

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 6, 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 John Mazza and Mikke Pierson

ABSENT: Commissioner Jeffrey Jennings

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Raneika Brooks, Associate Planner; Jessica Colvard, Associate Planner; Richard Mollica, Senior Planner; Lilly Rudolph, Contract Planner; Jessica Thompson, Assistant 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 July 27, 2018, with the amended agenda properly posted on August 1, 2018.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Vice Chair Uhring seconded a motion to approve the agenda, continuing Item Nos. 5.A. and 5.B. to the August 20, 2018 Regular Planning Commission meeting. The motion carried 4-0, Commissioner Jennings absent.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Vice Chair Uhring commented on the project at 28885 Cliffside Drive, in which a potential revocation hearing was discussed at a previous meeting, and conveyed his assertion that he was still pursuing the subject in the hope that there would be some resolution in the matter prior to the next Planning Commission meeting.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled by Commissioner Pierson and Item No. 3.B.3. was pulled by Vice Chair Uhring.

MOTION Vice Chair Uhring moved and Commissioner Pierson seconded a motion to approve the Consent Calendar except for Item Nos. 3.B.2. and 3.B.3. The motion carried 3-1-0, Commissioner Mazza abstaining and Commissioner Jennings absent.

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 July 16, 2018 Regular Planning Commission meeting.

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

2. Administrative Coastal Development Permit No. 17-011 – An application for construction of a new single-family residence and associated development

Location: 28837 Selfridge Drive, not within the appealable coastal zone

APN: 4466-019-017

Owner: Westminster Capital, Inc.

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. 17-011.

Associate Planner Brooks presented the staff report.

Disclosures: Commissioner Pierson, Vice Chair Uhring, and Chair Marx. As there were no questions for staff, Chair Marx opened public comment.

Speakers: Alan Caren, Kathleen Biglow, and Tim Biglow.

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

The Commission directed questions to staff.

MOTION

Vice Chair Uhring moved and Commissioner Pierson 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 4-0, Commissioner Jennings absent.

3. Administrative Coastal Development Permit Amendment No. 18-005 – An amendment to Condition of Approval No. 33 of ACDP No. 18-025 to allow for the sale and consumption of alcohol through the duration of the event. The original approval limited the sale and consumption of alcohol to Saturday and Sunday.

Location: 23575 Civic Center Way, not within the appealable coastal zone

APN: 4458-022-011

Owner: Malibu Bay Company

Case Planner: Assistant Planner Thompson, 456-2489, ext. 280

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit Amendment No. 18-005.

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on Administrative Coastal Development Permit Amendment No. 18-005.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 17-092, Variance Nos. 15-041 and 17-037, Conditional Use Permit No. 17-012, Conditional Use Permit Amendment No. 15-004, Joint Use Parking Agreement No. 17-001, and Lot Tie No. 17-001 – An application to permit the continued operation of an existing legal, non-conforming hotel use, construct accessory hotel facilities, remove 'guest only condition' for existing restaurant and expand the use, relocate required onsite parking offsite to, and tie the lot with, 22853 Pacific Coast Highway

Location: 22878 Pacific Coast Highway, within the appealable coastal zone

APNs: 4452-005-029, -030, and -031

Owner: Mani MBI (DE), LLC

Tenant: Malibu Beach Inn

.Case Planner: Senior Planner Mollica, 456-2489, ext. 346
Recommended Action: At the applicant's request, continue this item to the August 20, 2018 Regular Planning Commission meeting.

The item was continued to the August 20, 2018 Regular Planning Commission meeting upon approval of the agenda.

- B. Coastal Development Permit No. 17-091, Variance Nos. 17-038 and 17-043, Minor Modification No. 17-018, Joint Use Parking Agreement No. 17-001, Extension of Amortization No. 17-001, and Lot Tie No. 17-001 – An application to install stacked parking lifts on a site currently occupied by a legal non-conforming car rental business, to accommodate required parking for the offsite hotel/restaurant use at 22878 Pacific Coast Highway

Location: 22853 Pacific Coast Highway, within the appealable coastal zone

APN: 4452-005-031

Owner: MB North Lot (DE), LLC

Tenant: Hertz Rental Car

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

Recommended Action: At the applicant's request, continue this item to the August 20, 2018 Regular Planning Commission meeting.

The item was continued to the August 20, 2018 Regular Planning Commission meeting upon approval of the agenda.

- C. Zoning Text Amendment No. 18-001 - An Amendment to Title 17 (Zoning) of the Malibu Municipal Code to Allow the Creation of Access Easements through the Execution and Recordation of Covenants (Citywide)

Recommended Action: Adopt Planning Commission Resolution No. 18-49 determining the project is categorically exempt from the California Environmental Quality Act, and recommending that the City Council approve Zoning Text Amendment No. 18-001, adding a new chapter to establish procedures for the creation of access easements through the execution and recordation of a covenant.

Senior Planner Mollica presented the staff report.

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(s): None.

As there were no 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. 18-49 determining the project is categorically exempt from the California Environmental Quality Act, and recommending that the City Council approve Zoning Text Amendment No. 18-001, adding a new chapter to establish procedures for the creation of access easements through the execution and recordation of a covenant. The motion carried 4-0, Commissioner Mazza absent.

D. Coastal Development Permit No. 16-005, Variance No. 16-002, Site Plan Review No. 16-006, and Minor Modification No. 16-007 – An application for a new single-family residence and associated development

Location: 4817 Latigo Canyon Road, not within the appealable coastal zone

APN: 4460-001-010

Owners: Andreas and Nina Grueter

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

Recommended Action: Adopt Planning Commission Resolution No. 18-50 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-005 to construct a new 4,285 square-foot, two-story single-family residence with a 499 square-foot attached two-car garage, 451 square-foot basement, two attached, unenclosed trellises, and a rooftop reflecting pool and installation of a new alternative onsite wastewater treatment system, retaining walls, landscaping, hardscape, and grading on a hillside property; including Variance No. 16-002 to allow development on slopes steeper than 2.5 to 1; Site Plan Review No. 16-006 for construction in excess of 18 feet in height, up to 24 feet for the single-family residence; and Minor Modification No. 16-007 for a 50 percent reduction of the front yard setback, located in the Rural Residential-Two Acre zoning district at 4817 Latigo Canyon Road (Grueter).

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: Yo Hakomori and John Payne.

Ellen Cooper declined to speak.

Mr. Hakomori and Jaime Harnish 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, Mr. Hakomori, Mr. Harnish, and Mr. Payne.

MOTION

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-50, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-005 to construct a new 4,285 square-foot, two-story single-family residence with a 499 square-foot attached two-car garage, 451 square-foot basement, two attached, unenclosed trellises, and a rooftop reflecting pool and installation of a new alternative onsite wastewater treatment system, retaining walls, landscaping, hardscape, and grading on a hillside property; including Variance No. 16-002 to allow development on slopes steeper than 2.5 to 1; Site Plan Review No. 16-006 for construction in excess of 18 feet in height, up to 24 feet for the single-family residence; and Minor Modification No. 16-007 for a 50 percent reduction of the front yard setback, located in the Rural Residential-Two Acre zoning district at 4817 Latigo Canyon Road (Grueter); 2) adding a condition stating: "A backup generator shall be located in the basement mechanical room. The generator shall be shown on development plans prior to final Planning approval"; 3) adding a condition stating: "Prior to plan check, the applicant shall submit a light well plan demonstrating that no more than three feet of the basement daylight, and the lightwell shall not cause the project to exceed the allowable Total Development Square Footage."; 4) adding a condition stating: "Power lines are located within close proximity to the proposed residence. These power lines are required to be undergrounded as part of this project and must be shown on the plans. The applicant / property owner shall place notes on the development plans for the undergrounding of the power lines. Power lines shall be undergrounded prior to issuance of grading permits."; and 5) adding a condition stating: "The crawl space in the basement shall have a solid floor for a ceiling height not to exceed six feet. The floor shall be shown on development plans prior to final Planning approval." The motion carried 4-0, Commissioner Jennings absent.

E. Coastal Development Permit No. 17-004 and Code Violation No. 17-002 – An application for rock formation restoration due to grading without the benefit of permits and associated native revegetation planting on a residential property

Location: 5800 Trancas Canyon Road, not within the appealable coastal zone

APN: 4469-001-029

Owner: 5800 Trancas Canyon, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 18-47 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-004 to allow the restoration of a rock formation graded without the benefit of permit and associated native revegetation planting located in the Rural Residential-Five Acre zoning district at 5800 Trancas Canyon Road (5800 Trancas Canyon, LLC).

Associate Planner Colvard presented the staff report.

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

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(s): None.

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

MOTION

Commissioner Pierson moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 18-47 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-004 to allow the restoration of a rock formation graded without the benefit of permit and associated native revegetation planting located in the Rural Residential-Five Acre zoning district at 5800 Trancas Canyon Road (5800 Trancas Canyon, LLC). The motion carried 4-0, Commissioner Jennings absent.

F. Coastal Development Permit No. 17-003 and Variance No. 18-018 – An application for an addition and remodel of an existing single-family residence, including a retaining wall variance

Location: 23813 Harbor Vista Drive, not within the appealable coastal zone

APN: 4458-024-010

Owner: Hesby Ohio, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 18-52 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-003, an application for an 85 square foot addition and remodel to an existing single-family residence, the installation of new alternative onsite wastewater treatment system, pool replacement, removal of an unpermitted addition, removal of existing hardscape and installation of permeable pavers, new landscaping, and a variance to allow for the replacement of an existing retaining wall with a 14 foot, 8 inch high wall located in the Rural Residential-One Acre (RR-1) zoning district at 23813 Harbor Vista Drive (Hesby Ohio, LLC).

Vice Chair Uhring recused himself due to the project site being within 500 feet proximity to his residence and left the dais at 8:00 p.m.

Senior Planner Mollica presented the staff report.

Disclosures: None.

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: Terry Rainey and Craig Tschudi.

Mr. Rainey 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, Mr. Rainey, and Mr. Tschudi.

MOTION Commissioner Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 18-52, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 17-003, an application for an 85 square foot addition and remodel to an existing single-family residence, the installation of new alternative onsite wastewater treatment system, pool replacement, removal of an unpermitted addition, removal of existing hardscape and installation of permeable pavers, new landscaping, and a variance to allow for the replacement of an existing retaining wall with a 14 foot, 8 inch high wall located in the Rural Residential-One Acre (RR-1) zoning district at 23813 Harbor Vista Drive (Hesby Ohio, LLC); and 2) amending Condition No. 47 to add the following statement: "Neighboring properties shall not be used for construction activities. Construction vehicles and vehicles of construction workers shall only be parked on the property or directly adjacent to the project site." The motion carried 3-0, Commissioner Jennings and Vice Chair Uhring absent.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

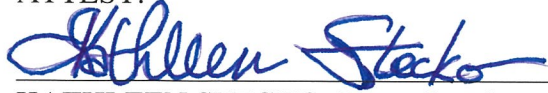
MOTION At 8:18 p.m., Commissioner Mazza moved and Commissioner Pierson seconded a motion to adjourn the meeting. The motion carried 3-0, Commissioner Jennings and Vice Chair Uhring absent.

Approved and adopted by the Planning Commission
of the City of Malibu on August 20, 2018.



CHRIS MARX, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary