

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
AUGUST 20, 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, John Mazza and Mikke Pierson

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Colvard, Associate Planner; Richard Mollica, Senior Planner; Joyce Parker-Bozylinski, Contract Planner; and Kathleen Stecko, Senior Office Assistant; and Robert DuBoux, Assistant Public Works Director

**PLEDGE OF ALLEGIANCE**

Contract Planner Parker-Bozylinski 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 August 10, 2018, with the amended agenda properly posted on August 14, 2018.

**APPROVAL OF AGENDA**

MOTION Commissioner Mazza moved and Vice Chair Uhring seconded a motion to approve the agenda. The motion carried unanimously.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

None.

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

In response to Commissioner Mazza, Planning Director Blue stated the report on Nobu and Soho House would be presented at a Planning Commission meeting in the near future.

In response to Commissioner Pierson, Planning Director Blue stated those who observed jet ski activity near the shore could direct their concerns to the Los Angeles County Department of Beaches and Harbors, and those who observed airplanes flying low pulling advertising banners could direct their concerns to the Federal Aviation Administration (FAA).

Commissioner Mazza stated the City had looked into a ban on airplanes pulling advertising banners and it was discovered they could not be lower than 500 feet over land and added that the plane's tail number could be reported to the FAA. In addition, he stated jet skis launched from Malibu and within a certain distance of shore were not allowed and those with concerns could call the Los Angeles County Sheriff's Department.

Commissioner Pierson added that planes must not be lower than 500 feet over people who were in the water, as well as on land.

**ITEM 3      CONSENT CALENDAR**

Item Nos. 3.B.2. and 3.B.3. were pulled by Commissioner Pierson.

**MOTION**      Commissioner Jennings moved and Vice Chair Uhring seconded a motion to approve the Consent Calendar except for Item Nos. 3.B.2. and 3.B.3. 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 August 6, 2018 Regular Planning Commission meeting.

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

- 2.    Extension of Coastal Development Permit No. 05-190, Variance No. 08-010, and Site Plan Review No. 08-005 – A ninth 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:         Trancas Canyon Partners, LLC  
Case Planner: Associate Planner Colvard, 456-2489 ext. 234  
Recommended Action: Adopt Planning Commission Resolution No. 18-41 denying a one-year extension of Coastal Development Permit 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 (Trancas Canyon Partners, LLC).

Disclosures: None.

Speaker: Vincent Hall.

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 and Mr. Hall.

MOTION

Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-41, as amended, granting a five-month extension of Coastal Development Permit 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 (Trancas Canyon Partners, LLC).

The question was called and the motion carried unanimously.

3. 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: 6135 Murphy Way (formerly 5900 Ramirez Canyon Road)

APN: 4467-003-024

Owner: Norman Haynie

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

Recommended Action: Adopt Planning Commission Resolution No. 18-48, 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 6135 Murphy Way (formerly 5900 Ramirez Canyon Road) (Haynie).

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

Speakers: Norman Haynie, Navy Banvard, and Dennis Robert Smith.

Mr. Haynie provided rebuttal to public comment.

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 and Mr. Haynie.

**MOTION**

Vice Chair Uhring moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 18-48, 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 6135 Murphy Way (formerly 5900 Ramirez Canyon Road) (Haynie).

The Commission discussed the motion.

The question was called and the motion carried 3-2, Commissioner Mazza and Chair Marx dissenting.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

Item Nos. 4.A. and 4.B. were heard concurrently:

- 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 (continued from August 6, 2018)

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:

1) Adopt Planning Commission Resolution No. 18-58 determining the project is exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 17-012, to permit the continued operation of the legal nonconforming hotel and restaurant use in the Commercial Visitor Serving-Two (CV-2) zoning district at 22878 Pacific Coast Highway (PCH) (Mani MBI (DE), LLC); and

2) Adopt Planning Commission Resolution No. 18-59 denying Coastal Development Permit No. 17-092, an application for the Malibu Beach Inn to construct a new swimming pool and pool deck with dining service in the location of required parking, remodel and convert approximately 268 square feet of office and storage room into bathroom facilities and equipment room, reconfigure alternative onsite wastewater treatment system, Conditional Use Permit Amendment No. 15-004 to amend Conditional Use Permit No. 06-001 (Planning Commission Resolution No. 06-46) to change Condition No. 2 to allow expansion of the hotel restaurant dining area from 563 square feet (42 seats) to 1,377 square

feet (78 seats), and allow dining service for hotel guests only on the proposed 5,174 square foot pool deck (44 seats), and remove Condition No. 15 which restricts the use of restaurant dining area for hotel guests and their invitees only, and approve after-the-fact the opening of the restaurant to the general public; Joint Use Parking Agreement No. 17-001 to allow a portion of the property's required onsite parking to be located offsite at 22853 PCH (Hertz Rental Car); and Lot Tie No. 17-001 to hold 22878 PCH and 22853 PCH as one lot located in the CV-2 zoning district at 22878 PCH (Mani MBI (DE), LLC).

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 (continued from August 6, 2018)

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:

1) Adopt Planning Commission Resolution No. 18-60 determining the project is exempt from the California Environmental Quality Act, and approving Extension of Amortization Schedule No. 17-001 to allow time for the applicant to process the necessary applications to authorize the legal nonconforming car rental use or to replace it with a permitted use; and

2) Adopt Planning Commission Resolution No. 18-61 denying Coastal Development Permit No. 17-091 and the associated entitlements, consisting of an application to install 21 two-car tandem parking lifts to vertically stack parking and tandem on-grade parking to be operated by valet on a site currently occupied by a legal nonconforming rental car use (Hertz) to accommodate required parking for an offsite hotel/restaurant use (Malibu Beach Inn at 22878 Pacific Coast Highway (PCH)), and construct site screening walls, including Variance (VAR) No. 17-038 from parking lot development standards, VAR No. 17-043 from the commercial landscape and open space development standards, Minor Modification No. 17-018 to reduce the rear yard setback; Joint Use Parking Agreement No. 17-001 to allow the Malibu Beach Inn to locate required parking on the Hertz site; and Lot Tie No. 17-001 to hold 22878 PCH and 22853 PCH as one lot, located in the Community Commercial zoning district at 22853 PCH (MB North Lot (DE), LLC).

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.

Speakers: Simon Mani, Ron Hirsch, Steven Hakim, Lester Tobias (Dana Christiaansen, Karen Farrer, and Jim Palmer deferred time to Mr. Tobias), and Graeme Clifford.

The Commission directed staff to Tony Canzoneri and Joshua Gottheim.

Mr. Canzoneri 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, the City's Consulting Traffic Engineer Sri Chakravarthy of Kimley-Horn, Mr. Hirsch, Mr. Canzoneri, and Mr. Mani.

RECESS At 9:14 p.m., Chair Marx recessed the meeting. The meeting reconvened at 9:24 p.m. with all Commissioners present.

The Commission directed questions to staff, Mr. Canzoneri, Mr. Mani, and Mr. Clifford.

MOTION Commissioner Mazza moved and Vice Chair Uhring seconded a motion to continue Item Nos. 4.A. and 4.B. to the November 5, 2018 Regular Planning Commission meeting to allow the applicant time to coordinate with Caltrans, potentially redesign the project to avoid variances, and provide revised findings to support the remaining variances.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

## ITEM 5 NEW PUBLIC HEARINGS

- A. Zoning Text Amendment No. 18-002 - An Amendment to Title 17 (Zoning) of the Malibu Municipal Code to Revise Existing Parking Lot Safety Standards Relative to Outdoor Pedestrian Seating Areas (Citywide)

Recommended Action: Adopt Planning Commission Resolution No. 18-51 recommending that the City Council approve Zoning Text Amendment No. 18-002, amending Section 17.48.070 (Parking Lot Safety Standards) relating to parking lot safety standards for outdoor pedestrian seating areas, eliminating the underline/strikethrough formatting.

Contract Planner Parker-Bozylinski 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: Mr. 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.

**MOTION** Commissioner Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 18-51, as amended: 1) recommending that the City Council approve Zoning Text Amendment No. 18-002, amending Section 17.48.070 (Parking Lot Safety Standards) relating to parking lot safety standards for outdoor pedestrian seating areas, eliminating the underline/strikethrough formatting; and 2) recommending City Council consider expanding the ordinance to include the protection of seating areas adjacent to driving aisles or otherwise exposed to traffic (Citywide) (Contract Planner Parker-Bozylinski). The motion carried unanimously.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

**MOTION** At 10:32 p.m., Commissioner Mazza moved and Commissioner Pierson seconded a motion to adjourn the meeting. The motion carried unanimously.

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

  
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CHRIS MARX, Chair

ATTEST:

  
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KATHLEEN STECKO, Recording Secretary