

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
AUGUST 15, 2016
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Mazza called the meeting to order at 6:32 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 Mikke Pierson and Roohi Stack. Commissioner David Brotman arrived at 6:37 p.m.

ALSO PRESENT: Bonnie Blue, Planning Director; Trevor Rusin, Assistant City Attorney; Richard Mollica, Senior Planner; Stephanie Hawner, Senior Planner; Lilly Rudolph, Contract Planner; 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 August 4, 2016, with the amended agenda properly posted on August 11, 2016.

APPROVAL OF AGENDA

MOTION Chair Mazza moved and Commissioner Pierson seconded a motion to approve the agenda, continuing Item No. 4.A. to the September 6, 2016 Regular Planning Commission meeting. The motion carried 4-0, Commissioner Brotman absent.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Graeme Clifford expressed his concern regarding relinquishing the easement at Rambla Pacifico without fully exploring if existing fire hydrants and water mains will need to be relocated and if the easement will be needed in the future by the City of Malibu.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Commissioners Stack and Pierson and Chair Mazza acknowledged the participation of Malibu High School graduate Jordan Wilimovsky in the 2016 Olympic Games swimming events.

Commissioner Pierson inquired about the status of the Seaboard Road project, if any projects or zoning changes are currently planned as a result of the Trancas Town settlement, the conversion of the Cavalleri apartments to condominiums, and the increase of traffic and parking congestion on Pacific Coast Highway.

In response to Commissioner Pierson, Planning Director Blue provided an update on the status of the Seaboard Road project, the Trancas Town settlement, and clarified the Cavalleri apartments were originally developed as condominiums.

Chair Mazza commented the Housing Element only provides zoning for housing, but does not require housing to be built, commented on the Rambla Pacifico easement vacation agenda report, requested agenda reports be released with adequate time to be reviewed before the Planning Commission meetings, inquired about the status of the proposed cemetery, and announced his intention to have the meeting adjourned in memory of Jack Foley.

In response to Chair Mazza, Planning Director Blue stated the agenda report for the Rambla Pacifico easement vacation will include a helpful graphic and provided an update on the status of the proposed cemetery application.

Planning Director Blue provided an update on the upcoming ZORACES meeting including topics to be covered, and announced the new valet attendant safety requirements are in effect.

ITEM 3 CONSENT CALENDAR

MOTION Commissioner Pierson moved and Commissioner Stack seconded a motion to approve the Consent Calendar. The motion carried 5-0.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. Administrative Coastal Development Permit No. 15-019 and Lot Merger No. 16-002 – An application to merge two parcels (29803 and 29807 Baden Place) and construct a tennis court with a 12 foot high sports court fencing, decomposed granite path, and hardscape and landscaping

Location: 29803 and 29807 Baden Place, not within the appealable coastal zone

APNs: 4469-040-004 and 4469-040-003

Owners: Isackson Family Trust U/T/A dated December 21, 1999 and Isackson Family Trust dated December 21, 1999

Case Planner: Senior Planner Hawner, 456-2489 ext. 276

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 15-019 and Lot Merger No. 16-002.

2. Approval of Minutes

Recommended Action: Approve the minutes for the August 1, 2016 Regular Planning Commission meeting.

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

ITEM 4 CONTINUED PUBLIC HEARINGS

A. 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 July 18, 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 September 6, 2016 Regular Planning Commission meeting.

The item was continued to the September 6, 2016 Regular Planning Commission upon approval of the agenda.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 14-055 - An application to allow a new 817 square foot greenhouse, parking area, new landscaping, new vineyards, and new fencing

Location: 5943 Kanan Dume Road, not within the appealable coastal zone

APN: 4467-018-006

Owner: Malibu Belleview Estate

Case Planner: Contract Planner Rudolph, 456-2489 ext. 238

Recommended Action: Adopt Planning Commission Resolution No. 16-72 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-055 to allow a new 817 square-foot greenhouse, parking area, new landscaping, new vineyards, and new fencing located in the Rural Residential-Five Acre zoning district at 5943 Kanan Dume Road (Malibu Belleview Estate).

Contract Planner Rudolph presented the staff report.

Disclosures: Commissioner Brotman and Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Matt Jewett and Nathan Crair.

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, Matt Jewett, and Beatrice Cointreau.

MOTION

Chair Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 16-72, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-055 to allow a new 817 square-foot greenhouse, parking area, new landscaping, new vineyards, and new fencing located in the Rural Residential-Five Acre zoning district at 5943 Kanan Dume Road (Malibu Belleview Estate); 2) revising Condition No. 16 to state: "Building Safety and Planning Department inspections for the greenhouse (primary use) and vineyard (accessory use) shall be conducted concurrently;" 3) adding a condition stating: "Pursuant to LIP Section 8.3(F), no grading permit shall be issued until a building permit is approved;" 4) adding a condition to state: "The greenhouse may not be used for any other use other than the propagation of plants, including, but not limited to, commercial wine tasting room, retail establishment, entertainment venue, or a residence;" 5) adding a condition to state: "prior to final inspection, the applicant shall demonstrate that all conditions of Water District 29 have been completed, including installation of the water meter, if required;" and 6) ban of the use of anti-coagulant rodenticides.

FRIENDLY AMENDMENT

- Vice Chair Jennings amended the motion to: 1) remove the requirement for visual screening; 2) remove Condition No. 35 pertaining to seasonal grading; 3) add language to the condition pertaining to use of the venue to state: "unless permitted by a special event permit or other City permit;" and 4) removal of the reciprocal easement condition.

The amendment was accepted by the maker and seconder.

The Commission discussed the motion.

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

B. Coastal Development Permit No. 14-028, Variance Nos. 14-012 and 15-013 - An application for the construction of a new beachfront single-family residence, accessory structure, and associated development

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: Commissioners Brotman and Pierson and Chair Mazza.

The Commission directed questions to staff and Joseph Lezama.

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

Speakers: Ben Lingo, Douglas Burdge, Mark Attanasio, and Krista Levitan.

Douglas Burdge 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, Douglas Burdge, and Joseph Lezama.

RECESS Chair Mazza called a recess at 9:03 p.m., reconvening at 9:10 p.m. with all Commissioners present.

The matter was returned to the table for discussion.

The Commission directed questions to staff and Douglas Burdge.

MOTION Commissioner Brotman moved 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); 2) insuring any loft is no greater than one-third the room it serves; and 3) for any associated stairs, half will be considered the area of the loft and half will be considered the area of the room it serves. The motion failed due to lack of second.

MOTION Vice Chair Jennings moved and to 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). The motion failed due to lack of second.

MOTION Chair Mazza moved to deny 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). The motion failed due to lack of second.

MOTION Chair moved and Commissioner Pierson seconded a motion to continue the item to the September 6, 2016 Regular Planning Commission meeting to allow staff time to research whether the loft dimensions are allowable per Malibu Municipal Code. The question was called and the motion carried 3-2, Commissioner Brotman and Vice Chair Jennings dissenting.

C. Coastal Development Permit No. 14-004, Minor Modification No. 14-025, and Site Plan Review No. 14-005 – An application for a new single-family residence and associated development

Location: 33728 Pacific Coast Highway, within the appealable coastal zone

APN: 4473-021-004

Owner: EZ-ASP65-Residence, LLC

Case Planner: Senior Planner Hawner, 456-2489 ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 16-68 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-004 to construct a new 5,693 square foot, two-story, single-family residence with an attached two-car garage, 734 square foot second unit, and tennis court, swimming pool, landscaping and hardscape, grading and retaining walls, and installation of a new alternative onsite wastewater treatment system, including Minor Modification No. 14-025 for a 46 percent reduction of the front yard setback, and Site Plan Review No. 14-005 for construction in excess of 18 feet in height up to 24 feet for a flat roof, located in the Rural Residential–Two Acre zoning district at 33728 Pacific Coast Highway (EZ-ASP65-Residence, LLC).

Senior Planner Hawner presented the staff report.

Disclosures: Commissioners Brotman and Pierson and Chair Mazza.

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

Speaker(s): None.

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

MOTION Chair Mazza moved and Commissioner Stack seconded a motion to adopt Planning Commission Resolution No. 16-68, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-004 to construct a new 4,581 square foot, two-story, single-family residence with an attached two-car garage, 820 square foot second unit, and tennis court, swimming pool, landscaping and hardscape, grading and retaining walls, and installation of a new alternative onsite wastewater treatment system, including Minor Modification No. 14-025 for a 46 percent reduction of the front yard setback, and Site Plan Review No. 14-005 for construction in excess of 18 feet in height up to 24 feet for a flat roof, located in the Rural Residential–Two Acre zoning district at 33728 Pacific Coast Highway (EZ-ASP65-Residence, LLC); and 2) correcting the square footage of the residence from 5,693 square-feet to 4,581 square-feet and the garage from 734 square-feet to 820 square-feet.

The Commission discussed the motion.

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

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

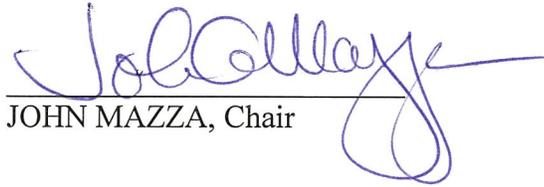
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:37 p.m., Chair Mazza moved and Commissioner Stack seconded a motion to adjourn the meeting in the memory of Jack Foley. The motion carried 5-0.

Approved and adopted by the Planning Commission
of the City of Malibu on September 6, 2016.



JOHN MAZZA, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary