened the public comment portion of the hearing.

Speakers: Don Schmitz, John Yaroslaski, Jo Drummond

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

RECESS

The meeting was recessed at 7:32 p.m. and resumed at 7:37 p.m. with all Commissioners present.

MOTION Commissioner Smith moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 23-40 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit-Woolsey Fire No. 22-004 to allow for a conversion of a 508 square feet of office/gym space into an attached second unit, landscaping and a replacement onsite wastewater treatment system; including Variance No. 22-007 for a development within the required Environmentally Sensitive Habitat Area buffer to allow for the installation of the replacement onsite wastewater treatment system, in the Rural Residential, Two-Acre zoning district located at 6244 Busch Drive

SUBSTITUTE MOTION

Vice Chair Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 23-40, as amended, 1) maximum wall height in Environmentally Sensitive Habitat Area at 3 feet maximum; 2) no kitchen shall be allowed; and 3) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit – Woolsey Fire No. 22-004 to allow for a conversion of a 508 square feet of office/gym space into an attached second unit, landscaping and a replacement onsite wastewater treatment system; including Variance No. 22-007 for a development within the required Environmentally Sensitive Habitat Area buffer to allow for the installation of the replacement onsite wastewater treatment system, in the Rural Residential, Two-Acre zoning district located at 6244 Busch Drive

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

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

ITEM 6 OLD BUSINESS
None.

ITEM 7 NEW BUSINESS
None.

ITEM 8 PLANNING COMMISSION ITEMS
None.

ADJOURNMENT

MOTION At 10:12 p.m., Chair Peak moved and Vice Chair Mazza 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 2, 2023.



SKYLAR PEAK, Planning Commission Chair

ATTEST:



REBECCA EVANS, Recording Secretary