

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JUNE 18, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Marx 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 Chris Marx; Vice Chair Steve Uhring; and Commissioners Jeffrey Jennings, John Mazza, and Mikke Pierson

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Raneika Brooks, Associate Planner; Jessica Colvard, Associate Planner; Tyler Eaton, Planning Technician; Kendall Irvin, Planning Technician; Justine Kendall, Assistant Planner; Didier Murillo, Assistant Planner; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Assistant Attorney Rusin 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 8, 2018, with the amended agenda properly posted on June 12, 2018.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Pierson seconded a motion to approve the agenda, continuing Item No. 4.B. to a date uncertain, Item No. 5.A. to the July 16, 2018 Regular Planning Commission meeting, and Item No. 5.B. to be heard before Item No. 4.A. The motion carried unanimously, with the exception of Vice Chair Uhring recusing himself on the continuation of Item No. 4.B. to a date uncertain due to the project site being within 500 feet proximity to his residence.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

In response to Vice Chair Uhring, Planning Director Blue stated the discussion item to determine if a revocation hearing would be held for Coastal Development Permit No. 15-063, an application at 28885 Cliffside Drive, was tentatively scheduled for the July 16, 2018 Regular Planning Commission meeting. In addition she stated the discussion item related to the Planning Commission's role and the procedure for conveyance of the Planning Commission's input to the City Council would be held as a Special Planning Commission meeting beginning at 6:00 p.m. on either July 16, 2018 or August 6, 2018.

In response to Commissioner Mazza, Planning Director Blue stated the project at 6551 Dume Drive he inquired about at the June 4, 2018 Regular Planning Commission meeting was nearing completion. In addition she stated permits could expire if work wasn't conducted and inspections were not requested within a certain timeframe and members of the public could contact the City and inquire about the status of a project.

Commissioner Pierson stated he was pleased the City was involved with the Surf Summit event California State Senator Henry Stern held at Zuma Beach recently. In addition he stated he had been approached by neighbors who expressed their displeasure for the disruption the project under construction at 6551 Point Dume Drive had caused.

In response to Commissioner Mazza, Director Blue stated an item on Soho House and Nobu would be scheduled to come before the Planning Commission in the near future. In response to Chair Marx she provided an update on the story poles present at 33386, 33398, and 33390 Pacific Coast Highway, and stated City Council had not provided staff with direction on the gate at the 29300 Cliffside Drive project.

Planning Director Blue introduced new staff members Associate Planner Reneika Brooks, Assistant Planner Justine Kendall, Assistant Planner Didier Murillo, Planning Technician Kendall Irvin, and Planning Technician Tyler Eaton. In addition she announced the Short-Term Rental proposed ordinance was scheduled to be heard at the July 9, 2018 Regular City Council meeting.

ITEM 3 CONSENT CALENDAR

Speaker: Don Schmitz stated he would like to avoid having the approval of Coastal Development Permit No. 17-036 at 29300 Cliffside Drive appealed, encouraging the Planning Commission to prioritize the parking concerns the neighbors of the project had.

Item No. 3.B.2. was pulled by Oscar Victoria.

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to approve the Consent Calendar except for Item No. 3.B.2. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Coastal Development Permit No. 17-036 and Variance No. 17-003 – An application to demolish an existing staircase and construct a new staircase downcoast, and the modification and rehabilitation of existing trails, including a variance to allow for construction on steep slopes

Location: 29300 Cliffside Drive (Point Dume State Beach), within the appealable coastal zone

APNs: 4468-001-900, 4468-001-901, and 4468-002-902

Owner: State of California

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

Recommended Action: Adopt Planning Commission Resolution No. 18-40 adopting the Point Dume State Beach – Staircase Replacement Initial Study and Mitigated Negative Declaration (SCH No. 2016121041) and determining that the trail and vegetation rehabilitation is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit 17-036, an application for coastal access improvements at Point Dume State Beach, that would demolish an existing metal staircase to the beach and construct a new timber and concrete staircase further downcoast from the existing staircase, using a 31,000 square foot construction equipment staging area located at the northwest corner of the park on the mesa above the beach, temporary installation of a crane that can extend upwards of 110 feet tall to complete the construction of the new stairway, modification of several existing trails to meet Americans with Disabilities Act standards, including the construction of two (120 and 180 square foot) elevated boardwalk viewing areas that will be a maximum of 3 feet tall, the rehabilitation of several existing trails, and including Variance No. 17-003 to allow for construction on steep slopes located in the Public Open Space zoning district at 29300 Cliffside Drive (Point Dume State Preserve).

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the June 4, 2018 Regular Planning Commission meeting.

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

2. Extension of Coastal Development Permit No. 13-045, Variance Nos. 13-039 and 13-040, Site Plan Review No. 13-043, Minor Modification No. 14-003, and Offer to Dedicate No. 14-001 – A request to extend the Planning Commission’s approval of an application to allow the construction of a new, two-story, single-family residence and associated development (Continued from June 4, 2018)

Location: 6118 Via Escondido Drive

APN: 4460-014-008

Owner: Mountains Recreation and Conservation Authority

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

Recommended Action: Adopt Planning Commission Resolution No. 18-34 denying the time extension for Coastal Development Permit No. 13-045, Variance Nos. 13-039 and 13-040, Site Plan Review No. 13-043, and Minor Modification No. 14-003, an application to allow construction of a new, two-story, 4,184 square foot, single-family residence, with a 510 square foot detached guest house, over a 765 square foot garage, swimming pool, spa, retaining walls, hardscape, installation of a new alternative onsite wastewater treatment system and a new eight-inch waterline, including a variance to allow new development within the 100 foot buffer of an environmentally sensitive habitat area (ESHA) and for the required fuel modification to extend into ESHA, a variance for construction on slopes steeper than 2.5 to 1, and a minor modification for a 20 percent reduction of the required rear yard setback, and a site plan review for construction in excess of 18 feet in height located in the Rural Residential Twenty-Acre zoning district at 6118 Via Escondido Drive (Mountains Recreation and Conservation Authority).

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

Speaker: Mr. Victoria.

MOTION

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to limit speakers' time to two minutes.

The Commission discussed the motion.

Commissioner Mazza withdrew the motion.

Speakers: Elizabeth Stephens (Larry Morrison and Don Briscoe deferred time to Elizabeth Stephens).

Disclosures: Commissioner Pierson.

Speaker: Neil Gray.

Disclosures: Commissioner Jennings.

Speakers: Brittany Stephens, Ken Kearsley (Nino Posella, Gholamreza Rezai, Cheryl Calvert, Barbara Kearsley, and Susan Dale deferred time to Ken Kearsley), and Norman Haynie.

Howard Rudzki, Marc Larocque, Darren Murray, Liz Robinson, Aimee Voydat, Laura Voydat, Terryl Anne Hodge, and Rey Cano declined to speak.

As there were no other speakers present, Chair Marx closed comment. No further discussion occurred.

MOTION

Commissioner Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 18-34 denying the time extension for Coastal Development Permit No. 13-045, Variance Nos. 13-039 and 13-040, Site Plan Review No. 13-043, and Minor Modification No. 14-003, an application to allow construction of a new, two-story, 4,184 square foot, single-family residence, with a 510 square foot detached guest house, over a 765 square foot garage, swimming pool, spa, retaining walls, hardscape, installation of a new alternative onsite wastewater treatment system and a new eight-inch waterline, including a variance to allow new development within the 100 foot buffer of an environmentally sensitive habitat area (ESHA) and for the required fuel modification to extend into ESHA, a variance for construction on slopes steeper than 2.5 to 1, and a minor modification for a 20 percent reduction of the required rear yard setback, and a site plan review for construction in excess of 18 feet in height located in the Rural Residential Twenty-Acre zoning district at 6118 Via Escondido Drive (Mountains Recreation and Conservation Authority).

The Commission discussed the motion.

The Commission directed questions to staff.

The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

- B. Coastal Development Permit No. 17-002, Minor Modification No. 18-003, Demolition Permit No. 17-033 and Code Violation No. 15-018 – An application for a partial demolition of additions built without the benefit of permit, an interior and exterior remodel of and addition to an existing one-story beachfront, single-family residence and associated development

Location: 20132 Pacific Coast Highway, within the appealable coastal zone

APN: 4450-002-038

Owner: Maryanne Lataif

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

Recommended Action: Adopt Planning Commission Resolution No. 18-44 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-002 to allow 166 square feet of additions to and interior and exterior remodel of an existing 1,133 square foot, one-story, beachfront single-family residence, new alternative onsite wastewater treatment system, new decks and retractable exterior stairs; including Minor Modification No. 18-003 for a 20 percent reduction of the east side yard setback and Demolition Permit No. 17-033 for the demolition of 469 square feet of unpermitted additions located in the Single-Family Medium zoning district at 20132 Pacific Coast Highway (Lataif).

Associate Planner Colvard presented the staff report.

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

The Commission directed questions to staff.

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

Speaker(s): None.

As there were no speakers present, Chair Marx closed the public comment portion of the public hearing. No further discussion occurred.

MOTION

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-44 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-002 to allow 166 square feet of additions to and interior and exterior remodel of an existing 1,133 square foot, one-story, beachfront single-family residence, new alternative onsite wastewater treatment system, new decks and retractable exterior stairs; including Minor Modification No. 18-003 for a 20 percent reduction of the east side yard setback and Demolition Permit No. 17-033 for the demolition of 469 square feet of unpermitted additions located in the Single-Family Medium zoning district at 20132 Pacific Coast Highway (Lataif). The motion carried unanimously.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 16-064, Variance No. 17-011, Site Plan Review No. 17-042, and Minor Modification No. 17-008 – An application to construct a new one-story, single-family residence and associated development (Continued from June 4, 2018)

Location: 5263 Horizon Drive, within the appealable coastal zone

APN: 4469-005-002

Owners: Daniel and Susan Marcus

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

Recommended Action: Adopt Planning Commission Resolution No. 18-28 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-064 to construct a new 4,312 square foot, one-story, single-family residence with attached two-car garage, 505 square foot second unit, 265 square foot pool cabana, swimming pool and spa, fire department turnaround, retaining walls, decks and alternative onsite wastewater treatment system, Variance No. 17-011 for the proposed fuel modification to extend into Environmentally Sensitive Habitat Area, Site Plan Review No. 17-042 for construction on slopes between 3 to 1 to 2.5 to 1, and Minor Modification No. 17-008 for a reduced front yard setback located in the Rural Residential-Two Acre zoning district at 5263 Horizon Drive (Marcus).

Associate Planner Colvard presented the staff report.

Disclosures: Commissioners Mazza and Pierson, Vice Chair Uhring, and Chair Marx.

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

Speakers: Daniel Marcus, Douglas Burdge, and Ara Ohanian,

Mr. Burdge provided rebuttal to public comment.

As there were no other speakers present, Chair Marx 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. Ohanian.

MOTION

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-28, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-064 to construct a new 4,312 square foot, one-story, single-family residence with attached two-car garage, 505 square foot second unit, 265 square foot pool cabana, swimming pool and spa, fire department turnaround, retaining walls, decks and alternative onsite wastewater treatment system, Variance No. 17-011 for the proposed fuel modification to extend into Environmentally Sensitive Habitat Area, Site Plan Review No. 17-042 for construction on slopes between 3 to 1 to 2.5 to 1, and Minor Modification No. 17-008 for a reduced front yard setback located in the Rural Residential-Two Acre zoning district at 5263 Horizon Drive (Marcus); and 2) Condition 75 to specify exterior lighting must comply with the Dark Sky Ordinance upon its effective date.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

- B. Coastal Development Permit No. 16-047, Certificate of Compliance No. 17-003, Lot Merger No. 16-004 and Demolition Permit No. 17-023 – An application to merge two parcels into one, demolition of an existing single-family residence, construction of a new single-family residence, detached second unit, pool cabana and associated development (Continued from June 4, 2018)

Location: 23741 and 23737 Harbor Vista Drive, not within the appealable coastal zone

APNs: 4458-024-034 and 4458-024-035

Owner: Rainbow Sky Properties, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 18-42 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-047 and Demolition Permit No. 17-023 for the demolition of the existing single-family residence and construction of a new 6,430 square foot, two-story, single-family residence, 820 square foot garage, 1,483 square foot basement and lightwell, 29 square feet

covered patio, 590 square foot detached second residential unit, 45 square foot pool cabana, swimming pool and spa, flatwork, grading and retaining wall, fencing, entry gates, landscaping and alternative onsite wastewater treatment system, including Certificate of Compliance No. 17-003 for an adjacent vacant parcel to the east and Lot Merger No. 16-004 to combine the adjacent vacant parcel with the subject parcel located in the Rural Residential-One Acre zoning district at 23741 and 23737 Harbor Vista Drive (Rainbow Sky Properties, LLC).

The item was continued to a date uncertain upon approval of the agenda.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 14-064, Variance No. 17-012, Site Plan Review No. 16-040, and Demolition Permit No. 16-021 – An application for the demolition and construction of a new single-family residence, swimming pool and associated development

Location: 5939 Busch Drive, within the appealable coastal zone
APN: 4469-012-006
Owner: Jean-Pierre and Francoise Hubschman
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Continue this item to the July 16, 2018 Regular Planning Commission meeting.

The item was continued to the July 16, 2018 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

- A. Property Acquisition Conformance with General Plan

Locations: 23575 Civic Center Way and 23800 Civic Center Way, not within the appealable coastal zone, and 29136 Pacific Coast Highway, partially within the appealable coastal zone
APNs: 4458-022-011, 4458-020-015, and 4466-021-028
Owners: Sycamore Village, LLC, RECO Land Corporation, and Malibu Bay Company

Recommended Action: Adopt Planning Commission Resolution No. 18-45 recommending the City Council approve the acquisition of Assessor Parcel Numbers 4458-022-011, 4458-020-015 and 4466-021-028 at 23575 and 23800 Civic Center Way, and 29316 Pacific Coast Highway, respectively, and finding that this action is consistent with the General Plan and exempt from the California Environmental Quality Act, located in the Community Commercial, Commercial General, and Commercial Neighborhood zones (Sycamore Village, LLC, RECO Land Corporation and Malibu Bay Company).