

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
APRIL 4, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Vice Chair Mazza called the meeting to order at 6:30 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Vice Chair John Mazza and Commissioners David Brotman and Mikke Pierson.

ABSENT: Chair Roohi Stack and Commissioner Jeffrey Jennings.

ALSO PRESENT: Bonnie Blue, Planning Director; Christi Hogin, City Attorney; Christopher Deleau, Planning Manager; Richard Mollica, Senior Planner; Jasch Janowicz, Contract Planner; and Kathleen Stecko, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

Lloyd Ahern led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on March 25, 2016.

**APPROVAL OF AGENDA**

MOTION Commissioner Brotman moved to approve the agenda, continuing Item No. 4.C. to the April 18, 2016 Regular Planning Commission meeting. The motion failed due to lack of second.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to approve the agenda, continuing Item No. 4.A. to a date uncertain and Item Nos. 4.B. and 5.B. to the April 18, 2016 Regular Planning Commission meeting.

The Commission discussed the motion.

The question was called and the motion carried 2-1, Commissioner Brotman dissenting and Chair Stack and Commissioner Jennings absent.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to consider Item No. 4.C. after Item No. 5.C. The question was called and the motion carried 2-1, Commissioner Brotman dissenting and Chair Stack and Commissioner Jennings absent.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

Philip Gillin stated his objection to the proposed installation of a water tank at 5723 Busch Drive.

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

Planning Director Blue announced the upcoming Waterworks District 29 public meeting being held on Wednesday, April 6, 2016 at 6:30 p.m. in the Malibu City Hall Council Chambers and the upcoming public hearing on the Coastal Commission's suggested modifications to the trail dedication incentive program and parkland and trails system map previously scheduled for the April 11, 2016 Regular City Council meeting will be heard at the May 9, 2016 Regular City Council meeting.

Commissioner Pierson shared that he visited the newly opened Le Village Café restaurant at Trancas Country Market.

Vice Chair Mazza requested an update on the status of the conditional use permit at Trancas Country Market.

In response to Vice Chair Mazza, Planning Director Blue provided an update on the fulfillment of the conditions of approval at Trancas Country Market.

Vice Chair Mazza inquired about the murals present at the Village Shopping Center.

In response to Vice Chair Mazza, Planning Director Blue stated the permit conditions at the Village Shopping Center were being researched in relation to the murals.

**ITEM 3 CONSENT CALENDAR**

MOTION Commissioner Pierson moved and Commissioner Brotman seconded a motion to approve the Consent Calendar. The motion carried 3-0, Chair Stack and Commissioner Jennings absent.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items  
None.
- B. New Items
  - 1. Approval of Minutes

Recommended Action: Approve the minutes for the March 21, 2016 Regular Planning Commission meeting.

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

#### **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 March 7, 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 a date uncertain.

The item was continued upon approval of the agenda.

- B. Coastal Development Permit No. 15-010, Lot Line Adjustment No. 15-002, and Minor Modification No. 15-006 - An application for a new, single-family residence with basement, guest house, pool and spa, and associated development (Continued from March 21, 2016)

Location: 6708 Wildlife Road, within the appealable coastal zone  
APN: 4466-004-039  
Zoning: Rural Residential–One Acre (RR-1)  
Applicant: Standard LLP  
Owner: Wildlife Properties, LLC  
Application Filed: February 23, 2015  
Case Planner: Planning Manager Deleau, 456-2489 ext. 273

Recommended Action: Continue this item to the April 18, 2016 Regular Planning Commission meeting.

The item was continued upon approval of the agenda.

**ITEM 5      NEW PUBLIC HEARINGS**

- A. Coastal Development Permit No. 13-036, Variance No. 13-034, Site Plan Review No. 13-031, Minor Modification Nos. 13-008 and 13-009, and Demolition Permit No. 13-018 – An application for the demolition of an existing one-story residence and construction of a new two-story single-family residence and associated development

Location:                    25157 Malibu Road, within the appealable coastal zone  
APNs:                         4459-012-008 and 4459-012-043  
Zoning:                      Multi-Family (MF)  
Applicant:                  Tim McNamara  
Owner:                        25157 Malibu Road, LLC  
Application Filed:        August 7, 2013  
Case Planner:              Contract Planner Janowicz, 456-2489 ext. 345

Recommended Action: Adopt Planning Commission Resolution No. 16-38 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-036 for demolition of the existing residence and construction of a new 2,738 square foot, two-story single-family residence with a 1,000 square foot subterranean garage, a 596 square foot detached second unit, installation of a new alternative onsite wastewater treatment system, and associated development including variance No. 13-034 for construction on slopes steeper than 2.5 to 1, Site Plan Review No. 13-031 for height in excess of 18 feet (up to 28 feet for a pitched roof), Minor Modification (MM) No. 13-008, for a reduction in the front yard setback, MM No. 13-009 for a reduction in the side yard setback, and Demolition Permit No. 13-018, located in the Multi-Family zoning district at 25157 Malibu Road (25157 Malibu Road, LLC).

Contract Planner Janowicz presented the staff report.

Disclosures: Commissioner Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Tim McNamara and Michael Barmasse.

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

The Commission directed questions to staff and Tim McNamara.

MOTION

Commissioner Pierson moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-38 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-036 for demolition of the existing residence and construction of a new 2,738 square foot, two-story single-family residence with a 1,000 square foot subterranean garage, a 596 square foot detached second unit, installation of a new alternative onsite wastewater treatment system, and associated development including variance No. 13-034 for construction on slopes steeper than 2.5 to 1, Site Plan Review No. 13-031 for height in excess of 18 feet (up to 28 feet for a pitched roof), Minor Modification (MM) No. 13-008, for a reduction in the front yard setback, MM No. 13-009 for a reduction in the side yard setback, and Demolition Permit No. 13-018, located in the Multi-Family zoning district at 25157 Malibu Road (25157 Malibu Road, LLC). The motion carried 3-0, Chair Stack and Commissioner Jennings absent.

- B. Coastal Development Permit No. 11-056 and Site Plan Review Nos. 11-029 and 16-010 - An application for the construction of a new 10,657 square foot, two-story single-family residence and associated development

Location: 24157 Malibu Road, within the appealable coastal zone  
APN: 4458-018-010  
Zoning: Single-Family Medium (SFM)  
Applicant: Kari Kramer  
Owner: The Lyn and Laurie Konheim Trust  
Application Filed: December 8, 2011  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Continue this item to the April 18, 2016 Regular Planning Commission meeting.

The item was continued upon approval of the agenda.

- C. Coastal Development Permit No. 15-012, Site Plan Review No. 15-016, and Conditional Use Permit No. 15-003 – An application for the remodel of an existing motel, the Surfrider Motel and associated development, and a conditional use permit to allow for the operation of a motel

Location: 23033 Pacific Coast Highway, within the appealable coastal zone  
APN: 4452-019-002

Zoning: Commercial Visitor Serving-1 (CV-1)  
Applicant: Burdge and Associates  
Tenant: Surfrider Motel  
Owner: PCH 23033, LLC  
Application Filed: February 27, 2015  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-40 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-012 to allow for the remodel of an existing motel, the Surfrider Motel, the addition of a roof top deck, new elevator, installation of a new alternative onsite wastewater treatment system, restriping of the parking lot, landscaping, and associated development including Site Plan Review No. 15-016 for height in excess of 18 feet (up to 22 feet for a flat roof), and Conditional Use Permit No. 15-003 to allow for the operation of a motel in the Commercial Visitor Serving-One zoning district located at 23033 Pacific Coast Highway (PCH 23033, LLC).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Brotman and Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Alessandro Zampedri; Douglas Burdge; and Ryan Embree.

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

The Commission directed questions to Ryan Embree, staff, and Douglas Burdge.

MOTION Commissioner Brotman moved to adopt Planning Commission Resolution No. 16-40 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-012 to allow for the remodel of an existing motel, the Surfrider Motel, the addition of a roof top deck, new elevator, installation of a new alternative onsite wastewater treatment system, restriping of the parking lot, landscaping, and associated development including Site Plan Review No. 15-016 for height in excess of 18 feet (up to 22 feet for a flat roof), and Conditional Use Permit No. 15-003 to allow for the operation of a motel in the Commercial Visitor Serving-One zoning district located at 23033 Pacific Coast Highway (PCH 23033, LLC).

FRIENDLY AMENDMENT

Vice Chair Mazza seconded the motion and moved to add a condition to address parking during special events by requiring a temporary use permit for events involving non-hotel guests.

The question was called and the amended motion carried 3-0, Chair Stack and Commissioner Jennings absent.

RECESS Vice Chair Mazza called a recess at 8:00 p.m., reconvening at 8:05 p.m. with all three Commissioners present.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- C. Zoning Text Amendment No. 16-001 – An Amendment to Malibu Municipal Code (MMC) Title 17 Regulating Formula Retail Stores (Continued from March 21, 2016)

Recommended Action: Adopt Planning Commission Resolution No. 16-36 recommending the City Council approve Zoning Text Amendment No. 16-001 amending Malibu Municipal Code Title 17 to regulate formula retail establishments in the City.

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

Planning Director Blue presented the staff report.

As there were no questions for staff, Vice Chair Mazza opened the public hearing.

Speakers: Ryan Embree; Lloyd Ahern; David Reznick; Paul Grisanti; and Patt Healy.

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

The Commission directed questions to staff.

MOTION Commissioner Pierson moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 16-36, as amended, recommending the City Council: 1) approve Zoning Text Amendment No. 16-001 amending Malibu Municipal Code Title 17 to regulate formula retail establishments in the City; 2) include the exempt uses in the 30 percent calculation; 3) apply the 30 percent cap to the number of leasable tenant spaces per floor, gross floor area of parcel, and gross floor area of the shopping center; 4) define formula retail as ten or more establishments worldwide rather than within United States; and 5) include servicemark and trademark in the formula retail definition.

**FRIENDLY AMENDMENT**

Commissioner Brotman moved to increase the maximum allowable formula retail establishment size from 2,500 hundred square feet to 4,000 square feet. The amendment was not accepted.

Commissioner Brotman departed the meeting at 9:10 p.m.

No action taken.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

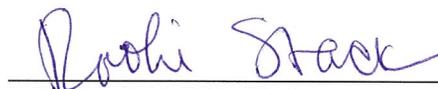
**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

Due to lack of quorum, the meeting was adjourned at 9:11 p.m.

Approved and adopted by the Planning Commission  
of the City of Malibu on April 18, 2016.



ROOHI STACK, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary