

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MAY 20, 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 Jennings; and Commissioners Kraig Hill, Chris Marx, and John Mazza

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Colvard, Associate Planner; Tyler Eaton, Planning Technician; Richard Mollica, Senior Planner; Lilly Rudolph, Contract Planner; Kathleen Stecko, Senior Office Assistant; Jessica Thompson, Assistant Planner

PLEDGE OF ALLEGIANCE

Jefferson Wagner 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 May 10, 2019.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to approve the agenda, continuing Item No. 3.B.4. to the June 3, 2019 Planning Commission Regular meeting.

The Commission discussed the motion.

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

Mayor Jefferson Wagner announced a meeting at Duke's Malibu was being held on May 22, 2019, where Los Angeles County Sheriff Alex Villanueva would discuss the 2018 Woolsey Fire.

Dr. Marc Bittan commented on the small size of parking spaces in the parking lot in the shopping center located at 22775 Pacific Coast Highway (Max Holtzman deferred time to Dr. Bittan).

Paul Grisanti commended the City of Malibu staff in facilitating Woolsey Fire rebuild permits being issued in a timely fashion.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Dr. Bittan, the Commission acknowledged the difficulties involved in having small parking spaces.

In response to the Commission, Planning Director Blue stated the subject lot was in compliance as a non-conforming parking lot and the City did analyze the impacts of new tenants to help ensure the non-conformance was not exacerbated.

Commissioner Hill stated he attended the recent Designing Resilient Buildings workshop hosted by the City and found the information useful. He encouraged persons rebuilding to access the video on YouTube.

In response to Chair Uhring, Planning Director Blue and Assistant Attorney Rusin stated a Certificate of Occupancy is issued by the Building Official once the conditions for approval were met and inspections had been conducted.

ITEM 3 CONSENT CALENDAR

Item No. 3.A.1. was pulled by Chair Uhring.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion to approve the Consent Calendar except for Item Nos. 3.A.1. and 3.B.4. The motion carried unanimously.

The Consent Calendar consisted of the following items:

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the January 22, 2019 Regular Planning Commission meeting and the January 10, 2019 and April 29, 2019 Special Planning Commission meetings.

2. Formula Retail Clearance No. 19-004 – The Park at Cross Creek Shopping Center

Location: 23401 Civic Center Way, Unit No. 4G

APN: 4458-022-030

Owner: The Park at Cross Creek, LLC
Tenant: Door to Door Cleaners
Case Planner: Assistant Planner Thompson, 456-2489 ext. 280
Recommended Action: Receive and file the Planning Director's report on the Formula Retail Clearance No. 19-004.

3. Administrative Coastal Development Permit No. 17-022 – An application to install an onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving a restaurant and office building

Location: 28925 Pacific Coast Highway, within the appealable coastal zone

APN: 4467-034-006

Owner: Karl Reinecker

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

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 17-022.

5. Administrative Coastal Development Permit No. 18-059 – An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence

Location: 22866 Beckledge Terrace, not within the appealable coastal zone

APN: 4452-020-025

Owner: 22866 Beckledge Terrace Trust

Case Planner: Assistant Planner Thompson, 456-2489 ext. 280

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 18-059.

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

A. Previously Discussed Items

1. Revised Formula Retail Clearance No. 19-001 – The Park at Cross Creek Shopping Center

Location: 23401 Civic Center Way, Unit No. 5A

APN: 4458-022-030

Owner: The Park at Cross Creek, LLC

Tenant: Nekter Juice Bar

Case Planner: Assistant Planner Thompson, 456-2489 ext. 280

Recommended Action: Receive and file the Planning Director's report on the Revised Formula Retail Clearance No. 19-001.

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report of Formula Retail Clearance No. 19-001.

The following item was continued to the June 3, 2019 Regular Planning Commission meeting upon approval of the agenda.

B. New Items

4. Administrative Coastal Development Permit No. 16-042 – An application to abandon an existing onsite wastewater treatment system and install a new onsite wastewater treatment system

Location: 22751 Pacific Coast Highway, within the appealable coastal zone

APN: 4452-022-013

Owner: The Paul Marinos Trust

Tenant: Malibu Country Fried Chicken

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

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-042.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 12-004, Stringline Modification Review No. 12-001, Demolition Permit Nos. 12-002, 19-012 and 19-013, Lot Merger No. 12-001, and Offer To Dedicate No. 19-001 – An application for a lot merger, demolition of three existing single-family beachfront residences and associated development and construction of a new single-family beachfront residence and associated development (Continued from May 6, 2019)

Locations: Lot A – 22230 Pacific Coast Highway
Lot B – 22224 Pacific Coast Highway
Lot C – 22214 Pacific Coast Highway
Within the appealable coastal zone

APNs: Lot A – 4451-006-018
Lot B – 4451-006-040
Lot C – 4451-006-020

Owner: Carbonview Limited, LLC and Malibu Realty, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 19-30 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 12-004 to construct a new 13,419 square foot, two-story, single-family beachfront residence including an attached two-car garage, plus a 1,727 square foot glass roof conservatory for a total of 15,146 square feet, decks, exterior stairs to the beach, landscaping and hardscaping, 42-foot wide view corridor, installation of a new onsite wastewater treatment system and shoreline protection device; including Stringline Modification Review No. 12-001 for the single-family residence to extend 11 feet beyond the building stringline, Demolition Permit Nos. 12-002, 19-012, and 19-013 to demolish three existing single-family beachfront residences and associated development, Lot Merger No. 12-001 to consolidate three legal lots, and Offer-to-Dedicate No. 19-001 for a lateral access easement across the properties located in the Single-Family Medium Density zoning district at 22214, 22224, and 22230 Pacific Coast Highway (Carbonview Limited, LLC and Malibu Realty, LLC).

Associate Planner Colvard presented the staff report.

Disclosures: Commissioners Hill, Marx, and Mazza, and Chair Uhring.
The Commission directed questions to staff.

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

Speaker: Drew Purvis.

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, Mr. Purvis, and Reg Browne.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion continue the item to the July 15, 2019 Planning Commission Regular meeting to allow the applicant time to potentially redesign the project to incorporate additional parking and ensuring the parking would not obstruct the view corridor.

The Commission discussed the motion.

The motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 19-021 – An application for three new storage containers to be used as a detached workshop/storage space

Location: 6856 Wildlife Road, within the appealable coastal zone

APN: 4466-005-008

Owner: 6856 Wildlife, LLC

Case Planner: Assistant Planner Thompson, 456-2489, ext. 280

Recommended Action: Adopt Planning Commission Resolution No. 19-35 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-021 to allow for the placement of three new storage containers totaling 640 square feet in a u-shape, with a roof in the center creating a covered space of 800 square feet for use as an accessory workshop and storage space for a single-family residence located in the Rural Residential-One Acre zoning district at 6856 Wildlife Road (6856 Wildlife, LLC).

Planning Technician Eaton presented the staff report.

Disclosures: Commissioner Hill and Chair Uhring.

The Commission directed questions to staff.

As there were no other 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 and Andrew Ferguson.

MOTION

Commissioner Mazza moved and Commissioner Hill seconded a motion to adopt Planning Commission Resolution No. 19-35 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-021 to allow for the placement of three new storage containers totaling 640 square feet in a u-shape, with a roof in the center creating a covered space of 800 square feet for use as an accessory workshop and storage space for a single-family residence located in the Rural Residential-One Acre zoning district at 6856 Wildlife Road (6856 Wildlife, LLC). The motion carried unanimously.

B. Coastal Development Permit No. 17-033, Site Plan Review No. 19-002, and Demolition Permit No. 19-002 – An application for the demolition of an existing single-family residence and associated development and construction of a new single-family residence and associated development

Location: 28815 Grayfox Street, within the appealable coastal zone
APN: 4466-008-006
Owner: Magical Kingdom Land Trust
Case Planner: Associate Planner Colvard, 456-2489 ext. 234
Recommended Action: Adopt Planning Commission Resolution No. 19-27 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 17-033 to construct a new 5,489 square foot, two-story, single-family residence with a 975 square foot basement, 900 square foot second residential unit, 479 square foot detached garage, 461 square foot carport with retractable roof, new swimming pool, spa, decks, hardscaping, play court, retaining walls, fire department turnaround, slope restoration and installation of a new onsite wastewater treatment system (OWTS); including Site Plan Review No. 19-002 for construction up to 24 feet with a flat roof and Demolition Permit No. 19-002 to demolish the existing single-family residence, swimming pool, carport, tennis court, pavilion, sheds, retaining walls, OWTS, unpermitted stairs, pathways, amphitheater, and non-conforming front yard fence, gate and hedge located in the Rural Residential-One Acre zoning district at 28815 Grayfox Street (Magical Kingdom Land Trust).

Associate Planner Colvard presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Richard Sol and Alexander Martin

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, Mr. Sol, and Mr. Martin.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to adopt Planning Commission Resolution No. 19-27, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 17-033 to construct a new 5,489 square foot, two-story, single-family residence with a 975 square foot basement, 900 square foot second residential unit, 479 square foot detached garage, 461 square foot carport with retractable roof, new swimming pool, spa, decks, hardscaping, play court, retaining walls, fire department turnaround, slope restoration and installation of a new onsite wastewater treatment system (OWTS); including Site Plan Review No. 19-002 for construction up to 24 feet with a flat roof and Demolition Permit No. 19-002 to demolish the existing single-family residence, swimming pool, carport, tennis court, pavilion, sheds, retaining walls, OWTS, unpermitted stairs, pathways, amphitheater, and non-conforming front yard fence, gate and hedge located in the Rural Residential-One Acre zoning district at 28815 Grayfox Street (Magical Kingdom Land Trust); and 2) requiring, unless demonstrated that the development was present prior to the Coastal Act, restoration of the rear slope to comply with Local Implementation Plan Section 4.6.1, with the understanding that in the Point Dume neighborhood, areas steeper than 4 to 1 are considered environmentally sensitive habitat area, with the restoration including the removal of non-compliant rear yard fencing, landscaping, and paths.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS

A. Nobu Conditional Use Permit Conformance Review

Applicant: Nobu Restaurant
Property Owner: Wavebreak, LLC
Location: 22706 Pacific Coast Highway
APN: 4452-004-038
Zoning: Commercial Visitor Serving-One
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Direct staff to do one of the following: 1) continue this meeting to request information or provide more time before considering whether to set a conditional use permit (CUP) revocation or modification hearing; 2) set a date for a hearing upon the question of revocation of the CUP; 3) set a date for a hearing upon the question of modification of the CUP; 4) set a date for a hearing upon the question of modification or revocation of the CUP; or 5) receive and file staff's report.

Senior Planner Mollica presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioner Hill.

The Commission directed questions to staff.

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

Speakers: Ben Reznik, Steven Bitter, Patrick Perry, Graeme Clifford, Jason Monkarsh (Cherie Grubb deferred time to Mr. Monkarsh), Ryan Embree, Seena Max Samimi.

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. Reznik.

MOTION

Commissioner Mazza moved and Vice Chair Jennings seconded a motion directing staff to schedule an item on the August 5, 2019 Planning Commission Regular meeting agenda to make a decision on whether to set a revocation or modification hearing on Nobu's CUP, unless a CUP amendment application addressing the nuisance and CUP condition violations is submitted by June 10, 2019, in which case the item would not be placed on the August 5, 2019 Regular Planning Commission meeting agenda, and instead, an update would be provided to the Commission at the June 17, 2019 Regular 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 11:30 p.m., Chair Uhring moved and Commissioner Marx seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission
of the City of Malibu on June 17, 2019.



STEVE UHRING, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary