

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 20, 2017
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

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

ROLL CALL

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

PRESENT: Vice Chair Chris Marx; and Commissioners Jeffrey Jennings, John Mazza, and Steve Uhring

ABSENT: Chair Mikke Pierson

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Lisa Soghor, Assistant City Manager; Elizabeth Shavelson, Assistant to the City Manager; Bonnie Blue, Planning Director; Jessica Colvard, Associate Planner; Adrian Fernandez, Senior Planner; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Commissioner Jennings 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 November 9, 2017.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Uhring seconded a motion to approve the agenda continuing Item No. 5.B. to the December 4, 2017 Regular Planning Commission meeting and moving Item Nos. 3.B.1., 3.B.2., 8.B., 5.D., 5.C., and 8.A. to be heard before Item No. 4.A. The motion carried 4-0, Chair Pierson absent.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

None.

ITEM 3 CONSENT CALENDAR

MOTION Commissioner Mazza moved and Commissioner Uhring seconded a motion to approve the Consent Calendar. The motion carried 4-0, Chair Pierson absent.

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 October 30, 2017 Special Planning Commission meeting.

2. Extension of Coastal Development Permit No. 07-155 and Offer to Dedicate No. 11-005 – A second request to extend the Planning Commission’s approval of an application for the construction of a new two-unit multi-family residence and associated development

Location: 25360 Malibu Road

APN: 4459-017-005

Owner: 25360 Malibu Road, LLC

Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 17-84 granting a one-year extension of Coastal Development Permit No. 07-155 and Offer-to-Dedicate No. 11-005, an application for the construction of a new two-unit multi-family residence, an offer-to-dedicate lateral public access along the shore, and associated development in the Multi-Family Beachfront zoning district located at 25360 Malibu Road (25360 Malibu Road, LLC).

ITEM 8 PLANNING COMMISSION ITEMS

B. December 18, 2017 Regular Planning Commission Meeting

Recommended Action: Direct staff whether to cancel the December 18, 2017 Regular Planning Commission meeting.

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Uhring seconded a motion to continue Item No. 5.A. to the December 4, 2017 Regular Planning Commission meeting and limit items for the December 18, 2017 Regular Planning Commission meeting to administrative coastal development permits and time extensions. The motion carried 4-0, Chair Pierson absent.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit Amendment Nos. 17-010, 17-011, 17-012, and 17-013 – An application to amend Coastal Development Permit Nos. 17-014, 17-016, 17-026, and 17-030, Wireless Communications Facility Nos. 16-012, 16-013, 16-020, 16-022 and Site Plan Review Nos. 16-055, 16-056, 16-064, and 16-067, to revise a condition regarding the frequency of regular maintenance visits

Locations: 4568.5 Encinal Canyon Road within the appealable coastal zone; 4750.5 Encinal Canyon Road not within the appealable coastal zone; 6015.5 Trancas Canyon Road not within the appealable coastal zone; and 6468.5 Trancas Canyon Road not within the appealable coastal zone; within the public right-of-way

Nearest APNs: 4473-010-036, 4473-010-028, 4470-012-001, and 4470-003-020

Applicant: Southern California Gas Company
Owner: City of Malibu Public Right-of-Way
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482
Recommended Action: Continue these items to the December 18, 2017 Regular Planning Commission meeting.

This item was continued to the December 4, 2017 Regular Planning Commission meeting during discussion of Item No. 8.B.

- B. Coastal Development Permit No. 16-045 and Variance No. 17-041 – An application for the installation of a new alternative onsite wastewater treatment system for a property developed with three multi-family structures, and a variance to allow for a setback reduction of the proposed alternative onsite wastewater treatment system to a stream from the required 100-foot setback to 50 feet

Location: 6453 Sycamore Meadows Drive, within the appealable coastal zone

APN: 4460-009-016
Owner: PNRW, LLC
Case Planner: Senior Planner Mollica, 456-2489 ext. 346
Recommended Action: Continue this item to the December 4, 2017 Regular Planning Commission meeting.

This item was continued to the December 4, 2017 Regular Planning Commission meeting upon approval of the agenda.

D. Coastal Development Permit Nos. 17-018, 17-027, and 17-028, Wireless Communications Facility Nos. 16-015, 16-017, and 16-026 and Site Plan Review Nos. 16-058, 16-060, and 16-071 – Three separate applications for installation of Southern California Gas Company advanced meter equipment and antennas, each on a new wood pole 28 feet in height

Locations: 5690.5 Latigo Canyon Road within the appealable coastal zone;
3919.5 Puerco Canyon Road not within the appealable coastal zone; and

20117.5 Big Rock Drive not within the appealable coastal zone, within the public right-of-way

Nearest APNs: 4459-003-007; 4459-011-001; and 4449-012-003

Applicant: Southern California Gas Company

Owner: City of Malibu Public Right-of-Way

Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action:

1) Adopt Planning Commission Resolution No. 17-78 determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 17-028 and Wireless Communications Facility (WCF) No. 16-015 for the Southern California Gas Company (SoCalGas) to install a new 28-foot high wood pole and attach advanced meter mechanical equipment at a height of 24 feet and two antennas at a height of 28 feet, including Site Plan Review (SPR) No. 16-058 to place a wireless communications facility within the public right-of-way located at 5690.5 Latigo Canyon Road (Site number NI186-D) (SoCalGas);

2) Adopt Planning Commission Resolution No. 17-79 determining the project is categorically exempt from CEQA, and approving CDP No. 17-027 and WCF No. 16-017 for the SoCalGas to install a new 28-foot high wood pole and attach advanced meter mechanical equipment at a height of 24 feet and two antennas at a height of 28 feet, including SPR No. 16-060 to place a wireless communications facility within the public right-of-way located at 3919.5 Puerco Canyon Road (Site number NI183-B) (SoCalGas); and

3) Adopt Planning Commission Resolution No. 17-80 determining the project is categorically exempt from CEQA, and approving CDP No. 17-018 and WCF No. 16-026 for the SoCalGas to install a new 28-foot high wood pole and attach advanced meter mechanical equipment at a height of 24 feet and two antennas at a height of 28 feet, including SPR No. 16-071 to place a wireless communications facility within the public right-of-way located at 20117.5 Big Rock Drive (Site number NI172-B) (SoCalGas).

Senior Planner Fernandez presented the staff report.

Disclosures: None.

The Commission directed questions to staff.

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

Speaker: Susan Trigueros.

As there were no other speakers present, Vice Chair Marx closed the public comment portion of the public hearing and returned the matter to the table for discussion.

MOTION

Commissioner Mazza moved and Commissioner Uhring seconded a motion to: 1) adopt Planning Commission Resolution No. 17-78 determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving CDP No. 17-028 and WCF No. 16-015 for the Southern California Gas Company (SoCalGas) to install a new 28-foot high wood pole and attach advanced meter mechanical equipment at a height of 24 feet and two antennas at a height of 28 feet, including Site Plan Review (SPR) No. 16-058 to place a wireless communications facility within the public right-of-way located at 5690.5 Latigo Canyon Road (Site number NI186-D) (SoCalGas); 2) Adopt Planning Commission Resolution No. 17-79 determining the project is categorically exempt from CEQA, and approving CDP No. 17-027 and WCF No. 16-017 for the SoCalGas to install a new 28-foot high wood pole and attach advanced meter mechanical equipment at a height of 24 feet and two antennas at a height of 28 feet, including SPR No. 16-060 to place a wireless communications facility within the public right-of-way located at 3919.5 Puerco Canyon Road (Site number NI183-B) (SoCalGas); and 3) Adopt Planning Commission Resolution No. 17-80 determining the project is categorically exempt from CEQA, and approving CDP No. 17-018 and WCF No. 16-026 for the SoCalGas to install a new 28-foot high wood pole and attach advanced meter mechanical equipment at a height of 24 feet and two antennas at a height of 28 feet, including SPR No. 16-071 to place a wireless communications facility within the public right-of-way located at 20117.5 Big Rock Drive (Site number NI172-B) (SoCalGas).

The motion carried 4-0, Chair Pierson absent.

C. Short Term Rental Ordinance

Recommended Action: Adopt Planning Commission Resolution No. 17-83 determining the project is categorically exempt from the California Environmental Quality Act, and recommending the City Council approve Zoning Text Amendment No. 17-002 amending Title 17 (Zoning) of the Malibu Municipal Code relating to the short term rental of residential property.

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

Planning Director Blue presented the staff report.

The Commission directed questions to staff.

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

Speakers: Michael Lustig (David Isackson, Dariel Miller, Edith Morgan, Brad Norris, Chris Reed, and Patricia Schone deferred time to Mr. Lustig), Bob Cramer, Waverly Lassila, Michael Stein, Bo Greene, Rosemary Sampson, Scott Dittrich, Anne Ready, Sue Peck, Rebecca Thompson, Peter Rubenstein, Liza Bercovici, Larry Stuppy, Kathryn Morea, Cesar Morea, Andrew Gombiner, Laurence Steinsapir, Joe Geus, Alan Armstrong, Gene Zilinskas, John Stiegler, Beatrix Zilinskas (Ken Nilsen and Dagmar Zilinskas deferred time to Ms. Zilinskas),

Maryann Rubenstein declined to speak.

As there were no other speakers present, Vice Chair Marx closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

The Commission deliberated and provided comments regarding revisions to the ordinance.

MOTION Commissioner Mazza moved and Commissioner Uhring seconded a motion to direct staff to conduct additional research and bring back a revised draft ordinance relating to the short term rental of residential property to the Planning Commission incorporating its comments. The question was called and the motion carried 4-0, Chair Pierson absent.

RECESS Vice Chair Marx called a recess at 9:08 p.m. The meeting reconvened at 9:18 p.m. with all Commissioners present except Chair Pierson.

ITEM 8 PLANNING COMMISSION ITEMS

- A. Proposed 2018 Calendar of Meetings
Recommended Action: Approve the proposed 2018 Calendar of Planning Commission meetings.
Staff contact: Planning Director Blue, 456-2489 ext. 258

Planning Director Blue presented the staff report.

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Vice Chair Marx seconded a motion to approve the proposed 2018 Calendar of Planning Commission meetings, cancelling the second meeting in December 2018. The motion failed 2-2, Commissioners Jennings and Uhring dissenting and Chair Pierson absent.

MOTION Commissioner Jennings moved and Commissioner Uhring seconded a motion to approve the proposed 2018 Calendar of Planning Commission meetings. The motion carried 3-1, Commissioner Mazza dissenting and Chair Pierson absent.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 16-029, Variance No. 17-031, Site Plan Review No. 17-012, and Demolition Permit No. 17-007 – An application to demolish an existing single-family residence and detached restroom and construct a new single-family residence and associated development (Continued from November 6, 2017)

Location: 31479 Pacific Coast Highway, within the appealable coastal zone

APN: 4470-009-029

Owner: MPV Malibu, LLC

Case Planner: Associate Planner Colvard, 456-2489 ext. 234

Recommended Action: Adopt Planning Commission Resolution No. 17-62, determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-029 and Demolition Permit No. 17-007 to demolish an existing single-family residence and detached restroom, to construct a new 9,746 square foot, two-story, single-family residence including a three-car subterranean garage and basement, fire department turnaround, retaining walls, decks and covered trellis, Variance No. 17-031 for the proposed fuel modification to extend into an Environmentally Sensitive Habitat Area buffer, and Site Plan Review No. 17-012 for construction to exceed 18 feet in height, up to 28 feet for a pitched roof, located in the Rural Residential-Five Acre zoning district at 31479 Pacific Coast Highway (MPV Malibu, LLC).

Associate Planner Colvard presented the staff report.

Disclosures: Commissioner Uhring.

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

Speaker: Clive Dawson.

As there were no other speakers present, Vice Chair Marx closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and Michael Parsee.

MOTION Commissioner Uhring moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 17-62, determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-029 and Demolition Permit No. 17-007 to demolish an existing single-family residence and detached restroom, to construct a new 9,746 square foot, two-story, single-family residence including a three-car subterranean garage and basement, fire department turnaround, retaining walls, decks and covered trellis, Variance No. 17-031 for the proposed fuel modification to extend into an Environmentally Sensitive Habitat Area buffer, and Site Plan Review No. 17-012 for construction to exceed 18 feet in height, up to 28 feet for a pitched roof, located in the Rural Residential-Five Acre zoning district at 31479

Pacific Coast Highway (MPV Malibu, LLC). The motion carried 4-0, Chair Pierson absent.

B. Administrative Plan Review No. 16-020 and Variance No. 16-026 – An application for a new 400 square foot detached garage and driveway (Continued from November 6, 2017)

Location: 27495 Latigo Bay View Drive

APN: 4460-035-009

Owner: Dennis Wayne Hamm Revocable Trust

Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 17-47, determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 16-020 for the construction of a new 400 square foot detached garage and new driveway, including Variance No. 16-026 for a reduction of the front yard setback for a project located in the Rural Residential-Twenty Acre zoning district located at 27495 Latigo Bay View Drive (Dennis Wayne Revocable Trust).

Senior Planner Fernandez presented the staff report.

Disclosures: None.

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

Speaker(s): None.

As there were no speakers present, Vice Chair Marx closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff and Nick Barsocchini.

MOTION Commissioner Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 17-47, determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 16-020 for the construction of a new 400 square foot detached garage and new driveway, including Variance No. 16-026 for a reduction of the front yard setback for a project located in the Rural Residential-Twenty Acre zoning district located at 27495 Latigo Bay View Drive (Dennis Wayne Revocable Trust). The motion carried 4-0, Chair Pierson absent.

C. Coastal Development Permit No. 13-015, Site Plan Review No. 13-007, and Minor Modification No. 13-014 – An application for the construction of a new two-story single-family residence and associated development (Continued from November 6, 2017)

Location: 30544 Morning View Drive, not within the appealable coastal zone
APN: 4469-025-063
Owner: Michael and Antonette Weinreb
Case Planner: Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 17-60, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-015 to allow the construction of a new 5,987 square foot, two-story single-family residence with a 4,140 square foot subterranean garage and basement, porte-cochere, covered patios, trellises, ground-level pool deck, fencing, entry gates, swimming pool, spa, tennis court, hardscape, landscaping, and new alternative onsite wastewater treatment system; including Site Plan Review No. 13-007 for construction in excess of 18 feet in height but not to exceed 24 feet for a flat roof, and Minor Modification No. 13-014 for the reduction of the required front yard setback in the Rural Residential Two-Acre zoning district at 30544 Morning View Drive (Weinreb).

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Mazza and Uhring.

The Commission directed questions to staff.

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

Speaker: Charles Santos.

As there were no other speakers present, Vice Chair Marx closed the public comment portion of the public hearing and returned the matter to the table for discussion.

The Commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Uhring seconded a motion to adopt Planning Commission Resolution No. 17-60, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 13-015 to allow the construction of a new 5,987 square foot, two-story single-family residence with a 4,140 square foot subterranean garage and basement, porte-cochere, covered patios, trellises, ground-level pool deck, fencing, entry gates, swimming pool, spa, tennis court, hardscape, landscaping, and new alternative onsite wastewater treatment system; including Site Plan Review No. 13-007 for construction in excess of 18 feet in height but not

to exceed 24 feet for a flat roof, and Minor Modification No. 13-014 for the reduction of the required front yard setback in the Rural Residential Two-Acre zoning district at 30544 Morning View Drive (Weinreb). The motion carried 4-0, Chair Pierson absent.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

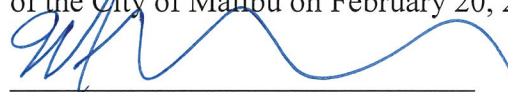
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:54 p.m., Commissioner Jennings moved and Commissioner Mazza seconded a motion to adjourn the meeting. The motion carried 4-0, Chair Pierson absent.

Approved and adopted by the Planning Commission
of the City of Malibu on February 20, 2018.



MIKKE PIERSON, Chair

ATTEST:


KATHLEEN STECKO, Recording Secretary