

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

CALL TO ORDER

Chair Mazza called the meeting to order at 6:33 p.m.

ROLL CALL

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

PRESENT: Chair John Mazza; Vice Chair Jeffrey Jennings; and Commissioners David Brotman, Mikke Pierson, and Roohi Stack.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Adrian Fernandez, Senior Planner; Richard Mollica, Senior Planner; Jessica Colvard, Associate Planner; Carlos Contreras, Associate Planner; Jamie Peltier, Planning Technician; Robert DuBoux, Assistant Public Works Director/Assistant City Engineer; and Kathleen Stecko, Recording Secretary.

PLEDGE OF ALLEGIANCE

Graeme Clifford led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on September 9, 2016, with the amended agenda properly posted on September 14, 2016.

APPROVAL OF AGENDA

MOTION Commissioner Brotman moved and Vice Chair Jennings seconded a motion to approve the agenda, continuing Item Nos. 4.B. and 5.A. to the October 17, 2016 Regular Planning Commission meeting and Item No. 5.B. to a date uncertain. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Stack shared that her family had participated in the Nautica Triathlon and expressed support for the event.

Commissioner Pierson inquired if there had been any development activity in the Paradise Cove mobile home park and about the propriety of Planning Commissioners speaking with developers outside of public meetings.

In response to Commissioner Pierson, Assistant City Attorney Rusin stated action could be taken prohibiting ex parte activities, however, the City allowed such interactions to take place, provided they were properly disclosed before an item was discussed at a public meeting.

Commissioners Brotman and Pierson expressed their support for the Nautica Triathlon despite the inconveniences the event presented.

CONSENSUS

By consensus, the Commission directed staff to report back on compliance with the parking requirements of the conditional use permits at 22706 Pacific Coast Highway (Nobu) and 22716 Pacific Coast Highway (Soho).

Vice Chair Jennings commented on a group of bicyclists he observed during the Nautica Triathlon riding in the left lane, obstructing traffic, and creating a hazard.

In response to Vice Chair Jennings, Planning Director Blue stated the Council elected to eliminate the Trails Incentive Program.

Chair Mazza stated the amount of money City received for the Nautica Triathlon was not enough to compensate for the inconvenience it created. He requested agenda items be continued if reports were not released with adequate time to be reviewed before Planning Commission meetings.

Planning Director Blue provided an update on the upcoming Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) meeting, including topics to be covered.

In response to Chair Mazza, Planning Director Blue stated the City Attorney's Office would be providing guidance on how the Planning Commission should interact with the ZORACES and indicated clarification would be provided at an upcoming ZORACES meeting.

ITEM 3 CONSENT CALENDAR

Item No. 3.A.1. was pulled for discussion by Commissioner Brotman and Item No. 3.B.3. was pulled for discussion by Commissioner Pierson.

MOTION Commissioner Pierson moved and Commissioner Brotman seconded a motion to approve the Consent Calendar, except Item Nos. 3.A.1. and 3.B.3. The motion carried unanimously.

The Consent Calendar consisted of the following items:

B. New Items

1. Approval of Minutes
Recommended Action: Approve the minutes for the September 6, 2016 Regular Planning Commission meeting.
Staff contact: Planning Director Blue, 456-2489 ext. 258
2. Extension of Coastal Development Permit No. 06-105, Variance Nos. 09-008 and 09-009, and Site Plan Review No. 06-091 – A request to extend the Planning Commission’s approval of an application for the construction of a new single-family residence and development
Location: 31801 Pacific Coast Highway
APN: 4470-008-018
Owner: Villa Rivolo, LLC
Case Planner: Associate Planner Contreras, 456-2489 ext. 265
Recommended Action: Adopt Planning Commission Resolution No. 16-71 granting a one-year extension of Coastal Development Permit No. 06-105, Variance Nos. 09-008 and 09-009, and Site Plan Review No. 06-091, an application for the construction of a new single-family residence and associated development in the Rural Residential Ten-Acre zoning district located at 31801 Pacific Coast Highway (Villa Rivolo, LLC).
4. Trancas Field Acquisition Conformance with General Plan (APN 440-012-045)
Staff contact: Planning Director Blue, 456-2489 ext. 258
Recommended Action: Adopt Planning Commission Resolution No. 16-78 finding the acquisition of the Trancas Field property for park, recreation or open space purposes conforms with the City of Malibu General Plan, and that this action is exempt from the California Environmental Quality Act (CEQA) located in the Rural Residential-Five Acre (RR-5) zoning district at 6155 Trancas Canyon Road and 30999 Pacific Coast Highway (APN 440-012-045).

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

A. Previously Discussed Items

1. General Plan consistency finding regarding proposed vacation of a portion of the Rambla Pacifico public right-of-way easement (Continued from September 6, 2016)
Location: 3849 Rambla Pacifico
APN: 4451-022-007
Easement Holder: City of Malibu
Applicant: Neil Strum
Case Planner: Senior Planner Mollica, 456-2489 ext. 346
Recommended Action: Adopt Planning Commission Resolution No. 16-49 finding the vacation of a portion of the public road easement along Rambla

Pacifico to be consistent with the General Plan and that this action is exempt from the California Environmental Quality Act, located in the Multi-Family zoning district at 3849 Rambla Pacifico Road.

Assistant Public Works Director/Assistant City Engineer DuBoux presented the staff report.

Disclosures: Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Graeme Clifford and Neil Strum.

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

The Commission directed questions to staff and Mr. Strum.

MOTION

Commissioner Brotman moved and Chair Mazza seconded a motion to continue the item to the October 17, 2016 Regular Planning Commission meeting to allow staff to provide a civil engineer drawing showing the boundaries of the parcel upon which vacation is requested.

FRIENDLY AMENDMENT

Chair Mazza amended the motion to request of staff a master sketch be provided. The maker and the seconder accepted the amendment.

The question was called and the amended motion carried unanimously.

B. New Items

3. Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006 and Minor Modification No. 13-005 – An application to construct a new single-family residence and development

Location: 28465 Via Acero Street, not within the appealable coastal zone

APN: 4467-033-014

Owner: Thilo Kuther

Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006 and Minor Modification No. 13-005.

Associate Planner Contreras presented the staff report.

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

The Commission directed questions to staff.

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

Speaker: Don Schmitz.

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

The Commission directed questions to staff and Mr. Schmitz.

MOTION

Commissioner Pierson moved and Chair Mazza seconded a motion requesting the issuance of the administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application.

The Commission discussed the motion.

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

As the motion failed, Chair Mazza stated the Planning Commission received and filed the Planning Director's report on Administrative Coastal Development Permit No. 13-014, Site Plan Review No. 13-006, and Minor Modification No. 13-005.

RECESS

Chair Mazza called a recess at 8:10 p.m., reconvening at 8:17 p.m. with all Commissioners present.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 14-028, and Variance Nos. 14-012 and 15-013 - An application for the construction of a new beachfront single-family residence, accessory structure, and associated development (Continued from September 6, 2016)

Location: 31438 Broad Beach Road, within the appealable coastal zone

APN: 4470-017-065

Owner: Ben Lingo

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-73 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-028, an application for the construction of a new 7,237 square foot single-family residence with attached garage, pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance (VAR) No. 14-012 for construction on slopes and VAR No. 15-013 for construction of a shoreline protection device to

allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road (Lingo).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Pierson.

The Commission directed questions to staff.

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

Speakers: Douglas Burdge, Norman Haynie, Mark Attanasio, Peter Koral, and Dean Vlahos.

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

MOTION

Vice Chair Jennings moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 16-73, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-028, an application for the construction of a new 7,237 square foot single-family residence with attached garage, pool, spa, and roof deck on a beachfront lot and removal of an existing rock revetment, including Variance (VAR) No. 14-012 for construction on slopes and VAR No. 15-013 for construction of a shoreline protection device to allow for the continued protection of an existing slope and surrounding properties located in the Single-Family Medium Density zoning district at 31438 Broad Beach Road (Lingo) and 2) adding a condition to memorialize the property owner's willingness to include a requirement to record an offer to dedicate a lateral beach access easement.

The Commission discussed the motion.

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

B. Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way (Continued from September 6, 2016)

Location: 29970.5 Harvester Road
Nearest APN: 4469-013-021
Owner: City of Malibu Public Right-of-Way
Applicant: Carver Chiu of Crown Castle NG West, Inc.
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482
Recommended Action: Continue the item to the October 5, 2016 Regular Planning Commission meeting.

The item was continued to the October 17, 2016 Regular Planning Commission meeting upon approval of the agenda.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 14-003, Variance Nos. 16-010 and 16-023, and Minor Modification No. 15-016 – An application for a new single-family beachfront residence and associated development

Location: 25306 Malibu Road, within the appealable coastal zone

APN: 4459-016-013

Owner: Chambers Creek, LLC

Case Planner: Associate Planner Colvard, 456-2489 ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 16-74 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-003, for the construction of a new 5,094 square foot, two-story, single-family beachfront residence with attached garage, decks, return wall, retaining walls, installation of a new alternative onsite wastewater treatment system, and removal of existing timber walls, Variance (VAR) No. 16-010 for the installation of a new bulkhead sited seaward of the shoreline protection device stringline, VAR No. 16-023 for construction on slopes steeper than 2.5 to 1, and Minor Modification No. 15-016 for a reduced front yard setback located in the Multi-Family Beachfront zoning district at 25306 Malibu Road (Chamber Creek, LLC).

The item was continued to the October 17, 2016 Regular Planning Commission meeting upon approval of the agenda.

- B. Local Coastal Program Amendment No. 16-003 – An application to change land use and zoning designations of four contiguous parcels from Public Open Space (POS) and Rural Residential-Forty Acre to Rural Residential-Twenty Acre

Location: 5603 and 5699 Tuna Canyon Road, 19005 and 19319 Pacific Coast Highway

APNs: 4449-009-001, 4449-009-002, 4449-009-003, and 4449-009-004

Applicant: City of Malibu

Owner: Canyon Vineyard Estates I, LLC

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.

- C. Conditional Use Permit Amendment No. 15-007 and Administrative Plan Review 15-058 – An application to amend Conditional Use Permit No. 08-009 and to allow for the expansion of the existing convenience market and garage bays at an existing service station (Chevron)

Location: 23670 Pacific Coast Highway

APN: 4458-019-009

Owner: KW Partnership L.P.

Tenant: Ben Pouldar, Malibu Petroleum Inc.

Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-77 approving Conditional Use Permit Amendment No. 15-007 to amend to Conditional Use Permit No. 08-009 and approving Administrative Plan Review No. 15-058 to allow for a 689 square foot expansion of the existing convenience market and garage bays at an existing service station in the Commercial General zoning district located at 23670 Pacific Coast Highway, at the corner of Pacific Coast Highway and Webb Way (Chevron / KW Partnership L.P.).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Brotman and Pierson and Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Patrick Fiedler and Graeme Clifford.

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

The Commission directed questions to staff and Mr. Fiedler

MOTION

Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-77, as amended: 1) approving Conditional Use Permit Amendment No. 15-007 to amend to Conditional Use Permit No. 08-009 and approving Administrative Plan Review No. 15-058 to allow for a 689 square foot expansion of the existing convenience market and garage bays at an existing service station in the Commercial General zoning district located at 23670 Pacific Coast Highway, at the corner of Pacific Coast Highway and Webb Way (Chevron / KW Partnership L.P.); and 2) requiring the ancillary buildings be included in the floor area ratio of the site.

The Commission discussed the motion and directed questions to staff.

The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:32 p.m., Commissioner Stack moved and Commissioner Brotman seconded a motion to adjourn the meeting. The motion carried unanimously.

Approved and adopted by the Planning Commission
of the City of Malibu on October 17, 2016.



JOHN MAZZA, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary