



City of Malibu

MEMORANDUM

To: Mayor Grisanti and the Honorable Members of the City Council, Chair Hill and Members of the Planning Commission, City Manager, Department Heads, City Attorney, Planning Department, Malibu Times, Malibu Surfside News and Malibu Patch

From: Rebecca Evans, Administrative Assistant

Date: March 9, 2022

Re: Actions from the March 7, 2022 Regular Planning Commission meeting

At the Regular Planning Commission meeting on March 7, 2022, the Planning Commission took the actions below with follow-up by various staff members shown in parentheses:

- 1) Adopted Resolution No. 22-21 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 5418 Horizon Drive (Senior Administrative Analyst Salazar)
- 2) Adopted Resolution No. 22-22 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 29350 Heathercliff Road (Senior Administrative Analyst Salazar)
- 3) Adopted Resolution No. 22-23 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6800.5 Westward Beach Road (Senior Administrative Analyst Salazar)
- 4) Adopted Resolution No. 22-24 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 5878 Deerhead Road (Senior Administrative Analyst Salazar)
- 5) Adopted Resolution No. 22-25 granting a one-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 29636 Cuthbert Road (Senior Administrative Analyst Salazar)
- 6) Adopted Resolution No. 22-26 granting a one-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 29715 Cuthbert Road (Senior Administrative Analyst Salazar)
- 7) Adopted Resolution No. 22-27 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 5246 Horizon Drive (Senior Administrative Analyst Salazar)
- 8) Adopted Resolution No. 22-28 granting a one-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 4615 Via Vienta Street (Senior Administrative Analyst Salazar)

- 9) Adopted Resolution No. 22-29 granting a two-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6760 Dume Drive (Senior Administrative Analyst Salazar)
- 10) Adopted Resolution No. 22-30 granting a one-year extension to submit a planning verification for nonconforming structures and uses damaged or destroyed in the Woolsey Fire for the property located at 6351 Kanan Dume Drive (Senior Administrative Analyst Salazar)
- 11) Continued to a date uncertain - De Minimis Waiver No. 21-016, an application for a new onsite wastewater treatment system for a Woolsey Fire affected parcel (6244 Busch Drive) (Contract Planner Shah)
- 12) Continued to the March 21, 2022 Regular Planning Commission meeting - An extension of Coastal Development Permit No. 15-057, a request to extend the Planning Commission's approval of an application for the construction of an underground soldier pile wall for the property located at 25000 and 25040 Pacific Coast Highway (Associate Planner Eaton)
- 13) Continued the Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004, an amendment to the Local Coastal Program and Title 17 (Zoning) of the Malibu Municipal Code to Update Regulations Related to Accessory Dwelling Units public hearing to a date uncertain and provide the following information prior to the opening of a public hearing on the Accessory Dwelling Unit (ADU) ordinance: 1) Explanation of the legal mandate for an ADU Ordinance; 2) Recommend that the City Council refer the item to the Public Safety Commission for consideration of updates to the evacuation plan; 3) Legal explanation of why the proposed ordinance is exempt from the California Environmental Quality Act; 4) Legal discussion on consistency with the General Plan, slow growth density, rural character and other issues contained in the General Plan and Malibu Municipal Code (MMC) ; 5) Conduct a traffic study on the impact of additional traffic on Pacific Coast Highway; 6) Explanation of the contention that the MMC allows ADUs including the fact that guest houses currently cannot be rented, do not allow kitchens and second units require a Coastal Development Permit unless they are not ADUs; 7) Explanation of why Malibu must come into compliance with parking and other key standards since Malibu is not covered by State ADU laws due to the fact that the entire City is in the high fire hazard severity zone; 8) Comparison of north Los Angeles County Coastal Plan amendment adopted by the Coastal Commission including a discussion of exclusion zones which has not been discussed; 9) Explanation of why staff states that Senate Bill (SB) 9 and State ADU laws have any relevance to requirements of the City's Land Use Plan and the necessity to follow either law, Malibu being exempt; 10) Explanation of why ADU and Junior ADU laws will continue to apply to eligible properties; 11) Explanation of why the MMC must be amended to comply with State standards and ministerial processes consistent with the ADU law; 12) Explanation of why the Coastal Commission guidance memo is purported to require ADUs given the fact that only Malibu can amend its Local Coastal Program; 13) Explanation of why habitable floor area is considered rather than total development square footage (TDSF); 14) An analysis by the District 9 Water Quality Control Board of the availability of water that can be allocated to do ADUs; 15) An account of all of the lots that could be used for ADUs and the services required by the City to service these ADUs, given the fact that the staff report states that no parcel in Malibu meets the baseline standard for an ADU; 16) An analysis on the effect on school population and the use of City sports facilities; 17) An estimate of the policing costs involved with additional ADUs; 18) An analysis of the low-income housing requirements and the projected rental rates in relationship to the intent of the ADU law; 19) An estimate of future compliance costs incurred by the City; 20) An explanation of why ADU decisions cannot be appealed to the City Council; 21) An analysis of the factors considered in recommending a sixteen-foot height for potential two stories; 22)

Potential area analysis for where ADUs are not appropriate as the County has done and adopted; 23) An explanation of why fire exit regulations have been recommended to change County requirements from a highway to a road and why lack of two accesses is not prohibited on ADUs; 24) A determination of how many Woolsey Fire projects have placed 1,200 square-foot mobile units with the intent of converting them to ADUs and why 1,200 bedroom units are required to be allowed; and 25) Provide comments on the ADA requirements for parking spaces and the half mile exemption from public transit. (Associate Planner Eaton)

23)Continued to the March 21, 2022 Regular Planning Commission meeting - Coastal Development Permit No. 20-052, an application for the construction of a new swimming pool, spa, onsite wastewater treatment system and other site improvements for the property located at 6800 Wildlife Road (6800 Wildlife LLC) (Contract Planner Aakash Shah)

24)Continued to a date uncertain - Coastal Development Permit-Woolsey Fire No. 18-022, Variance No. 22-003, and Lot Merger No. 18-004, an application for a 1,166 square foot addition to a previously approved fire rebuild residence, 792 square foot detached garage/workshop, swimming pool, spa, an onsite wastewater treatment system, lot merger to combine two lots, and exterior site improvements for the property located at 29846 Harvester Road (Jean-Fabrice Brunel) (Senior Planner Thompson)