

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JULY 15, 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; Justine Kendall, Assistant Planner; Richard Mollica, Assistant Planning Director; Lilly Rudolph, Contract Planner; Kathleen Stecko, Senior Office Assistant; and Jessica Thompson, Associate Planner

PLEDGE OF ALLEGIANCE

Tony Canzoneri 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 July 3, 2019, with the amended agenda posted on July 10, 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 Assistant Planning Director Mollica provided an update on the Woolsey Fire rebuild process.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioners Hill and Marx and Vice Chair Jennings commented on the benefits of scheduling Planning Commission meetings on Tuesdays rather than Mondays.

Commissioner Mazza indicated opposition to changing Planning Commission meetings to Tuesdays. He stated making decisions after 11:00 p.m. was problematic.

In response to Commissioner Mazza, Planning Director Blue stated the gate project at the Point Dume State Park would be presented to the Planning Commission as a coastal development permit at a future meeting.

Chair Uhring discussed the proposed total development square footage ordinance presented at the July 8, 2019 Regular City Council meeting. He advised those building in the City of Malibu to prepare by referring to the General Plan mission statement and the neighborhood character passages in the Local Coastal Program in preparation for Planning Commission hearings.

Planning Director Blue announced the promotion of Jessica Thompson to Associate Planner. She stated the new fee schedule went into effect on July 15, 2019.

Commissioner Mazza congratulated Associate Planner Colvard on her recent marriage.

ITEM 3 CONSENT CALENDAR

CONSENSUS

By consensus, the Planning Commission approved the Consent Calendar.

The Consent Calendar consisted of the following item:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. De Minimis Waiver No. 19-001 — An application for a new onsite wastewater treatment system
Location: 6701 Dume Drive, partially within the appealable coastal zone
APN: 4468-008-023
Owner: Colby Family Trust
Case Planner: Assistant Planner Kendall, 456-2489 ext. 301
Recommended Action: Receive Planning Director's report on De Minimis Waiver No. 19-001 for a new onsite wastewater treatment system to replace the existing Onsite Wastewater Treatment System destroyed by the 2018 Woolsey Fire.

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 20, 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 13,769 square foot, two-story, single-family beachfront residence including two attached two-car garages, plus a 1,550 square foot glass roof conservatory for a total enclosed square footage of 15,319, 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: Commissioner Mazza.

As there were no 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 and Andrew Ferguson.

MOTION Commissioner Mazza moved and Chair Uhring seconded a motion to 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 13,769 square foot, two-story, single-family beachfront residence including two attached two-car garages, plus a 1,550 square foot glass roof conservatory for a total enclosed square footage of 15,319, 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 Reality, LLC).

The Commission discussed the motion and directed questions to staff.

FRIENDLY AMENDMENT

Commissioner Hill amended the motion to specify sea level rise (and the effects thereof) be added to the Condition 99 deed restriction.

The Commission discussed the amendment.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried unanimously.

B. Conditional Use Permit Amendment No. 19-003 for the Operation of Restaurant Located at 22716 Pacific Coast Highway (Soho House Malibu) (Continued from July 1, 2019)

Locations: 22716 Pacific Coast Highway

APN: 4452-004-070

Owner: Malibu Cantina, LLC

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 19-52 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit (CUP) Amendment No. 19-003, to amend CUP No. 06-010, which was previously amended by CUP Amendment Nos. 12-004 and 15-002, to now allow the restaurant use to have amplified and acoustic sound, and also to modify the previously permitted onsite valet operation plan and parking plan to allow for offsite employee and non-required parking, modify the current hours of operation and allow alcohol sales to

commence at the same time as food service in the Community Commercial zoning district at 22716 Pacific Coast Highway (Soho Little Beach House Malibu).

Assistant Planning Director 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: Ken Ehrlich, Thomas Lennard, John Zeman, Richard Gibbs, Jon Graham, Jeff Mohr, Linda Mohr, Darius Baghai, Marissa Coughlan, Tamara Green, John Zambetti, Keenan Gibbs, Elizabeth Ulmer, Jon Marashi, Jay Luchs, Dana Christiaansen, and Lieutenant Jennifer Seetoo.

Mr. Ehrlich 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, Lieutenant Seetoo, Mr. Ehrlich, and Norman Haynie.

MOTION Commissioner Mazza moved to continue the item to allow the applicant to return with changes to the proposed project. The motion died due to lack of second.

The Commission directed questions to staff, Mr. Lennard, Mr. Graham, and Mr. Zeman.

MOTION Vice Chair Jennings moved to direct staff to return with a resolution to deny the project. The motion died due to lack of second.

MOTION Chair Uhring moved and Commissioner Mazza seconded a motion to continue Item Nos. 5.C. and 5.D. to the August 5, 2019 Regular Planning Commission meeting and to hear Item No. 5.B. before Item No. 5.A. The motion carried unanimously.

RECESS At 9:55 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 10:02 p.m. with all Commissioners present.

The Commission directed questions to staff, Mr. Ehrlich, and Mr. Zeman.

MOTION Chair Uhring moved and Commissioner Mazza seconded a motion to continue the item to the September 3, 2019 Regular Planning Commission meeting to allow the applicant time to submit additional information regarding a traffic study on an improved valet layout, including an option using a single valet stand for both restaurants (Soho and Nobu), a trial and test of their proposed sound system in

collaboration with the neighbors, and directed staff to further study and monitor employee parking to ensure no valet usage takes place.

The Commission discussed the motion.

The motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

- B. Coastal Development Permit No. 19-017 and Temporary Use Permit No. 19-005 – An application for the 38th Annual Chili Cook-Off and Carnival, a four-day event, Labor Day weekend, and a one-day private fundraising event

Location: 23575 Civic Center Way, not within the appealable coastal zone

APN: 4458-022-011

Owner: Boys and Girls Club of Malibu

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

Recommended Action: Adopt Planning Commission Resolution No. 19-50 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-017 and Temporary Use Permit No. 19-005 to allow for the 38th annual Chili Cook-Off and Carnival proposed to take place Friday, August 30, 2019, through Monday, September 2, 2019 (Labor Day Weekend) and a private fundraising event to take place Thursday, August 29, 2019, located in the Community Commercial zoning district at 23575 Civic Center Way (City of Malibu) and nearby offsite parking lots.

Associate Planner Thompson 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 other questions for staff, Chair Uhring opened the public comment portion of the public hearing.

Speaker: Kasey Earnest.

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 Kasey Earnest.

MOTION Chair Uhring moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 19-50, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and

approving Coastal Development Permit No. 19-017 and Temporary Use Permit No. 19-005 to allow for the 38th annual Chili Cook-Off and Carnival proposed to take place Friday, August 30, 2019, through Monday, September 2, 2019 (Labor Day Weekend) and a private fundraising event to take place Thursday, August 29, 2019, located in the Community Commercial zoning district at 23575 Civic Center Way (City of Malibu) and nearby offsite parking lots; 2) adding the City's standard indemnification condition of approval; 3) revising the Friday carnival start time to 4:00 p.m.; and 4) adding a condition stating the event operator will comply with Chapter 3.12 of the Malibu Municipal Code.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

A. Coastal Development Permit Amendment No. 17-005 and Minor Modification No. 18-012 – An application to amend Administrative Coastal Development Permit No. 14-037 and Site Plan Review No. 15-014, which approved a two-story, single-family residence and associated development

Location: 27865 Winding Way, not within the appealable coastal zone

APN: 4467-005-041

Owner: Tomboy Farms, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 19-45 determining the proposed amendment is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 17-005 to amend Administrative Coastal Development Permit No. 14-037 and Site Plan Review No. 15-014, which approved a two-story, single-family residence with a site plan review for height in excess of 18 feet (up to 24 feet for a flat roof), to enlarge a lightwell, modify portions of the finished floor elevations, and convert portions of the 24-foot high flat roof to a 28-foot high pitched roof; including Minor Modification No. 18-012 to reduce the front yard setback by no more than 50 percent to allow construction of a solid wall in the front yard setback, located in the Rural Residential-Two Acre zoning district at 27865 Winding Way (Tomboy Farms, LLC).

Contract Planner Rudolph 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: Lynn Heacox and Alan Lieberman.

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. Heacox, and Mr. Lieberman.

MOTION

Commissioner Mazza moved and Chair Uhring seconded the motion to adopt Planning Commission Resolution No. 19-45, as amended: 1) determining the proposed amendment is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 17-005 to amend Administrative Coastal Development Permit No. 14-037 and Site Plan Review No. 15-014, which approved a two-story, single-family residence with a site plan review for height in excess of 18 feet (up to 24 feet for a flat roof), to enlarge a lightwell, modify portions of the finished floor elevations, and convert portions of the 24-foot high flat roof to a 28-foot high pitched roof; and 2) withdrawing the application for Minor Modification No. 18-012, at the applicant's request, which would have reduced the front yard setback to allow construction of a solid wall in the front yard setback.

FRIENDLY AMENDMENT

Commissioner Hill amended the motion to allow the lightwell, as proposed. The amendment was accepted by the maker and the seconder.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

C. Administrative Plan Review No. 17-095 and Variance No. 18-046 - An application for the construction of a new swimming pool, pool equipment, and exterior stairs at an existing single-family residence

Location: 3095 Rambla Pacifico Street

APN: 4451-013-026

Owner: Silent Creek, Inc.

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

Recommended Action: Adopt Planning Commission Resolution No. 19-48 determining the project is categorically exempt from the California Environmental Quality Act and approving Administrative Plan Review No. 17-095 to allow the construction of a new 540 square foot swimming pool and associated pool equipment, as well as three sets of exterior concrete stairs; including Variance No. 18-046 for construction on slopes steeper than 2.5 to 1, at an existing single-family residence located in the Rural Residential-One Acre zoning district at 3095 Rambla Pacifico Street (Silent Creek, Inc).

This item was continued to the August 5, 2019 Regular Planning Commission meeting.

D. Coastal Development Permit Amendment No. 18-004 and Site Plan Review No. 18-032 – An application to amend Coastal Development Permit No. 16-029 to construct a new single-family residence and associated development

Location: 31479 Pacific Coast Highway, within the appealable coastal zone

APN: 4470-009-029

Owner: MPV Malibu, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 19-37 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit Amendment No. 18-004 amending Coastal Development Permit No. 16-029 to construct a new 9,746 square foot, two-story, single-family residence with a revised design no longer including a subterranean garage and basement, including an attached three-car garage, fire department turnaround, grading, retaining walls, decks, roof mounted solar panels, abandon the existing leach fields and septic tank, and install a new onsite wastewater treatment system; including Site Plan Review No. 18-032 for construction up to 24 feet in height for a flat roof rather than a 28 foot pitched roof, located in the Rural Residential-Five Acre zoning district at 31479 Pacific Coast Highway (MPV Malibu, LLC).

This item was continued to the August 5, 2019 Regular Planning Commission meeting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

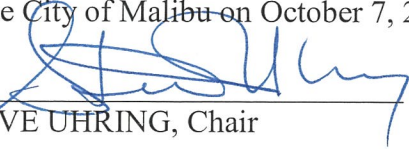
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 11:27 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 October 7, 2019.



STEVE UHRING, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary