

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 1, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Stack 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 Roohi Stack; Vice Chair John Mazza; and Commissioners David Brotman and Mikke Pierson. Commissioner Jeffrey Jennings arrived at 6:35 p.m.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Christopher Deleau, Planning Manager; Adrian Fernandez, Senior Planner; Richard Mollica, Senior Planner; Brenda Magaña, Assistant Planner; and Kathleen Stecko, Recording Secretary.

PLEDGE OF ALLEGIANCE

Vice Chair Mazza led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to approve the agenda, continuing Item Nos. 3.B.4. and 5.B. to the February 16, 2016, Regular Planning Commission meeting. The motion carried 4-1, Commissioner Jennings absent.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on January 25, 2016; with the amended agenda properly posted on January 28, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Chair Stack spoke about circumstances and requirements of reordering of an agenda.

Vice Chair Mazza inquired about the Special Joint City Council and Planning Commission meeting on Civic Center Design Standards Project being held Wednesday, February 10, 2016 and whether a report will be distributed prior to the meeting.

In response to Vice Chair Mazza, Planning Director Blue provided details on the Special Joint City Council and Planning Commission meeting and announced staff has prepared the View Preservation and View Restoration webpage. In addition, story poles have been installed in preparation for the Planning Commission special meeting being held on February 29, 2016 to consider the Santa Monica College – Malibu Campus project.

Vice Chair Mazza inquired about the manner in which residents can be informed about the view ordinance.

In response to Vice Chair Mazza, Planning Director Blue provided details on the various methods the public is informed about projects that may have view impacts and indicated his suggestion about inclusion of more specific information could be explored.

ITEM 3 CONSENT CALENDAR

MOTION Vice Chair Mazza moved and Commissioner Jennings seconded a motion to approve the Consent Calendar. The motion carried 5-0.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Review of Conditional Use Permit No. 14-008 for the operation of restaurant which serves beer and wine for onsite consumption

Tenant:	Lily's Café and Pastries
Owner:	Zan Marquis
Location:	29211 Heathercliff Road, Unit #60 Point Dume Village Shopping Center
APN:	4468-010-017

Zoning: Community Commercial (CC)
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Receive and file.

2. Administrative Coastal Development Permit No. 15-049 – An application for a new alternative onsite wastewater treatment system to replace the existing onsite wastewater treatment system that has failed at an existing single-family residence

Location: 24860 Pacific Coast Highway, within the appealable coastal zone
APN: 4458-015-045
Zoning: Rural Residential-Two Acre (RR-2)
Applicant: Larry Young
Owner: Malibu Sun, LLC
Application Filed: July 14, 2015
Case Planner: Assistant Planner Magaña, 456-2489 ext. 353

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-049.

3. Administrative Coastal Development Permit No. 15-029 – An application to permit restorative grading that took place under Emergency Coastal Development Permit No. 13-008 and to allow for the construction of a new 6,628 square foot single-story, single-family residence and associated development

Location: 24687 Pacific Coast Highway, not within the appealable coastal zone
APN: 4458-041-003
Zoning: Single-Family Medium (SFM)
Applicant: Tobias Architecture
Owner: MLR Malibu, LLC
Application Filed: April 28, 2015
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-029.

4. Extension of Coastal Development Permit No. 05-067, Variance No. 04-016, Lot Merger No. 05-005, Site Plan Review No. 04-063 and Neighborhood Standards Nos. 05-001 and 05-002 – A request to extend the Planning Commission's approval of an application for the demolition of two abutting single-family residences and the

construction of a new, three-story, single-family residence and associated development (continued from January 19, 2016)

Location: 31691 and 31697 Sea Level Drive
APNs: 4470-024-031 and 4470-024-033
Zoning: Single-Family Medium (SFM)
Applicant: Jaime Harnish
Owner: Patrick Riley
Extension Filed: December 1, 2015
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Continue this item to the February 16, 2016 Regular Planning Commission meeting.

The item was continued to the February 16, 2016 Regular Planning Commission meeting upon approval of the agenda.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 14-005, Variance No. 15-048 and Site Plan Review No. 14-006 - An application for the construction of a new single-family residence and associated development (Continued from January 27, 2016)

Location: 33355 Pacific Coast Highway, not within the appealable coastal zone
APN: 4473-003-015
Zoning: Rural Residential-Two Acre (RR-2)
Applicant: Burdge and Associates
Owner: Jake Lingo
Application Filed: February 4, 2014
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-20 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-005 to allow for the construction of a new 6,705 square foot single-family residence, garage, and basement, 560 square foot second residential unit above a detached 857 square foot work room and garage, swimming pool, spa, alternative onsite wastewater treatment system, gates, fencing, hardscape and landscaping, including Variance No. 15-048 to allow for retaining walls in excess of six feet in height, and a Site Plan Review No. 14-006 for construction in excess of 18 feet in height, located in the Rural Residential Two-Acre Zoning District at 33355 Pacific Coast Highway (Lingo).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speakers: Jake Lingo and Douglas Burdge.

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

MOTION Chair Stack moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-20 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-005 to allow for the construction of a new 6,705 square foot single-family residence, garage, and basement, 560 square foot second residential unit above a detached 857 square foot work room and garage, swimming pool, spa, alternative onsite wastewater treatment system, gates, fencing, hardscape and landscaping, including Variance No. 15-048 to allow for retaining walls in excess of six feet in height, and a Site Plan Review No. 14-006 for construction in excess of 18 feet in height, located in the Rural Residential Two-Acre Zoning District.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to include mitigation measures for the destruction of ESHA as per the Local Coastal Program. The amendment was accepted by the maker and the seconder.

The Commission discussed the amended motion.

The Commission directed questions to staff and Jake Lingo.

The question was called and the amended motion failed 1-4, Commissioners Brotman, Jennings, and Pierson and Chair Stack dissenting.

MOTION Commissioner Brotman moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-20 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-005 to allow for the construction of a new 6,705 square foot single-family residence, garage, and basement, 560 square foot second residential unit above a detached 857 square foot work room and garage, swimming pool, spa, alternative onsite wastewater treatment system, gates, fencing, hardscape and landscaping, including Variance No. 15-048 to allow for retaining walls in excess of six feet in height, and a Site Plan Review No. 14-006 for construction in excess of 18 feet in height, located in the Rural

Residential Two-Acre Zoning District. The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

B. Administrative Plan Review No. 15-105, Variance No. 15-024, and Site Plan Review No. 14-054, Demolition Permit No. 15-017 – An application to modify an existing two-story single-family residence and associated development (Continued from January 27, 2016)

Location: 33014 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-018-008
Zoning: Rural Residential–Two Acre (RR-2)
Applicant: Marny Randall
Owner: Harpareno Trust
Application Filed: October 29, 2015 (amended); December 4, 2014 (original application)
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-19, determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-105 to modify an existing two-story single-family residence with an interior and exterior remodel, a 73 square foot addition, and a new stairway entrance, including Variance No. 15-024 for an addition that maintains a nonconforming two-thirds condition at the second floor, Site Plan Review No. 14-054 for construction over 18 feet in height, up to 28 feet for a pitched roof, and Demolition Permit No. 15-017 for the demolition of less than 50 percent of exterior walls for a project located in the Rural Residential-Two Acre zoning district located at 33014 Pacific Coast Highway (Harpareno Trust).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Brotman, Jennings, and Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speaker: Marny Randall.

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

MOTION Chair Stack moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 16-19, determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-105 to modify an existing two-story single-family residence with an interior and exterior remodel, a 73 square foot addition, and a new stairway entrance, including Variance No. 15-024 for an addition that maintains a nonconforming two-thirds condition at the second floor, Site Plan Review No. 14-054 for construction over 18 feet in height, up to 28 feet for a pitched roof, and Demolition Permit No. 15-017 for the demolition of less than 50 percent of exterior walls for a project located in the Rural Residential-Two Acre zoning district. The question was called and the motion carried 5-0.

ITEM 5 NEW PUBLIC HEARINGS

- A. Zoning Text Amendment No. 15-004 - An Amendment to Title 17 (Zoning) of the Malibu Municipal Code, Adding Section 17.48.070 (Parking Lot Safety Standards), to Establish New Development Standards for New and Existing Parking Lots Citywide

Applicant: City of Malibu
Location: Citywide

Recommended Action: Adopt Planning Commission Resolution No. 16-13 recommending that the City Council approve Zoning Text Amendment No. 15-004, adding Section 17.48.070 (Parking Lot Safety Standards) to Chapter 17.48 (Off-Street Parking and Loading Requirements) of the Malibu Municipal Code to establish new development standards for parking lots Citywide.

Planning Manager Deleau presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speaker: Meril May

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

MOTION Chair Stack moved and Vice Chair Mazza seconded a motion to Planning Commission Resolution No. 16-13 recommending that the City Council approve Zoning Text Amendment No. 15-004, adding Section 17.48.070 (Parking Lot Safety Standards) to Chapter 17.48 (Off-Street Parking and Loading

Requirements) of the Malibu Municipal Code to establish new development standards for parking lots Citywide.

The Commission directed questions to Meril May.

The Commission discussed the motion.

FRIENDLY AMENDMENT

Commissioner Brotman amended the motion to recommend that City Council consider including a requirement for bollards to be added where driveways run perpendicular to and terminate at seating areas. The amendment was accepted by the maker and the seconder.

FRIENDLY AMENDMENT

Commissioner Brotman amended the motion to recommend City Council direct Code Enforcement to prioritize enforcement of regulations for illegal signs that are present adjacent to seating areas that do not have sufficient support to withstand impact and may pose safety hazard. The amendment was accepted by the maker and the seconder.

FRIENDLY AMENDMENT

Commissioner Brotman amended the motion to provide protection where canopies cover seating areas and pedestrian walkways and could pose a hazard. The amendment was not accepted by the maker and the seconder.

AMENDMENT

Commissioner Brotman amended the motion to provide protection where canopies cover seating areas and pedestrian walkways and could pose a hazard. The amendment failed due to lack of a second.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to recommend City Council, upon adopting this ordinance, assign the task to the Public Safety Commission to study other safety issues regarding driving through buildings and other types of seating areas. The maker accepted the motion.

The question was called and the amended motion carried 5-0.

B. Coastal Development Permit No. 14-057, Site Plan Review No. 14-042, and Variance No. 15-012 – An application for the construction of a new two-story single-family residence and associated development

Location: 24900 Pacific Coast Highway, within the
appealable coastal zone
APN: 4458-015-015
Zoning: Rural Residential–Two Acre (RR-2)

Applicant: Burdge and Associates
Owner: Quaker Beach Properties Trust
Application Filed: September 26, 2014
Case Planner: Contract Planner Janowicz, 456-2489 ext. 345

Recommended Action: Continue this item to the February 16, 2016 Regular Planning Commission meeting.

The item was continued to the February 16, 2016 Regular Planning Commission meeting upon approval of the agenda.

RECESS Chair Stack called a recess at 8:12 p.m., reconvening at 8:17 with all Commissioners present.

C. Conditional Use Permit No. 15-008 – An application to allow a new full service restaurant to include the sale of beer and wine for onsite consumption

Location: 23359 Pacific Coast Highway, Unit 3874A
APN: 4452-011-043
Zoning: Commercial Visitor Serving-One (CV-1)
Commercial General (CG)
Applicant: Burdge and Associates
Tenant: Malibu Burger
Owner: Jamestown Premier Malibu Village, L.P.
Application Filed: August 28, 2015
Case Planner: Assistant Planner Magaña, 456-2489 ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 16-15 approving Conditional Use Permit No. 15-008 to allow for a new full service restaurant (Malibu Burger) to include the sale of beer and wine for onsite consumption in the Commercial Visitor Serving-One and Commercial General zoning districts located at 23359 Pacific Coast Highway, unit 3874A (Jamestown Premier Malibu Village, L.P.)

Assistant Planner Magaña presented the staff report.

Disclosures: Commissioner Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

As there were no further questions for staff, Chair Stack opened the public hearing.

Speakers: Cisco Adler; Jeff Harris; and Nick Schaar.

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

The Commission directed questions to staff and Cisco Adler.

MOTION Chair Stack moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-15 approving Conditional Use Permit No. 15-008 to allow for a new full service restaurant (Malibu Burger) to include the sale of beer and wine for onsite consumption in the Commercial Visitor Serving-One and Commercial General zoning districts.

The Commission directed questions to staff and Cisco Adler.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to the limit the hours of operation to close at 10:00 p.m. The maker and seconder did not accept the amendment.

The Commission discussed the motion.

The question was called and the motion carried 5-0.

- D. Coastal Development Permit No. 13-068, Variance No. 15-038, Site Plan Review Nos. 13-064 and 14-014, Demolition Permit No. 13-032 and Offer-to-Dedicate No. 15-006 - An application for the demolition of an existing single-family residence, construction of a new two-story, bluff-top single-family residence and associated development

Location:	27530 Pacific Coast Highway, within the appealable coastal zone
APN:	4460-031-001
Zoning:	Rural Residential–Two Acre (RR-2)
Applicant:	Wayne Chevalier
Owner:	Trei Fratelli Realty, LLC
Application Filed:	December 23, 2013
Case Planner:	Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-09, determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 13-068 to allow the construction of a 8,262 square foot, two-story single-family residence, swimming pool, cantilevered deck, driveway, landscaping, grading and alternative onsite wastewater treatment system, Variance No. 15-038 for the residence to extend higher than the adjacent road grade, Site Plan Review (SPR) No. 13-064 for construction over 18 feet in height, SPR No. 14-014 for construction on slopes between 3 to 1 and 2.5 to 1, Demolition Permit No. 13-032 to allow the demolition of an existing 839 square foot, single-family residence

and Offer-to-Dedicate No. 15-006 to grant a lateral beach access easement in the Rural Residential-Two Acre zoning district located at 27530 Pacific Coast Highway (Trei Fratelli Realty, LLC).

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Brotman and Pierson and Vice Chair Mazza.

As there were no questions for staff, Chair Stack opened the public hearing.

Speakers: Richard Scott and Wayne Chevalier.

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

The Commission directed questions to staff and Wayne Chevalier.

MOTION

Commissioner Brotman moved and Chair Stack seconded a motion to adopt Planning Commission Resolution No. 16-09, determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 13-068 to allow the construction of a 8,262 square foot, two-story single-family residence, swimming pool, cantilevered deck, driveway, landscaping, grading and alternative onsite wastewater treatment system, Variance No. 15-038 for the residence to extend higher than the adjacent road grade, Site Plan Review (SPR) No. 13-064 for construction over 18 feet in height, SPR No. 14-014 for construction on slopes between 3 to 1 and 2.5 to 1, Demolition Permit No. 13-032 to allow the demolition of an existing 839 square foot, single-family residence and Offer-to-Dedicate No. 15-006 to grant a lateral beach access easement in the Rural Residential-Two Acre zoning district

The Commission discussed the motion.

The Commission directed questions to staff.

The question was called and the motion failed 2-3, Commissioners Jennings and Pierson and Vice Chair Mazza dissenting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

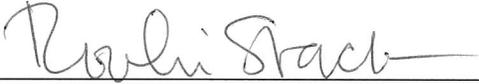
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:08 p.m., Vice Chair Mazza moved and Commissioner Brotman seconded a motion to adjourn the meeting. The motion carried 5-0.

Approved and adopted by the Planning Commission
of the City of Malibu on March 7, 2016.



ROOHI STACK, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary