

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JANUARY 21, 2020
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Jennings 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 Jeffrey Jennings; Vice Chair John Mazza; and Commissioners Kraig Hill, Chris Marx, and Steve Uhring

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Raneika Brooks, Associate Planner; Adam Chase, Assistant Public Works Director; David Eng, Assistant Planner; Richard Mollica, Assistant Planning Director; Shaveta Sharma, Contract Planner; Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Dennis Smith led the Pledge of Allegiance.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on January 10, 2020.

APPROVAL OF AGENDA

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to approve the agenda, continuing Item No. 5.A. to the February 3, 2020 Regular Planning Commission meeting, and hearing Item No. 4.A. after Item No. 6.A. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Staff Update on the Woolsey Fire Rebuild Process

Assistant Planning Director Mollica provided an update on the Woolsey Fire rebuild process.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Hill discussed his experiences over the past year while serving on the Planning Commission.

Commissioner Hill and Vice Chair Mazza stated Planning Commissioners were available for the public to discuss their interests and concerns as they related to the Planning Commission's subject matter jurisdiction.

Commissioner Marx stated he would like more clarity about the calculation used to determine the service area of a restaurant.

Chair Jennings discussed his experience rebuilding after the Woolsey Fire and stated the Planning Commission had little to no role in the rebuilding process.

Planning Director Blue stated the application for the temporary skate park and the accessory dwelling unit ordinance would be considered by the Planning Commission at the February 3, 2020 Regular Planning Commission meeting.

ITEM 3 CONSENT CALENDAR

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

The Consent Calendar consisted of the following item:

A. Previously Discussed Items

None.

B. New Items

1. Extension of Coastal Development Permit No. 14-035 – A request to extend the Planning Commission's approval of an application for the replacement of an existing onsite wastewater treatment system (OWTS) with a new OWTS and associated development

Location: 25321 Malibu Road

APN: 4459-014-002

Owners: Alessandro and Irene Dazzan

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Adopt Planning Commission Resolution No. 20-14, granting a one-year extension of Coastal Development Permit No. 14-035 to allow the abandonment of an existing onsite wastewater treatment system and dewatering well, and installation of a new onsite wastewater treatment system, and a new dewatering well in the Rural Residential-Two Acre zoning district located at 25321 Malibu Road (Dazzan).

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 13-054, Lot Line Adjustment No. 18-001, Variance Nos. 19-022 and 19-023, Site Plan Review Nos. 13-053 and 13-54 – An application for a lot line adjustment and the construction of a new single-family residence

Locations / APNs: 3469 Cross Creek Road / 4458-023-003
3441 Cross Creek Road / 4458-023-004

Applicant: Malibu Realty, LLC

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Continue this item to the February 3, 2020 Regular Planning Commission meeting.

The item was continued to the February 3, 2020 Regular Planning Commission meeting

Item Nos. 5.B. and 5.C. were heard concurrently.

- B. Administrative Plan Review No. 19-141, Variance No. 19-032, – An application for new electrical equipment and cabinets at the rear of a building at an existing commercial shopping center

Location: 23359 Pacific Coast Highway

APN: 4452-011-043

Applicant: Black and Veatch, on behalf of Electrify America

Owner: Jamestown Premier Malibu Village LP

Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Adopt Planning Commission Resolution No. 20-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 19-141 for construction of new electrical equipment and cabinets at the rear of an existing building, including Variance No. 19-032 for a reduction of the side yard setback at an existing commercial shopping center located in the Commercial Visitor-Serving-One zoning district at 23359 Pacific Coast Highway (Jamestown Premier Malibu Village LP).

- C. Administrative Plan Review No. 19-142 and Variance No. 19-033 – An application for new electric vehicle charging stations and associated equipment in the parking lot of an existing commercial shopping center

Location: 3822 Cross Creek Road

APN: 4452-011-042

Applicant: Black and Veatch, on behalf of Electrify America

Owner: Jamestown Premier Malibu Village LP

Case Planner: Assistant Planner Eng, 456-2489, ext. 372

Recommended Action: Adopt Planning Commission Resolution No. 20-13 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 19-142 for construction of new electric vehicle charging stations and associated equipment in an existing parking lot, including Variance No. 19-033 to allow for a three-foot rear yard setback where a 63 foot rear yard setback is required at an existing commercial

shopping center located in the Commercial Visitor-Serving-One zoning district at 3822 Cross Creek Road (Jamestown Premier Malibu LP).

Assistant Planner Eng presented the staff report.

Disclosures: Commissioners Hill and Uhring and Vice Chair Mazza.

The Commission directed questions to staff.

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

Speakers: Breanne Mocaby and Nadir Hossain.

As there were no other speakers present, Chair Jennings 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. Hossain.

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to adopt Planning Commission Resolution No. 20-12 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 19-141 for construction of new electrical equipment and cabinets at the rear of an existing building, including Variance No. 19-032 for a reduction of the side yard setback at an existing commercial shopping center located in the Commercial Visitor-Serving-One zoning district at 23359 Pacific Coast Highway (Jamestown Premier Malibu Village LP). The motion carried unanimously.

MOTION Vice Chair Mazza moved and Commissioner Marx seconded a motion to adopt Planning Commission Resolution No. 20-13 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 19-142 for construction of new electric vehicle charging stations and associated equipment in an existing parking lot, including Variance No. 19-033 to allow for a three-foot rear yard setback where a 63 foot rear yard setback is required at an existing commercial shopping center located in the Commercial Visitor-Serving-One zoning district at 3822 Cross Creek Road (Jamestown Premier Malibu LP). The motion carried unanimously.

ITEM 6 OLD BUSINESS

- A. Three-Month Report on Traffic and Circulation at Malibu Elementary School
Location: 6955 Fernhill Drive (Malibu Elementary School)
APN: 4466-012-900
Owner: Santa Monica-Malibu Unified School District
Case Planner: Associate Planner Brooks, 456-2489, ext. 276
Recommended Action: Receive and file.

Associate Planner Brooks presented the staff report.

Disclosures: Vice Chair Mazza.

The Commission directed questions to staff.

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

Speaker: Steve Massetti.

As there were no other speakers present, Chair Jennings closed the public comment portion of the public hearing. No further discussion occurred.

CONSENSUS

By consensus, the Commission received and filed the three-month report on traffic and circulation at Malibu Elementary School.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit Amendment No. 17-009 and Conditional Use Permit Amendment No. 17-010 – An application to amend Coastal Development Permit No. 05-107 (.20 FAR project) to make design changes to the La Paz Development Agreement Project with no increase in gross floor area and to amend the siting and operating hours for restaurants, including Addendum No. 2 to the Certified 2008 La Paz Development Agreement Project Final Environmental Impact Report (Continued from the 4:00 p.m. Special Planning Commission meeting)

Location: 23465 Civic Center Way, not within the appealable coastal zone

APNs: 4458-022-023 and 4458-022-024

Owner: Malibu Development Company, LLC

Case Planner: Assistant Planning Director Mollica, 456-2489, ext. 346

Recommended Action: Consider Addendum No. 2 to the Certified La Paz Development Agreement Project Final Environmental Impact Report (2008 EIR) and adopt Planning Commission Resolution No. 20-17 making findings in support thereof and approving Coastal Development Permit Amendment No. 17-009 and Conditional Use Permit Amendment (CUPA) No. 17-010, amending Coastal Development Permit No. 05-107 to make changes to the approved development on Parcels A and B of the La Paz Development Agreement (.20 FAR) Project involving building layout, architecture and onsite circulation, and removal of Condition No. 41, with no increase in the approved 112,058 square feet of gross floor area for Parcels A and B, including an amendment to CUP No. 05-004 to allow the previously approved 10,000 square feet of restaurant uses to be located anywhere on Parcel A and to allow coffee/juice establishments to open at 6:00 a.m. and dining establishments serving breakfast to open at 7:00 a.m., located at 23465 Civic Center Way (formerly 3700 La Paz Lane), in the Community Commercial (CC) zoning district in the Town Center Overlay (Malibu Development Company, LLC).

Planning Director Blue presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Bryan Gordon, Ron Radziner, James Arnone, Julie Tumamait-Stenslie, Robyn Ritter Simon, Mary Ellen Sherry, Katarina Vinegrad, Paul Grisanti (Ani Dermenjian deferred time to Mr. Grisanti), Jefferson Wagner, and Norman Haynie.

Mr. Gordon provided rebuttal to public comment.

As there were no other speakers present, Chair Jennings 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. Gordon.

Additional Disclosures: Vice Chair Mazza.

The Commission directed questions to staff, Mr. Gordon, and Jeff Searock.

RECESS At 9:42 p.m., Chair Jennings recessed the meeting. The meeting reconvened at 9:49 p.m. with all Commissioners present.

MOTION Chair Jennings moved and Vice Chair Mazza seconded a motion considering Addendum No. 2 to the Certified La Paz Development Agreement Project Final Environmental Impact Report and adopted Planning Commission Resolution No. 20-17, as amended: 1) making findings in support thereof and approving Coastal Development Permit Amendment No. 17-009 and Conditional Use Permit Amendment (CUPA) No. 17-010, amending Coastal Development Permit No. 05-107 to make changes to the approved development on Parcels A and B of the La Paz Development Agreement Project involving building layout, architecture and onsite circulation, and removal of Condition No. 41, with no increase in the approved 112,058 square feet of gross floor area for Parcels A and B, including an amendment to CUP No. 05-004, located at 23465 Civic Center Way (formerly 3700 La Paz Lane), in the Community Commercial (CC) zoning district in the Town Center Overlay (Malibu Development Company, LLC);

2) making technical corrections to mitigation measures and changes to conditions proposed by the applicant as presented to the Planning Commission by staff, including updating mitigation measures E-1, E-4, E-6, F-3, I-6, I-9, and J-11, and revising Condition No. 6 of Planning Commission Resolution No. 20-17 to state that if coffee and breakfast establishments open before 8:00 a.m., they must close the same amount of time earlier, and updating Condition No. 60 of City Council Resolution No. 08-52 to add that the evacuation plan should include an emergency access driveway to the Park at Cross Creek and to the property to the west;

3) incorporating staff's proposed changes, including updating Section 5 to also reference City Council Resolution No. 08-51 and incorporate it along with Resolution No. 08-52 by reference and revising Condition 2(c) to specify grading shall be consistent with TCO standards;

4) and adding conditions including the following: limiting restaurant service area to 10,000 square feet, with no more than 4,000 square feet of outdoor dining in the aggregate and no more than 40% of the seating for any individual restaurant outdoors and defining the outside service area as the exterior perimeter around all of the seating area, prohibiting outdoor restaurant service after 11:00 p.m., limiting large truck delivery times and trash and recycling pickup times, prohibiting loading and unloading of delivery trucks from Civic Center Way, requiring the project to comply with the parking lot safety standards of MMC Section 17.48.070, requiring control of drainage and screening and coverings for trash storage areas, requiring submittal of an as-built survey of tenant spaces with square footages, prohibiting the use of pesticides and requiring submittal of an integrated pest management plan, requiring conditions for colors and materials, requiring specific construction management techniques, prohibiting fire pits, requiring a qualified Native American resources monitor or archaeologist to be present during excavation, limiting all subterranean areas to parking, equipment room or storage, and requiring submittal to the Planning Director of a plan for disposal of water generated from cleaning of the parking garage.

The Commission discussed the motion.

FRIENDLY AMENDMENT

Commissioner Uhring amended the motion to prohibit any monument sign facing north toward residences from being lit.

The Commission discussed the amendment.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried unanimously.

ITEM 7 NEW BUSINESS

None.


ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 11:22 p.m., Vice Chair Mazza 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 18, 2020.



JEFFREY JENNINGS, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary