

MINUTES  
MALIBU PLANNING COMMISSION  
ADJOURNED REGULAR MEETING  
OCTOBER 3, 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; Raneika Brooks, Associate Planner; Jessica Colvard, Associate Planner; Carlos Contreras, Associate Planner; Didier Murillo, Assistant Planner; and Kathleen Stecko, Senior Office Assistant

**PLEDGE OF ALLEGIANCE**

Commissioner Mazza 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 September 21, 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 a date uncertain. The motion carried unanimously.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

Graeme Clifford stated his concerns regarding parking and traffic safety at Nobu and Soho House.

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

In response to Commissioner Mazza, Planning Director Blue provided a timeline for implementation of the Dark Sky Ordinance, effective October 15, 2018.

In response to the Commission and Mr. Clifford, Planning Director Blue provided an update on code enforcement activity and a timeline for the status reports for Nobu and Soho House.

Commissioner Pierson commented on his positive experience during his recent participation in the City of Malibu Safety and Preparedness Expo event.

In response to the Commission, Planning Director Blue and Assistant City Attorney Rusin provided information and a timeline on the Point Dume parking lot gate project and the appealed Point Dume beach stair project and further elaborated on how they related to each other.

### ITEM 3 CONSENT CALENDAR

Item Nos. 3.A.1., 3.B.2., and 3.B.3. were pulled by Commissioner Mazza.

MOTION Commissioner Mazza moved and Vice Chair Uhring seconded a motion to approve the Consent Calendar except for Item Nos. 3.A.1., 3.B.2., and 3.B.3.

### FRIENDLY AMENDMENT

Commissioner Jennings amended the motion to have Item No. 3.B.3. heard after Item No. 6.A. The amendment was accepted by the maker and the seconder.

The Commission discussed the motion.

The amended motion carried unanimously.

The Consent Calendar consisted of the following item:

#### B. New Items

##### 1. Approval of Minutes

Recommended Action: Approve the minutes for the September 17, 2018 Regular Planning Commission meeting.

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

#### A. Previously Discussed Items

##### 1. Coastal Development Permit No. 17-011 – An application for a new single-family residence with an attached guest house and associated development

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

APN: 4466-019-017

Owner: 28837 Selfridge Drive, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 18-63 denying Coastal Development Permit No. 17-011 to construct a new one-story single-family residence, related development, and the installation of a new alternative onsite wastewater treatment system in the Rural

Residential-One Acre zoning district located at 28837 Selfridge Drive (28837 Selfridge Drive, LLC).

The Commission directed questions to staff.

Disclosures: Commissioner Mazza.

The Commission directed questions to staff.

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

Speaker: Don Schmitz

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

The Commission directed questions to staff and Mr. Schmitz.

#### MOTION

Commissioner Mazza moved and Commissioner Jennings seconded a motion to: 1) adopt Planning Commission Resolution No. 18-63 denying Coastal Development Permit No. 17-011 to construct a new one-story single-family residence, related development, and the installation of a new alternative onsite wastewater treatment system in the Rural Residential-One Acre zoning district located at 28837 Selfridge Drive (28837 Selfridge Drive, LLC); and 2) directed staff to provide details of the Planning Commission's comments in the agenda report for City Council if the denial of the project is appealed.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

#### B. Previously Discussed Items

2. Administrative Coastal Development Permit No. 17-043, Site Plan Review No. 17-014, and Demolition Permit No. 17-013 – An application for the demolition of an existing single-family residence and associated development and for construction of a new single-family residence and associated development

Location: 29043 Grayfox Street, not within the appealable coastal zone

APN: 4466-017-002

Owners: John and Tatiana Atwil

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. 17-043.

Associate Planner Brooks presented the staff report.

The Commission directed questions to staff.

CONSENSUS

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

By consensus, the Commission directed staff to include the radius map provided by applicants as an attachment to future agenda reports.

The Commission directed questions to staff.

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

Speakers: Don Schmitz and John Stockwell.

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 Mr. Stockwell.

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

As there were additional disclosures, Chair Marx reopened public comment.

Speaker(s): None.

As there were no speakers present, Chair Marx closed public comment.

MOTION

Commissioner Mazza 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 4-1, Commissioner Jennings dissenting.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

None.

**ITEM 5 NEW PUBLIC HEARINGS**

- A. Coastal Development Permit No. 15-057 – An application for the construction of a soldier pile wall to stabilize a bluff slope and protect an existing main residence and surrounding downslope properties

Locations / APNs: 25000 Pacific Coast Highway / APN 4458-015-009  
25040 Pacific Coast Highway / APN 4458-015-007

Both lots are located in the appealable coastal zone

Owners: Mark Steven Zucker Living Trust and Kurt Rappaport  
Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 18-67 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-057 to construct an underground soldier pile wall across two properties to stabilize a bluff slope and protect an existing single-family residence and surrounding downslope residentially developed properties, located in the Rural Residential-Two Acre zoning district at 25000 and 25040 Pacific Coast Highway (Mark Steven Zucker Living Trust and Rappaport).

Associate Planner Contreras presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

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

Speakers: Sharyl Beebe, Norman Haynie, and Dennis Smith.

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. Smith, and Mr. Haynie.

**MOTION** Commissioner Jennings moved to adopt Planning Commission Resolution No. 18-67 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-057 to construct an underground soldier pile wall across two properties to stabilize a bluff slope and protect an existing single-family residence and surrounding downslope residentially developed properties, located in the Rural Residential-Two Acre zoning district at 25000 and 25040 Pacific Coast Highway (Mark Steven Zucker Living Trust and Rappaport);

**FRIENDLY AMENDMENT**

Commissioner Mazza seconded and amended the motion to include a condition which would state, "The property at 25040 Pacific Coast Highway shall maintain compliance with all landscape and irrigation conditions imposed by the prior active coastal development permit." The amendment was not accepted by the maker.

**AMENDMENT**

Commissioner Mazza amended the motion to include a condition which would state, "The property at 25040 Pacific Coast Highway shall maintain compliance with all landscape and irrigation conditions imposed by prior active coastal development permit."

The Commission discussed the amendment.

The amendment died due to lack of second.

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

#### CONSENSUS

By consensus, the Commission directed staff to provide an update at a future meeting of the compliance with conditions of CDP No. 07-069 at 25040 Pacific Coast Highway, specifically pertaining to landscaping and water usage.

#### RECESS

At 8:37 p.m., Chair Marx recessed the meeting. The meeting reconvened at 8:47 p.m. with all Commissioners present.

B. Coastal Development Permit No. 18-033 - An application for the installation of new vehicular gates at the entry and alligator teeth (traffic spikes) at the exit of an existing public parking area at Point Dume State Beach

Location: 29300.5 Cliffside Drive (Point Dume State Beach) within the public right-of-way, within the appealable coastal zone  
Nearest APN: 4468-001-900  
Owner: City of Malibu  
Case Planner: Assistant Planner Murillo, 456-2489, ext. 353  
Recommended Action: Adopt Planning Commission Resolution No. 18-71 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-033, an application for the installation of new vehicular gates at the entry and alligator teeth (traffic spikes) at the exit of an existing public parking area within the Cliffside Drive public right-of-way, adjacent to Point Dume State Beach at 29300.5 Cliffside Drive (City of Malibu).

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

#### ITEM 6 OLD BUSINESS

A. Conditional Use Permit Amendment No. 17-003 One-Year Compliance Review of the Surfrider Beach Club Motel

Inspection Date: September 7, 2018  
Location: 23033 Pacific Coast Highway  
APN: 4452-019-002  
Owner: PCH 23033, LLC  
Tenant: Surfrider Beach Club Motel  
Case Planner: Associate Planner Colvard, 456-2489, ext. 234  
Recommended Action: Receive and file one-year review and direct staff to report back to the Planning Commission in October 2022 to complete the five-year compliance review of the Surfrider Beach Club Motel Conditional Use Permit Amendment.

Associate Planner Colvard presented the staff report.

The Commission directed questions to staff.

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

Speaker: Don Schmitz.

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. Schmitz.

### CONSENSUS

By consensus, the Commission received and filed the one-year review and directed staff to report back to the Planning Commission in October 2022 to complete the five-year compliance review of the Surfrider Beach Club Motel Conditional Use Permit Amendment.

### ITEM 3 CONSENT CALENDAR (continued)

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

#### B. New Items

3. Administrative Coastal Development Permit No. 17-074 – An application for construction of a new, one-story, single-family residence and associated development

Location: 6160 Merritt Drive, not within the appealable coastal zone

APN: 4469-020-007

Owners: Parviz Taherpour Co. 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. 17-074.

Commissioner Jennings recused himself due to the project site being within 500 feet of his residence and left the dais at 8:55 p.m.

Associate Planner Colvard presented the staff report.

Disclosures: Commissioner Pierson.

The Commission directed questions to staff.

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

Speaker(s): None.

As there were no speakers present, Chair Marx 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 Uhring seconded a motion to notice the item for a public hearing and process the application as a regular coastal development permit. The question was called and the motion carried 3-1-0, Commissioner Pierson dissenting and Commissioner Jennings absent.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

MOTION At 9:00 p.m., Commissioner Mazza moved and Vice Chair Uhring seconded a motion to adjourn the meeting. The motion carried 4-0, Commissioner Jennings absent.

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

Steve Uhring VICE CHAIR on  
behalf of.

  
CHRIS MARX, Chair

ATTEST:

  
KATHLEEN STECKO, Recording Secretary