

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 5, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Pierson 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 Mikke Pierson; Vice Chair Chris Marx; and Commissioners Jeffrey Jennings, John Mazza, and Steve Uhring

ALSO PRESENT: Reva Feldman, City Manager; Trevor Rusin, Assistant City Attorney; Jessica Colvard, Associate Planner; Adrian Fernandez, Senior Planner; Richard Mollica, Senior Planner; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Senior Planner Mollica led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Senior Office Assistant Stecko reported that the agenda for the meeting was properly posted on January 25, 2018.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Vice Chair Marx seconded a motion to approve the agenda continuing Item No. 5.B. to the February 20, 2018 Regular Planning Commission meeting. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Jackie Sutton commented on concerns regarding motorcyclists on Pacific Coast Highway in front of her home.

ITEM 2.B. COMMISSION / STAFF COMMENTS

In response to Ms. Sutton, the Commission encouraged her to address her concerns about motorcyclists on Pacific Coast Highway with the Public Safety Commission, City Council, and law enforcement.

Chair Pierson stated he received feedback from applicants that the letter from the Planning Director, regarding the new complete submittal policy and change in counter hours, was helpful in informing clients. In addition, he discussed the Planning Commission's role in making planning decisions and expressed appreciation for public comments provided at meetings, which assisted the Commission in making informed decisions.

City Manager Feldman provided information on the new complete submittal process, new counter hours, and staffing additions to the Planning Department. She stated the City would be testing the Everbridge mass emergency notification system on February 7, 2018

In response to Chair Pierson, City Manager Feldman stated the training schedule established for new employees should minimize disruption to the operation of the Planning Department.

In response to Commissioner Mazza, Senior Planner Mollica explained the fees involved in pre-application meetings with applicants.

City Manager Feldman stated no current recruitment was underway for the Planning Manager position, however, ultimately it was anticipated that the position would be filled.

ITEM 3 CONSENT CALENDAR

MOTION Commissioner Jennings moved and Commissioner Uhring seconded a motion to approve the Consent Calendar. The motion carried unanimously.

The Consent Calendar consisted of the following items:

- A. Previously Discussed Items

None.

- B. New Items
 - 1. Approval of Minutes
Recommended Action: Approve the minutes for the December 18, 2017 Regular Planning Commission meeting.
 - 2. Administrative Coastal Development Permit No. 17-059 – An application for the installation of a new alternative onsite wastewater treatment system and associated development
Location: 23538 Malibu Colony Drive, within the appealable coastal zone
APN: 4458-004-042
Owner: Malibu Colony Coast, LLC
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482
Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 17-059.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 15-071, Variance No. 15-049, Minor Modification No. 15-023, and Demolition Permit No. 17-035 – An application for the demolition of an existing single-family residence, construction of a new single-family residence and associated development (Continued from January 16, 2018)

Location: 27360 Pacific Coast Highway, within the appealable coastal zone

APN: 4460-030-010

Owner: Daniel Alberstone and Lisa Ogawa Living Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 18-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-071 to construct a new 3,208 square foot, single-family residence, with attached garage, roof top swimming pool and deck, hardscape, grading, pile foundation, seawall, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-049 to allow for the reduction in required onsite parking from four spaces to two enclosed parking spaces, Minor Modification No. 15-023 to reduce the eastern side yard by 20 percent, and Demolition Permit No. 17-035 for the demolition of the existing house, located in the Single-Family Medium zoning district at 27360 Pacific Coast Highway (Daniel Alberstone and Lisa Ogawa Living Trust).

Senior Planner Mollica presented the staff report.

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

The Commission directed questions to staff.

As there were no other questions for staff, Chair Pierson opened the public comment portion of the public hearing.

Speakers: Peter Tolkin, Daniel Alberstone, and Norman Haynie.

As there were no other speakers present, Chair Pierson closed the public comment portion of the public hearing.

The Commission directed questions to staff, Mr. Haynie, Mr. Tolkin, and Mr. Alberstone.

As there were additional disclosures, Chair Pierson reopened the public comment portion of the public hearing.

Speaker: Mr. Haynie.

As there were no other speakers present, Chair Pierson closed the public comment portion of the public hearing.

The Commission directed questions to staff, Mr. Alberstone, Mr. Haynie, and Mr. Tolkin.

MOTION Commissioner Mazza moved to adopt Planning Commission Resolution No. 18-12, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-071 to construct a new 3,208 square foot, single-family residence, with attached garage, roof top swimming pool and deck, hardscape, grading, pile foundation, seawall, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-049 to allow for the reduction in required onsite parking from four spaces to two enclosed parking spaces, Minor Modification No. 15-023 to reduce the eastern side yard by 20 percent, and Demolition Permit No. 17-035 for the demolition of the existing house, located in the Single-Family Medium zoning district at 27360 Pacific Coast Highway (Daniel Alberstone and Lisa Ogawa Living Trust); and 2) increasing the measurement of the east side easement to five feet, and decreasing the measurement of the west side easement.

The Commission directed questions to staff and Mr. Tolkin.

The motion died due to lack of second.

MOTION Commissioner Jennings moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 18-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-071 to construct a new 3,208 square foot, single-family residence, with attached garage, roof top swimming pool and deck, hardscape, grading, pile foundation, seawall, and installation of a new alternative onsite wastewater treatment system, including Variance No. 15-049 to allow for the reduction in required onsite parking from four spaces to two enclosed parking spaces, Minor Modification No. 15-023 to reduce the eastern side yard by 20 percent, and Demolition Permit No. 17-035 for the demolition of the existing house, located in the Single-Family Medium zoning district at 27360 Pacific Coast Highway (Daniel Alberstone and Lisa Ogawa Living Trust).

The Commission discussed the motion.

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

RECESS Chair Pierson called a recess at 7:54 p.m. The meeting reconvened at 8:02 p.m. with all Commissioners present.

ITEM 5 NEW PUBLIC HEARINGS

A. Conditional Use Permit No. 17-006 – An application to permit the continued operation of the Country Kitchen, a restaurant in the Commercial Neighborhood zoning district

Location: 21235 Pacific Coast Highway
APN: 4451-021-005
Owner: 4211 Park Blvd., LLC
Tenant: Country Kitchen
Case Planner: Associate Planner Colvard, 456-2489 ext. 234
Recommended Action: Adopt Planning Commission Resolution No. 18-04 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 17-006 to permit the continued operation of a restaurant (Country Kitchen) in the Commercial Neighborhood zoning district located at 21235 Pacific Coast Highway (4211 Park Blvd, LLC).

Associate Planner Colvard presented the staff report.

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

The Commission directed questions to staff.

As there were no other questions for staff, Chair Pierson opened the public comment portion of the public hearing.

Speakers: Don Schmitz, Paul Grisanti, Kevin Ruiz, Cyrene Houdini, and Lloyd Ahern.

Mr. Schmitz provided rebuttal to public comment.

As there were no other speakers present, Chair Pierson closed the public comment portion of the public hearing.

MOTION Commissioner Mazza moved and Chair Pierson seconded a motion to adopt Planning Commission Resolution No. 18-04 determining the project is categorically exempt from the California Environmental Quality Act, and approving Conditional Use Permit No. 17-006 to permit the continued operation of a restaurant (Country Kitchen) in the Commercial Neighborhood zoning district located at 21235 Pacific Coast Highway (4211 Park Blvd, LLC).

The Commission discussed the motion and directed questions to staff and Mr. Schmitz.

The motion carried unanimously.

- B. Coastal Development Permit Amendment No. 17-006, Variance No. 17-026, and Extension No. 17-019 – An application to amend Coastal Development Permit No. 13-003 and Site Plan Review No. 13-002 to permit for a major remodel to an existing single-family residence and associated development, and extension of Coastal Development Permit No. 13-003
Location: 20706 Seaboard Road, within the appealable coastal zone
APN: 4450-021-043
Owners: Ali Sadeghi and Leili Zarbakhsh
Case Planner: Senior Planner Mollica, 456-2489 ext. 346
Recommended Action: Continue this item to the February 20, 2018 Regular Planning Commission meeting.

This item was continued to the February 20, 2018 Regular Planning Commission meeting upon approval of the agenda.

- C. Coastal Development Permit Amendment No. 13-011 and Variance Nos. 13-038 and 17-049 – An application to modify Condition No. 25 of Planning Commission Resolution No. 11-80 and scope of work approved under Coastal Development Permit No. 09-044 to add a test water well and temporary retaining wall to expand the previously approved temporary dirt driveway
Location: 4140 Encinal Canyon Road, not within the appealable coastal zone
APN: 4473-025-013
Owner: Ermabella Estates, LLC
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482
Recommended Action: Adopt Planning Commission Resolution No. 18-13 approving Coastal Development Permit Amendment No. 13-011, and Variance Nos. 13-038 and 17-049 to modify Condition No. 25 of Planning Commission Resolution No. 11-80 and scope of work approved under Coastal Development Permit No. 09-044 to add a test water well and temporary retaining wall to expand the previously approved temporary dirt driveway, including variances for construction on slopes steeper than 2.5 to 1 and height of retaining wall to exceed six feet in height located in the Rural Residential-Five Acre zoning district at 4140 Encinal Canyon Road (Ermabella Estates, LLC).

Senior Planner Fernandez presented the staff report.

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

The Commission directed questions to staff.

As there were no other questions for staff, Chair Pierson opened the public comment portion of the public hearing.

Speaker: Mr. Haynie.

As there were no other speakers present, Chair Pierson closed the public comment portion of the public hearing.

The Commission directed questions to staff, Mr. Haynie, and Nick Barsocchini.

MOTION Commissioner Jennings moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 18-13 approving Coastal Development Permit Amendment No. 13-011, and Variance Nos. 13-038 and 17-049 to modify Condition No. 25 of Planning Commission Resolution No. 11-80 and scope of work approved under Coastal Development Permit No. 09-044 to add a test water well and temporary retaining wall to expand the previously approved temporary dirt driveway, including variances for construction on slopes steeper than 2.5 to 1 and height of retaining wall to exceed six feet in height located in the Rural Residential-Five Acre zoning district at 4140 Encinal Canyon Road (Ermabella Estates, LLC). 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 9:08 p.m., Commissioner Mazza moved and Chair Pierson 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 20, 2018.



MIKKE PIERSON, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary