

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
SEPTEMBER 4, 2018
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

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

ABSENT: Commissioner Mikke Pierson

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Adrian Fernandez, Senior Planner; Joyce Parker-Bozylinski, Contract Planner; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Assistant City Attorney Rusin 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 August 24, 2018.

APPROVAL OF AGENDA

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

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Douglas Burdge stated the plans for Coastal Development Permit No. 15-063, an application at 28885 Cliffside Drive that was approved at the May 21, 2018 Special Planning Commission meeting, had been corrected, reflecting there would be two exits in the basement.

ITEM 2.B. COMMISSION / STAFF COMMENTS

Vice Chair Uhring commented on his experience researching the project at 28885 Cliffside Drive, in which a potential revocation hearing was discussed at a previous meeting, and accepted Mr. Burdge's explanation regarding basement exits.

In response to Commissioner Mazza, Planning Director Blue stated policy options to address mansionization were being drafted for review by the City Council. In response to Vice Chair Uhring, she stated the 40-foot tall illuminated sign at Malibu Village was an existing, non-conforming legacy pole sign in which copy change was allowed.

Commissioner Mazza added, in reading the Malibu Land Use Plan, he found it stated pole signs in Malibu shall be phased out.

In response to the Commission, Planning Director Blue provided a timeline for the report on Nobu and Soho House, which would include complaints that had been received. In addition, she provided an update on the progress that had been made on the lightwell policy.

Planning Director Blue announced the September 11, 2018 City Council meeting had been cancelled and the proposed Short-term Rental Ordinance would be considered at the Wednesday, September 26, 2018 City Council meeting, as well as the other items that were scheduled to be considered at the cancelled meeting.

In response to Commissioner Mazza, Assistant City Attorney Rusin and Planning Director Blue provided the scheduled upcoming City Council meeting dates and stated newly elected Councilmembers would begin their terms in January 2019.

ITEM 3 CONSENT CALENDAR

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

The Consent Calendar consisted of the following item:

- A. Previously Discussed Items
None.
- B. New Items
 - 1. Approval of Minutes
Recommended Action: Approve the minutes for the August 20, 2018 Regular Planning Commission meeting.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Local Coastal Program Amendment No. 18-002 and Zoning Text Amendment No. 18-004 Amendments to the Malibu Municipal Code and Title 17 (Zoning) and to the Malibu Local Coastal Program to Update Accessory Dwelling Unit Regulations
Case Planner: Contract Planner Parker-Bozylinski, 805-368-7236
Recommended Action: 1) Provide recommendations on the proposed Accessory Dwelling Unit regulations; and 2) Direct staff to prepare a resolution for adoption with a recommendation to City Council on the amendments.

Contract Planner Parker-Bozylinski presented the staff report.

The Commission directed questions to staff.

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

Speaker(s): None.

As there were no speakers present, 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 Vice Chair Mazza seconded a motion directing staff to return with: 1) a resolution recommending that City Council adopt the draft regulations for accessory dwelling units (ADUs) for the Local Coastal Program and Malibu Municipal Code, as revised by consensus of the Commission to insert a citation of the appropriate federal and/or state law pertaining to mobile homes/tiny houses; clarify the definition of car share vehicle; add a provision stating that short-term rental of ADUs is not allowed, together with justification based on the purpose of the ADU law and the potential effect on the City's regional housing needs assessment; and clarify that the size of an accessory dwelling unit is limited to 900 square feet or no more than 50 percent of the living area of the primary residence; and 2) additional analysis and options for a local appeals process and confirmation of fire department requirements for ADUs.

The Commission discussed the motion.

The motion carried 4-0, Commissioner Pierson absent.

B. Coastal Development Permit No. 18-028 – An application for the issuance of a Certificate of Compliance

Location: 6050 Ramirez Canyon Road, within the appealable coastal zone

APN: 4467-006-001

Owner: Walston and Cate 1994 Administrative Trust

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

Recommended Action: Adopt Planning Commission Resolution No. 18-65 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-028 for the issuance of conditional Certificate of Compliance No. 18-003 to legalize a parcel located in the Rural Residential-Five Acre zoning district at 6050 Ramirez Canyon Road (Walston and Cate 1994 Administrative Trust).

Senior Planner Fernandez presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Alan Block, Norman Haynie, and Beatrix Zilinskas.

Mr. Block provided rebuttal to public comment.

As there were no other speakers present, 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 Mr. Block.

MOTION Commissioner Jennings moved and Vice Chair Uhring seconded a motion to adopt Planning Commission Resolution No. 18-65 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-028 for the issuance of conditional Certificate of Compliance No. 18-003 to legalize a parcel located in the Rural Residential-Five Acre zoning district at 6050 Ramirez Canyon Road (Walston and Cate 1994 Administrative Trust).

The Commission discussed the motion and directed questions to staff.

The question was called and the motion carried 4-0, Commissioner Pierson absent.

RECESS At 9:23 p.m., Chair Marx recessed the meeting. The meeting reconvened at 9:33 p.m. with Commissioner Pierson absent.

- C. Coastal Development Permit No. 16-047, Certificate of Compliance No. 17-003, Lot Merger No. 16-004 and Demolition Permit No. 17-023 – An application to merge two parcels into one, demolition of an existing single-family residence, construction of a new single-family residence, detached art studio, pool cabana and associated development

Location: 23741 and 23737 Harbor Vista Drive, not within the appealable coastal zone

APNs: 4458-024-034 and 4458-024-035

Owner: Rainbow Sky Properties, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 18-42 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 16-047 and Demolition Permit No. 17-023 for the demolition of the existing single-family residence and construction of a new 6,430 square foot, two-story, single-family residence, 820 square foot garage, 1,483 square foot basement and lightwell, 29 square feet covered patio, 590 square foot detached art studio, 45 square foot pool cabana, swimming pool and spa, flatwork, grading and retaining wall, fencing, entry gates, landscaping and alternative onsite wastewater treatment system, including Certificate of Compliance No. 17-003 for an adjacent vacant parcel to the east and Lot Merger No. 16-004 to combine the adjacent vacant parcel with the subject parcel located in the Rural Residential-One Acre zoning district at 23741 and 23737 Harbor Vista Drive (Rainbow Sky Properties, LLC).

Vice Chair Uhring recused himself due to the project site being within 500 feet of his residence and left the dais at 9:35 p.m.

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Mazza and Jennings, and Chair Marx.

RECESS At 9:40 p.m., Chair Marx recessed the meeting. The meeting reconvened at 9:55 p.m. with Commissioner Pierson and Vice Chair Uhring absent.

MOTION Commissioner Mazza moved and Commissioner Jennings seconded a motion to continue the item to the September 17, 2018 Regular Planning Commission meeting. The motion carried 3-0, Commissioner Pierson and Vice Chair Uhring absent.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:56 p.m., Commissioner Mazza moved and Commissioner Jennings seconded a motion to adjourn the meeting. The motion carried 3-0, Commissioner Pierson and Vice Chair Uhring absent.

Approved and adopted by the Planning Commission
of the City of Malibu on September 27, 2018.



CHRIS MARX, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary