

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 16, 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, Jeffrey Jennings, and Mikke Pierson.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Christopher Deleau, Planning Manager; Adrian Fernandez, Senior Planner; Stephanie Hawner, Associate Planner; Jasch Janowicz, Contract 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.1. and 4.A. to a date uncertain and Item No. 5.A. to the March 7, 2016 Regular Planning Commission meeting.

The Commission discussed the motion.

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

MOTION Commissioner Jennings moved and Commissioner Brotman seconded a motion to approve the agenda, continuing Item No. 3.B.1. to a date uncertain and Item No. 5.A. to the March 7, 2016 Regular Planning Commission meeting. The motion carried 4-1, Vice Chair Mazza dissenting.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on February 5, 2016; with the amended agenda properly posted on February 10, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Chair Stack shared her experience accompanying the Malibu High School eighth graders on their field trip to the Holocaust Museum in Los Angeles.

Vice Chair Mazza shared information he obtained from Malibu City Attorney Christi Hogin regarding variances.

Commissioner Pierson inquired about a letter presented at the February 10, 2016 Special Joint Meeting of the Malibu City Council and Planning Commission from David Paul Dominguez regarding an approved project.

In response to Commissioner Pierson's inquiry, Planning Director Blue explained the letter pertained to a project approved late last year and the standard archeological review had been conducted.

Planning Director Blue announced the upcoming departure from the City of Malibu of Associate Planner Abigail Harwell, her final day will be February 23, 2016; the Point Dume Traffic Management Neighborhood meeting being held February 23, 2016; story poles have been installed for the Santa Monica College – Malibu Campus Project in preparation for the February 29, 2016 Special Planning Commission meeting; the 5723 Busch Drive water tank project will be considered at a date yet to be determined; a report on both a proposed concurrent submittal policy and height policy is scheduled to be provided to the Commission at the March 21, 2016 Regular Planning Commission meeting.

Commissioner Brotman inquired about the Santa Monica College – Malibu Campus Project Environmental Impact Report (EIR) being provided for informational purposes to consider the coastal development permit (CDP) and variances.

In response to Commissioner Brotman's inquiry, Planning Director Blue clarified that the Santa Monica College Board of Trustees is the lead agency who prepared the EIR. and the City of Malibu is the responsible agency issuing the CDP and will be conducting a California Environmental Quality Act review. The City has

the option of relying on the EIR provided or may opt to prepare an EIR. A review of the EIR is part of the Planning Commission's review of the project.

Vice Chair Mazza inquired if the concurrent review policy will be for residential submittals only.

In response to Vice Chair Mazza's inquiry, Planning Director Blue stated the proposed policy being explored would be applied on a limited basis only to residential submittals.

Commissioner Brotman inquired when the Zuma Jay's parking lot report will be presented.

In response to Commissioner Brotman's, inquiry Planning Director Blue indicated a report is scheduled to be provided in May.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled for discussion by Commissioner Pierson.

CONSENSUS

By consensus, the Planning Commission approved the consent calendar.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. 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 February 1, 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 a date uncertain.

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

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

2. Administrative Coastal Development Permit No. 14-037, Site Plan Review No. 15-014, Lot Merger No. 15-001, Minor Modification No. 15-003, and Demolition Permit No. 15-005 – An application for an addition to an existing single-family residence; demolition of an existing pool, spa, cottage home, and barn; construction of a new pool and spa; lot merger; and associated development

Location: 27865 Winding Way, not within the appealable coastal zone
APNs: 4467-005-007 and 4467-005-002
Zoning: Rural Residential–Two Acre (RR-2)
Applicant: The Land and Water Company
Owner: Tomboy Farms, LLC
Application Filed: June 4, 2014
Case Planner: Contract Planner Rudolph, 456-2489 ext. 268

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 14-037.

Planning Director Blue 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: None.

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

CONSENSUS

By consensus, the Planning Commission received and filed the Planning Director's report on Administrative Coastal Development Permit No. 14-037.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. 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 single-family residence and associated development (Continued from February 1, 2016)

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: 1) Consider the proposed project for the construction of a new 8,094 square foot, two-story single-family residence with a 1,000 square foot basement, a 568 square foot attached two-car garage, a 757 square foot detached second unit, a 36 square foot detached accessory structure, a 49 square foot covered porch area, tennis court, pool and spa, water features, retaining walls and fencing, driveway, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-012 for more than 1,000 cubic yards of non-exempt grading, and Site Plan Review No. 14-042 for height in excess of 18 feet (up to 28 feet for a pitched roof), in the RR-2 zoning district located at 24900 Pacific Coast Highway; and 2) direct staff as deemed appropriate.

Contract Planner Janowicz presented the staff report.

Disclosures: Commissioners Brotman 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.

Speakers: Douglas Burdge 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 and Douglas Burdge.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to continue the item to the March 7, 2016 Regular Planning Commission meeting to allow staff time to prepare a recommendation and resolution, and provide a landscaping plan for the Commission's consideration.

The Commission discussed the motion.

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

RECESS Chair Stack called a recess at 8:24 p.m., reconvening at 8:30 p.m. with all Commissioners present.

B. Local Coastal Program Amendment No. 14-001 – An Amendment to Prohibit the Use of Anticoagulant Rodenticides Citywide (Continued from January 19, 2016)

Location: Citywide
Applicant: City of Malibu
Case Planner: Associate Planner Hawner, 456-2489 ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 16-23, recommending the City Council approve Local Coastal Program Amendment No. 14-001, amending the Malibu Local Coastal Program with provisions prohibiting the use of anticoagulant rodenticides, take additional actions to promote rodent control methods that do not involve the use of poisons, and lobby the California Legislature to either eliminate local preemption or ban use of 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: Joel Schulman (Dolores Gillham, Patt Healy, and Margot Smit deferred time to Joel Schulman) 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.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-23, recommending the City Council approve Local Coastal Program Amendment No. 14-001, amending the Malibu Local Coastal Program with provisions prohibiting the use of anticoagulant rodenticides, take additional actions to promote rodent control methods that do not involve the use of poisons, and lobby the California Legislature to either eliminate local preemption or ban use of anticoagulant rodenticides statewide, amended as follows:

- 1) Do not amend existing LUP 3.18. (Pesticides).
- 2) Add LUP Chapter 5, Sections C.13.5.66 and C.13.5.67 to read as follows:

13. Anticoagulant Rodenticides

5.66. The use of anticoagulant rodenticides, which has the potential to significantly degrade biological resources, shall be prohibited.

5.67. The City shall work toward a poison free environment by exploring the feasibility of eliminating the use of all rodenticides at the soonest practicable date, and identify and promote rodent control methods that do not involve the use of poisons.

The Commission deliberated on the motion.

AMENDMENT

Vice Chair Mazza amended the motion to add LUP Chapter 3, Section 5(C)(5) to read as follows:

Add LUP Chapter 3, Section C.5.3.156 to read as follows:

5. Anticoagulant Rodenticides

3.156 The use of anticoagulant rodenticides which has the potential to significantly degrade biological resources, shall be prohibited.

Commissioner Pierson accepted the amendment.

The Commission further discussed the motion.

The question was called and the amended motion carried 3-2, Commissioners Brotman and Jennings dissenting.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit Amendment No. 15-002 - An application amending Coastal Development Permit No. 14-014 to add a second unit and concrete skate feature

Location: 28981 Cliffside Drive, within the appealable coastal zone
APN: 4466-010-001
Zoning: Rural Residential–One Acre (RR-1)
Applicant: Marmol Radziner
Owners: Edward and Melissa Akkaway
Application Filed: April 4, 2015
Case Planner: Associate Planner Hawner, 456-2489 ext. 276

Recommended Action: Continue this item to the March 7, 2016 Regular Planning Commission meeting.

The item was continued to the March 7, 2016 Regular Planning Commission meeting upon approval of the agenda.

- B. Coastal Development Permit No. 13-053, Variance No. 14-010, and Minor Modification No. 14-011 – An application for the construction of a new single-story single-family residence and associated development

Location: 6329 Zumirez Drive, not within the appealable coastal zone
APN: 4467-015-007
Zoning: Rural Residential–Five Acre (RR-5)
Applicant: Design*21, LLC
Owner: D and G Homes, Inc.
Application Filed: November 12, 2013
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-18, determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 13-053 to allow the construction of a new single-story, 5,434 square foot single-family residence with a 2,884 square foot basement and 834 square foot attached garage, swimming pool, spa, decks, landscape, driveway, fire department turnarounds, retaining walls and exterior stairs, and installation of a new alternative onsite wastewater treatment system, including Variance No. 14-010 for the required fuel modification area of the proposed residence to extend into a stream Environmentally Sensitive Habitat Area buffer and Minor Modification No. 14-011 for the reduction of the required front yard setback in the Rural

Residential-Five Acre zoning district located at 6329 Zumirez Drive (D and G Homes, Inc.).

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioner Brotman and Vice Chair Mazza.

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

Speaker: Roger Kurath.

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 Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-18, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act and approving Coastal Development Permit No. 13-053 to allow the construction of a new single-story, 5,434 square foot single-family residence with a 2,884 square foot basement and 834 square foot attached garage, swimming pool, spa, decks, landscape, driveway, fire department turnarounds, retaining walls and exterior stairs, and installation of a new alternative onsite wastewater treatment system, including Variance No. 14-010 for the required fuel modification area of the proposed residence to extend into a stream Environmentally Sensitive Habitat Area buffer and Minor Modification No. 14-011 for the reduction of the required front yard setback in the Rural Residential-Five Acre zoning district; and 2) adding Condition No. 81 requiring no fencing be permitted within the 100-foot ESHA buffer and fencing outside the ESHA buffer that is parallel to the stream (north-south direction) across the parcel's rear be limited to an open rail-type design. The question was called and the motion carried 5-0.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

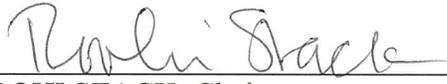
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:52 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