

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

CALL TO ORDER

Chair Mazza called the meeting to order at 6:30 p.m.

ITEM 1 CEREMONIAL/PRESENTATIONS

1. Administration of Oath of Office to Newly Appointed Commissioners

Commissioners Marx, Uhring, and Chair Mazza were sworn in by Senior Office Assistant Stecko.

ROLL CALL

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

PRESENT: Chair John Mazza; and Commissioners Chris Marx; Mikke Pierson, and Steve Uhring

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Richard Mollica, Senior Planner; Carlos Contreras, Associate Planner; Jasch Janowicz, Contract Planner; Robert Duboux, Assistant Public Works Director/Assistant City Engineer; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Commissioner Uhring 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 27, 2017, with the amended agenda properly posted on January 31, 2017.

APPROVAL OF AGENDA

MOTION Commissioner Pierson moved and Commissioner Uhring seconded a motion to approve the agenda, continuing Item Nos. 4.B. and 5.B. to the February 21, 2017 Regular Planning Commission meeting and Item No. 5.A. to a date uncertain. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS (continued)

2. Election of Chair and Vice Chair

MOTION Commissioner Pierson moved and Commissioner Marx seconded a motion nominating Chair Mazza to continue to serve as Chair of the Planning Commission. The motion carried unanimously.

MOTION Commissioner Uhring moved and Chair Mazza seconded a motion nominating Commissioner Pierson to serve as Vice Chair of the Planning Commission. The motion carried unanimously.

ITEM 2.A. PUBLIC COMMENTS

Debra Bianco stated her concerns about the continued operation of the Cornucopia Farmers Market during construction of the Santa Monica College Malibu Campus.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Chair Mazza and Vice Chair Pierson welcomed new Planning Commissioners Marx and Uhring.

In response to Vice Chair Pierson, Planning Director Blue provided an update on coordination efforts between Santa Monica College, the County of Los Angeles, the Cornucopia Farmers Market, and the City of Malibu to allow for continued operation of the market during construction of the college.

Chair Mazza requested staff provide information on the status of the Farmers Market's continued operation at a future meeting.

Chair Mazza announced Commissioner Stack's resignation from the Planning Commission and thanked her for her service.

Commissioners Marx and Uhring expressed their appreciation for the opportunity to serve on the Planning Commission.

Planning Director Blue provided information on the upcoming Brown Act training, announced the Dark Sky Ordinance Workshop would be held on a date to be determined, and shared the new public hearing notice postcard format.

ITEM 3 CONSENT CALENDAR

Item No. 3.B.2. was pulled by Chair Mazza.

MOTION Vice Chair Pierson moved and Commissioner Marx seconded a motion to approve the Consent Calendar, except Item No. 3.B.2. 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 January 17, 2017 Regular Planning Commission meeting.

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

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

2. Status of Conditional Use Permit No. 13-004 for the Operation of Restaurant Located at 26023 Pacific Coast Highway (Ranch at Solstice Canyon)

Location: 26023 Pacific Coast Highway, within the appealable coastal zone

APN: 4459-008-001

Owner: OK Corral Land Company, LLC

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

Recommended Action: Receive and file.

Senior Planner Mollica presented the staff report.

Disclosures: Commissioners Marx and Uhring, Vice Chair Pierson, and Chair Mazza.

The Commission directed questions to staff.

CONSENSUS

By consensus, the Commission directed staff to provide a report at the at the July 17, 2017 Regular Planning Commission meeting on the status of Conditional Use Permit No. 13-004 unless a conditional use permit amendment application was scheduled prior to that date.

The Commission directed questions to staff.

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

Speaker: Garner Gerson.

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

CONSENSUS

By consensus, the Commission received and filed the Planning Director's report on the status of Conditional Use Permit No. 13-004 for the Operation of a restaurant (Ranch at Solstice Canyon) (26023 Pacific Coast Highway).

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Zoning Text Amendment No. 16-002 - An application to amend Malibu Municipal Code Chapter 17.48 (Off-Street Parking and Loading Requirements) regulating valet parking lots serving hotels, motels, and bed and breakfast inns in the Commercial Visitor-Serving One and Commercial Visitor-Serving Two zoning districts Citywide (Continued from December 19, 2016)

Location: Citywide
Applicant: Burdge and Associates Architects, on behalf of Malibu Beach Inn
Owner: Mani MBI(DE), LLC
Case Planner: Contract Planner Janowicz, 456-2489 ext. 345
Recommended Action: Adopt Planning Commission Resolution No. 17-13 recommending that the City Council adopt Zoning Text Amendment No. 16-002, amending Malibu Municipal Code (MMC) Chapter 17.48 (Off-Street Parking and Loading Requirements) by adding MMC Section 17.48.080 (Valet Parking for Hospitality Uses) regulating the establishment of valet parking lots serving hotels, motels and bed and breakfast inns located in the Commercial Visitor-Serving One and Commercial Visitor-Serving Two zoning districts Citywide (Mani MBI(DE), LLC / Malibu Beach Inn).

Contract Planner Janowicz presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

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

Speakers: Jeffrey Seymour, Norman Haynie, and Jonathan Kaye.

Joshua Gottheim and Mr. Seymour provided rebuttal to the public comment.

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, Mr. Seymour, and Simon Mani.

MOTION Chair Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 17-13, as amended, recommending that the City Council deny Zoning Text Amendment No. 16-002, amending Malibu Municipal Code (MMC) Chapter 17.48 (Off-Street Parking and Loading Requirements) by adding MMC Section 17.48.080 (Valet Parking for Hospitality Uses) regulating the establishment of valet parking lots serving hotels, motels and bed and breakfast inns located in the Commercial Visitor-Serving One and Commercial Visitor-Serving Two zoning districts Citywide (Mani MBI(DE), LLC / Malibu Beach Inn).

The Commission discussed the motion.

FRIENDLY AMENDMENT

Chair Mazza amended the motion to recommend the following areas of study be conducted to determine: 1) the impact citywide of the ZTA on traffic; 2) how the impact relates to the distance from the hotel or motel that the offsite lot is located; 3) the traffic impact on PCH between Malibu Pier and one-quarter mile south of McDonald's; and 4) an analysis of whether the ZTA should include both CV-1 and CV-2 zoning districts or CV-2 only; and to recommend: 1) requiring standard size parking in the valet area; and 2) a provision be included that the Planning Commission review the results of studies.

The amendment was accepted by the seconder.

FRIENDLY AMENDMENT

Commissioner Uhring amended the motion to include a study be conducted to determine: 1) the cost and method of enforcement; and 2) a general estimate of available offsite parking spaces on PCH between Malibu Pier and one-quarter mile south of McDonald's.

The amendment was accepted by the maker of the motion.

FRIENDLY AMENDMENT

Vice Chair Pierson amended the motion to recommend the term for the offsite parking lot be increased to match the anticipated useful life of the project requiring the offsite parking.

The amendment was accepted by the maker and the seconder.

The Commission discussed the motion.

The question was called and the amended motion carried unanimously.

RECESS Chair Mazza called a recess at 8:46 p.m., reconvening at 8:55 p.m. with all Commissioners present.

B. 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 (Continued from January 17, 2017)

Applicant: 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: Continue this item to the February 21, 2017 Regular Planning Commission meeting.

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

C. Coastal Development Permit No. 15-026 and Site Plan Review Nos. 16-008 and 16-035 – An application for a new single-family hillside residence and associated development (Continued from January 17, 2017)

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: Adopt Planning Commission Resolution No. 17-04 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-026 to construct a new 5,379 square foot, two-story single-family residence, with an attached two car garage, a 900 square foot detached second dwelling unit, swimming pool and spa, a second floor deck and roof deck with trellis, landscaping and hardscape, grading and retaining walls, a permanent potable water well for domestic use only, an above ground domestic water storage tank, and installation of a new alternative onsite wastewater treatment system, including Site Plan Review No. 16-008 for construction in excess of 18 feet in height up to 28 feet for the single-family residence, and Site Plan Review No. 16-035 for construction on slopes steeper than 3 to 1, located in the Rural Residential–Five Acre zoning district at 28405 Via Acero Street (25 & K, LLC).

Commissioner Marx recused himself due to the proximity of his residence being within 500 feet of the project site and left the dais at 9:00 p.m.

Associate Planner Contreras presented the staff report.

Disclosures: Commissioner Uhring, Vice Chair 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: Kamyar Lashgari, Joseph Bouganim, Don Schmitz, Fred Bakshandeh, Beatrix Zilinskas (Teri Marx, Gene Zilinskas, Lotte Cherin, Ken Nilsen, Chris Marx, and Dagmar Zilinskas deferred time to Ms. Zilinskas), and Jonathan Kaye.

Kamyar Lashgari provided rebuttal to the public comment.

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, Mr. Bouganim, Mr. Schmitz, and Ms. Zilinskas.

MOTION

Chair Mazza moved and Vice Chair Pierson seconded a motion to adopt Planning Commission Resolution No. 17-04, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-026 to construct a new 5,379 square foot, two-story single-family residence, with an attached two car garage, a 900 square foot detached second dwelling unit, swimming pool and spa, a second floor deck and roof deck with trellis, landscaping and hardscape, grading and retaining walls, a permanent potable water well for domestic use only, an above ground domestic water storage tank, and installation of a new alternative onsite wastewater treatment system, including Site Plan Review No. 16-008 for construction in excess of 18 feet in height up to 28 feet for the single-family residence, and Site Plan Review No. 16-035 for construction on slopes steeper than 3 to 1, located in the Rural Residential-Five Acre zoning district at 28405 Via Acero Street (25 & K, LLC); 2) Revise Condition No. 15 to state: “a State Construction Activity Permit is required for this project if it disturbs more than one acre of land per development, provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits if this condition applies;” and 3) Revise Condition No. 25 to state: “the replacement trees be monitored annually by a qualified biologist or arborist for a period of 10 years.”

The Commission discussed the motion.

The question was called and the motion carried 3-0, Commissioner Marx absent.

Commissioner Marx returned to the dais at 10:14 p.m.

D. Conditional Use Permit No. 16-004 – An application to permit the continued operation of an existing legal, non-conforming racket club with lighted sport courts, and onsite restaurant use (Malibu Racquet Club), including service of beer and wine (Continued from January 17, 2017)

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: Adopt Planning Commission Resolution No. 17-05 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 16-004 to permit the continued operation of an existing legal, non-conforming racket club (Malibu Racquet Club) with lighted sport courts and ancillary onsite restaurant use, including a California Department of Alcoholic Beverage Control License Type 41 (On-Sale Beer and Wine Eating Place) to allow re-establishment of the service of beer and wine in the Community Commercial zoning district located at 23847 Stuart Ranch Road (Malibu Racquet Club, LLC).

Associate Planner Contreras presented the staff report.

Disclosures: Commissioners Marx and Uhring, and Chair Mazza.

The Commission directed questions to staff.

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

Speaker: Drew Purvis.

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, Mr. Purvis, and Trey Waltke.

MOTION

Chair Mazza moved and Vice Chair Pierson seconded a motion to continue the matter to the March 6, 2017 Regular Planning Commission meeting to allow staff to prepare a parking analysis that addresses service area as part of the overall calculation, update the condition pertaining to live music to allow the continued compliance with the standard noise ordinance, and add a condition requiring the minimization of lighting impact.

The Commission discussed the motion.

The question was called and the motion carried unanimously.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit Amendment No. 15-037, Variance No. 15-031, Site Plan Review No. 15-039 and Extension of Coastal Development Permit No. 11-037, Variance No. 11-018, and Minor Modification No. 12-007 – An application to amend Coastal Development Permit No. 11-037 for the construction of a new, two-story single-family residence and accessory development and second extension of Coastal Development Permit No. 11-037

Location: 20272 Inland Lane, within the appealable coastal zone
APN: 4450-012-032
Owner: Jonathan Congdon
Case Planner: Contract Planner Janowicz, 456-2489 ext. 345
Recommended Action: Continue the item to a date uncertain.

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

- B. Coastal Development Permit No. 16-035, Variance No. 16-038, Variance No. 16-039, and Site Plan Review No. 16-032 – An application for a new single-family residence and associated development

Location: 33127 Pacific Coast Highway, within the appealable coastal zone
APN: 4473-003-026
Owner: Rodney Eckerman
Case Planner: Associate Planner Colvard, 456-2489 ext. 234
Recommended Action: Continue the item to the February 21, 2017 Regular Planning Commission meeting.

The item was continued to the February 21, 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 11:05 p.m., Commissioner Uhring moved and Commissioner Marx 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 21, 2017.



JOHN MAZZA, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary