

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

**CALL TO ORDER**

Vice Chair Mazza called the meeting to order at 6:32 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Vice Chair John Mazza and Commissioners Jeffrey Jennings and Mikke Pierson.

ABSENT: Chair Roohi Stack and Commissioner David Brotman.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Richard Mollica, Senior Planner; Stephanie Hawner, Associate Planner; Jasch Janowicz, Contract Planner; Robert Duboux, Assistant Public Works Director/Assistant City Engineer, and Kathleen Stecko, Recording Secretary.

**PLEDGE OF ALLEGIANCE**

Lyn Konheim led the Pledge of Allegiance.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on May 27, 2016.

**APPROVAL OF AGENDA**

MOTION Commissioner Jennings moved and Commissioner Pierson seconded a motion to approve the agenda, continuing Item No. 5.C. to the June 20, 2016 Regular Planning Commission meeting. The motion carried 3-0, Chair Stack and Commissioner Brotman absent.

Ken Ehrlich approached the podium and indicated he would be unavailable to represent his client on Item No. 5.C. on June 20, 2016.

Planning Director Blue stated if they couldn't have representation, the item could be continued again and Ken Ehrlich would work together with staff.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2.A. PUBLIC COMMENTS**

None.

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

Commissioner Pierson encouraged everyone to vote on Tuesday, June 7, 2016.

Vice Chair Mazza stated summer is approaching and he has been contacted regarding an unpermitted party, reminded everyone permits are required, and encouraged staff to follow up on the unpermitted party.

Planning Director Blue announced the cancellation of the July 5, 2016 Regular Planning Commission meeting, the Malibu Blood Drive being held on Thursday, June 9, 2016, the Point Dume Traffic Management Neighborhood meeting being held June 16, 2016, and Malibu's One Water Festival being held June 18, 2016.

Vice Chair Mazza inquired about upcoming Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meetings.

In response to Vice Chair Mazza, Planning Director Blue updated the Commission about upcoming ZORACES meetings.

**ITEM 3 CONSENT CALENDAR**

**MOTION** Commissioner Jennings moved and Commissioner Pierson seconded a motion to approve the Consent Calendar. The motion carried 3-0, Chair Stack and Commissioner Brotman absent.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Approval of Minutes

Recommended Action: Approve the minutes for the May 16, 2016 Regular Planning Commission meeting.

Staff contact: Planning Director Blue, 456-2489 ext. 258

2. Extension of Coastal Development Permit No. 09-058, Site Plan Review Nos. 09-048 and 10-031, and Demolition Permit No. 10-028 – 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: 32860 Pacific Coast Highway

APN: 4473-017-020

Owner: Morteza Ejabat

Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-47 granting a one-year extension of Coastal Development Permit No. 09-058, Site Plan Review Nos. 09-048 and 10-031, and Demolition Permit No. 10-

028 to allow the construction of a new, two-story single-family residence, subterranean garage and associated development in the Rural Residential-Two Acre zoning district located at 32860 Pacific Coast Highway (Ejabat).

**ITEM 4 CONTINUED PUBLIC HEARINGS**

None.

**ITEM 5 NEW PUBLIC HEARINGS**

A. Coastal Development Permit Amendment Nos. 15-008 through 15-012 – An application to amend Coastal Development Permit Nos. 07-145 through 07-149, including an Addendum to the Certified Crummer Site Subdivision Final Environmental Impact Report

Location: 24108, 24120, 24134, 24150, and 24174 Pacific Coast Highway, within the appealable coastal zone  
APNs: 4458-018-019, 4458-018-018, and 4458-018-002  
Zoning: Planned Development (PD)  
Owner: PCH Project Owner, LLC

Recommended Action:

1) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-54 approving Coastal Development Permit Amendment No. 15-008 amending Coastal Development Permit No. 07-145 for development on Lot 1 of the Crummer Site Subdivision Project, consisting of a 7,950 square foot, one-story single-family residence with a 1,000 square foot basement, 948 square foot garage, detached 623 square foot second unit, 531 square feet of covered loggia space that projects more than six feet; outdoor barbeque area with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank and landscaping located at 24108 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

2) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-55 approving Coastal Development Permit Amendment No. 15-012 amending Coastal Development Permit No. 07-146, for development Lot 2 of the Crummer Site Subdivision Project, consisting of a 7,661 square foot, one-story single-family residence with a 1,579 square foot basement and subterranean garage, 458 square foot gym, 480 square foot second unit, 733 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa, and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping located at 24120 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

3) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-56 approving Coastal Development Permit Amendment No. 15-009 amending Coastal Development Permit No. 07-147 for development on Lot 3 of the Crummer Site Subdivision Project, consisting a 8,155 square foot, one-story

single-family residence with a 1,000 square foot basement, 479 square foot detached second unit, 716 square foot garage, 84 square foot cabana; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24134 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

4) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and making findings in support thereof, and adopt Resolution No. 16-57 approving Coastal Development Permit Amendment No. 15-010 amending Coastal Development Permit No. 07-148 for development on Lot 4 of the Crummer Site Subdivision Project, consisting of a 7,878 square foot, one-story single-family residence with a 1,000 square foot basement, 886 square foot garage, 149 square foot cabana, 600 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24150 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

5) Consider the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and make findings in support thereof, and adopt Resolution No. 16-58 approving Coastal Development Permit Amendment No. 15-011 amending Coastal Development Permit No. 07-149 for development on Lot 5 of the Crummer Site Subdivision Project, consisting of a 8,738 square foot, one-story single-family residence with a 1,000 square foot basement, 885 square foot garage, 479 square foot second unit, 188 square foot pool house, 700 square feet of covered loggia space that projects more than six feet; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24174 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC).

Contract Planner Janowicz presented the staff report.

Disclosures: Vice Chair Mazza and Commissioners Jennings and Pierson.

The Commission directed questions to staff.

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

Speakers: Robert Gold; Paul Grisanti; Patt Healy; and Lyn Konheim.

Kari Kramer and Mark Warwick provided requests to address the Commission but declined to speak.

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

The Commission directed questions to Robert Gold and staff.

MOTION

Commissioner Pierson moved and Commissioner Jennings seconded a motion to make findings in support of the Addendum to the Certified Crummer Site Subdivision Environmental Impact Report and adopt the following resolutions, as amended: 1) Resolution No. 16-54 approving Coastal Development Permit Amendment No. 15-008 amending Coastal Development Permit No. 07-145 for development on Lot 1 of the Crummer Site Subdivision Project, consisting of a 7,950 square foot, one-story single-family residence with a 1,000 square foot basement, 948 square foot garage, detached 623 square foot second unit, 531 square feet of covered loggia space that projects more than six feet; outdoor barbeque area with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank and landscaping located at 24108 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 2) modifying Condition No. 6 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 1 totals 727,234 gallons per year. The Estimated Applied Water Use (EAWU) totals 587,234 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 3) modifying Condition No. 8 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 4) Resolution No. 16-55 approving Coastal Development Permit Amendment No. 15-012 amending Coastal Development Permit No. 07-146, for development on Lot 2 of the Crummer Site Subdivision Project, consisting of a 7,661 square foot, one-story single-family residence with a 1,579 square foot basement and subterranean garage, 458 square foot gym, 480 square foot second unit, 733 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa, and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping located at 24120 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 5) modifying Condition No. 6 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 2 totals 767,582 gallons per year. The Estimated Applied Water Use (EAWU) totals 626,714 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 6) modifying Condition No. 8 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 7) Resolution No. 16-56 approving Coastal Development Permit Amendment No. 15-009 amending Coastal Development Permit No. 07-147 for development on Lot 3 of the Crummer Site Subdivision Project, consisting a 8,155 square foot, one-story single-family residence with a 1,000 square foot basement, 479 square foot detached second unit, 716 square foot garage, 84 square foot cabana; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24134 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 8) modifying Condition No. 7 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 3 totals 750,369 gallons per year. The Estimated Applied Water Use (EAWU) totals 565,496 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 9) modifying Condition No. 9 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 10) Resolution No. 16-

57 approving Coastal Development Permit Amendment No. 15-010 amending Coastal Development Permit No. 07-148 for development on Lot 4 of the Crummer Site Subdivision Project, consisting of a 7,878 square foot, one-story single-family residence with a 1,000 square foot basement, 886 square foot garage, 149 square foot cabana, 600 square feet of covered loggia space that projects more than six feet; outdoor fireplace with trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24150 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 11) modifying Condition No. 6 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 4 totals 625,421 gallons per year. The Estimated Applied Water Use (EAWU) totals 504,075 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" 12) modifying Condition No. 9 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050);" 13) Resolution No. 16-58 approving Coastal Development Permit Amendment No. 15-011 amending Coastal Development Permit No. 07-149 for development on Lot 5 of the Crummer Site Subdivision Project, consisting of a 8,738 square foot, one-story single-family residence with a 1,000 square foot basement, 885 square foot garage, 479 square foot second unit, 188 square foot pool house, 700 square feet of covered loggia space that projects more than six feet; trellis, swimming pool, spa and pool equipment, decking, hardscape, roof-top mechanical equipment, water features, fencing, grading, motor court, septic tank, and landscaping, located at 24174 Pacific Coast Highway, in the Planned Development zoning district (PCH Project Owner, LLC); 14) modifying Condition No. 2 to state: "188 square foot cabana located on the east side of the swimming pool;" 15) modifying Condition No. 5 to state: "The Maximum Applied Water Allowance (MAWA) for Lot 5 totals 1,256,961 gallons per year. The Estimated Applied Water Use (EAWU) totals 946,409 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.;" and 16) modifying Condition No. 7 to state: "Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property (as defined by MMC Section 17.45.050)."

The question was called and the motion carried 3-0, Chair Stack and Commissioner Brotman absent.

B. Coastal Development Permit No. 14-020, Variance No. 14-011, Stringline Modification No. 15-001, Demolition Permit No. 15-013, and Code Violation No. 14-031 – An application for a new single-family beachfront residence and associated development

Location: 18954 Pacific Coast Highway, within the appealable coastal zone  
APN: 4449-002-005  
Owner: MPH, LLC

Recommended Action: Adopt Planning Commission Resolution No. 16-52 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-020 to demolish an existing single-family residence, onsite wastewater treatment system, and solid wall at front property line, and construct a new 2,511 square foot, two-story, single-

family beachfront residence including a loft, rear decks, rooftop deck with spa and barbeque, seawall extension, and installation of a new alternative onsite wastewater treatment system, including Variance No. 14-011 for reduction of the unenclosed parking space width, Stringline Modification No. 15-001 for modification of the required building stringline, and Demolition Permit No. 15-013 for demolition of the existing single-family residence and associated development located in the Single-Family Medium zoning district located at 18954 Pacific Coast Highway (MPH, LLC).

Associate Planner Hawner 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, Vice Chair Mazza opened the public hearing.

Speakers: Fred Gaines and Farshad Azarnoush.

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

The Commission directed questions to staff, Fred Gaines, and Farshad Azarnoush.

#### MOTION

Commissioner Pierson moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 16-52, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-020 to demolish an existing single-family residence, onsite wastewater treatment system, and solid wall at front property line, and construct a new 2,511 square foot, two-story, single-family beachfront residence including a loft, rear decks, rooftop deck with spa and barbeque, seawall extension, and installation of a new alternative onsite wastewater treatment system, including Variance No. 14-011 for reduction of the unenclosed parking space width, Stringline Modification No. 15-001 for modification of the required building stringline, and Demolition Permit No. 15-013 for demolition of the existing single-family residence and associated development located in the Single-Family Medium zoning district located at 18954 Pacific Coast Highway (MPH, LLC); and 2) adding a condition to provide an offer to dedicate an easement for lateral public access.

The Commission discussed the motion.

The question was called and the motion carried 2-1, Vice Chair Mazza dissenting and Chair Stack and Commissioner Brotman absent.

C. Administrative Plan Review No. 15-089, Site Plan Review Nos. 16-004, 16-005, 16-007 – An application for improvements to an existing single-family residence and guest house with associated development

Location: 31948 Pacific Coast Highway

APN: 4473-012-020

Owners: Jill and Wayne Cohen

Recommended Action: Adopt Planning Commission Resolution No. 16-53 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-089 to permit modifications to an existing single-family residence and guest house, exterior site work; Site Plan Review (SPR) No. 16-004 for a 50 percent reduction of the required front yard setback; SPR No. 16-005 for a 20 percent reduction of the required side yard setback; SPR No. 16-007 for the construction over 18 feet in height in the Single-Family Medium zoning district located at 31948 Pacific Coast Highway (Cohen).

The item was continued to the June 20, 2016 Regular Planning Commission meeting upon approval of the agenda.

D. Coastal Development Permit No. 11-046, Variance No. 16-011, and Site Plan Review Nos. 16-017 and 16-018 - An application for the construction of a new two-story single-family residence and associated development

Location: 6050 Murphy Way, not located within the appealable coastal zone

APN: 4467-004-028

Owner: C.A. Rasmussen Co. LLC

Recommended Action: Adopt Planning Commission Resolution No. 16-51 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 11-046 – An application for the construction of a new 10,605 square foot, two-story single-family residence with attached guesthouse and a subterranean garage, for total development square footage for the site of 10,887, alternative onsite wastewater system, new driveway, restoration of unpermitted environmentally sensitive habitat area (ESHA) retaining walls, pool, spa, pool equipment, landscaping, patio with barbeque area, grading, and associated development, including Variance No. 16-011 to reduce the required ESHA buffer, Site Plan Review (SPR) No. 16-017 for a roof height of 28 feet, and SPR No. 16-018 to allow for remedial grading in the Rural Residential-Ten Acre zoning district located at 6050 Murphy Way (C.A. Rasmussen Co. LLC).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Pierson and Vice Chair Mazza.

The Commission directed questions to staff.

Vice Chair Mazza recused himself, resulting in lack of quorum for considering the matter.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7 NEW BUSINESS**

None.

**ITEM 8 PLANNING COMMISSION ITEMS**

None.

**ADJOURNMENT**

MOTION At 8:07 p.m., Commissioner Pierson moved and Commissioner Jennings seconded a motion to adjourn the meeting. The motion carried 3-0, Chair Stack and Commissioner Brotman absent.

Approved and adopted by the Planning Commission  
of the City of Malibu on July 18, 2016.



ROOHI STACK, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary