

MINUTES
MALIBU PLANNING COMMISSION
SPECIAL MEETING
MAY 21, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

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

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

PLEDGE OF ALLEGIANCE

Commissioner Pierson 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 May 11, 2018.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Vice Chair Uhring seconded a motion to approve the agenda, continuing Item Nos. 4.A. and 4.B. to the June 4, 2018 Regular Planning Commission meeting and Item No. 4.D to a date uncertain. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Marianne Riggins stated her support for the project located at 28885 Cliffside Drive.

ITEM 2.B. COMMISSION / STAFF COMMENTS

In response to Commissioner Jennings, Planning Director Blue stated, in the future, staff would alert the Surfside Malibu News of any departure from regular start times of Planning Commission meetings so that it could be accurately reflected in their calendar section.

In response to the Commission, Planning Director Blue and Assistant City Attorney Rusin stated the reason for the meeting being a special meeting rather than a regular meeting was due to the earlier start time of 5:30 p.m. In addition, they explained the procedure for conveyance of the Planning Commission's input to the City Council.

Planning Director Blue announced the May 4, 2018, through June 4, 2018, comment period for the Earth Friendly Management Policy initial study and provided an update on topics that would be discussed at City Council meetings.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled by Commissioner Mazza.

Commissioner Mazza moved and Chair Marx seconded a motion to approve the Consent Calendar except for Item No. 3.B.2. The motion carried unanimously.

The Consent Calendar consisted of the following item:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Approval of Minutes
Recommended Action: Approve the minutes for the May 7, 2018 Regular Planning Commission meeting.

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

- 2. Administrative Coastal Development Permit No. 17-103 – An application to abandon the existing, failed onsite wastewater treatment system and install a new alternative onsite wastewater treatment system
Location: 30940 Broad Beach Road, within the appealable coastal zone
APN: 4470-013-024
Owner: 30940 Broad Beach Trust
Case Planner: Associate Planner Colvard, 456-2489, ext. 234
Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 17-103.

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. 17-103.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 16-064, Variance No. 17-011, Site Plan Review No. 17-042, and Minor Modification No. 17-008 – An application to construct a new one-story, single-family residence and associated development (Continued from April 16, 2018)

Location: 5263 Horizon Drive, within the appealable coastal zone
APN: 4469-005-002
Owner: Daniel and Susan Marcus
Case Planner: Associate Planner Colvard, 456-2489, ext. 234
Recommended Action: Continue this item to the June 4, 2018 Regular Planning Commission meeting.

The item was continued to the June 4, 2018 Regular Planning Commission meeting upon approval of the agenda.

- B. Annual Review of Conditional Use Permit No. 13-004 and Conditional Use Permit Amendment No. 16-004 for the Operation of Restaurant Located at 26023 Pacific Coast Highway (Ranch at Solstice Canyon) (Continued from April 16, 2018)

Location: 26023 Pacific Coast Highway
APN: 4459-008-001
Owner: OK Corral Land Company, LLC
Case Planner: Senior Planner Mollica, 456-2489, ext. 346
Recommended Action: At the applicant's request, continue this item to the June 4, 2018 Regular Planning Commission meeting.

The item was continued to the June 4, 2018 Regular Planning Commission meeting upon approval of the agenda.

- C. Coastal Development Permit No. 15-058, Lot Merger No. 15-004, Variance No. 17-001, Minor Modification No. 17-002 and Demolition Permit No. 17-027 – An application for a lot merger and construction of a new swimming pool, spa, and associated development (Continued from April 16, 2018)

Location: 21070 and 21100 Las Flores Mesa Drive, not within the appealable coastal zone
APNs: 4450-026-072 and 4450-026-071
Owner: Joseph Simpson
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Adopt Planning Commission Resolution No. 18-21 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-058 to construct a swimming pool and spa, deck with an outdoor kitchen area, patio, trellis, retaining walls, and planters, and non-exempt grading on a hillside property; and Lot Merger

No. 15-004 to consolidate two legal lots, one containing a single-family residence, and the other containing remnants from a residential development previously destroyed by a fire, into one legal parcel totaling 0.61 acre; including Variance No. 17-001 to allow development on slopes steeper than 2.5 to 1, Minor Modification No. 17-002 for a 20 percent reduction of a side yard setback, and Demolition Permit No. 17-027 for the demolition of a foundation, walls, onsite wastewater treatment system, stairs, and gates, located in the Single Family–Medium zoning district at 21070 and 21100 Las Flores Mesa Drive (Simpson).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioners Mazza and Pierson, 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.

Speakers: Michael Torrey, Jennifer Johnson, and Lorcan O’Herlihy.

Mr. Torrey provided rebuttal to public comment.

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

The Commission directed questions to staff and Mr. Torrey.

MOTION

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-21, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-058 to construct a swimming pool and spa, deck with an outdoor kitchen area, patio, trellis, retaining walls, and planters, and non-exempt grading on a hillside property; and Lot Merger No. 15-004 to consolidate two legal lots, one containing a single-family residence, and the other containing remnants from a residential development previously destroyed by a fire, into one legal parcel totaling 0.61 acre; including Variance No. 17-001 to allow development on slopes steeper than 2.5 to 1, Minor Modification No. 17-002 for a 20 percent reduction of a side yard setback, and Demolition Permit No. 17-027 for the demolition of a foundation, walls, onsite wastewater treatment system, stairs, and gates, located in the Single Family–Medium zoning district at 21070 and 21100 Las Flores Mesa Drive (Simpson); and 2) adding a condition stating if a quiet title action or a court determines that the applicant does not have access to the lower private driveway, it shall not be used for traffic during construction.

The Commission discussed the motion and directed questions to staff.

The question was called and the motion carried unanimously.

- D. 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 (Continued from May 7, 2018)

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 a date uncertain.

The item was continued to a date uncertain upon approval of the agenda.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 14-019, Lot Line Adjustment No. 14-002, Initial Study No. 16-001, and Negative Declaration No. 17-001 – An application for a lot line adjustment with no new development proposed

Location: Lot 1 – 21651 Rambla Vista and Lot 2 – 21653 Rambla Vista, within the appealable jurisdiction of the coastal zone
APNs: Lot 1 – 4451-011-903 and Lot 2 – 4451-011-072
Owners: Lot 1 – California Joint Powers Insurance Authority and Lot 2 – Lou Adler
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 18-36 adopting Initial Study No. 16-001 and Negative Declaration No. 17-001, and approving Coastal Development Permit No. 14-019 and Lot Line Adjustment No. 14-002 to allow a lot line adjustment between two adjacent parcels located in the Rural Residential-One Acre (RR-1) zoning district at 21651 Rambla Vista (California Joint Powers Insurance Authority), and the RR-1 and Rural Residential-Two Acre zoning districts at 21653 Rambla Vista (Adler).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioners Mazza and Pierson, 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.

Speakers: Justin Block and Chris Johnson.

As there were no other speakers present, Chair Marx 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 Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-36, as amended: 1) adopting Initial Study No. 16-001 and Negative Declaration No. 17-001, and approving Coastal Development Permit No. 14-019 and Lot Line Adjustment No. 14-002 to allow a lot line adjustment between two adjacent parcels located in the Rural Residential-One Acre (RR-1) zoning district at 21651 Rambla Vista (California Joint Powers Insurance Authority), and the RR-1 and Rural Residential-Two Acre zoning districts at 21653 Rambla Vista (Adler); and 2) adding a condition restricting Lot 1 from being subdivided into more than one parcel.

The Commission discussed the motion.

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

B. Coastal Development Permit No. 14-050 and Site Plan Review No. 17-034 – An application to construct a new two-story, single-family residence and associated development

Location: 5011 Encinal Canyon Drive, not within the appealable coastal zone

APN: 4473-005-025

Owner: Tiffany Builders, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 18-37 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 14-050 to construct a new 3,308 square foot, two-story, single-family residence with attached two-car garage, 869 square foot basement, swimming pool and spa, retaining walls, decks and alternative onsite wastewater treatment system, including Site Plan Review No. 17-034 for construction to exceed 18 feet in height, up to 24 feet for a flat roof located in the Rural Residential-Two Acre zoning district at 5011 Encinal Canyon Drive (Tiffany Builders, LLC).

Associate Planner Colvard presented the staff report.

Disclosures: Commissioners Mazza and Pierson, 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.

Speakers: Fran Nazafarin Hadian and Lucile Keller (Walt Keller deferred time to Ms. Keller).

Ms. Hadian provided rebuttal to public comment.

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

MOTION

Commissioner Mazza moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 18-37, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 14-050 to construct a new 3,308 square foot, two-story, single-family residence with attached two-car garage, 869 square foot basement, swimming pool and spa, retaining walls, decks and alternative onsite wastewater treatment system, including Site Plan Review No. 17-034 for construction to exceed 18 feet in height, up to 24 feet for a flat roof located in the Rural Residential-Two Acre zoning district at 5011 Encinal Canyon Drive (Tiffany Builders, LLC); 2) Adding a condition that trees planted on the property shall be a species that shall not exceed 18 feet in height at maturity, as approved by the City Biologist; and 3) striking green and gray from the allowable colors in Condition 67(a).

The Commission discussed the motion and directed questions to staff and Ms. Hadian.

The motion carried unanimously.

C. Development Permit No. 15-063, Site Plan Review No. 15-051, Minor Modification No. 16-008, and Demolition Permit No. 16-006 – An application for the demolition of an existing single-family residence and construction of a new single-family residence and associated development

Location: 28885 Cliffside Drive, within the appealable coastal zone

APN: 4466-010-010

Owner: The Christopher Cortazzo Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 18-31 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-063 and Demolition Permit No. 16-006 to demolish an existing one-story single-family residence and accessory structures and construct a new 5,706 square foot, two-story single-family residence with a one-story detached building consisting of a 588 square foot garage and 576 square foot guest house and 1,233 square foot basement used as an accessory structure with a 96 square foot lightwell, swimming pool and associated equipment, outdoor fireplace, fencing, gate, retaining walls, decks, trellis, hardscape, landscaping, grading, and a new alternative onsite wastewater treatment system, including Minor Modification No. 16-008 for a reduction of the front yard setback of the detached building, Site Plan Review No. 15-051 for construction of the single-family residence in excess of 18 feet in height, up to 28 feet for a pitched roof, located in the Rural Residential-One Acre zoning district at 28885 Cliffside Drive (Cortazzo).

Associate Planner Contreras presented the staff report.

Disclosures: Commissioners Mazza and Pierson, 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.

Speakers: Douglas Burdge and Norman Haynie.

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

The Commission directed questions to staff and Mr. Burdge.

MOTION

Commissioner Jennings moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 18-31 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-063 and Demolition Permit No. 16-006 to demolish an existing one-story single-family residence and accessory structures and construct a new 5,706 square foot, two-story single-family residence with a one-story detached building consisting of a 588 square foot garage and 576 square foot guest house and 1,233 square foot basement used as an accessory structure with a 96 square foot lightwell, swimming pool and associated equipment, outdoor fireplace, fencing, gate, retaining walls, decks, trellis, hardscape, landscaping, grading, and a new alternative onsite wastewater treatment system, including Minor Modification No. 16-008 for a reduction of the front yard setback of the detached building, Site Plan Review No. 15-051 for construction of the single-family residence in excess of 18 feet in height, up to 28 feet for a pitched roof, located in the Rural Residential-One Acre zoning district at 28885 Cliffside Drive (Cortazzo).

FRIENDLY AMENDMENT

Commissioner Mazza amended the motion to specify that the pump station shall be relocated to slopes that are flatter than 4 to 1. The amendment was accepted by the maker and the seconder.

FRIENDLY AMENDMENT

Commissioner Mazza amended the motion to specify only native plants and vegetation be planted on slopes that are 4 to 1 or greater. The amendment was accepted by the maker and the seconder.

The Commission discussed the amendment and directed questions to Mr. Haynie.

FRIENDLY AMENDMENT

Vice Chair Uhring amended the amendment to state that this restriction to native species would not apply unless approved by the Fire Department. The amendment was accepted by the maker and the seconder of the motion and the maker of the friendly amendment.

The Commission discussed the amendment.

The amended motion carried 4-1, Commissioner Mazza dissenting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

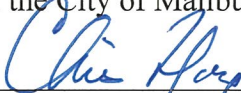
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 8:14 p.m., Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission
of the City of Malibu on June 4, 2018.



CHRIS MARX, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary