

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
APRIL 18, 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 Commissioners David Brotman; Jeffrey Jennings; and Mikke Pierson.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Christopher Deleau, Planning Manager; Richard Mollica, Senior Planner; Adrian Fernandez, Senior Planner; Stephanie Hawner, Associate Planner; Jessica Colvard, Assistant Planner; and Kathleen Stecko, Recording Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Jennings led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on April 8, 2016.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to approve the agenda, continuing Item No. 4.B. to the May 16, 2016 Regular Planning Commission meeting and Item No. 5.B. to the May 2, 2016 Regular Planning Commission. The motion carried 5-0.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Planning Director Blue announced the matter of Beachfront versus Non-Beachfront Development Standards will be considered at the April 26, 2016 Zoning Ordinance Revisions and Code Enforcement Subcommittee meeting and a scoping meeting to

explore the Seaboard Road extension, new single-family residence construction and lot line reconfiguration project will be held on Tuesday, May 10, 2016 at 6:00 p.m. in the Malibu City Hall Multi-Purpose Room.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.1. was pulled for discussion by Vice Chair Mazza.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to approve the Consent Calendar. The motion carried 4-0-1, Commissioner Jennings abstaining on Item No. 3.B.5.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

2. Administrative Coastal Development Permit No. 16-006 – An application for the installation of a new alternative onsite wastewater treatment system and associated development

Location: 5922 Philip Avenue, within the appealable coastal zone

APN: 4469-015-003

Owner: Sal Kohan

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-006.

3. Extension of Coastal Development Permit No. 08-040, Lot Merger No. 10-001, Demolition Permit No. 08-007, and Offer-To-Dedicate No. 10-003 – A fourth request to extend the Planning Commission's approval of an application for the demolition of an existing single-family residence, lot merger, construction of a new single-family residence and associated development

Location: 30822 Broad Beach Road

APN: 4470-013-003

Owner: Mark Magidson

Recommended Action: Adopt Planning Commission Resolution No. 16-32 granting a one-year extension of Coastal Development Permit No. 08-040, Lot Merger No. 10-001, Demolition Permit No. 08-007, and Offer-To-Dedicate No. 10-003, an application for the demolition of an existing single-family residence, lot merger, construction of a new single-family residence and associated development in the Single-Family Medium zoning district located at 30822 Broad Beach Road (Magidson).

4. Extension of Coastal Development Permit No. 06-060, Lot Merger No. 06-003, Demolition Permit Nos. 06-009, 12-006, and 12-007, Site Plan Review No. 10-003, Offer-to-Dedicate No. 10-002, and Coastal Development Permit Amendment No. 15-001 – A fourth request to extend the Planning Commission's approval of an application for the demolition three adjacent single-family residences, construction of a new single-family residence, and associated development

Location: 30980 Broad Beach Road

APN: 4470-014-007

Owner: North Enterprises 1996 Trust
Recommended Action: Adopt Planning Commission Resolution No. 16-35 granting a one-year extension of Coastal Development Permit No. 06-060, Lot Merger No. 06-003, Demolition Permit Nos. 06-009, 12-006, and 12-007, Site Plan Review No. 10-003, Offer-to-Dedicate No. 10-002, and Coastal Development Permit Amendment No. 15-001, an application for the demolition three adjacent single-family residences, construction of a new single-family residence and associated development in the Single-Family Medium zoning district located at 30980 Broad Beach Road (North Enterprises 1996 Trust).

5. Approval of Minutes

Recommended Action: Approve the minutes for the April 4, 2016 Regular Planning Commission meeting.

The following item was pulled from the Consent Calendar for individual consideration by Vice Chair Mazza:

1. Coastal Development Permit No. 15-047 and Demolition Permit No. 15-029 – An application for the demolition of an existing single-family residence and construction of a new single-family residence and associated development

Location: 6935 Grasswood Avenue, not within the appealable coastal zone

APN: 4466-015-002

Owner: RCR 2010 Revocable Trust

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-047.

Associate Planner Hawner presented the staff report.

Disclosures: Vice Chair Mazza.

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 and Commissioner Jennings seconded a motion to receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-047. The motion carried 5-0.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 15-010, Lot Line Adjustment No. 15-002, Minor Modification No. 15-006 – An application to approve a new single-family residence and accessory development including an after-the-fact lot line adjustment (Continued from April 4, 2016)

Locations: 6708 Wildlife Road and 6702 Wildlife Road; all parcels are located within the appealable coastal zone

APNs: 4466-004-039 (Applicant-6708); and 4466-004-040 (Osberg-6702)

Owners: Wildlife Properties, LLC (6708) and Scott and Diana Osberg (6702)

Recommended Action: Adopt Planning Commission Resolution No. 16-41 determining that the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-010, Lot Line Adjustment No. 15-002, and Minor Modification No. 15-006 to allow for the after-the-fact approval of a 1988 lot line adjustment between two legal lots that are currently identified as APNs 4466-004-039 and 4466-004-040; demolition of existing unpermitted garden walls and slate patio and construction of a new one-story, 18 foot-tall, 5,035 square foot single-family residence with a 694 square foot basement, 480 square foot guest house, 595 square foot 3 car garage, new driveway and fire department access turnaround, pool, spa, outdoor patio areas, landscaping, hardscape, entry gates and fencing, and installation of a new alternative onsite wastewater treatment system, including a minor modification for a 50 percent reduction of the required front yard setback on the lot located at 6708 Wildlife Road (APN 4466-004-039) located in the Rural Residential–One Acre zoning district at 6708 and 6702 Wildlife Road (Wildlife Properties, LLC and Osberg).

Vice Chair Mazza recused himself and left the dais at 6:38 p.m.

Planning Manager Deleau presented the staff report.

Disclosures: Commissioners Brotman and Pierson.

The Commission directed questions to staff.

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

Speakers: Nick Bridges and Sylvia Kuhle.

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

MOTION Commissioner Brotman moved and Chair Stack seconded a motion to adopt Planning Commission Resolution No. 16-41, as amended: 1) determining that the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-010, Lot Line Adjustment No. 15-002, and Minor Modification No. 15-006 to allow for the after-the-fact approval of a 1988 lot line adjustment between two legal lots that are currently identified as APNs 4466-004-039 and 4466-004-040; demolition of existing unpermitted garden

walls and slate patio and construction of a new one-story, 18 foot-tall, 5,035 square foot single-family residence with a 694 square foot basement, 480 square foot guest house, 595 square foot 3 car garage, new driveway and fire department access turnaround, pool, spa, outdoor patio areas, landscaping, hardscape, entry gates and fencing, and installation of a new alternative onsite wastewater treatment system, including a minor modification for a 50 percent reduction of the required front yard setback on the lot located at 6708 Wildlife Road (APN 4466-004-039) located in the Rural Residential–One Acre zoning district at 6708 and 6702 Wildlife Road (Wildlife Properties, LLC and Osberg); and 2) requiring the applicant to remove all unpermitted fruit trees and other non-native vegetation located on slopes steeper than 4 to 1; and 3) incorporating all City Biologist review comments and recommendations into the conditions of approval.

The Commission discussed the motion.

The motion carried 4-0, Vice Chair Mazza absent.

Vice Chair Mazza returned to the dais at 7:10 p.m.

- 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 (Continued from April 4, 2016)

Location: 24157 Malibu Road, within the appealable coastal zone

APN: 4458-018-010

Owner: The Lyn and Laurie Konheim Trust

Recommended Action: Continue this item to the May 16, 2016 Regular Planning Commission meeting.

The item was continued upon approval of the agenda.

- C. Coastal Development Permit No. 13-068, Variance No. 15-038, Site Plan Review Nos. 13-064 and 14-014, Demolition Permit No. 13-032 and Offer-to-Dedicate No. 15-006 - An application for the demolition of an existing single-family residence, construction of a new two-story, bluff-top single-family residence and associated development

Location: 27530 Pacific Coast Highway, within the appealable coastal zone

APN: 4460-031-001

Owner: Trei Fratelli Realty, LLC

Recommended Action: Adopt Planning Commission Resolution No. 16-09, determining the project is exempt from the California Environmental Quality Act, and denying Coastal Development Permit No. 13-068 to allow the construction of a 8,262 square foot, two-story single-family residence, swimming pool, cantilevered deck, driveway, landscaping, grading and alternative onsite wastewater treatment system, Variance No. 15-038 for the residence to extend higher than the adjacent road grade, Site Plan Review (SPR) No. 13-064 for construction over 18 feet in height, SPR No. 14-014 for construction on slopes between 3 to 1 and 2.5 to 1, Demolition Permit No. 13-032 to allow the demolition of an existing 839 square foot, single-family residence and Offer-to-Dedicate No.

15-006 to grant a lateral beach access easement located in the Rural Residential–Two Acre zoning district at 27530 Pacific Coast Highway (Trei Fratelli Realty, LLC).

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Brotman, Jennings, and Pierson 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: Wayne Chevalier; Richard Scott (Sal Caidla, Scott Halley, Steve Yett, and Adin Dunning deferred time to Richard Scott); Michael Friedman; 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 discussed the motion and directed questions to staff and Norman Haynie.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-09, determining the project is exempt from the California Environmental Quality Act, and denying Coastal Development Permit No. 13-068 to allow the construction of a 8,262 square foot, two-story single-family residence, swimming pool, cantilevered deck, driveway, landscaping, grading and alternative onsite wastewater treatment system, Variance No. 15-038 for the residence to extend higher than the adjacent road grade, Site Plan Review (SPR) No. 13-064 for construction over 18 feet in height, SPR No. 14-014 for construction on slopes between 3 to 1 and 2.5 to 1, Demolition Permit No. 13-032 to allow the demolition of an existing 839 square foot, single-family residence and Offer-to-Dedicate No. 15-006 to grant a lateral beach access easement located in the Rural Residential–Two Acre zoning district at 27530 Pacific Coast Highway (Trei Fratelli Realty, LLC).

The Commission directed questions to staff and Norman Haynie.

The question was called and the motion failed 1-3-1, Commissioners Brotman and Jennings and Chair Stack dissenting and Commissioner Pierson abstaining.

MOTION Commissioner Brotman moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 16-09 as presented at the February 1, 2016 Regular meeting, as amended: 1) determining the project is exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-068 to allow the construction of a 8,262 square foot, two-story single-family residence, swimming pool, cantilevered deck, driveway, landscaping, grading and alternative onsite wastewater treatment system, Variance No. 15-038 for the residence to extend higher than the adjacent road grade, Site Plan Review (SPR)

No. 13-064 for construction over 18 feet in height, SPR No. 14-014 for construction on slopes between 3 to 1 and 2.5 to 1, Demolition Permit No. 13-032 to allow the demolition of an existing 839 square foot, single-family residence and Offer-to-Dedicate No. 15-006 to grant a lateral beach access easement located in the Rural Residential–Two Acre zoning district at 27530 Pacific Coast Highway (Trei Fratelli Realty, LLC); 2) amending Section 1, recital K to reflect the conclusion of the public hearing closed at the February 1, 2016 Regular Planning Commission meeting which was adjourned before final action was taken; 3) adding recital L noting the notice of public hearing; and 4) adding recital M to reflect at the April 18, 2016 Planning Commission meeting public testimony and new evidence was presented.

The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 13-062, Variance No. 15-037, Minor Modification No. 15-012, and Site Plan Review No. 13-059 – An application for a new single-family hillside residence and associated development

Location: 3863 Rambla Pacifico Street, not within the appealable coastal zone

APN: 4451-022-004

Owners: Brandon Howlette and Jill Pavley

Recommended Action: Adopt Planning Commission Resolution No. 16-37 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-062 to construct a new 1,645 square-foot, two-story, single-family residence with a 1,000 square-foot subterranean garage and basement, exterior stairs and hardscape, grading and retaining walls, and installation of a new alternative onsite wastewater treatment system; including Variance No. 15-037 for development on slopes steeper than 2.5 to 1, Minor Modification No. 15-012 for a 45 percent reduction of the front yard setback; and Site Plan Review No. 13-059 for construction in excess of 18 feet in height (up to 24 feet for a flat roof), in the Multi-Family zoning district located at 3863 Rambla Pacifico Street (Howlette and Pavley).

Associate Planner Hawner 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, Chair Stack opened the public hearing.

Speaker(s): None.

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

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-37 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-062 to construct a new 1,645 square-foot, two-story, single-family residence with a 1,000 square-foot subterranean garage and basement, exterior stairs and hardscape, grading and retaining walls, and installation of a new alternative onsite wastewater treatment system; including Variance No. 15-037 for development on slopes steeper than 2.5 to 1, Minor Modification No. 15-012 for a 45 percent reduction of the front yard setback; and Site Plan Review No. 13-059 for construction in excess of 18 feet in height (up to 24 feet for a flat roof), in the Multi-Family zoning district located at 3863 Rambla Pacifico Street (Howlette and Pavley). The motion carried 5-0.

- B. Coastal Development Permit No. 14-083, Conditional Use Permit No. 16-001 and Tentative Parcel Map No. 14-001 – An application to convert an existing four-unit apartment complex into a four-unit condominium and associated development
Location: 25350 Malibu Road, within the appealable coastal zone
APN: 4459-017-004
Owner: Geoff Abadee
Recommended Action: Continue this item to the May 2, 2016 Regular Planning Commission meeting.

The item was continued upon approval of the agenda.

- C. Coastal Development Permit No. 06-113, Variance No. 16-006, and Code Violation No. 06-038 – An application to permit improvements to an existing access road to create a fire escape road, restoration of unpermitted disturbed areas, and associated development in an environmentally sensitive habitat buffer area, including a variance for buffer encroachment
Location: 3775 Puerco Canyon Road, within the appealable coastal zone
APN: 4459-011-007
Applicant/Owner: Tony Azzi
Recommended Action: Adopt Planning Commission Resolution No. 16-44 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 06-113 to permit improvements to an existing access road to create a fire escape road, restoration of unpermitted disturbed areas, and associated development in an environmentally sensitive habitat area (ESHA), including Variance No. 16-006 for ESHA buffer encroachment, located in the Rural Residential–Five Acre Zoning District at 3775 Puerco Canyon Road (Azzi).

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, Chair Stack opened the public hearing.

Speaker: Stefanie Edmondson.

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

MOTION Commissioner Brotman moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 16-44 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 06-113 to permit improvements to an existing access road to create a fire escape road, restoration of unpermitted disturbed areas, and associated development in an environmentally sensitive habitat area (ESHA), including Variance No. 16-006 for ESHA buffer encroachment, located in the Rural Residential-Five Acre Zoning District at 3775 Puerco Canyon Road (Azzi). The motion carried 5-0.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:50 p.m., Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adjourn the meeting. The motion carried 5-0.

Approved and adopted by the Planning Commission
of the City of Malibu on May 2, 2016.


ROOHI STACK, Chair

ATTEST:


KATHLEEN STECKO, Recording Secretary