

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JUNE 17, 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, Chris Marx, and John Mazza

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Colvard, Associate Planner; Chris Dean, Contract Geologist; Adrian Fernandez, Senior Planner; Justine Kendall, Assistant Planner; Richard Mollica, Senior Planner; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Christopher Carradine 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 June 6, 2019, with the amended agenda properly posted on June 12, 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.

B. Staff Update on Whether Nobu Restaurant (22706 Pacific Coast Highway) Submitted Conditional Use Permit Application

Planning Director Blue stated Nobu Restaurant had submitted an application for a conditional use permit amendment and that at this time a discussion item on the August 5, 2019 Regular Planning Commission meeting agenda to determine whether to hold a modification or revocation hearing will not be calendared.

ITEM 2.A. PUBLIC COMMENTS

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.

Paul Grisanti commented on the proposed Total Development Square Footage Ordinance scheduled to be considered at the July 1, 2019 Regular Planning Commission meeting.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioners Marx and Mazza commented on their attendance at the Public Safety and Preparedness Expo held by the City on Saturday, June 15, 2019.

Commissioner Mazza commented on camping in public spaces by persons experiencing homelessness.

Chair Uhring commented on letters distributed to the public by an entity known as Together for Dwelling Size Fairness regarding the proposed Total Development Square Footage Ordinance. He commented on his experience with the appeal process for temporary use permit issuance.

In response to Chair Uhring, Planning Director Blue stated temporary use permits were issued as timely as was practical. In response to Commissioner Mazza, she stated the film permit process would be examined as the recent Yves Saint Laurent event at Paradise Cove was a misuse of the intended purpose. She stated Whole Foods in the Park had sufficiently met the conditions of compliance prior to opening, and any outstanding conditions pertained to tenant improvements and operational issues.

She stated the Earth Friendly Management Plan and the annual budget would be discussed at the June 24, 2019 Regular City Council meeting.

ITEM 3 CONSENT CALENDAR

Item Nos. 3.B.2., 3.B.3., and 3.B.5. 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.2., 3.B.3., and 3.B.5. The motion carried unanimously.

A. Previously Discussed Items

None.

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the February 4, 2019, April 15, 2019, May 6, 2019, May 20, 2019, and June 3, 2019 Regular Planning Commission meetings.

4. Administrative Coastal Development Permit No. 17-081 – An application for a new 5,368 square foot split-level, single-family residence, not to exceed 18 feet in height, including an attached garage and roof deck with spa; swimming pool, spa, pool deck, and pool equipment; retaining walls not to exceed six feet in height, driveway with Fire Department turnaround, hardscape, and landscaping; new onsite wastewater treatment system; and grading
Location: 28916 Wight Road, not within the appealable coastal zone
APN: 4467-034-003
Owner: Malibu Landing, LLC
Case Planner: Contract Planner Rudolph, 456-2489 ext. 238
Recommended Action: Receive and file the Planning Director's report on the approval of Revised Administrative Coastal Development Permit No. 17-081.

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

2. Extension of Coastal Development Permit No. 14-083, Conditional Use Permit No. 16-001, Tentative Parcel Map No. 14-001, Offer-to-Dedicate No. 16-002, and Coastal Development Permit Amendment No. 17-002 – A request to extend the Planning Commission's approval to convert a four-unit apartment complex to a four-unit condominium, an interior remodel, and 938 square feet of additions
Location: 25350 Malibu Road
APN: 4459-017-004
Owner: Marc Maniscalco
Case Planner: Associate Planner Colvard, 456-2489 ext. 234
Recommended Action: Adopt Planning Commission Resolution No. No. 19-36, granting a two-year extension of Coastal Development Permit No. 14-083, Conditional Use Permit No. 16-001, Tentative Parcel Map No. 14-001, Offer-to-Dedicate No. 16-002, and Coastal Development Permit Amendment No. 17-002 to convert a four-unit apartment complex to a four-unit condominium, an interior remodel, and 938 square feet of additions located in the Multi-family Beach Front zoning district located at 25350 Malibu Road (Maniscalco).

Associate Planner Colvard presented the staff report.

Disclosures: Commissioners Hill and Mazza.

The Commission directed questions to staff.

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

Speaker(s): None.

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

The Commission directed questions to staff and Clive Dawson.

MOTION Commissioner Mazza moved and Chair Uhring seconded a motion to table the item to the end of the agenda to allow the applicant time to provide permit issuance information. The question was called and the motion carried unanimously.

3. Extension of Amortization Schedule No. 19-001 - A request for extension of the amortization schedule for a legal nonconforming motel use

Location: 22752 Pacific Coast Highway

APN: 4452-004-035

Owner: North Broadway Ventures, LLC

Tenant: Nobu Ryokan

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

Recommended Action: Adopt Planning Commission Resolution No. 19-43 determining the project is exempt from the California Environmental Quality Act and approving Extension of Amortization Schedule No. 19-001 to extend the amortization schedule for the legal nonconforming visitor-serving use of the Nobu Ryokan Malibu property (previously the Casa Malibu Inn) to allow time to process a zone change and a Local Coastal Program amendment to change the zoning designation from Community Commercial to Commercial Visitor Serving-Two (CV-2) and process an application for a conditional use permit to establish a bed and breakfast use in the CV-2 zone, located at 22752 Pacific Coast Highway (North Broadway ventures, LLC).

Associate Planner Colvard presented the staff report.

Disclosures: Commissioner Mazza.

The Commission directed questions to staff.

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

Speaker: Patrick Perry

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 Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 19-43 determining the project is exempt from the California Environmental Quality Act and approving Extension of Amortization Schedule No. 19-001 to extend the amortization schedule for the legal nonconforming visitor-serving use of the Nobu Ryokan Malibu property (previously the Casa Malibu Inn) to allow time to process a zone change and a Local Coastal Program amendment to change the zoning designation from Community Commercial to Commercial Visitor Serving-Two (CV-2) and process an application for a conditional use permit to establish a bed and breakfast use in the CV-2 zone, located at 22752 Pacific Coast Highway (North Broadway ventures, LLC). The motion carried unanimously.

5. Administrative Coastal Development Permit – Woolsey Fire No. 19-001 – An application to install an alternative onsite wastewater treatment system to replace the existing system, damaged as a result of the 2018 Woolsey Fire, serving an existing commercial motel, Native

Location: 28920 Pacific Coast Highway, within the appealable coastal zone

APN: 4466-019-003

Owner: Malibu Riviera, LLC

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

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit – Woolsey Fire No. 19-001.

Assistant Planner Kendall presented the staff report.

Disclosures: Commissioners Marx and Mazza.

The Commission directed questions to staff.

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

Speaker: Shaun Gilbert.

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. Gilbert.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on Administrative Coastal Development Permit – Woolsey Fire No. 19-001.

MOTION

Commissioner Mazza moved and Commissioner Marx seconded a motion to reopen Item No. 3.B.2. prior to hearing Item No. 5.B. The motion carried unanimously.

ITEM 3 CONSENT CALENDAR (continued)

B. New Items

2. Extension of Coastal Development Permit No. 14-083, Conditional Use Permit No. 16-001, Tentative Parcel Map No. 14-001, Offer-to-Dedicate No. 16-002, and Coastal Development Permit Amendment No. 17-002 – A request to extend the Planning Commission’s approval to convert a four-unit apartment complex to a four-unit condominium, an interior remodel, and 938 square feet of additions

Location: 25350 Malibu Road

APN: 4459-017-004

Owner: Marc Maniscalco

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

Recommended Action: Adopt Planning Commission Resolution No. No. 19-36, granting a two-year extension of Coastal Development Permit No. 14-083, Conditional Use Permit No. 16-001, Tentative Parcel Map No. 14-001, Offer-to-Dedicate No. 16-002, and Coastal Development Permit Amendment No. 17-002 to convert a four-unit apartment complex to a four-unit condominium, an interior remodel, and 938 square feet of additions located in the Multi-family Beach Front zoning district located at 25350 Malibu Road (Maniscalco).

The Commission directed questions to staff, Mr. Dawson, and Marc Maniscalco.

MOTION Commissioner Mazza moved and Commissioner Marx seconded a motion to adopt Planning Commission Resolution No. No. 19-36, granting a two-year extension of Coastal Development Permit No. 14-083, Conditional Use Permit No. 16-001, Tentative Parcel Map No. 14-001, Offer-to-Dedicate No. 16-002, and Coastal Development Permit Amendment No. 17-002 to convert a four-unit apartment complex to a four-unit condominium, an interior remodel, and 938 square feet of additions located in the Multi-family Beach Front zoning district located at 25350 Malibu Road (Maniscalco). The motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Zoning Text Amendment No. 19-002 – A Primary View Determination Hold within Woolsey Fire Affected Areas Ordinance

Location: Citywide

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

Recommended Action: Adopt Planning Commission Resolution No. 19-41 determining the project is exempt from the California Environmental Quality Act, recommending that the City Council adopt Zoning Text Amendment No. 19-002

amending Title 17 of the Malibu Municipal Code to restrict primary view determinations within the Woolsey Fire affected areas.

Associate Planner Colvard presented the staff report.

The Commission directed questions to staff.

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

Speakers: Christopher Carradine, Carolyn Carradine, and Nicola Dill.

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. Carradine and Ms. Carradine.

MOTION

Commissioner Mazza moved and Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 19-41, as amended: 1) determining the project is exempt from the California Environmental Quality Act, recommending that the City Council adopt Zoning Text Amendment No. 19-002 amending Title 17 of the Malibu Municipal Code to restrict primary view determinations within the disaster affected areas; 2) broadening references to the Woolsey Fire to disaster; 3) disaster to be defined as a local emergency proclaimed by the City Manager that broadly affects view determinations; and 4) temporary prohibition of primary view determinations for four years for replacement structures and for ten years for landscaping from the date of the disaster that created the disaster area at issue, with the option to extend up to five additional years if staff determines it is necessary for replacement landscaping to full regrow.

The Commission discussed the motion.

The motion carried unanimously.

RECESS

At 8:40 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 8:50 p.m. with all Commissioners present.

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

Location: 27136 Sea Vista Drive, within the appealable coastal zone

APNs: 4460-009-006 and 4460-009-007

Owner: Santa Barbara Land Company, LLC

Case Planner: Senior Planner Fernandez, 456-2489, ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 19-22 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-079 for the

construction of a new 5,468 square foot, two-story single-family residence with a 536 square foot attached garage, 1,226 square foot basement and 199 square foot covered areas, 670 square foot detached art studio, swimming pool, spa, flatwork, grading, fencing, gates, landscaping, soldier pile slope stabilization, onsite wastewater treatment system; including Variance (VAR) No. 14-058 for construction on slopes greater than 2.5 to 1, VAR No. 17-025 to exceed the maximum allowable total development square footage pursuant to the hillside residential development standards, Site Plan Review No. 14-056 for a height increase over the base district maximum of 18 feet up to a maximum of 24 feet for a flat roof, Minor Modification No. 14-017 for a 50 percent reduction of the required front yard setback, and Lot Merger No. 14-001 to combine two adjacent legal lots into one in the Rural Residential–Two Acre zoning district located at 27136 Sea Vista Drive (Santa Barbara Land Company, LLC).

Senior Planner Fernandez presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Don Schmitz, Leon Johnson, and Norman Haynie.

Mr. Schmitz 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, Mr. Haynie, Mr. Schmitz, and Jake Holt.

MOTION Chair Uhring moved and Commissioner Hill seconded a motion continue to a date uncertain, to allow time for the applicant to redesign the project to avoid the hillside standards variance, 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. The motion carried unanimously.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:20 p.m., Commissioner Mazza 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 July 1, 2019.



STEVE UHRING, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary