

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MARCH 18, 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; and Commissioners Kraig Hill, Chris Marx, and John Mazza

ABSENT: Vice Chair Jeffrey Jennings

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Colvard, Associate Planner; Adrian Fernandez, Senior Planner; Richard Mollica, Senior Planner; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Commissioner Hill 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 March 8, 2019, with the amended agenda properly posted on March 12, 2019, and the second amended agenda posted on March 15, 2019.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item Nos. 4.A. and 4.B. to the April 1, 2019 Regular Planning Commission meeting. The motion carried 4-0, Vice Chair Jennings absent.

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

Vitus Matare commented on the Local Coastal Program and Malibu Municipal Code amendments made due to the Woolsey Fire. He suggested home size be limited due to the effect it may have on the surrounding neighborhood and that the implementation of overlay districts be considered.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Hill acknowledged efforts to reduce the use of plastic sandbags. He suggested cyber emergencies be addressed with other preparedness strategies. He offered condolences to the people of New Zealand and the Muslim community in the wake of the recent terror attacks.

In response to Commissioner Hill, Planning Director Blue stated the ordinance pertaining to the maximum total development square footage would likely clarify the mean square footage calculation. She provided a timeline on the ordinance.

In response to Commissioner Mazza, Planning Director Blue stated information was being gathered to determine what approvals from the City might be necessary for the work Southern California Edison was performing on trees.

CONSENSUS

By consensus, the Commission agreed to adjourn in memory of Dick Dale and long-time Malibu resident Joan Zambetti.

Chair Uhring commented on the approval process of traffic signals installed in the Civic Center area.

Commissioner Hill stated some drivers were not fully stopping and waiting for the light at the intersection of Civic Center Way and Webb Way to turn green before proceeding through the intersection.

Commissioner Mazza stated a meeting would be held by Caltrans at City Hall on Tuesday, March 26, 2019, at 5:30 p.m. regarding the crosswalk that was being planned near Corral Beach.

In response to Chair Uhring, Planning Director Blue stated the upcoming Woolsey Fire rebuild workshops would be recorded and posted on the City's website.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled from the agenda by Commissioner Mazza.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to approve the Consent Calendar. The motion carried 4-0, Vice Chair Jennings absent.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. 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 (Continued from February 19, 2019)

Location: 34305 Pacific Coast Highway
APN: 4473-027-008
Owner: Bugbee Trust
Case Planner: Senior Planner Mollica, 456-2489 ext. 346
Recommended Action: Receive and file the report on the status of the application.

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the February 19, 2019 Regular Planning Commission meeting.

3. Administrative Coastal Development Permit No. 17-095, Site Plan Review Nos. 17-053 and 18-040, and Demolition Permit No. 17-030 – An application for construction of a new two-story single-family residence and associated development

Location: 6100 Bonsall Drive, not within the appealable coastal zone
APN: 4467-022-017
Owner: Robert R. Smith
Case Planner: Associate Planner Colvard, 456-2489, ext. 265
Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 17-095.

The following item was pulled from the Consent Calendar for individual consideration:

B. New Items

2. Extension of Coastal Development Permit No. 08-046, Variance No. 15-044, Site Plan Review No. 08-023, and Minor Modification No. 15-015 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 27318 Winding Way
APN: 4460-003-011
Owner: 27318 Winding Way, LLC
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 19-13, granting a two-year extension of Coastal Development Permit No. 08-046, Variance No. 15-044, Site Plan Review No. 08-023, and Minor Modification No. 15-015 for the construction of new single-family residence and associated development located in the Rural Residential-Two Acre zoning district located at 27318 Winding Way (27318 Winding Way, LLC).

Senior Planner Fernandez presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioners Hill and Mazza, and Chair Uhring.

The Commission directed questions to staff.

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

Speakers: Neil Willner, Norman Haynie (Alan Harden deferred time to Mr. Haynie), and Patrick Renna.

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. Renna.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 19-13, as amended, granting a one-year extension of Coastal Development Permit No. 08-046, Variance No. 15-044, Site Plan Review No. 08-023, and Minor Modification No. 15-015 for the construction of new single-family residence and associated development located in the Rural Residential-Two Acre zoning district located at 27318 Winding Way (27318 Winding Way, LLC). The question was called and the motion carried 4-0, Vice Chair Jennings absent.

ITEM 4 CONTINUED 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 (Continued from February 19, 2019)

Locations: 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: Continue this item to the April 1, 2019 Regular Planning Commission meeting.

The item was continued to the April 1, 2019 Regular Planning Commission meeting upon approval of the agenda.

- B. Coastal Development Permit No. 14-079, Variance Nos. 14-058 and 17-025, Site Plan Review No. 14-056, Minor Modification No. 14-017, and Lot Merger No. 14-001 – An application to combine two adjacent lots into one and construct a new single-family residence, detached art studio and associated development (Continued from March 4, 2019)

Locations: 27136 Sea Vista Drive, within the appealable coastal zone
APNs: 4460-009-006 and 4460-009-007
Owner: Santa Barbara Land Co., LLC
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482
Recommended Action: Continue this item to the April 1, 2019 Regular Planning Commission meeting.

The item was continued to the April 1, 2019 Regular Planning Commission meeting upon approval of the agenda

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 17-074 – An application to construct a new one-story, single-family residence and associated development

Location: 6160 Merritt Drive, not within the appealable coastal zone

APN: 4469-020-007

Owner: Parviz Taherpour Co. Trust

Case Planner: Associate Planner Colvard, 456-2489 ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 19-14 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 17-074 to demolish an unpermitted storage container and trellis, remove a vineyard and orchard, remove a nonconforming front yard gate and hedge, construct a new 8,605 square foot, one-story single-family residence, two attached two-car garages, 900 square foot second unit, 612 square foot pool house, swimming pool, spa, landscaping and hardscape, grading, water features, and installation of an onsite wastewater treatment system located in the Rural Residential-Five Acre zoning district at 6160 Merritt Drive (Parviz Taherpour Co. Trust).

Associate Planner Colvard 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: Alan Brookman.

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. Brookman.

MOTION Commissioner Hill moved and Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 19-14 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 17-074 to demolish an unpermitted storage container and trellis, remove a vineyard and orchard, remove a nonconforming front yard gate and hedge, construct a new 8,605 square foot, one-story single-family residence, two attached two-car garages, 900 square foot second unit, 612 square foot pool house, swimming pool, spa, landscaping and hardscape, grading, water features, and installation of an onsite wastewater treatment system located in the Rural Residential-Five Acre zoning district at 6160 Merritt Drive (Parviz Taherpour Co. Trust).

The Commission discussed the motion.

The question was called and the motion carried 3-1-0, Commissioner Mazza dissenting and Vice Chair Jennings absent.

RECESS At 8:05 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 8:15 p.m. with Vice Chair Jennings absent.

ITEM 6 OLD BUSINESS

A. Nobu Conditional Use Permit Conformance Review

Inspection Date: February 26, 2019
Applicant: Nobu Restaurant
Property Owner: Wavebreak, LLC
Location: 22706 Pacific Coast Highway
APN: 452-004-038
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: 1) Receive the one-year compliance review of Conditional Use Permit (CUP) No. 06-009 for Nobu Restaurant; and 2) continue this item to the May 20, 2019 Planning Commission meeting to allow the operator to bring the operation into compliance with the CUP or submit an amendment to the existing CUP to address the violations.

Senior Planner Mollica presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioners Hill, Mazza, and Marx, and Chair Uhring.

The Commission directed questions to staff.

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

Speakers: Ben Reznik (Seena Max Samimi deferred time to Mr. Reznik), Marissa Coughlan, and Ryan Embree.

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, Mr. Samimi, and Meir Tepper.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to 1) Receive the one-year compliance review of Conditional Use Permit (CUP) No. 06-009 for Nobu Restaurant; and 2) continue this item to the May 20, 2019 Planning Commission meeting to allow the operator to bring the operation into compliance with the CUP or submit an amendment to the existing CUP to address the violations.

AMENDMENT

Commissioner Hill amended the motion require a conditional use permit application be submitted immediately. The amendment was not accepted by the maker and the seconder.

The Commission discussed the motion.

The question was called and the motion carried 4-0, Vice Chair Jennings absent.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:43 p.m., Commissioner Mazza moved and Chair Uhring seconded a motion to adjourn the meeting in memory of Dick Dale and Joan Zambetti. The motion carried 4-0, Vice Chair Jennings absent.

Approved and adopted by the Planning Commission
of the City of Malibu on April 15, 2019.



STEVE UHRING, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary