

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 16, 2018  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Chair Pierson 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 Mikke Pierson; Vice Chair Chris Marx; and Commissioners Jeffrey Jennings, John Mazza, and Steve Uhring

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Carlos Contreras, Associate Planner; Adrian Fernandez, Senior Planner; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Senior Office Assistant

**PLEDGE OF ALLEGIANCE**

Don Schmitz led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Senior Office Assistant Stecko reported that the agenda for the meeting was properly posted on January 4, 2018, with the amended agenda properly posted on January 11, 2018.

**APPROVAL OF AGENDA**

MOTION Commissioner Mazza moved and Vice Chair Marx seconded a motion to approve the agenda, continuing Item No. 4.A. to the February 5, 2018 Regular Planning Commission meeting. The motion carried unanimously.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

Norman Haynie commented on concerns regarding the new complete application submittal process.

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

In response to Commissioner Mazza, Planning Director Blue stated the proposed Dark Sky Ordinance would be considered by the Planning Commission in spring 2018.

In response to Chair Pierson, Planning Director Blue stated the election of Chair and Vice Chair would take place at the March 5, 2018 Regular Planning Commission meeting. She discussed operational and staffing changes to the Planning Department.

Chair Pierson discussed the Planning Commission's role in making planning decisions and expressed appreciation for public comments provided at meetings, which assisted the Commission in making informed decisions.

### ITEM 3      **CONSENT CALENDAR**

All items on the Consent Calendar were pulled by the Commission.

- A.    Previously Discussed Items  
None.

The following items were pulled for individual consideration:

B.    New Items

1.    Administrative Coastal Development Permit No. 15-007 and Demolition Permit No. 17-031 – An application to remove an existing failed onsite wastewater treatment system, and install a new alternative onsite wastewater treatment system

Location:      3205 Sumac Ridge Road, not within the appealable coastal zone

APN:            4451-016-036

Owner:         Amazingful Residence Trust

Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-007.

The Commission directed questions to staff.

As there were no other questions for staff, Chair Pierson opened public comment.

Speaker(s): None.

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

The Commission directed questions to staff.

### CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on Administrative Coastal Development Permit No. 15-007.

2. Administrative Coastal Development Permit No. 15-053 and Site Plan Review No. 15-041 – An application for the construction of a new two-story single-family residence and associated development

Location: 5849 Murphy Way, not within the appealable coastal zone  
APN: 4467-003-036  
Owner: 5849 Murphy Way, LLC  
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482  
Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-053.

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Mazza and Uhring, Vice Chair Marx, and Chair Pierson.

As there were no questions for staff, Chair Pierson opened public comment.

Speakers: Jason Aryeh, Zoran Pevec, Matt Goff, Olivia Aryeh, Oliver Damavandi, and Gerard Reynaga.

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

The Commission directed questions to staff.

MOTION

Commissioner Mazza moved and Vice Chair Marx seconded a motion to notice the item for a public hearing and process the application as a regular coastal development permit.

The Commission discussed the motion.

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

**ITEM 4 CONTINUED PUBLIC HEARINGS**

A. Coastal Development Permit No. 15-071, Variance No. 15-049, Minor Modification No. 15-023, and Demolition Permit No. 17-035 – An application for the demolition of an existing single-family residence, construction of a new single-family residence and associated development

Location: 27360 Pacific Coast Highway, within the appealable coastal zone  
APN: 4460-030-010  
Owners: Daniel Alberstone and Lisa Ogawa  
Case Planner: Senior Planner Mollica, 456-2489 ext. 346  
Recommended Action: Continue this item to the February 5, 2018 Regular Planning Commission meeting.

The item was continued to the February 5, 2018 Regular Planning Commission meeting upon approval of the agenda.

B. Coastal Development Permit No. 16-050, Stringline Modification Review No. 16-004, and Demolition Permit No. 17-032 – An application for a partial demolition, addition and interior and exterior remodel of an existing beachfront, single-family residence and associated development

Location: 27218 Pacific Coast Highway, within the appealable coastal zone

APN: 4460-028-007

Owner: Herve and Solange Willems Family Trust dated June 19, 2008

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

Recommended Action: Adopt Planning Commission Resolution No. 18-01 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-050 to allow a 576 square foot addition to and interior and exterior remodel of an existing 2,728 square foot two-story, beachfront single-family residence, including Stringline Modification Review No. 16-004 for a six-foot wide deck extension on the first floor and a new second floor deck, and Demolition Permit No. 17-032 for a 146 square foot demolition of the first floor and less than 50 percent demolition of exterior walls located in the Single-Family Medium zoning district at 27218 Pacific Coast Highway (Willems).

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Mazza and Uhring and Chair Pierson.

As there were no questions for staff, Chair Pierson opened the public comment portion of the public hearing.

Speaker: Wayne Chevalier.

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

The Commission directed questions to staff.

MOTION

Commissioner Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 18-01 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-050 to allow a 576 square foot addition to and interior and exterior remodel of an existing 2,728 square foot two-story, beachfront single-family residence, including Stringline Modification Review No. 16-004 for a six-foot wide deck extension on the first floor and a new second floor deck, and Demolition Permit No. 17-032 for a 146 square foot demolition of the first floor and less than 50 percent demolition of exterior walls

located in the Single-Family Medium zoning district at 27218 Pacific Coast Highway (Willems). The question was called and the motion carried unanimously.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Coastal Development Permit No. 14-082 – An application for the construction of a new single-family residence, swimming pools, guest house, pool house, sports court, and onsite wastewater treatment system

Location: 30385 Morning View Drive, not within the appealable coastal zone

APN: 4469-016-006

Owners: Greg and Mica Belzberg

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

Recommended Action: Adopt Planning Commission Resolution No. 18-03 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-082 to construct a new one-story 8,473 square foot single-family residence 18 feet in height that includes a basement, detached 891 square foot garage, one-story detached, 466 square foot guest house and 466 square foot pool house, swimming pools and spa, installation of a new alternative onsite wastewater treatment system, tennis court, site development including retaining walls, water feature, hardscape, a driveway with a fire truck turnaround, two auto gates, and new landscaping, located in the Rural Residential-Two Acre zoning district at 30385 Morning View Drive (Belzberg).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioners Jennings, Mazza, and Uhring, Vice Chair Marx, and Chair Pierson.

The Commission directed questions to staff.

As there were no other questions for staff, Chair Pierson opened the public comment portion of the public hearing.

Speakers: Don Schmitz, Fred Gaines, and Shen Schulz.

Mr. Schmitz provided rebuttal to public comment.

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

The Commission directed questions to staff.

**MOTION** Chair Pierson moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 18-03, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-082 to construct a new one-story

8,473 square foot single-family residence 18 feet in height that includes a basement, detached 891 square foot garage, one-story detached, 466 square foot guest house and 466 square foot pool house, swimming pools and spa, installation of a new alternative onsite wastewater treatment system, tennis court, site development including retaining walls, water feature, hardscape, a driveway with a fire truck turnaround, two auto gates, and new landscaping, located in the Rural Residential-Two Acre zoning district at 30385 Morning View Drive (Belzberg); and 2) adding a condition that a revised landscape plan be submitted for the City Biologist review prior to final planning approval demonstrating the removal of California Sycamore trees in the northwest corner of the property and substitution of sugar bush plants with a lower-growing species in the northwest corner of the property.

The Commission discussed the motion.

The Commission directed questions to staff and Mr. Schmitz.

#### FRIENDLY AMENDMENT

Commissioner Mazza moved to amend the motion to add to Section A, Finding 1, a statement specifying the proposed project “meets all the applicable requirements set forth in the Local Coastal Program and Malibu Municipal Code based on staff review of the project plans and related reports, site visits, and the specific findings below.” The amendment was accepted by the maker but not the seconder.

#### AMENDMENT

Commissioner Mazza moved and Commissioner Uhring seconded a motion to amend the motion to add to Section A, Finding 1, a statement specifying the proposed project “meets all the applicable requirements set forth in the Local Coastal Program and Malibu Municipal Code based on staff review of the project plans and related reports, site visits, and the specific findings below.” The question was called and the amendment carried 4-1, Commissioner Jennings dissenting.

The question was called and the amended motion carried 4-1, Commissioner Jennings dissenting.

#### ITEM 6 OLD BUSINESS

None.

#### ITEM 7 NEW BUSINESS

None.

#### ITEM 8 PLANNING COMMISSION ITEMS

- A. 2018 Planning Commission Calendar of Meetings  
Recommended Action: Amend the 2018 Calendar of Planning Commission Meetings to reflect the second meeting in May will occur on Monday, May 21, 2018.

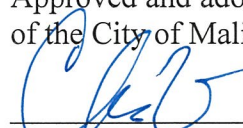
The Commission directed questions to staff.

MOTION Commissioner Jennings moved and Commissioner Mazza seconded a motion to amend the 2018 Calendar of Planning Commission Meetings to reflect the second meeting in May would occur on Monday, May 21, 2018. The motion carried unanimously.

**ADJOURNMENT**

MOTION At 9:26 p.m., Commissioner Mazza moved and Vice Chair Marx seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission  
of the City of Malibu on March 5, 2018.

  
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CHRIS MARX, Chair

ATTEST:

  
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KATHLEEN STECKO, Recording Secretary