

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
MAY 16, 2016  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Chair Stack called the meeting to order at 6:31 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; Richard Mollica, Senior Planner; Adrian Fernandez, Senior Planner; Jessica Colvard, Assistant Planner; and Kathleen Stecko, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

Commissioner Brotman led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on May 5, 2016, with the amended agenda properly posted on May 10, 2016.

**APPROVAL OF AGENDA**

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to approve the agenda. 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 May 20, 2016 closure date of the public comment period for the Seaboard Road Extension Project and the cancellation of the July 5, 2016 Regular Planning Commission meeting.

CONSENSUS

By consensus, the Commission directed staff to report back on the unused conditional use permit that exists at the premises that formerly operated as a wine bar at 22775 Pacific Coast Highway and address other unused conditional use permits.

CONSENSUS

By consensus, the Commission moved to adjourn the meeting in honor of recently deceased Ozzie Silna and Rabbit Kekai.

**ITEM 3 CONSENT CALENDAR**

Item No. 3.B.2. was pulled for discussion by Commissioner Pierson.

MOTION Chair Stack moved and Vice Chair Mazza seconded a motion to approve the Consent Calendar. The motion carried 5-0.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Administrative Coastal Development Permit No. 15-065, Minor Modification Permit No. 15-018, and Demolition Permit No. 16-008 – An application for the partial demolition, remodel, and addition to an existing residence and associated development

Location: 5838 Deerhead Road, not within the appealable coastal zone

APN: 4469-014-006

Owner: D and L Levitt Family Living Trust

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

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-065, Minor Modification No. 15-018, and Demolition Permit No. 16-008.

3. Approval of Minutes

Recommended Action: Approve the minutes for the May 2, 2016 Regular Planning Commission meeting.

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

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

2. Administrative Coastal Development Permit No. 14-039 and Site Plan Review No. 14-024 – An application for the construction of a new single-family residence and associated development

Location: 27420 Calicut Road, not within the appealable coastal zone

APN: 4460-001-018

Owner: John Shamolian

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

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 14-039 and Site Plan Review No. 14-024.

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 comment.

Speakers: Ken Stockton; Valerio Pascotto; and Norman Haynie.

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

**MOTION** Commissioner Jennings moved and Vice Chair Mazza seconded a motion to require the project to be considered by the Planning Commission as a regular coastal development permit. The question was called and the motion failed, 2-3, Commissioners Brotman and Jennings and Chair Stack dissenting resulting in the Commission receiving and filing the Planning Director's report on Administrative Coastal Development Permit No. 14-039.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- A. Coastal Development Permit No. 11-056 and Site Plan Review Nos. 11-029 and 16-010 - An application for the construction of a new two-story single-family residence and associated development (Continued from April 18, 2016)  
Location: 24157 Malibu Road, within the appealable coastal zone  
APN: 4458-018-010  
Owner: The Lyn and Laurie Konheim Trust  
Recommended Action: Adopt Planning Commission Resolution No. 16-43 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 11-056 to allow for the construction of a new 10,680 square foot, two-story single-family residence, detached garage, fences and gates, swimming pool, installation of a new alternative onsite wastewater treatment system, and associated development including a Site Plan Review (SPR) No. 11-029 for height in excess of 18 feet (up to 28 feet for a pitched roof) and SPR No. 16-010 to allow for remedial grading, located in the Single-Family Medium Density zoning district at 24157 Malibu Road (Konheim Trust).

Senior Planner Mollica 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.

Speaker: Kari Kramer.

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

**MOTION** Commissioner Jennings moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-43, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 11-056 to allow for the construction of a new 10,680 square foot, two-story single-family residence, detached garage, fences and gates, swimming pool, installation of a new alternative onsite wastewater treatment system, and associated development including a Site Plan Review (SPR) No. 11-029 for height in excess of 18 feet (up to 28 feet for a pitched roof) and SPR No. 16-010 to allow for remedial grading, located in the Single-Family Medium Density zoning district at 24157 Malibu Road (Konheim Trust).

The Commission directed questions to staff.

The question was called and the motion carried 5-0.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Coastal Development Permit No. 11-018, Variance No. 15-032, and Demolition Permit No. 15-018 – An application for the demolition of the existing residence, construction of a new two-story beachfront residence and associated development

Location: 23678 Malibu Colony Drive, within the appealable coastal zone

APN: 4458-005-023

Owner: Old Joes LLC

Recommended Action: Adopt Planning Commission Resolution No. No. 16-42, determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 11-018 for the demolition of an existing single-family beachfront residence, construction of a new, 5,880 square foot, two-story single-family beachfront residence, 380 square foot covered area, new ground floor deck, rear-facing balcony, swimming pool, spa, sunken fire-pit, fencing, entry gates and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-032 for the location of the two unenclosed parking spaces in designated spaces on the adjacent private street located in the Single-Family Medium zoning district and Malibu Colony Overlay District at 23678 Malibu Colony Drive (Old Joes, LLC).

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Brotman and Pierson.

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. No further discussion occurred.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-42, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 11-018 for the demolition of an existing single-family beachfront residence, construction of a new, 5,880 square foot, two-story single-family beachfront residence, 380 square foot covered area, new ground floor deck, rear-facing balcony, swimming pool, spa, sunken fire-pit, fencing, entry gates and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-032 for the location of the two unenclosed parking spaces in designated spaces on the adjacent private street located in the Single-Family Medium zoning district and Malibu Colony Overlay District at 23678 Malibu Colony Drive (Old Joes, LLC); and 2) removing references indicating lateral easement had been offered. The question was called and the motion carried 5-0.

**ITEM 6 OLD BUSINESS**

- A. Conditional Use Permit No. 14-005 – 99 High Tide Collective, a Medical Marijuana Dispensary Located at 22775 Pacific Coast Highway  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346  
Recommended Action: Find the 99 High Tide Collective in compliance with Conditional Use Permit No. 14-005 subject to the removal of the unpermitted signage and the implementation of an onsite valet during the peak hours of operation for the retail center.

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 comment.

Speakers: Norman Haynie; Yvonne Greene (Colton Broccoli, Bruce Denberg, and Cyrus Fuhrmeister deferred time to Yvonne Greene); Modesto Chilingar (Candace Brown deferred time to Modesto Chilingar); Marc Bittan; Rob Fuller; Aaron Lachant; Alexander Willems; Heather Brady; K. Lani; Ileah Miezwa; Vanessa Rodriguez; Cody Samuel; Kandice Samuel; Madeleine Miller; Sam Boyer; Tamer El-Shakhs; Erika Maeir; Nick Eliopoulos; Alex Hakim; Steven Hakim; A. Freeman; Timothy Martin; John Carstarphen; Jennifer Straiton; and Natalia MacGamwell.

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

RECESS Chair Stack called a recess at 9:07 p.m., reconvening at 9:23 with all Commissioners present.

The Commission deliberated on the matter and directed questions to staff and Alexander Willems.

MOTION Chair Stack moved and Commissioner Pierson seconded a motion to find the 99 High Tide Collective in compliance with the Malibu Municipal Code and the conditions of approval of Conditional Use Permit No. 14-005 as required by Condition No. 7, with the removal of the unpermitted signage and the implementation of a parking attendant during the peak hours of operation for the retail center. The question was called and the motion carried 4-1, Commissioner Brotman dissenting.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

MOTION At 10:07 p.m., Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adjourn the meeting in the memory of Ozzie Silna and Rabbit Kekai. The motion carried 5-0.

Approved and adopted by the Planning Commission  
of the City of Malibu on June 6, 2016.

  
JOHN MAZZA, Vice Chair

ATTEST:

  
KATHLEEN STECKO, Recording Secretary