

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JULY 18, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Stack called the meeting to order at 6:32 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 and Mikke Pierson. Commissioner Jeffrey Jennings arrived at 6:35 p.m.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Richard Mollica, Senior Planner; Stephanie Hawner, Senior Planner; and Kathleen Stecko, Recording Secretary.

PLEDGE OF ALLEGIANCE

Vice Chair Mazza led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on July 8, 2016, with the amended agenda properly posted on July 15, 2016.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to approve the agenda, continuing Item No. 5.C. to the August 1, 2016 Regular Planning Commission meeting.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to include the continuation of Item No. 4.B. to the August 15, 2016 Regular Planning Commission meeting. The amended motion carried 5-0.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Pammy Bouganim deferred her time to Joseph Bouganim.

Joseph Bouganim expressed concern about construction and other activity conducted by his neighbors.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Vice Chair Mazza inquired about upcoming meeting dates for the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) and requested an update on an unpermitted party held earlier in the summer.

In response to Vice Chair Mazza, Planning Director Blue provided an update on upcoming ZORACES meeting dates and stated Code Enforcement follows up on complaints about parties.

Commissioners Brotman and Pierson inquired about activity occurring at the former Beau Rivage site.

In response to Commissioners Brotman and Pierson, Planning Director Blue stated activity at the former Beau Rivage site is being researched.

In response to comments made by Joseph Bouganim, Commissioner Pierson acknowledged the Commission is now aware of his concerns and Planning Director Blue indicated staff is aware of and responding to the issues raised.

Commissioner Pierson commented on the City Council agenda report regarding extensions and requested an update on the matter and inquired about future development in the Paradise Cove mobile home park.

In response to Commissioner Pierson, Planning Director Blue stated City Council agreed to initiate a Local Coastal Program amendment that will address the process of extending coastal development permits; regarding development in the Paradise Cove mobile home park, indicated informal meetings were held and research conducted by staff about potentially adding units at the park, but at this time nothing specific has been proposed.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.1. was pulled for discussion by Kim Bonewitz, a member of the public, and Item Nos. 3.B.2 and 3.B.7 were 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 5-0.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

3. Extension of Coastal Development Permit No. 05-190, Variance No. 08-010, and Site Plan Review No. 08-005 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family residence and associated development

Location: 5744 Trancas Canyon Road

APN: 4469-046-002

Owner: Robert Huizenga

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

Recommended Action: Adopt Planning Commission Resolution No. 16-61 granting a one-year extension of Coastal Development Permit No. No. 05-190, Variance No. 08-010, and Site Plan Review No. 08-005, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5744 Trancas Canyon Road (Huizenga).

4. Extension of Coastal Development Permit No. 08-008, Variance Nos. 08-002 and 08-003, and Coastal Development Permit Amendment No. 08-003 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family residence and associated development

Location: 5900 Ramirez Canyon Road

APN: 4467-003-024

Owner: Matthias Emcke

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-62, granting a two-year extension of Coastal Development Permit No. 08-008, Variance Nos. 08-002 and 08-003, and Coastal Development Permit Amendment No. 08-003 for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5900 Ramirez Canyon Road (Emcke).

5. Extension of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Demolition Permit No. 08-014, and Site Plan Review No. 10-012 – A request to extend the Planning Commission’s previous approval for demolition of an existing gas station, construction of a new commercial building, and associated development

Location: 22729 Pacific Coast Highway

APN: 4452-022-010

Owner: WFS Seastar Co., LLC

Case Planner: Senior Planner Hawner, 456-2489 ext. 276

Recommended Action: Planning Commission Resolution No. 16-63 granting a one-year extension of Coastal Development Permit No. 08-055, Variance Nos. 10-005 and 10-006, Conditional Use Permit No. 10-003, Demolition Permit No. 08-014, and Site Plan Review No. 10-012, an

application for demolition of an existing gas station, construction of a new commercial building, and associated development in the Community Commercial zoning district located at 22729 Pacific Coast Highway (WFS Seastar Co., LLC).

6. Extension of Coastal Development Permit No. 06-084, Demolition Permit No. 06-015, Coastal Development Permit Amendment No. 12-005, and Minor Modification No. 12-009 – A request to extend the Planning Commission’s approval of an application for the demolition and construction of a new single-family residence and associated development
Location: 23652 Malibu Colony Drive
APN: 4458-005-030
Owner: 45 Malibu Colony, LLC
Case Planner: Senior Planner Mollica, 456-2489 ext. 346
Recommended Action: Adopt Planning Commission Resolution No. 16-64 granting a one-year extension of Coastal Development Permit No. 06-084, Demolition Permit No. 06-015, Coastal Development Permit Amendment No. 12-005, and Minor Modification No. 12-009, an application for the demolition and construction of a new single-family residence and associated development in the Single-Family Medium zoning district located at 23652 Malibu Colony Drive (45 Malibu Colony, LLC).
8. Approval of Minutes
Recommended Action: Approve the minutes for the June 6, 2016 and June 20, 2016 Regular Planning Commission meetings.
Staff contact: Planning Director Blue, 456-2489 ext. 258

The following items were pulled from the Consent Calendar for individual consideration:

1. Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010 — An application for the Annual Kiwanis Club Chili Cook-Off and Carnival proposed to take place on September 2, 2016 through September 5, 2016
Location: 23575 Civic Center Way, not within the appealable coastal zone
APN: 4458-022-011
Owner: Malibu Bay Company
Case Planner: Assistant Planner Magaña, 456-2489 ext. 353
Recommended Action: Receive and file the Planning Director’s report on Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010.

Planning Director Blue presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

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

Speaker: Kim Bonewitz

As there were no other speakers present, Chair Stack closed the public comment. No further discussion occurred.

MOTION Vice Chair Mazza moved and Commissioner Brotman seconded a motion to receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-035 and Temporary Use Permit No. 16-010. The motion carried 5-0.

2. Extension of Coastal Development Permit No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059 – A request to extend the Planning Commission's previous approval of an application for the construction of a new single-family residence and associated development

Location: 5877 Trancas Canyon Road

APN: 4470-004-006

Owner: Trancas Partners, LLC

Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-60 granting a one-year extension of Coastal Development Permit No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5877 Trancas Canyon Road (Trancas Partners, LLC).

Planning Director Blue presented the staff report.

Disclosures: None.

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. No further discussion occurred.

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 16-60 granting a one-year extension of Coastal Development Permit No. 08-084, Variance Nos. 08-055 and 10-008, and Site Plan Review No. 08-059, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 5877 Trancas Canyon Road (Trancas Partners, LLC). The motion carried 5-0.

7. Extension of Coastal Development Permit No. 05-136, Initial Study No. 06-002, Revised Mitigated Negative Declaration No. 06-004, and Tentative Parcel Map No. 99-002 - A request to extend the City Council's previous approval to allow the subdivision of one lot into four lots, demolition of an existing residence, and associated development

Location: 30732 Pacific Coast Highway

APN: 4469-026-005

Owner: Malibu Bay Company

Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-65 granting a one-year extension of the adoption of Revised Mitigated Negative Declaration No. 06-004, Initial Study No. 06-002 and approving Coastal Development Permit No. 05-136 for vesting Tentative Parcel Map (TPM) No. 99-002 (County reference: TPM No. 24070) to subdivide the subject property into four 47- to 51-foot lots in the Single-Family Medium zoning district located at 30732 Pacific Coast Highway (Malibu Bay Company).

Planning Director Blue presented the staff report.

Disclosures: None.

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. No further discussion occurred.

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution 16-65 granting a one-year extension of the adoption of Revised Mitigated Negative Declaration No. 06-004, Initial Study No. 06-002 and approving Coastal Development Permit No. 05-136 for vesting Tentative Parcel Map (TPM) No. 99-002 (County reference: TPM No. 24070) to subdivide the subject property into four 47- to 51-foot lots in the Single-Family Medium zoning district located at 30732 Pacific Coast Highway (Malibu Bay Company). The motion carried 5-0.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 14-054, Variance No. 15-001, Demolition Permit No. 16-016, and Offer to Dedicate 16-003 – An application for demolition and construction of a new single-family beachfront residence and associated development (Continued from June 20, 2016)

Location: 21106 Pacific Coast Highway, within the appealable coastal zone
APN: 4450-010-023
Owner: Doerken 2003 Charitable Remainder Unitrust
Recommended Action: Adopt Planning Commission Resolution No. 16-28 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-054, to demolish the remains of a previously existing single-family beachfront residence, onsite wastewater treatment system, existing bulkhead and retaining walls, and construct a new 1,746 square foot, two-story, single-family beachfront residence, including rear decks, a rooftop deck with a fireplace, barbeque and spa, and attached two-car garage, a new bulkhead, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-001 to eliminate the two required unenclosed parking spaces, Demolition Permit No. 16-016 and Offer to Dedicate No. 16-003 for a lateral public access easement, located in the Multi-Family Beachfront zoning district at 21106 Pacific Coast Highway (Doerken 2003 Charitable Remainder Unitrust).

Senior Planner Hawner 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.

Speaker: Don Schmitz.

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 to adopt Planning Commission Resolution No. 16-28 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-054, to demolish the remains of a previously existing single-family beachfront residence, onsite wastewater treatment system, existing bulkhead and retaining walls, and construct a new 1,746 square foot, two-story, single-family beachfront residence, including rear decks, a rooftop deck with a fireplace, barbeque and spa, and attached two-car garage, a new bulkhead, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-001 to eliminate the two required unenclosed parking spaces, Demolition Permit No. 16-016 and Offer to Dedicate No. 16-003 for a lateral public access easement, located in the Multi-Family Beachfront zoning district at 21106 Pacific Coast Highway (Doerken 2003 Charitable Remainder Unitrust). The question was called and the motion carried 5-0.

B. Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way (Continued from June 20, 2016)

Location: 29970.5 Harvester Road
Nearest APN: 4469-013-021
Owner: City of Malibu Public Right-of-Way
Applicant: Carver Chiu of Crown Castle NG West, Inc.
Recommended Action: Continue the item to the August 15, 2016 Regular Planning Commission meeting.

The item was continued to the August 15, 2016 Regular Planning Commission meeting upon approval of the agenda.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018 - An application for the construction of a new two-story single-family residence and associated development

Location: 6050 Murphy Way, not located within the appealable coastal zone

APN: 4467-004-028

Owner: C.A. Rasmussen Co. LLC

Recommended Action: Adopt Planning Commission Resolution No. 16-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 11-046, an application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage, for total development square footage for the site of 10,887, alternative onsite wastewater system, new driveway, restoration of unpermitted environmentally sensitive habitat area (ESHA), retaining walls, pool, spa, pool equipment, landscaping, patio with barbeque area, grading, and associated development, including Variance No. 16-011 to reduce the required ESHA buffer, Site Plan Review No. 16-017 for a roof height of 28 feet, and SPR No. 16-018 to allow for remedial grading in the Rural Residential-Ten Acre zoning district located at 6050 Murphy Way (C.A. Rasmussen Co. LLC).

Vice Chair Mazza recused himself and left the dais at 7:17 p.m.

Senior Planner Mollica 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: Eric Rasmussen, Lynn Heacox, 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.

MOTION

Commissioner Jennings moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 11-046, an application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage, for total development square footage for the site of 10,887, alternative onsite wastewater system, new driveway, restoration of unpermitted environmentally sensitive habitat area (ESHA), retaining walls, pool, spa, pool equipment, landscaping, patio with barbeque area, grading, and associated development, including Variance No. 16-011 to reduce the required ESHA buffer, Site Plan Review No. 16-017 for a roof height of 28 feet, and SPR No. 16-018 to allow for remedial grading in the Rural Residential-Ten Acre zoning district located at 6050 Murphy Way (C.A. Rasmussen Co. LLC).

The question was called and the motion carried 4-0, Vice Chair Mazza absent.

Vice Chair Mazza returned to the dais at 7:53 p.m.

B. Coastal Development Permit Amendment No. 15-003 - An application to amend Coastal Development Permit No. 09-007 to allow for the after-the-fact construction of a new seawall

Location: 25160 Malibu Road, within the appealable coastal zone

APN: 4459-015-011

Owners: Todd and Kasey Lemkin

Recommended Action: Adopt Planning Commission Resolution No. 16-66 approving Coastal Development Permit Amendment No. 15-003 to amend Coastal Development Permit No. 09-007 to allow for the replacement, rather than the repair of the seawall and associated return walls at a previously approved beachfront residence in the Single-Family Medium Density zoning district located at 25160 Malibu Road (Lemkin).

Senior Planner Mollica presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

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

Speaker: Lester Tobias.

As there were no other speakers present, Chair Stack closed the public hearing. No further discussion occurred.

MOTION Commissioner Jennings moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-66 approving Coastal Development Permit Amendment No. 15-003 to amend Coastal Development Permit No. 09-007 to allow for the replacement, rather than the repair of the seawall and associated return walls at a previously approved beachfront residence in the Single-Family Medium Density zoning district located at 25160 Malibu Road (Lemkin). The question was called and the motion carried 5-0.

- C. Coastal Development Permit No. 15-059 - An application for a remodel and addition to an existing single-family residence and associated development
Location: 31276 Bailard Road, located within the appealable coastal zone
APN: 4470-002-023
Owners: Kaswan Family Trust
Recommended Action: Continue this item to the August 1, 2016 Regular Planning Commission meeting.

The item was continued to the August 1, 2016 Regular Planning Commission upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 8:11 p.m., Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adjourn the meeting in the memory of Steve Karsh. The motion carried 5-0.

Approved and adopted by the Planning Commission
of the City of Malibu on August 1, 2016.



JEFFREY JENNINGS, Vice Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary