

MINUTES
MALIBU PLANNING COMMISSION
SPECIAL MEETING
JANUARY 27, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Vice 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: Vice Chair John Mazza and Commissioners David Brotman, Jeffrey Jennings, and Mikke Pierson.

ABSENT: Chair Roohi Stack.

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 Brotman led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Commissioner Jennings moved and Vice Chair Mazza seconded a motion to approve the agenda. The motion carried 4-0, Chair Stack absent.

REPORT ON POSTING OF AGENDA

Recording Secretary Stecko reported that the agenda for the meeting was properly posted on January 20, 2016.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioner Pierson requested an update on the status of the conditional use permit at Trancas Country Market.

In response to Commissioner Pierson, Senior Planner Mollica provided an update on the fulfillment of the conditions of approval at Trancas Country Market.

Vice Chair Mazza inquired about the timing of items on the consent calendar, particularly the appeal period of administrative coastal development permits and commented on the challenge of reviewing meeting materials when meetings are scheduled closely together.

In response to Vice Chair Mazza's comments, Planning Director Blue expressed gratitude to the Commission for its willingness to hold special meetings to process applications ready for hearing.

Planning Director Blue spoke regarding upcoming Planning Commission meetings and topics to be addressed at those meetings including parking lot safety standards on February 1, 2016, Civic Center Design Standards at the February 10, 2016 Joint City Council and Planning Commission meeting, and Santa Monica College on February 29, 2016.

Vice Chair Mazza inquired if there were any instructions on the manner in which the joint City Council and Planning Commission meeting would be conducted.

In response to Vice Chair Mazza's inquiry, Planning Director Blue stated the last joint meeting was held at the old City Hall and joint meetings are an infrequent occurrence, and described how the meeting would be organized.

ITEM 3 CONSENT CALENDAR

MOTION Commissioner Jennings moved and Commissioner Pierson seconded a motion to approve the Consent Calendar, accepting the staff recommendations. The motion carried 4-0, Chair Stack absent.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Administrative Coastal Development Permit No. 14-077 – An application for a remodel and addition to an existing single-family residence and associated development

Location: 6325 Malibu Park Lane, not within the appealable coastal zone
APN: 4469-025-045
Zoning: Rural Residential-Two Acre (RR-2)
Applicant: Vitus Matare
Owner: KFG Properties, LLC
Application Filed: December 11, 2014
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 14-077.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Variance Nos. 13-042, 13-043 and 15-036 - An application for the replacement of an existing 300,000 gallon water tank with a new 385,000 gallon water tank to meet current domestic and fire protection standards

Location: 5723 Busch Drive, not within the appealable coastal zone
APN: 4469-028-006
Zoning: Rural Residential-Two Acre (RR-2)
Applicant: Los Angeles County Waterworks District No. 29
Owner: Serra Canyon Co., LTD
Application Filed: August 29, 2013
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-06 determining the project is consistent with the Lower Busch Tank Negative Declaration previously adopted by the Los Angeles County Board of Supervisors under the California Environmental Quality Act and its addendum, approving Coastal Development Permit No. 13-040 to allow the replacement of an existing 300,000 gallon water tank with a new 385,000 gallon water tank to meet current domestic and fire protection standards, Conditional Use Permit No. 13-015 for a water tank on a rural residential parcel, Variance (VAR) No. 13-042 for the height of the water tank to exceed 24 feet in height for a flat roof to a height of 30 feet,

10 inches, and VAR No. 13-043 for the reduction of the required 20 foot front yard setback to the proposed zero front yard setback, and denying VAR No. 15-036 to double the impermeable coverage allowed for the site in the Rural Residential-Two Acre zoning district located at 5723 Busch Drive (Serra Canyon Co., LTD).

Senior Planner Fernandez presented the staff report.

Disclosures: None.

The Commission directed questions to staff and Don Schmitz.

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

Speakers: Dave Rydman; Philip Sionco; Yonah Halbert; Paul Ferguson; and Philip Gillin.

Dave Rydman and Yonah Halbert provided rebuttal to the public comment.

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, Dave Rydman, and Philip Sionco.

MOTION Commissioner Pierson moved and Commissioner Brotman seconded a motion to continue the item to the March 7, 2016 Regular Planning Commission meeting to allow further analysis of alternatives including increasing capacity of another tank in order to maintain the height of the one proposed at 5723 Busch Drive and for the applicant to address questions regarding the operational master plan.

The Commission discussed the motion.

The question was called and the motion carried 4-0, Chair Stack absent.

- B. Conditional Use Permit Amendment No. 15-002 and Administrative Plan Review No. 15-067 – An application to amend Conditional Use Permit No. 12-004 to add a bar within the existing outdoor dining area, change California Department of Alcoholic Beverage Control License Type 47 (On-Sale General Eating Place) to Type 57 (Special On-Sale General) and authorize the Planning Director to Submit a Letter of Public Convenience or Necessity to the ABC for the Use

Location: 22716 Pacific Coast Highway
APN: 4452-004-070
Zoning: Community Commercial (CC)
Applicant: Montalba Architects

Tenant: SOHO's Little Beach House Malibu
Owner: Malibu Cantina, LLC
Application Filed: August 3, 2015
Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 16-14 approving Conditional Use Permit Amendment No. 15-002 and Administrative Plan Review No. 15-067, to amend Conditional Use Permit No. 06-010 for an existing 7,100 square foot restaurant, with indoor and outdoor seating and alcohol service, to add a bar within the existing outdoor dining area, resulting in no increase in overall service area, change the California Department of Alcoholic Beverage Control (ABC) License from a Type 47 (On-Sale General Eating Place) to a Type 57 (Special On-Sale General) to limit alcohol sales to members only, and authorize the Planning Director to Submit a Letter of Public Convenience or Necessity to the ABC to allow issuance of the new license type for the use located at 22716 Pacific Coast Highway (Malibu Cantina, LLC / SOHO's Little Beach House Malibu).

Associate Planner Contreras presented the staff report.

Disclosures: Commissioners Brotman, 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: Samantha Stone, Thomas Lennard; and Gerald Susman (Melissa Miller deferred time to Gerald Susman).

Marcus Barwell provided rebuttal to the public comment.

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, Samantha Stone, and Thomas Lennard.

MOTION Vice Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-14, as amended: 1) approving Conditional Use Permit Amendment No. 15-002 and Administrative Plan Review No. 15-067, to amend Conditional Use Permit No. 06-010 for an existing 7,100 square foot restaurant, with indoor and outdoor seating and alcohol service, to add a bar within the existing outdoor dining area, resulting in no increase in overall service area, change the California Department of Alcoholic Beverage Control (ABC) License from a Type 47 (On-Sale General Eating Place) to a Type 57

(Special On-Sale General) to limit alcohol sales to members only, and authorize the Planning Director to Submit a Letter of Public Convenience or Necessity to the ABC to allow issuance of the new license type for the use located at 22716 Pacific Coast Highway (Malibu Cantina, LLC / SOHO's Little Beach House Malibu); 2) revising Condition No. 24 to state: "A review of the proposed use and compliance with the conditions of approval shall be conducted by Planning staff and reported to the Planning Commission within one year of commencement of operations. Staff will report whether the use is operating in compliance with the Planning Commission's findings and all approved conditions, and whether it recommends initiating proceedings to modify or revoke the permit;" 3) requiring employee parking to be onsite; 4) specifying City staff and police have the right to enter for City purposes; 5) specifying food and alcohol be served and consumed in service area; and 6) requiring that one-third of the membership of Soho's Little Beach House Malibu shall consist of residents that reside within the 90265 zip code.

FRIENDLY AMENDMENT

Commissioner Pierson amended the motion for a condition to state: "Employees and patrons shall park in the parking lot within the subject parcel, or as otherwise allowed offsite by Malibu Municipal Code".

The Commission discussed the amended motion and directed questions to staff.

The maker of the motion accepted the amendment.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to add a condition prohibiting the ocean and beach to be illuminated at night. The seconder of the motion accepted the amendment.

The question was called and the amended motion carried 4-0, Chair Stack absent.

MOTION Commissioner Pierson and Commissioner Brotman moved to have Item No. 5.F. precede Item No. 5.C. The motion carried 4-0, Chair Stack absent.

RECESS Vice Chair Mazza called a recess at 9:15 p.m., reconvening at 9:30 p.m., Chair Stack absent.

- F. Zoning Text Amendment No. 15-005 - An Amendment to Malibu Municipal Code Sections 17.02.060 (Definitions), 17.04.050 (Determination of Permitted Uses), and 17.66.120 (Medical Marijuana Dispensaries) to Regulate Medical Marijuana, and Addition of Chapter 17.77 (Medical Marijuana Delivery and Cultivation) to Title 17 (Zoning) to Prohibit the Cultivation, Delivery, and Mobile Dispensing of Medical Marijuana in All Zones Throughout the City

Location: Citywide
Applicant: City of Malibu

Recommended Action: Adopt Planning Commission Resolution No. 16-16 recommending that the City Council adopt the ordinance as proposed, or adopt the ordinance with modifications, and approve Zoning Text Amendment No. 15-005, amending Sections 17.02.060 (Definitions), 17.04.050 (Determination of Permitted Uses), and 17.66.120 (Medical Marijuana Dispensaries), to regulate medical marijuana, and adding Chapter 17.77 (Medical Marijuana Delivery and Cultivation) to Malibu Municipal Code (MMC) Title 17 (Zoning) to prohibit the cultivation, delivery, and mobile dispensing of medical marijuana in all zones throughout the City.

Associate Planner Hawner presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

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

Speakers: Linda Vallejo; Jena Chanel; Adam Ross; Scott Tallar; Tamer El-Shakhs; Don Schmitz; Natalia MacGamwell; Juju Namjai Choothesa; Sam Boyer; Mandy Slaybaugh; Alexander Willems; Yvonne Green; Vanessa Rodriguez; and Laura Jenkins.

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.

MOTION

Commissioner Jennings moved and Vice Chair Mazza seconded a motion directing staff to adopt Planning Commission Resolution No. 16-16, as amended, recommending: 1) if the State's March 1, 2016 statutory deadline is in effect at the time the City Council considers the ordinance, that the City Council adopt the ordinance as proposed and approve Zoning Text Amendment No. 15-005, amending Sections 17.02.060 (Definitions), 17.04.050 (Determination of Permitted Uses), and 17.66.120 (Medical Marijuana Dispensaries), to regulate medical marijuana, and adding Chapter 17.77 (Medical Marijuana Delivery and Cultivation) to Malibu Municipal Code (MMC) Title 17 (Zoning) to prohibit the cultivation, delivery; and mobile dispensing of medical marijuana in all zones throughout the City, and 2) if the deadline is not in effect, that the City Council not adopt the ordinance and instead direct staff to study options for allowing limited local medical marijuana delivery and cultivation, and prepare an

ordinance for review by the Zoning Ordinance Revisions and Code Enforcement Subcommittee.

The Commission discussed the amended motion.

FRIENDLY AMENDMENT

Vice Chair Mazza amended the motion to include a six-month sunset clause be put in place.

The Commission discussed the amendment.

FRIENDLY AMENDMENT

Commissioner Brotman amended the motion to: 1) provide a definition of “secure room” within the dispensary; 2) require the dispensary to provide a bathroom; and 3) change the reporting requirement to include anyone who has an interest in the dispensary rather than anyone with 10 percent interest or more.

The Commission discussed the amendments.

The maker did not accept the friendly amendments.

The question was called and the motion carried 3-1, Commissioner Pierson dissenting and Chair Stack absent.

MOTION

Commissioner Pierson moved and Commissioner Brotman seconded a motion to continue Item Nos. 5.D. and 5.E. to the February 1, 2016 Regular Planning Commission meeting. The motion carried 4-0, Chair Stack absent.

- C. Sign Permit No. 14-022, Minor Modification No. 15-001, and Variance No. 15-003 - An application for the approval of two signs on a commercial building (Hertz) that exceed the allowable square footage pursuant to the sign code

Location: 22853 Pacific Coast Highway
APN: 4452-020-031
Zoning: Community Commercial (CC)
Applicant: Robert May
Tenant: Hertz Rental Car
Owner: James Davidson
Application Filed: May 22, 2014
Case Planner: Assistant Planner Colvard, 456-2489 ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 16-11, determining the project is categorically exempt from the California Environmental Quality Act, and approving Sign Permit No. 14-022 to allow for the approval of two signs on a commercial building including Minor Modification No. 15-001 to allow for the placement of two signs and Variance No. 15-003 for an increase in the allowable square footage of the signs in the Community

Commercial zoning district located at 22853 Pacific Coast Highway (Davidson/Hertz Rental Car).

Assistant Planner Colvard 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.

Speaker: Robert May.

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.

MOTION

Commissioner Brotman moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-11, determining the project is categorically exempt from the California Environmental Quality Act, and approving Sign Permit No. 14-022 to allow for the approval of two signs on a commercial building including Minor Modification No. 15-001 to allow for the placement of two signs and Variance No. 15-003 for an increase in the allowable square footage of the signs in the Community Commercial zoning district located at 22853 Pacific Coast Highway (Davidson/Hertz Rental Car).

The Commission discussed the motion.

The question was called and the motion carried 3-1, Vice Chair Mazza dissenting, and Chair Stack absent.

D. Coastal Development Permit No. 14-005, Variance No. 15-048 and Site Plan Review No. 14-006 - An application for the construction of a new single-family residence and associated development

Location: 33355 Pacific Coast Highway, not within the appealable coastal zone
APN: 4473-003-015
Zoning: Rural Residential–Two Acre (RR-2)
Applicant: Burdge and Associates
Owner: Jake Lingo
Application Filed: February 4, 2014
Case Planner: Senior Planner Mollica, 456-2489 ext. 346
Recommended Action: Adopt Planning Commission Resolution No. 16-20 determining the project is categorically exempt from the California

Environmental Quality Act, and approving Coastal Development Permit No. 14-005 to allow for the construction of a new 6,705 square foot single-family residence, garage, and basement, 560 square foot second residential unit above a detached 857 square foot work room and garage, swimming pool, spa, alternative onsite wastewater treatment system, gates, fencing, hardscape and landscaping, including Variance No. 15-048 to allow for retaining walls in excess of six feet in height, and a Site Plan Review No. 14-006 for construction in excess of 18 feet in height, located in the Rural Residential Two-Acre Zoning District at 33355 Pacific Coast Highway (Lingo).

The item was continued to the February 1, 2016 Regular Planning Commission meeting.

E. Administrative Plan Review No. 15-105, Variance No. 15-024, and Site Plan Review No. 14-054, Demolition Permit No. 15-017 – An application to modify an existing two-story single-family residence and associated development

Location: 33014 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-018-008
Zoning: Rural Residential–Two Acre (RR-2)
Applicant: Marny Randall
Owner: Harpareno Trust
Application Filed: October 29, 2015 (amended); December 4, 2014 (original application)
Case Planner: Senior Planner Mollica, 456-2489 ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 16-19, determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-105 to modify an existing two-story single-family residence with an interior and exterior remodel, a 73 square foot addition, and a new stairway entrance, including Variance No. 15-024 for an addition that maintains a nonconforming two-thirds condition at the second floor, Site Plan Review No. 14-054 for construction over 18 feet in height, up to 28 feet for a pitched roof, and Demolition Permit No. 15-017 for the demolition of less than 50 percent of exterior walls for a project located in the Rural Residential-Two Acre zoning district located at 33014 Pacific Coast Highway (Harpareno Trust).

The item was continued to the February 1, 2016 Regular Planning Commission meeting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:53 p.m., Commissioner Pierson moved and Commissioner Jennings seconded a motion to adjourn the meeting. The motion carried 4-0, Chair Stack absent.

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



ROOHI STACK, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary