

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JANUARY 17, 2017
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Mazza 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 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; Richard Mollica, Senior Planner; Robert DuBoux, Assistant Public Works Director/Assistant City Engineer; and Kathleen Stecko, Recording Secretary

PLEDGE OF ALLEGIANCE

Commissioner Pierson led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on January 6, 2017.

APPROVAL OF AGENDA

MOTION Vice Chair Jennings moved and Commissioner Brotman seconded a motion to approve the agenda, continuing Item Nos. 5.C., 5.D., and 5.E. to the February 21, 2017 Regular Planning Commission meeting and Item Nos. 5.F., and 5.G. to the February 6, 2017 Regular Planning Commission meeting. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Paul Major stated his concerns regarding wireless telecommunications facilities.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Brotman expressed gratitude for having been appointed to the Planning Commission by Councilmember Joan House, honored having been part of the process, appreciation for having worked with the Planning Department and Commission, and thanked his wife Wendy for her support.

Chair Mazza thanked Vice Chair Jennings and Commissioner Brotman for their service and thanked Wendy Brotman for her support.

Commissioner Stack thanked Vice Chair Jennings and Commissioner Brotman for their knowledge and expressed that they would be missed.

Commissioner Pierson thanked Vice Chair Jennings and Commissioner Brotman and expressed appreciation for their expertise.

Vice Chair Jennings thanked the Commissioners for their service and expressed his hope that the remaining Commissioners would strive to provide to applicants the certainty and predictability that had evolved over their years together.

Planning Director Blue thanked the Commissioners for their service, announced the Commission appointment timeline, provided information on the upcoming Zoning Ordinance Revisions and Code Enforcement Subcommittee meeting and the Dark Skies Ordinance workshop, and wished everyone a happy new year.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.1. was pulled by Commissioner Pierson and Item No. 3.B.4. was pulled by Chair Mazza.

MOTION Commissioner Pierson moved and Commissioner Stack seconded a motion to approve the Consent Calendar, except Item Nos. 3.B.1. and 3.B.4.

The Consent Calendar consisted of the following items:

B. New Items

2. 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 third 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

Owner: 31537 Anacapa View Drive, LLC

Case Planner: Planning Director Blue, 456-2489 ext. 258

Recommended Action: Adopt Planning Commission Resolution No. 17-02 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).

3. Approval of Minutes

Recommended Action: Approve the minutes for the December 19, 2016 Regular Planning Commission meeting.

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

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

1. 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, Minor Modification Nos. 05-007 and 05-008, and Coastal Development Permit Amendment No. 07-003 – 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

Owner: Scott Adamson

Case Planner: Planning Director Blue, 456-2489 ext. 258

Recommended Action: Adopt Planning Commission Resolution No. 17-01 granting a one-year extension of Coastal Development Permit (CDP) 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, Minor Modification Nos. 05-007 and 05-008, and CDP Amendment No. 07-003, 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.

The Commission directed questions to staff.

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

Speaker: Jana Cassidy.

As there were no other speakers present, Chair Mazza closed public comment 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. 17-01 granting a one-year extension of Coastal Development Permit (CDP) 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, Minor Modification Nos. 05-007 and 05-008, and CDP Amendment No. 07-003, 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). The question was called and the motion carried 4-1, Chair Mazza dissenting.

4. Administrative Coastal Development Permit No. 16-007 – An application for the construction of a single-family residence and associated development

Location: 31831 Cottontail Lane, not within the appealable coastal zone
APN: 4470-020-009
Owner: AVB Investments
Case Planner: Contract Planner Rudolph, 456-2489 ext. 238
Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-007.

Senior Planner Mollica presented the staff report.

Disclosures: None.

The Commission directed questions to staff, Vitus Matore, and Norman Haynie.

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

Speaker(s): None.

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

MOTION

Chair Mazza moved to notice the item for a public hearing and process the application as a regular coastal development permit. The motion failed due to lack of second.

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on Administrative Coastal Development Permit No. 16-007.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 16-075 - An application for the construction of a new six foot high visually permeable fence and gate to replace the existing fence and gate at an existing public accessway

Location: 24038 Malibu Road, within the public right-of-way, within the appealable coastal zone

APN: 4458-009-900

Owner: Santa Monica Mountains Conservancy (SMMC)

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

Recommended Action: Adopt Planning Commission Resolution No. 17-07 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-075, an application to increase the height of the existing fence to six feet and replace the gate with a new six foot high gate that is visually permeable, located in the Public Open Space zoning district at 24038 Malibu Road (Santa Monica Mountains Conservancy).

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.

Speaker: Dick Robertson (Pete Talkachov deferred time to Dick Robertson).

Clifford Selbert submitted a request to speak but was not present.

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. Robertson.

MOTION Vice Chair Jennings moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 17-07, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 16-075, an application to increase the height of the existing fence to six feet and replace the gate with a new six foot high gate that is visually permeable, located in the Public Open Space zoning district at 24038 Malibu Road (Santa Monica Mountains Conservancy); and 2) updating Condition No. 3 to reflect the plans submittal date of January 17, 2017.

The question was called and the motion carried unanimously.

B. Coastal Development Permit Amendment No. 16-010 - An application to amend Coastal Development Permit No. 14-055 to modify the previously approved cultural resource monitoring conditions

Location: 5943 Kanan Dume Road, within the appealable coastal zone

APN: 4467-018-006

Owners: Malibu Belleview Estate

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

Recommended Action: Adopt Planning Commission Resolution No. 17-06 approving Coastal Development Permit Amendment No. 16-010 to amend Coastal Development Permit No. 14-055, an application for a new greenhouse, vineyards and associated development, to remove special cultural resource monitoring conditions that were inadvertently included from the adjacent property (5941 Kanan Dume), located in the Rural Residential-Five Acre zoning district at 5943 Kanan Dume Road (Malibu Belleview Estate, LLC).

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.

Speaker(s): None.

As there were no speakers present, Chair Mazza closed the public hearing. No further discussion occurred.

MOTION Vice Chair Jennings moved and Commissioner Brotman seconded a motion to adopt Planning Commission Resolution No. 17-06 approving Coastal Development Permit Amendment No. 16-010 to amend Coastal Development Permit No. 14-055, an application for a new greenhouse, vineyards and associated development, to remove special cultural resource monitoring conditions that were inadvertently included from the adjacent property (5941 Kanan Dume), located in the Rural Residential-Five Acre zoning district at 5943 Kanan Dume Road (Malibu Belleview Estate, LLC). The motion carried unanimously.

C. Wireless Telecommunications Facility No. 15-002, Variance No. 15-033, and Site Plan Review No. 15-010 - An application for the installation of a new wireless telecommunications facility within the public right of way

Location: 29180.5 Grayfox Street, within the public right-of-way

Nearest APN: 4466-015-022

Applicant: Cable Engineering Services, Inc. on behalf of Verizon Wireless

Owner: City of Malibu Public Right-of-Way

Case Planner: Assistant Planner Magaña, 456-2489 ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 17-10 determining the project is categorically exempt from the California Environment

Quality Act and approving Wireless Telecommunications Facility No. 15-002, Variance No. 15-033, and Site Plan Review No. 15-010 for the installation of a new wireless telecommunications facility, including three new antennas at a height of 29 feet, 6 inches attached to a replacement utility pole, electrical support equipment mounted to the pole and a new ground-mounted electrical meter pedestal, including a variance for the proposed antennas necessitating the replacement of the existing 38 foot, 6 inch high utility pole with a taller 43-foot high utility pole and a site plan review for the installation of a wireless facility within the public right-of-way in the Rural Residential-One Acre zoning district at 29180.5 Grayfox Street (Cable Engineering Services, Inc. on behalf of Verizon Wireless).

This item was continued to the February 21, 2017 Regular Planning Commission meeting upon approval of the agenda.

D. Wireless Telecommunications Facility No. 15-013, Variance No. 15-050, and Site Plan Review No. 15-058 - An application for the installation of a new wireless telecommunications facility within the public right of way

Location: 6920.5 Fernhill Drive, within the public right-of-way

Nearest APN: 4466-011-015

Applicant: Cable Engineering Services, Inc. on behalf of Verizon Wireless

Owner: City of Malibu Public Right-of-Way

Case Planner: Assistant Planner Magaña, 456-2489 ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 17-08 determining the project is categorically exempt from the California Environment Quality Act and approving Wireless Telecommunications Facility No. 15-013, Variance No. 15-050, and Site Plan Review No. 15-058 for the installation of a new wireless telecommunications facility, including three new antennas at a height of 29 feet, 6 inches attached to a replacement utility pole, electrical support equipment mounted to the pole and a new ground-mounted electrical meter pedestal, including a variance for the proposed antennas necessitating the replacement of the existing 30 foot high utility pole with a taller 38 foot, 6 inch high utility pole and a site plan review for the installation of a wireless facility within the public right-of-way in the Rural Residential-One Acre zoning district at 6920.5 Fernhill Drive (Cable Engineering Services, Inc. on behalf of Verizon Wireless).

This item was continued to the February 21, 2017 Regular Planning Commission meeting upon approval of the agenda.

E. Wireless Telecommunications Facility No. 15-004, Variance No. 15-034, and Site Plan Review No. 15-012 - An application for the installation of a new wireless telecommunications facility within the public right of way

Location: 7361.5 Birdview Avenue, within the public right-of-way

Nearest APN: 4468-021-018

Applicant: Cable Engineering Services, Inc. on behalf of Verizon Wireless

Owner: City of Malibu Public Right-of-Way

Case Planner: Assistant Planner Magaña, 456-2489 ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 17-09 determining the project is categorically exempt from the California Environment Quality Act and approving Wireless Telecommunications Facility No. 15-004, Variance No. 15-034, and Site Plan Review No. 15-012 for the installation of a new wireless telecommunications facility, including three new antennas at a height of 29 feet, 6 inches attached to a replacement utility pole, electrical support equipment mounted to the pole, a new ground-mounted electrical meter pedestal, and a new 36 inch high retaining wall including a variance for the proposed antennas necessitating the replacement of the existing 36 foot, 6 inch high utility pole with a taller 43-foot high utility pole and a site plan review for the installation of a wireless facility within the public right-of-way in the Rural Residential-One Acre zoning district at 7361.5 Birdview Avenue (Cable Engineering Services, Inc. on behalf of Verizon Wireless).

This item was continued to the February 21, 2017 Regular Planning Commission meeting upon approval of the agenda.

F. Coastal Development Permit No. 15-026 and Site Plan Review Nos. 16-008 and 16-035 – An application for a new single-family residence and associated development

Location: 28405 Via Acero Street, not within the appealable coastal zone
APN: 4467-033-015
Owner: 25 & K, LLC
Case Planner: Associate Planner Contreras, 456-2489 ext. 265
Recommended Action: Continue this item to the February 6, 2017 Regular Planning Commission meeting.

This item was continued to the February 6, 2017 Regular Planning Commission meeting upon approval of the agenda.

G. Conditional Use Permit No. 16-004 – An application to permit the continued operation of an existing legal, non-conforming racket club, Malibu Racquet Club, and onsite restaurant use, including service of beer and wine

Location: 23847 Stuart Ranch Road, not within the appealable coastal zone
APN: 4458-021-002
Owner: Malibu Racquet Club, LLC
Case Planner: Associate Planner Contreras, 456-2489 ext. 265
Recommended Action: Continue this item to the February 6, 2017 Regular Planning Commission meeting.

This item was continued to the February 6, 2017 Regular Planning Commission meeting upon approval of the agenda.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 8:00 p.m., Vice Chair Jennings 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 February 6, 2017.



JOHN MAZZA, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary