

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
MAY 7, 2018  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

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

ABSENT: Commissioner Mikke Pierson

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Lisa Soghor, Assistant City Manager; Elizabeth Shavelson, Assistant to the City Manager; Bonnie Blue, Planning Director; Renee Neerman, Financial Analyst, Raneika Brooks, Associate Planner; Jessica Colvard, Associate Planner; and Kathleen Stecko, Senior Office Assistant

**PLEDGE OF ALLEGIANCE**

Marshall Thompson 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 April 27, 2018

**APPROVAL OF AGENDA**

MOTION Commissioner Mazza moved and Vice Chair Uhring seconded a motion to approve the agenda, continuing Item No. 5.B. to the May 21, 2018 Special Planning Commission meeting. The motion carried 4-0, Commissioner Pierson absent.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

Tony Canzoneri requested to have the Malibu Beach Inn and Hertz Rental Car projects be heard by the Planning Commission during a special meeting.

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

In response to Chair Marx, Planning Director Blue provided information on the logistics of scheduling a special Planning Commission meeting to hear the Malibu Beach Inn and Hertz Rental Car projects.

Planning Director Blue announced the second reading and adoption of the Dark Sky proposed ordinance would be held at the May 14, 2018 Regular City Council meeting. In addition she announced the May 4, 2018, through June 4, 2018, comment period for the Earth Friendly Management Policy initial study.

**ITEM 3 CONSENT CALENDAR**

Item Nos. 3.B.3. and 3.B.4. were pulled by Commissioner Mazza.

Commissioner Mazza moved and Commissioner Uhring seconded a motion to approve the Consent Calendar except for Item Nos. 3.B.3. and 3.B.4. The motion carried 4-0, Commissioner Pierson 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 April 16, 2018 Regular Planning Commission meeting.

2. 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 sixth 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

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

This item was removed from the agenda due to the applicant withdrawing the time extension request.

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

3. Extension of Coastal Development Permit No. 14-060, Site Plan Review No. 14-048, Demolition Permit No. 15-007, and Code Violation No. 07-031 – A request to extend the Planning Commission’s approval of an application to allow the demolition of a swimming pool and spa and associated

development built without the benefit of permits and construction of a new swimming pool and spa, landscaping, and hardscaping

Location: 31544 Anacapa View Drive

APN: 4470-007-017

Owner: Klause Obermeyer

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

Recommended Action: Adopt Planning Commission Resolution No. 18-27 granting a two-year extension of Coastal Development Permit No. 14-060, Site Plan Review No. 14-048, Demolition Permit No. 15-007, and Code Violation No. 07-031, an application to allow for the demolition of an after-the-fact pool and spa, approval of after-the-fact paving of 7,750 square feet for the lower drive, removal of 1,720 square feet of paving for a turnout for the upper drive, removal of 4,240 square feet of asphalt paving from the lower access road, construction of a 75 square foot exterior staircase, new 1,365 square foot pool, new 380 square foot spa, new pool equipment with 160 square foot pool enclosure, new permeable flagstone hardscaping, new orchard, and vegetable garden, including a site plan review for construction on slopes steeper than 3 to 1 located in the Rural Residential–Five Acre zoning district at 31544 Anacapa View Drive (Obermeyer).

Disclosures: None.

The Commission directed questions to staff.

MOTION

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-27 granting a two-year extension of Coastal Development Permit No. 14-060, Site Plan Review No. 14-048, Demolition Permit No. 15-007, and Code Violation No. 07-031, an application to allow for the demolition of an after-the-fact pool and spa, approval of after-the-fact paving of 7,750 square feet for the lower drive, removal of 1,720 square feet of paving for a turnout for the upper drive, removal of 4,240 square feet of asphalt paving from the lower access road, construction of a 75 square foot exterior staircase, new 1,365 square foot pool, new 380 square foot spa, new pool equipment with 160 square foot pool enclosure, new permeable flagstone hardscaping, new orchard, and vegetable garden, including a site plan review for construction on slopes steeper than 3 to 1 located in the Rural Residential–Five Acre zoning district at 31544 Anacapa View Drive (Obermeyer). The motion carried 4-0, Commissioner Pierson absent.

4. Administrative Coastal Development Permit No. 17-087 – An application to install a new alternative onsite wastewater treatment system to replace an existing onsite wastewater treatment system

Location: 22640 Pacific Coast Highway, within the appealable coastal zone

APN: 4452-003-028

Owner: MB Sand (DE) LLC

Case Planner: Associate Planner Brooks, 456-2489 ext. 276

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 17-087.

Disclosures: None.

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. 17-087.

#### ITEM 4 CONTINUED PUBLIC HEARINGS

None.

#### ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 17-002, Minor Modification No. 18-003, Demolition Permit No. 17-033 and Code Violation No. 15-018 – An application for a partial demolition of additions built without the benefit of permit, an interior and exterior remodel of and addition to an existing one-story beachfront, single-family residence and associated development

Location: 20132 Pacific Coast Highway, within the appealable coastal zone

APN: 4450-002-038

Owner: Maryanne Lataif

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

Recommended Action: Adopt Planning Commission Resolution No. 18-32 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-002 to allow 166 square feet of additions to and interior and exterior remodel of an existing 1,133 square foot, one-story, beachfront single-family residence, new alternative onsite wastewater treatment system, new decks and retractable exterior stairs; including Minor Modification No. 18-003 for a 20 percent reduction of the east side yard setback and Demolition Permit No. 17-033 for the demolition of 469 square feet of unpermitted additions located in the Single-Family Medium zoning district at 20132 Pacific Coast Highway (Lataif).

Associate Planner Colvard presented the staff report.

Disclosures: Commissioner Mazza, Vice Chair Uhring, and Chair Marx.

The Commission directed questions to staff.

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

Speaker: Jaime Harnish.

As there were no other speakers present, Chair Marx closed the public comment portion of the public hearing. No further discussion occurred.

MOTION Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-32 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-002 to allow 166 square feet of additions to and interior and exterior remodel of an existing 1,133 square foot, one-story, beachfront single-family residence, new alternative onsite wastewater treatment system, new decks and retractable exterior stairs; including Minor Modification No. 18-003 for a 20 percent reduction of the east side yard setback and Demolition Permit No. 17-033 for the demolition of 469 square feet of unpermitted additions located in the Single-Family Medium zoning district at 20132 Pacific Coast Highway (Lataif). The motion carried 4-0, Commissioner Pierson absent.

- B. Coastal Development Permit No. 16-056, Variance Nos. 17-010 and 17-019, Site Plan Review No. 16-050, Minor Modification No. 16-015, and Demolition Permit No. 16-031 – An application for more than 50 percent demolition of an existing two-story, non-conforming single-family residence, and construction of a replacement two-story single-family residence, detached guest house and other associated development

Location: 5819 Filaree Heights, not within the appealable coastal zone  
APN: 4469-014-012  
Owner: KS Mattson Partners LP  
Case Planner: Senior Planner Fernandez, 456-2489, ext. 482  
Recommended Action: Continue this item to the May 21, 2018 Special Planning Commission meeting.

The item was continued to the May 21, 2018 Special Planning Commission meeting upon approval of the agenda.

- C. Short-term Rental Ordinance  
Recommended Action: Adopt Planning Commission Resolution No. 18-26 determining the project is categorically exempt from the California Environmental Quality Act, and recommending the City Council approve Zoning Text Amendment No. 17-002 amending Title 17 (Zoning) of the Malibu Municipal Code Title 17 relating to the short-term rental of residential property.

Planning Director Blue presented the staff report.

Ulrik Binzer, Host Compliance, presented information on the services they provided to monitor regulation and compliance of short-term rentals.

The Commission directed questions to staff and Mr. Binzer

As there were no further questions for staff and Mr. Binzer, Chair Marx opened the public hearing.

Speakers: Bill Sampson, Paul Grisanti, Alan Armstrong, Mario Nieto, Bruce Greenspan, Tony Canzoneri, John Payne, Susan Tellem, Marshall Thompson, Diana Klein, Fred Gaines (Doug Carol deferred time to Fred Gaines), Michelle Lefevre, Victoria Wexley, Robert Cramer, Jennifer Givens, Carol Bretonne, (Jennifer Pietro deferred time to Carol Bretonne), Pully Borland, John Hillcoat, Martha Fling, Samir Srivastava, Norman Haynie, Jeff Singer, Mark Maniscalco Waverly Lassila, Scott Dittrich, Jim Palmer, Matthew Ogdon, Rebecca Thompson, Sue Peck (Randy Turtle deferred time to Sue Peck), Don Schmitz, John Stiegler, Lucille Keller, Cesar Morea, Kathryn Morea, Terry Lucoff, Larry Stuppy, Andrew Gombiner, Lee LaPlant, Beatrix Zilinskas (Gene Zilinskas deferred time to Beatrix Zilinskas), Michael Lustig (Dave Isackson, Dariel Miller, Teri Marx, and Charlie Skouras deferred time to Michael Lustig), Tatiana Goode, and Sharone Karsh.

Rusty Shackelford, Ellen Cooper, Roger Rosen, Max Rubio, Liza Bercovici, Claudia Taylor, Paul Boulet, and Pat Meyer declined to speak.

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

RECESS Chair Marx called a recess at 9:30 p.m. The meeting reconvened at 9:40 p.m. with Commissioner Pierson absent.

The Commission directed questions to staff and Mr. Binzer.

MOTION Commissioner Mazza moved and Chair Marx seconded a motion directing staff to prepare a resolution stating the Planning Commission recommends that the City Council find that the short-term rental of property is currently prohibited in all residential zones in the City and adopt an ordinance memorializing that prohibition. The question was called and the motion carried 3-1, Commissioner Jennings dissenting and Commissioner Pierson absent.

MOTION Commissioner Mazza moved and Chair Marx seconded a motion directing staff to include in the resolution a recommendation that if a ban on the short-term rental of property was not put in place, a CEQA environmental study be prepared if necessary. The motion carried 3-1, Commissioner Jennings dissenting and Commissioner Pierson absent.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

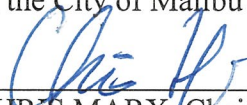
**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

MOTION At 10:34 p.m., Commissioner Jennings moved and Commissioner Mazza seconded a motion to adjourn the meeting. The motion carried 4-0, Commissioner Pierson absent.

Approved and adopted by the Planning Commission  
of the City of Malibu on May 21, 2018.

  
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CHRIS MARX, Chair

ATTEST:

  
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KATHLEEN STECKO, Recording Secretary