

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 19, 2019  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Chair Uhring called the meeting to order at 6:30 p.m.

**ROLL CALL**

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

PRESENT: Chair Steve Uhring; Vice Chair Jeffrey Jennings; and Commissioners Kraig Hill and John Mazza. Commissioner Chris Marx arrived at 6:35 p.m.

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Carlos Contreras, Associate Planner; Justine Kendall, Assistant Planner; Richard Mollica, Senior Planner; Didier Murillo, Assistant Planner; and Kathleen Stecko, Senior Office Assistant

**PLEDGE OF ALLEGIANCE**

Gigi Goyette led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Senior Office Assistant Stecko reported that the agenda for the meeting was properly posted on February 8, 2019.

**APPROVAL OF AGENDA**

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to approve the agenda. The motion carried unanimously.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

A. Staff Update on the Woolsey Fire Rebuild Process

Planning Director Blue and Senior Planner Mollica provided an update on the Woolsey Fire rebuild process.

**ITEM 2.A. PUBLIC COMMENTS**

None.

**ITEM 2.B. COMMISSION / STAFF COMMENT**

Planning Director Blue announced the California Coastal Commission would hold a public hearing on the 2018 Woolsey Fire Code Amendments on Thursday, March 7, 2019, in Los Angeles. In addition, she announced the Woolsey Fire Rebuild Ordinance second reading and adoption, as well as a discussion item on Neighborhood Character were scheduled for the February 25, 2019 City Council Regular meeting. She stated a Fire Rebuild workshop would be held by the City in early March.

Commissioner Hill commented on the prevalence of plastic sandbag usage within the City and his observation that they were allowed only during an emergency.

Commissioner Mazza added sandbags were used in a non-emergency capacity when part of a new construction plan.

In response to Commissioner Mazza and Chair Uhring, Planning Director Blue provided information on traffic signals at the intersection of Civic Center Drive and Webb Way. She provided information on permits pertaining to the placement of gravel in the Civic Center area on the Bell property west of Stuart Ranch Road by Southern California Edison for a truck staging yard for their inspection and repair program.

**ITEM 3 CONSENT CALENDAR**

Item Nos. 3.B.3. and 3.B.4. were pulled by Commissioner Mazza.

MOTION Commissioner Mazza moved and Vice Chair Jennings seconded a motion to approve the Consent Calendar except for Item Nos. 3.B.3. and 3.B.4. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Coastal Development Permit No. 14-064, Variance No. 17-012, Site Plan Review No. 16-040, Minor Modification No. 18-013, and Demolition Permit No. 16-021 – An application for the demolition of remnants of a single-family residence destroyed by the Woolsey Fire and construction of a new single-family residence, swimming pool and associated development (Continued from January 22, 2019)

Location: 5939 Busch Drive, within the appealable coastal zone

APN: 4469-012-006

Owner: The Hubschman Family Trust

Case Planner: Contract Planner Rudolph, 456-2489 ext. 238

Recommended Action: Adopt Resolution No. 19-05 determining that the California Environmental Quality Act does not apply to the project and denying Coastal Development Permit No. 14-064 for the construction of a new 7,350 square-foot, two-story single-family residence, including an attached garage and basement, swimming pool, and installation of a new

onsite wastewater treatment system; including Variance No. 17-012 for the fuel modification of the residence to extend into Environmentally Sensitive Habitat Area, Site Plan Review No. 16-040 for construction in excess of 18 feet in height up to 24 feet for a flat roof, Minor Modification No. 18-013 for the reduction of the required front yard setback by no more than 50 percent, and Demolition Permit No. 16-021 for the demolition of remnants of a 1,596 square foot residence and 474 square foot attached garage that were destroyed by the Woolsey Fire located in the Rural Residential–Two Acre zoning district at 5939 Busch Drive (The Hubschman Family Trust).

2. Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013 – An application to demolish an existing single-family residence and associated development and construct a new single-family residence and associated development (Continued from January 22, 2019)

Location: 29043 Grayfox Street, not within the appealable coastal zone

APN: 4466-017-002

Owners: John and Tatiana Atwill

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

Recommended Action: Adopt Planning Commission Resolution No. 19-03 determining the California Environmental Quality Act does not apply to the project and denying Coastal Development Permit No. 17-043 for the construction of a new 7,590 square foot, two-story single-family residence with a 966 square foot attached garage, a 345 square foot loggia on the first floor, a 293 square foot loggia on the second floor, swimming pool, pool equipment, perimeter walls, landscaping, hardscaping and grading, and the installation of a new onsite wastewater treatment system, including Demolition Permit No. 17-013 for the demolition of an existing single-family residence and associated development and Site Plan Review No. 17-014 for construction in excess of 18 feet in height up to 28 feet located in the Rural Residential-One Acre zoning district at 29043 Grayfox Street (Atwill).

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the November 5, 2018 Adjourned Regular Planning Commission meeting.

2. Extension of Coastal Development Permit No. 05-141, Variance No. 10-027, Minor Modification No. 15-013, and Site Plan Review No. 12-040 – A request to extend the Planning Commission’s approval of an application for a new single-family hillside residence and associated development

Location: 3843 Rambla Pacifico Street

APN: 4451-022-065

Owner: Goran and Zorica Scuric Trust

Case Planner: Assistant Planner Murillo, 456-2489 ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 19-12, granting a one-year extension of Coastal Development Permit No. 05-141, Variance No. 10-027, Minor Modification No. 15-013, and Site Plan Review No. 12-040 for the construction of new single-family hillside residence and associated development located in the Multi-Family Residential zoning district located at 3843 Rambla Pacifico Street (Scuric).

The following items were pulled from the Consent Calendar for individual consideration:

3. Extension of Coastal Development Permit No. 07-155 and Offer to Dedicate No. 11-005 – A third request to extend the Planning Commission’s approval of an application for the construction of a new two-unit multi-family residence and associated development

Location: 25360 Malibu Road

APN: 4459-017-005

Owner: 25360 Malibu Road, LLC

Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 19-11 granting a one-year extension of Coastal Development Permit No. 07-155 and Offer-to-Dedicate No. 11-005, an application for the construction of a new two-unit multi-family residence, an offer-to-dedicate lateral public access along the shore, and associated development in the Multi-Family Beachfront zoning district located at 25360 Malibu Road (25360 Malibu Road, LLC).

Associate Planner Contreras presented the staff report.

Disclosures: Commissioners Hill and Mazza and Chair Uhring.

As there were no questions for staff, Chair Uhring opened public comment.

Speakers: Don Kowalewsky (Cora Pruitt, Chase Gracia, Richard Harris, Steffeny Bonilla, and Thomas Tanguay deferred time to Mr. Kowalewsky); Andrew Gombiner, Marc Maniscalco, and Lynn Heacox (Norman Haynie deferred time to Mr. Heacox).

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

The Commission directed questions to staff.

#### MOTION

Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 19-11, as amended, denying a one-year extension of Coastal Development Permit No. 07-155 and Offer-to-Dedicate No. 11-005, an application for the construction of a new two-unit multi-family residence, an offer-to-dedicate lateral public access along the shore, and associated development in the Multi-Family Beachfront zoning district located at 25360 Malibu Road (25360 Malibu Road, LLC) based upon the applicant’s failure to demonstrate due cause and diligently pursue the project.

The question was called and the motion carried 4-1, Vice Chair Jennings dissenting.

4. Extension of Coastal Development Permit No. 05-143, Variance Nos. 06-030 and 08-031, Site Plan Review No. 06-090, Offer-to-Dedicate No. 09-002, Coastal Development Permit Amendment No. 14-004, and Variance No. 14-007 – An eighth request to extend the Planning Commission’s approval of an application for the construction of a new two-story single-family residence and associated development

Location: 34305 Pacific Coast Highway

APN: 4473-027-008

Owner: Bugbee Trust

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 19-25 granting a one-year extension of Coastal Development Permit No. 05-143, Variance Nos. 06-030 and 08-031, Site Plan Review No. 06-090, Offer-to-Dedicate No. 09-002, Coastal Development Permit Amendment No. 14-004, Variance No. 14-007, an application for the construction of a new two-story single-family residence and associated development in the Rural Residential Twenty-Acre zoning district located at 34305 Pacific Coast Highway (Bugbee Trust).

Senior Planner Mollica presented the staff report.

Disclosures: None.

As there were no questions for staff, Chair Uhring opened public comment.

Speaker: Norman Haynie.

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

The Commission directed questions to staff.

**MOTION**

Commissioner Marx moved and Commissioner Mazza seconded a motion to continue the item to the March 18, 2019 Regular Planning Commission meeting to allow the applicant the opportunity to provide additional supporting evidence for Water Department delays and staff to provide the applicant’s request for time extension inadvertently omitted from the report.

The Commission discussed the motion.

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. 17-102, Site Plan Review No. 17-057, and Minor Modification No. 18-018 – An application for a remodel and addition, and new second unit

Location: 28786 Sea Ranch Way, within the appealable coastal zone

APN: 4466-007-027

Owner: Christopher Houge Co. Trust

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 19-24 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-102 to allow for the remodel and addition of 2,538 square feet to the existing two-story single-family residence resulting in a replacement structure, a new 770 square foot detached guest house, replacement decks, hardscaping, and minor grading for the guest house footings, and construction of a new onsite wastewater treatment system, including Site Plan Review No. 17-057 for construction in excess of 18 feet in height, up to 28 feet for the additions to the single-family residence and Minor Modification No. 18-018 to maintain the existing front yard setback, located in the Rural Residential-One Acre zoning district at 28786 Sea Ranch Way (Christopher Houge Co Trust).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Hill and Mazza, Vice Chair Jennings, and Chair Uhring.

As there were no questions for staff, Chair Uhring opened the public comment portion of the public hearing.

Speakers: Kevin Cozen, Seth Putterman, and Ritva Lofstedt.

Mr. Cozen and Christopher Houge provided rebuttal to public comment.

As there were no other speakers present, Chair Uhring 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 Mr. Houge.

**MOTION** Commissioner Mazza moved and Commissioner Marx seconded a motion to: 1) continue to the March 18, 2019 Regular Planning Commission meeting – Coastal Development Permit No. 17-102, Site Plan Review No. 17-057, and Minor Modification No. 18-018, an application for a remodel and addition, and new second unit; and 2) requested clarification on the line of geologic contact shown on the septic plot plan, whether there was a separate entrance planned on Fernhill Drive, and degree of the slope where the second unit is proposed.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

B. Coastal Development Permit No. 17-039 – An application for seawall repair at an existing triplex

Location: 20120 Pacific Coast Highway, within the appealable coastal zone

APN: 4450-002-040

Owner: L.A. Fine Homes, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 19-23 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-039 to repair an existing seawall at an existing triplex, located in the Single-Family Medium zoning district at 20120 Pacific Coast Highway (L.A. Fine Homes, LLC).

Assistant Planner Kendall presented the staff report.

Disclosures: Commissioner Hill and Chair Uhring.

As there were no questions for staff, Chair Uhring opened the public comment portion of the public hearing.

Speaker(s): None.

As there were no speakers present, Chair Uhring 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** Vice Chair Jennings moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 19-23 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-039 to repair an existing seawall at an existing triplex, located in the Single-Family Medium zoning district at 20120 Pacific Coast Highway (L.A. Fine Homes, LLC). The question was called and the motion carried unanimously.

**RECESS** At 9:05 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 9:15 p.m. with all Commissioners present.

**ITEM 6 OLD BUSINESS**

A. Soho's Little Beach House Malibu Permit Conformance Review

Inspection Date: February 5, 2019

Applicant: Soho's Little Beach House Malibu

Property Owner: Malibu Cantina, LLC

Location: 22716 Pacific Coast Highway

APN: 4452-004-070

Zoning: Community Commercial

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: 1) Receive and file the one-year conditional use permit compliance review for Soho's Little Beach House Malibu (Soho); and 2) direct staff whether to calendar a hearing to modify the Conditional Use Permit to include a Joint Use Parking Agreement pursuant to Malibu Municipal Code (MMC) Section 17.48.040 (Joint Use and Common Parking Facilities) and MMC Section 17.48.050(G) (Usability) for offsite employee parking for Soho, revoke the Conditional Use Permit, or other direction.

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Hill and Chair Uhring.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Uhring opened public comment.

Speakers: Ken Ehrlich, Monica Briseno, Dave Stewart, Keegan Gibbs, Eamon Harrington, and Richard Gibbs.

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

The Commission directed questions to staff and Mr. Ehrlich.

**MOTION** Chair Uhring moved and Commissioner Mazza seconded a motion to continue the one-year conditional use permit compliance review for Soho's Little Beach House Malibu (Soho) to an August 2019 Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 10:08 p.m., Commissioner Mazza moved and Chair Uhring seconded a motion to adjourn the meeting. The motion carried unanimously.



Approved and adopted by the Planning Commission  
of the City of Malibu on March 18, 2019.

  
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STEVE UHRING, Chair

ATTEST:

  
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KATHLEEN STECKO, Recording Secretary