

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
MARCH 7, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Chair Stack 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 Roohi Stack; Vice Chair John Mazza; and Commissioner David Brotman.

ABSENT: Commissioners Jeffrey Jennings and Mikke Pierson.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Adrian Fernandez, Senior Planner; Carlos Contreras, Associate Planner; Stephanie Hawner, Associate Planner; Jessica Colvard, Assistant Planner; Jasch Janowicz, Contract Planner; and Kathleen Stecko, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

Norman Haynie led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Vice Chair Mazza moved and Commissioner Brotman seconded a motion to approve the agenda, continuing Item No. 3.B.3. to a date uncertain and Item No. 4.A. to the April 4, 2016 Regular Planning Commission meeting.

The Commission discussed the motion.

The Commission directed questions to staff.

Chair Stack opened the floor to public comment on Item No. 3.B.3.

Speakers: Jaime Harnish and Jonathan Ross.

As there were no other speakers present, Chair stack closed public comment and returned the matter to the table. No further discussion occurred.

The motion carried 3-0, Commissioners Jennings and Pierson absent.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on March 2, 2016.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

Valerie Sklarevsky shared her concerns about the utilization of inmates for fire fighting efforts.

Norman Haynie commented on zoning codes as they pertain to his properties on Pacific Coast Highway at Tuna Canyon, referencing a letter sent by the City of Malibu Planning Department.

**ITEM 2.B. COMMISSION / STAFF COMMENTS**

Vice Chair Mazza thanked Planning Department staff for giving the Commission the following week off.

Commissioner Brotman inquired if staff had any knowledge about Norman Haynie's zoning matter.

In response to Commissioner Brotman's inquiry, Planning Director Blue explained the letter pertained to an application under review and his concerns will be addressed by staff.

Commissioner Brotman requested an update be provided once staff has addressed Norman Haynie's matter.

Commissioner Brotman inquired about the next steps following the February 10, 2016 Joint City Council / Planning Commission Special meeting to address civic center design standards.

In response to Commissioner Brotman's inquiry, Planning Director Blue indicated options for pursuing a specific plan for the Civic Center area will be presented at the April 11, 2016 Regular City Council meeting.

Planning Director Blue extended an invitation to the City of Malibu 25<sup>th</sup> Anniversary event being held on March 28, 2016 and encouraged everyone to sign up for the City of Malibu e-notification lists to obtain City informational updates.

**ITEM 3      CONSENT CALENDAR**

Item No. 3.B.4. was pulled for discussion by Vice Chair Mazza.

MOTION      Vice Chair Mazza moved and Commissioner Brotman seconded a motion to approve the consent calendar. The motion carried 3-0, Commissioners Jennings and Pierson absent.

The Consent Calendar consisted of the following items:

A.      Previously Discussed Items

None.

B.      New Items

1.      Extension of Coastal Development Permit No. 06-069, Lot Merger No. 08-005, Variance Nos. 06-019 And 08-058, Site Plan Review No. 06-060, Minor Modification No. 08-022, and Demolition Permit No. 08-042 – A request to extend the Planning Commission’s previous approval of a new single-family residence, lot merger, and associated development

Location:	27061 Sea Vista Drive
APN:	4460-010-013
Zoning:	Rural Residential–Two Acre (RR-2)
Applicant:	Burdge and Associates
Owner:	Melanie Lekkos
Extension Filed:	January 19, 2016
Case Planner:	Associate Planner Harwell, 456-2489 ext. 250

Recommended Action: Adopt Planning Commission Resolution No. 16-24 granting a one-year extension of Coastal Development Permit No. 06-069, Lot Merger No. 08-005, Variance Nos. 06-019 and 08-058, Site Plan Review No. 06-060, Minor Modification No. 08-022, and Demolition Permit No. 08-042, an application for the construction of a new single-family residence, lot merger, and associated development in the Rural Residential–Two Acre zoning district located at 27061 Sea Vista Drive (Lekkos).

2. Extension of Coastal Development Permit No. 06-125, Variance No. 12-031, Site Plan Review No. 12-035, Demolition Permit No. 10-002, and Tentative Parcel Map No. 09-001 - A request to extend the Planning Commission's previous approval to allow the subdivision of one lot into four lots, demolition of an existing residence, and associated development

Location: 6061 Galahad Road  
APN: 4467-017-013  
Zoning: Rural Residential–One Acre (RR-1)  
Applicant: California Civil Design Group, Inc.  
Owners: Walter and Leah Sauter  
Extension Filed: January 20, 2016  
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-25 granting a one-year extension of Coastal Development Permit No. 06-125, Site Plan Review No. 12-035, Variance No. 12-031, Demolition Permit No. 10-002, and Tentative Parcel Map No. 09-001, for the subdivision of one lot into four lots, demolition of an existing residence, and associated development in the Rural Residential One-Acre zoning district located at 6061 Galahad Road (Sauter).

3. Extension of Coastal Development Permit No. 05-067, Variance No. 04-016, Lot Merger No. 05-005, Site Plan Review No. 04-063 and Neighborhood Standards Nos. 05-001 and 05-002 – A request to extend the Planning Commission's approval of an application for the demolition of two abutting single-family residences and the construction of a new, three-story, single-family residence and associated development

Location: 31691 and 31697 Sea Level Drive  
APNs: 4470-024-031 and 4470-024-033  
Zoning: Single-Family Medium (SFM)  
Applicant: Jaime Harnish  
Owner: Patrick Riley  
Extension Filed: December 1, 2015  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Continue this item to a date uncertain.

5. Approval of Minutes

Recommended Action: Approve the minutes for the January 27, 2016 Special Planning Commission meeting and the January 19, 2016, February 1, 2016, and February 16, 2016 Regular Planning Commission meetings.

Staff contact: Planning Director Blue, 456-2489 ext. 258

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

4. Administrative Coastal Development Permit No. 14-017 and Site Plan Review No. 14-026 – An application to allow for the construction of a new two-story single-family residence and associated development

Location:	3881 Puerco Canyon Road, not within the appealable coastal zone
APN:	4459-011-001
Zoning:	Rural Residential–Five Acre (RR-5)
Applicant:	Fine Homes by Hearthstone
Owner:	Puerco Canyon Development, LLC
Application Filed:	March 26, 2014
Case Planner:	Contract Planner Janowicz, 456-2489 ext. 345

Recommended Action: Receive and file the Planning Director’s report on Administrative Coastal Development Permit No. 14-017.

Contract Planner Janowicz presented the staff report.

Disclosures: Commissioner Brotman.

The Commission directed questions to staff.

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

Speaker(s): None.

As there were no speakers present, Chair Stack closed the public comment and returned the matter to the table. No further discussion occurred.

MOTION Vice Chair Mazza moved to require a regular coastal development for the project. The motion died due to lack of a second.

MOTION Commissioner Brotman moved and Chair Stack seconded a motion to receive and file the Planning Director's report on Administrative Coastal Development Permit No. 14-017. The question was called and the motion carried 2-1, Vice Chair Mazza dissenting and Commissioners Jennings and Pierson absent.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- A. Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Variance Nos. 13-042, 13-043 and 15-036 - An application for the replacement of an existing 300,000 gallon water tank with a new 385,000 gallon water tank to meet current domestic and fire protection standards (Continued from January 27, 2016)

Location: 5723 Busch Drive, not within the appealable coastal zone  
APN: 4469-028-006  
Zoning: Rural Residential–Two Acre (RR-2)  
Applicant: Los Angeles County Waterworks District No. 29  
Owner: Serra Canyon Co, LTD  
Application Filed: August 29, 2013  
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Continue this item to the April 4, 2016 Regular Planning Commission meeting.

The item was continued upon approval of the agenda.

- B. Coastal Development Permit Amendment No. 15-002 - An application amending Coastal Development Permit No. 14-014 to add a second unit and concrete skate feature (Continued from February 16, 2016)

Location: 28981 Cliffside Drive, within the appealable coastal zone  
APN: 4466-010-001  
Zoning: Rural Residential–One Acre (RR-1)  
Applicant: Marmol Radziner  
Owners: Edward and Melissa Akkaway  
Application Filed: April 16, 2015  
Case Planner: Associate Planner Hawner, 456-2489 ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 16-22 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 15-002, amending Coastal Development Permit No. 14-014, to add a new 570 square foot, single-story, 12-foot high second unit, a new concrete skate feature, and modified landscape/hardscape plan in the Rural Residential–One Acre zoning district located at 28981 Cliffside Drive (Akkaway).

Associate Planner Hawner presented the staff report.

Disclosures: Commissioner Brotman and Chair Stack.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speakers: Leo Marmol; Jack Briskie; Richard Scott; Kevin Warner; Sonny Astani; Ken Ehrlich; Keith Clarke; Marlene Matlow; and Sam Hall Kaplan.

As there were no other speakers present, Chair Stack closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff, Jack Briskie, and Kevin Warner.

MOTION

Vice Chair Mazza moved and Chair Stack seconded a motion to adopt Planning Commission Resolution No. 16-22 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 15-002, amending Coastal Development Permit No. 14-014, to add a new 570 square foot, single-story, 12-foot high second unit, a new concrete skate feature, and modified landscape/hardscape plan in the Rural Residential–One Acre zoning district located at 28981 Cliffside Drive (Akkaway).

The Commission discussed the motion.

The question was called and the motion carried 3-0, Commissioners Jennings and Pierson absent.

C. Coastal Development Permit No. 14-057, Site Plan Review No. 14-042 and Variance No. 15-012 – An application for the construction of a new single-family residence and associated development (Continued from February 16, 2016)

Location: 24900 Pacific Coast Highway, within the appealable coastal zone  
APN: 4458-015-015  
Zoning: Rural Residential–Two Acre (RR-2)  
Applicant: Burdge and Associates  
Owner: Quaker Beach Properties Trust  
Application Filed: September 26, 2014  
Case Planner: Contract Planner Janowicz, 456-2489 ext. 345

Recommended Action: Adopt Planning Commission Resolution No. 16-31 determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 14-057, Site Plan Review (SPR) No.14-042, and Variance (VAR) No. 15-012 for the construction of a new 8,094 square foot, two-story single-family residence with a 1,000 square foot basement, a 568 square foot attached two-car garage, a 49 square foot covered porch area, a 757 square foot detached second unit, a 36 square foot detached accessory structure, tennis court, swimming pool and spa, water features, retaining walls and fencing, driveway, and installation of a new alternative onsite wastewater treatment system, including VAR No. 15-012 for more than 1,000 cubic yards of non-exempt grading and SPR No. 14-042 for height in excess of 18 feet (up to 28 feet for a pitched roof) located in the Rural Residential Two-Acre zoning district at 24900 Pacific Coast Highway (Quaker Beach Properties Trust).

Contract Planner Janowicz presented the staff report.

Disclosures: Commissioner Brotman and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speakers: Douglas Burdge and Norman Haynie.

As there were no other speakers present, Chair Stack closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and Douglas Burdge.

**MOTION** Vice Chair Mazza moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-31, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 14-057, Site Plan Review (SPR) No.14-042, and Variance (VAR) No. 15-012 for the construction of a new 8,094 square foot, two-story single-family residence with a 1,000 square foot basement, a 568 square foot attached two-car garage, a 49 square foot covered porch area, a 757 square foot detached second unit, a 36 square foot detached accessory structure, tennis court, swimming pool and spa, water features, retaining walls and fencing, driveway, and installation of a new alternative onsite wastewater treatment system, including VAR No. 15-012 for more than 1,000 cubic yards of non-exempt grading and SPR No. 14-042 for height in excess of 18 feet (up to 28 feet for a pitched roof) located in the Rural Residential Two-Acre zoning district at 24900 Pacific Coast Highway (Quaker Beach Properties Trust) and 2) modifying the landscaping conditions to specify the permitted lower-lying vegetation planted within the view corridors shall not exceed six feet in height, or the elevation of 156 feet (the same maximum roof height elevation as the primary residence), whichever is lower.

The Commission discussed the motion.

The question was called and the motion carried 3-0, Commissioners Jennings and Pierson absent.

**RECESS** Chair Stack called a recess at 8:43 p.m., reconvening at 8:48 p.m. with all Commissioners present.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Administrative Plan Review No. 15-108, Variance No. 15-047, and Code Violation No. 15-070 - An application for the after-the-fact placement of a 45-foot tall art sculpture with a 20-foot by 20-foot base

Location: 27712 Pacific Coast Highway  
APN: 4460-031-017  
Zoning: Rural Residential-Two Acre (RR-2)  
Applicant: Kenneth Ehrlich  
Owner: Rosebud Ventures, LLC  
Application Filed: December 15, 2015  
Case Planner: Assistant Planner Colvard, 456-2489 ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 16-12 determining the project is exempt from the California Environmental Quality Act, and denying Administrative Plan Review No. 15-108 and Variance No. 15-047 for the after-the-fact placement of a 45-foot tall art sculpture with a 20-foot by 20-foot

base in the Rural Residential-Two Acre zoning district located at 27712 Pacific Coast Highway (Rosebud Ventures, LLC).

Assistant Planner Colvard presented the staff report.

Disclosures: Commissioner Brotman and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speakers: Ken Ehrlich; Bill Bell; Susan Debonne; Judy Villablanca; and Marc Gurvitz.

Ken Ehrlich provided rebuttal to the public comment.

As there were no other speakers present, Chair Stack closed the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Vice Chair Mazza moved and Commissioner Brotman seconded a motion determining the project does not require Planning Commission approval as it is not a structure covered by the Local Coastal Program or Malibu Municipal Code.

The Commission discussed the motion.

The question was called and the motion failed, 1-1-1, Commissioner Brotman dissenting, Chair Stack abstaining, and Commissioners Jennings and Pierson absent.

MOTION Commissioner Brotman moved and Chair Stack seconded a motion adopting Planning Commission Resolution No. 16-12, as amended: 1) determining the project is exempt from the California Environmental Quality Act, and denying Administrative Plan Review No. 15-108 and Variance No. 15-047 for the after-the-fact placement of a 45-foot tall art sculpture with a 20-foot by 20-foot base in the Rural Residential-Two Acre zoning district located at 27712 Pacific Coast Highway (Rosebud Ventures, LLC) and 2) recommending City Council address artwork legislation and consider an appeal if requested by the applicant.

The Commission discussed the motion.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion that City Council enact legislation before deciding an appeal. The amendment was not accepted by the maker and the seconder.

The question was called and the motion carried, 2-1, Vice Chair Mazza dissenting and Commissioners Jennings and Pierson absent.

- B. Coastal Development Permit No. 14-038 – An application for the addition of 51 square feet to allow for the installation of two bay windows, the remodel of the existing two-story main residence, and a 948 square foot second story addition to an existing detached garage and second unit that will be remodeled

Location: 31012 Broad Beach Road, within the appealable coastal zone  
APN: 4470-014-010  
Zoning: Single-Family Medium (SFM)  
Applicant: Burdge and Associates  
Owners: Barry and Frankie Sholem  
Application Filed: June 4, 2014  
Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 16-21 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-038 to allow a remodel with less than 50 percent demolition and a 51 square foot addition to the existing two-story single-family residence, and a remodel with less than 50 percent demolition and a 948 square foot second story addition to an existing detached garage and second unit in the Single-Family Medium zoning district located at 31012 Broad Beach Road (Sholem).

Associate Planner Contreras presented the staff report.

Disclosures: Commissioner Brotman.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speaker: Douglas Burdge

As there were no other speakers present, Chair Stack closed the public hearing and returned the matter to the table for discussion.

**MOTION** Vice Chair Mazza moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-21, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-038 to allow a remodel with less than 50 percent demolition and a 51 square foot addition to the existing two-story single-family residence, and a remodel with less than 50 percent demolition and a 948 square foot second story addition to an existing detached garage and second unit in the Single-Family Medium zoning district located at 31012 Broad Beach Road (Sholem) and 2) limiting the living area of the second dwelling unit to 900 square feet as set forth under LIP Chapter 3.6. The question was called and the motion carried 3-0, Commissioners Jennings and Pierson absent.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 9:44 p.m., Vice Chair Mazza moved and Chair Stack seconded a motion to adjourn the meeting. The motion carried 3-0, Commissioners Jennings and Pierson absent.

Approved and adopted by the Planning Commission  
of the City of Malibu on March 21, 2016.

  
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ROOHI STACK, Chair

ATTEST:

  
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KATHLEEN STECKO, Recording Secretary