

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JANUARY 19, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Stack called the meeting to order at 6:32 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, Jeffrey Jennings, and Mikke Pierson.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Christopher Deleau, Planning Manager; Stephanie Hawner, Associate Planner; Abigail Harwell, Associate Planner; Jasch Janowicz, Contract Planner; and Kathleen Stecko, Recording Secretary.

PLEDGE OF ALLEGIANCE

Commissioner Pierson led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved to approve the agenda, continuing Item No. 3.B.5. to the February 1, 2016 Regular Planning Commission meeting and Item No. 5.B. to precede Item No. 4.A. The motion failed due to lack of a second.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to approve the agenda, continuing Item No. 3.B.5. to the February 1, 2016 Regular Planning Commission meeting. The motion carried 5-0.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on January 8, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Chair Stack wished everyone a happy New Year.

Commissioner Brotman wished everyone a happy National Popcorn Day.

Vice Chair Mazza inquired if staff will be reporting back on Commissioner Brotman's November 27, 2014 request for a report on licensed professionals conducting work without permits.

In response to Vice Chair Mazza's inquiry, Planning Director Blue stated Code Enforcement staff handles construction done without permits, however a formal policy is not being pursued at this time due to a lack of support from management, but a status report will be provided.

Commissioner Brotman clarified his intention that the City notify the state licensing agencies of the violations of the licensed professional requirements under state law.

Planning Director Blue stated the City is in a position to do that now, Code Enforcement currently reports to the Contractor's Licensing Board, however there is currently no standing policy to report other professions.

Commissioner Brotman stated that no one was being reported to the architect's licensing board and licensing agency for engineers.

Planning Director Blue stated an update would be provided.

Vice Chair Mazza stated he would like the farmer's market conditional use permit conditions of approval to be changed to not require an annual report.

Vice Chair Mazza commented on Item. No. 3.B.7. on the Consent Calendar, particularly regarding the height, and inquired further on the criteria for processing administrative coastal development permits versus a regular coastal development permits.

Planning Director Blue clarified the administrative coastal development permit process, indicating the extent of notice given is greater than a regular coastal development permit, and the basis on which a public hearing is determined warranted.

Commissioner Pierson and Vice Chair Mazza commented on the upcoming Planning Commission meeting schedule.

Planning Director Blue provided an update on upcoming Planning Commission meetings.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.3. was pulled for discussion by Vice Chair Mazza.

MOTION Vice Chair Mazza moved and Commissioner Brotman 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. Approval of Minutes

Recommended Action: Approve the minutes for the May 19, 2014, November 17, 2014, and December 7, 2015 Regular Planning Commission meetings.

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

2. Cornucopia Foundation Farmers' Market Annual Review Report

Inspection Date: November 1, 2015
Applicant: Debra Bianco, Cornucopia Foundation
Location: 23525 Civic Center Way
APN: 4458-022-904
Zoning: Institutional (I)
Case Planner: Assistant Planner Magaña, 456-2489 ext. 353

Recommended Action: Receive and file.

4. Extension of Coastal Development Permit No. 07-121, Variance Nos. 08-068, 11-011, 11-019, 11-020, and 11-021, Site Plan Review No. 07-114, Offer-To-Dedicate No. 11-009, and Coastal Development Permit Amendment No. 12-001 – 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: 31537 Anacapa View Drive
APN: 4470-005-014
Zoning: Rural Residential-Five Acre (RR-5)
Applicant: Santos Planning

Owner: 31537 Anacapa View Drive, LLC
Extension Filed: December 4, 2015
Case Planner: Planning Director Blue, 456-2489 ext. 258

Recommended Action: Adopt Planning Commission Resolution No. 16-03 granting a one-year extension of Coastal Development Permit No. 07-121, Variance Nos. 08-068, 11-011, 11-019, 11-020, and 11-021, Site Plan Review No. 07-114, Offer-To-Dedicate No. 11-009, and Coastal Development Permit Amendment No.12-001, an application for the construction of a new single-family residence and associated development in the Rural Residential Five-Acre zoning district located at 31537 Anacapa View Drive (31537 Anacapa View Drive, LLC).

5. 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

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 1, 2016 Regular Planning Commission meeting.

6. Extension of Coastal Development Permit No. 05-143, Variance Nos. 06-030 and 08-031, Site Plan Review No. 06-090, Offer-to-Dedicate No. 09-002, Coastal Development Permit Amendment No. 14-004, and Variance No. 14-007 – A request to extend the Planning Commission’s approval of an application for the construction of a new two-story single-family residence and associated development

Location: 34305 Pacific Coast Highway
APN: 4473-027-008
Zoning: Rural Residential-Twenty Acre (RR-20)
Applicant: Jose Iujvidin Consulting
Owner: Bugbee Trust
Extension Filed: December 14, 2015

Case Planner: Associate Planner Harwell, 456-2489 ext. 250

Recommended Action: Adopt Planning Commission Resolution No. 16-07 granting a one-year extension of Coastal Development Permit No. 05-143, Variance Nos. 06-030 and 08-031, Site Plan Review No. 06-090, Offer-to-Dedicate No. 09-002, Coastal Development Permit Amendment No. 14-004, and Variance No. 14-007, an application for the construction of a new two-story single-family residence and associated development in the Rural Residential Twenty-Acre zoning district located at 34305 Pacific Coast Highway (Bugbee Trust).

7. Administrative Coastal Development Permit No. 15-035, Site Plan Review Nos. 15-045 and 15-046, and Demolition Permit No. 15-030 – An application for a new two-story single-family residence and associated development

Location: 5901 Philip Avenue, not within the appealable coastal zone
APN: 4469-003-022
Zoning: Rural Residential-Five Acre (RR-5)
Applicant: Jonathon Stout
Owners: Jeff and Lori Litow
Application Filed: May 14, 2015
Case Planner: Planning Manager Deleau, 456-2489 ext. 273

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-035.

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

3. Extension of Coastal Development Permit No. 05-027, Conditional Use Permit No. 03-008, Variance Nos. 04-008 and 04-009, Site Plan Review Nos. 05-026, 05-027, and 05-028, and Minor Modification Nos. 05-007 and 05-008 – A request to extend the Planning Commission's approval of an application for the construction of a new two-story duplex and associated development

Location: 22141 Pacific Coast Highway
APN: 4451-008-018
Zoning: Multi-Family Residential (MF)
Applicant/Owner: Scott Adamson
Extension Filed: November 19, 2015
Case Planner: Planning Director Blue, 456-2489 ext. 258

Recommended Action: Adopt Planning Commission Resolution No. 16-02 granting a one-year extension of Coastal Development Permit No. 05-027, Conditional Use Permit No. 03-008, Variance Nos. 04-008 and 04-009, Site Plan Review Nos. 05-026, 05-027, and 05-028, and Minor Modification Nos. 05-007 and 05-008, an application for the construction of a new two-story duplex and associated development in the Multi-Family Residential zoning district located at 22141 Pacific Coast Highway (Adamson).

Planning Director Blue presented the staff report.

Disclosures: None.

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

Speakers: None.

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

The Planning Commission directed questions to staff.

MOTION Vice Chair Mazza moved to deny the extension. The motion failed due to lack of a second.

MOTION Commissioner Jennings moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-02 granting a one-year extension of Coastal Development Permit No. 05-027, Conditional Use Permit No. 03-008, Variance Nos. 04-008 and 04-009, Site Plan Review Nos. 05-026, 05-027, and 05-028, and Minor Modification Nos. 05-007 and 05-008, an application for the construction of a new two-story duplex and associated development in the Multi-Family Residential zoning district. The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit Amendment No. 15-006 and Variance No. 15-039 - An application to extend the Planning Commission approval for two years and amend Coastal Development Permit No. 07-100 to relocate a new elevator to the front of an approved new commercial building and associated development (Continued from December 7, 2015)

Location: 22467 Pacific Coast Highway, within the appealable coastal zone
APN: 4452-023-010

Zoning: Commercial Visitor Serving–One (CV-1)
Applicant: Maria Ginwala
Owner: John Morgan
Application Filed: September 1, 2015
Case Planner: Associate Planner Harwell, 456-2489 ext. 250

Recommended Action: Adopt Planning Commission Resolution No. 16-08 determining the amended project is categorically exempt from the California Environmental Quality Act, granting a two-year extension to Coastal Development Permit (CDP) No. 07-100, and approving Coastal Development Permit Amendment No. 15-006 to amend CDP No. 07-100 to allow relocation of an elevator to the front of an approved new commercial building, including Variance No. 15-039 for the elevator height to exceed twenty-eight feet, and further reduction of the front yard setback in the Commercial Visitor Serving–One zoning district located at 22467 Pacific Coast Highway (Morgan).

Associate Planner Harwell presented the staff report.

Disclosures: Vice Chair Mazza.

The Commission directed questions to staff.

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

Speaker: John Morgan

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, John Morgan, and Shahzain Husain.

MOTION

Vice Chair Mazza moved and Commissioner Brotman seconded to adopt Planning Commission Resolution No. 16-08, as amended, 1) determining the amended project is categorically exempt from the California Environmental Quality Act, granting a two-year extension to Coastal Development Permit (CDP) No. 07-100, and approving Coastal Development Permit Amendment No. 15-006 to amend CDP No. 07-100 to allow relocation of an elevator to the front of an approved new commercial building, including Variance No. 15-039 for the elevator height to exceed twenty-eight feet, and further reduction of the front yard setback in the Commercial Visitor Serving–One zoning district; and 2) allow the height of the elevator to be 35 feet.

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

- B. Coastal Development Permit No. 12-094, Lot Line Adjustment No. 12-002, Initial Study No. 15-001, and Negative Declaration No. 15-001 - An application for a lot line adjustment between 6200 Porterdale Drive (APN 4467-004-037) and 6050 Murphy Way (APN 4467-004-028) with no new lots or development proposed (Continued from December 7, 2015)

Location: 6200 Porterdale Drive and 6050 Murphy Way, within the appealable coastal zone
APNs: 4467-004-037 and 4467-004-028
Zoning: Rural Residential–Ten Acre (RR-10)
Applicant: Lynn Heacox
Owners: Brad Folb and Dean Rasmussen
Application Filed: December 4, 2012
Case Planner: Contract Planner Janowicz, 456-2489 ext. 345

Recommended Action: Adopt Planning Commission Resolution No. 16-04, adopting Initial Study No. 15-001, and Negative Declaration No. 15-001 determining no significant adverse impacts will result from the project under the California Environmental Quality Act, and approving Coastal Development Permit No. 12-094 and Lot Line Adjustment No. 12-002 between 6200 Porterdale Drive (APN 4467-004-037) and 6050 Murphy Way (APN 44467-004-028) with no new lots or development proposed within the Rural Residential–Ten Acre zoning district (Folb and Rasmussen).

Contract Planner Janowicz presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Lynn Heacox and Norman Haynie.

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.

MOTION

Commissioner Pierson moved and Commissioner Jennings seconded a motion to adopt Planning Commission Resolution No. 16-04, adopting Initial Study No. 15-001, and Negative Declaration No. 15-001 determining no significant adverse impacts will result from the project under the California Environmental Quality Act, and approving Coastal Development Permit No. 12-094 and Lot Line Adjustment No. 12-002 between 6200 Porterdale Drive (APN 4467-004-037) and

6050 Murphy Way (APN 44467-004-028) with no new lots or development proposed within the Rural Residential–Ten Acre zoning district.

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

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 13-051, Variance No. 13-044, and Site Plan Review Nos. 13-049, 15-005, and 15-006 – An application for a new single-family hillside residence and associated development

Location: 3367 Rambla Pacifico Street, not within the appealable coastal zone
APN: 4451-011-018
Zoning: Rural Residential–One Acre (RR-1)
Applicant: Vitus Matare
Owner: Phillipa Greenwood
Application Filed: October 15, 2013
Case Planner: Associate Planner Hawner, 456-2489 ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 16-05 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-051 to construct a new 3,366 square foot, two-story, single-family residence with a 457 square foot attached two-car garage, 330 square foot loggia (covered patio), swimming pool and decks, landscaping, exterior stairs and hardscape, grading and retaining walls, and installation of a new alternative onsite wastewater treatment system; including Variance No. 13-044 for more than a 50 percent reduction of the front yard setback, Site Plan Review No. 13-049 for construction in excess of 18 feet in height, SPR No. 15-005 for development on slopes steeper than 3 to 1 and SPR No. 15-006 for a hillside residential development standard exemption in the Rural Residential-One Acre zoning district located at 3367 Rambla Pacifico Street (Greenwood).

Associate Planner Hawner presented the staff report.

Disclosures: Commissioner Brotman.

The Commission directed questions to staff.

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

Speaker: Vitus Matare.

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 Vitus Matare.

MOTION Commissioner Jennings moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 16-05 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-051 to construct a new 3,366 square foot, two-story, single-family residence with a 457 square foot attached two-car garage, 330 square foot loggia (covered patio), swimming pool and decks, landscaping, exterior stairs and hardscape, grading and retaining walls, and installation of a new alternative onsite wastewater treatment system; including Variance No. 13-044 for more than a 50 percent reduction of the front yard setback, Site Plan Review No. 13-049 for construction in excess of 18 feet in height, SPR No. 15-005 for development on slopes steeper than 3 to 1 and SPR No. 15-006 for a hillside residential development standard exemption in the Rural Residential-One Acre zoning district.

The Commission discussed the motion.

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

RECESS Chair Stack called a recess at 8:40 p.m., reconvening at 8:45 p.m. with all Commissioners present.

B. Local Coastal Program Amendment No. 14-001 – An amendment to Prohibit the Use of Anticoagulant Rodenticides Citywide

Location: Citywide
Applicant: City of Malibu

Recommended Action: As the City is preempted from regulating anticoagulant rodenticides, adopt Planning Commission Resolution No. 16-10, recommending that the City Council does not approve Local Coastal Program Amendment No. 14-001 to amend the Malibu Local Coastal Program Land Use Plan and Local Implementation Plan with provisions prohibiting the use of anticoagulant rodenticides; 2) Encourage the City Council to make the prohibition of anticoagulant rodenticides a legislative priority and urge the state Legislature to either eliminate local preemption or ban anticoagulant rodenticides statewide.

Associate Planner Hawner 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.

Speakers: Shannon Navarro (Michael Mitchell deferred time to Shannon Navarro); Kian Schulman (Doloros Giliam, Nancy Apgar, Tamara Napler, Steve Woods, and Marcia Mavs deferred time to Kian Schulman); Joel Schulman (Jackie Robbins, Renatta Pompetti, and Danny Mel deferred time to Joel Schulman); Susie Duff; Ann Buxie; Norman Haynie; Wendy Dunn; Don Wallace; Patt Healy; Lisa Leavenson; and Josie Kelley.

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.

MOTION Commissioner Pierson moved and Commissioner Brotman seconded a motion directing staff to draft a resolution to bring before the Planning Commission at the February 16, 2016 Regular Planning Commission meeting recommending a modified Local Coastal Program Amendment that follows as closely as possible Policies CO-58 and CO-59 from the County LCP to ban the use of anticoagulant rodenticides citywide for existing and new development.

FRIENDLY AMENDMENT

Vice Chair Mazza moved to amend the motion to: 1) make sure the amendments are made to the LUP and the LIP so that the ban can be implemented, and 2) recommend that City Council submit the amendment to the Coastal Commission for certification at the earliest possible date.

FRIENDLY AMENDMENT

Vice Chair Mazza moved to amend the motion to recommend City Council make enforcement of the ban a priority, rather than complaint-driven. The maker and seconder accepted the amendment.

The Commission discussed the amended motion.

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

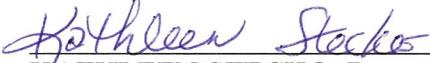
MOTION At 10:17 p.m., Commissioner Pierson moved and Commissioner Jennings seconded a motion to adjourn the meeting. The motion carried 5-0.

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



ROOHI STACK, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary