

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 4, 2019
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Uhring 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 Steve Uhring; Vice Chair Jeffrey Jennings; and Commissioners Kraig Hill, Chris Marx (arrived at 6:35 p.m.), and John Mazza

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Craig George, Environmental Sustainability Department Director/Building Official; Rob Duboux, Public Works Director/City Engineer; Adam Chase, Assistant Public Works Director; Adrian Fernandez, Senior Planner; Michael Phipps, Contract Geologist/Coastal Engineering Consultant; and Kathleen Stecko, Senior Office Assistant

PLEDGE OF ALLEGIANCE

Norman Haynie 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, 2019.

APPROVAL OF AGENDA

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

ITEM 1 CEREMONIAL/PRESENTATIONS

A. Presentation by City Coastal Engineering and Public Works Staff on Wave Uprush and Floodplain Review

Public Works Director Duboux and Contract Geologist/Coastal Engineering Consultant Phipps presented information regarding wave uprush and the floodplain review process.

The Commission directed questions to staff.

ITEM 2.A. PUBLIC COMMENTS

Norman Haynie commented on the methodology of measurement that the Federal Emergency Management Agency (FEMA) used to determine the lowest safe floor, questioned why scientists had not estimated tectonic movement, and stated obtaining a loan could be problematic if inconsistent with FEMA's requirements.

Spencer Regan of Cornucopia Foundation Malibu Farmers Market, requested the City address parking that was displaced by construction of the Santa Monica College Malibu campus.

ITEM 2.B. COMMISSION / STAFF COMMENT

Commissioner Mazza stated a property line in Hawaii was determined by measuring where the highest tide occurred. He stated Hawaii had more restrictive regulations than California.

Vice Chair Jennings referred to an application for a water tank that was considered by the Planning Commission in January 2016, which was continued with a request for further analysis but never built. He emphasized the importance of having a standby generator available during an emergency to make water tanks operational.

Chair Uhring concurred with Commissioner Jennings and stated temporary generators and other available tools and measures should be incorporated into future plans to rebuild.

Commissioner Hill stated he, along with some residents of the Big Rock area, met with David Rydman of Los Angeles County Waterworks District No. 29 (District) about the issue of generators and the possibility of residents contributing to the cause. He stated the District seemed amenable to having a cost-sharing effort coordinated in which residents would pay for the generators and supply easements to properly site them, and the County would manage, service, and provide maintenance for them. He stated Mr. Rydman mentioned there were emergency preparedness grants available from FEMA that may pay for the community's portion of the cost.

He requested larger images of plan pages and a three dimensional view of architectural exhibits be included staff reports for to conduct a visual analysis.

ITEM 3 CONSENT CALENDAR

- A. Previously Discussed Items
None.
- B. New Items
None.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

RECESS At 8:34 p.m., Chair Uhring recessed the meeting. The meeting reconvened at 8:39 p.m. with all Commissioners present.

ITEM 5 NEW PUBLIC HEARINGS

A. Appeal Nos. 18-006, 18-004 and 18-007, Wireless Communications Facility Nos. 18-001, 18-002 and 18-003, Site Plan Review Nos. 18-014, 18-029, and 18-015 – Appeals of three separate applications each for the installation of two new panel antennas and support equipment attached to an existing wood utility pole

Locations: 30402.5 Pacific Coast Highway, within the appealable coastal zone; 25147.5 Pacific Coast Highway, not within the appealable coastal zone; and 25627.5 Pacific Coast Highway, within the appealable coastal zone

Nearest APNs: 4469-027-901; 4458-032-013; and 4459-009-901

Applicant/Appellant: XD Industries on behalf of Verizon

Owner: California Department of Transportation (Caltrans) Public Right-of-Way

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

Recommended Action:

- 1) Adopt Planning Commission Resolution No. 19-08, denying Appeal No. 18-006, determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Wireless Communications Facility (WCF) No. 18-001 for the installation of two new panel antennas and support equipment attached to an existing wood utility pole, including Site Plan Review (SPR) No. 18-014 to place a wireless communications facility within the public right-of-way located at 30402.5 Pacific Coast Highway (Verizon);
- 2) Adopt Planning Commission Resolution No. 19-09, denying Appeal No. 18-004, determining the project is categorically exempt from CEQA, and approving WCF No. 18-002 for the installation of two new panel antennas and support equipment attached to an existing wood utility pole, including SPR No. 18-029 to place a wireless communications facility within the public right-of-way located at 25147.5 Pacific Coast Highway (Verizon); and
- 3) Adopt Planning Commission Resolution No. 19-10, denying Appeal No. 18-007, determining the project is categorically exempt from CEQA, and approving WCF No. 18-003 for the installation of two new panel antennas and support equipment attached to an existing wood utility pole, including SPR No. 18-015 to place a wireless communications facility within the public right-of-way located at 25627.5 Pacific Coast Highway (Verizon).

Senior Planner Fernandez presented the staff report.

Disclosures: Commissioners Hill and Marx, and Chair Uhring.

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

Speakers: Zachary Musgrave and Ryan Embree.

Mr. Musgrave provided rebuttal to public comment.

As there were no other speakers present, Chair Uhring 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. Musgrave.

MOTION Chair Uhring moved to: 1) adopt Planning Commission Resolution No. 19-08, denying Appeal No. 18-006, determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Wireless Communications Facility (WCF) No. 18-001 for the installation of two new panel antennas and support equipment attached to an existing wood utility pole, including Site Plan Review (SPR) No. 18-014 to place a wireless communications facility within the public right-of-way located at 30402.5 Pacific Coast Highway (Verizon); 2) adopt Planning Commission Resolution No. 19-09, denying Appeal No. 18-004, determining the project is categorically exempt from CEQA, and approving WCF No. 18-002 for the installation of two new panel antennas and support equipment attached to an existing wood utility pole, including SPR No. 18-029 to place a wireless communications facility within the public right-of-way located at 25147.5 Pacific Coast Highway (Verizon); and 3) adopt Planning Commission Resolution No. 19-10, denying Appeal No. 18-007, determining the project is categorically exempt from CEQA, and approving WCF No. 18-003 for the installation of two new panel antennas and support equipment attached to an existing wood utility pole, including SPR No. 18-015 to place a wireless communications facility within the public right-of-way located at 25627.5 Pacific Coast Highway (Verizon).

The Commission discussed the motion.

The motion died due to lack of second.

The Commission directed questions to staff and Mr. Musgrave.

MOTION Commissioner Mazza moved and Commissioner Hill seconded a motion directing staff to bring back three draft resolutions: 1) determining the project is categorically exempt from the California Environmental Quality Act; and 2) granting Appeal Nos. 18-006, 18-004 and 18-007 of Wireless Communications Facility Nos. 18-001, 18-002 and 18-003, Site Plan Review Nos. 18-014, 18-029, and 18-015, allowing three separate installations of two new panel antennas and support equipment attached to an existing wood utility pole, not requiring underground vaulting, quarterly maintenance inspections and future replacement of the utility with a light pole, with the applicant agreeing to withdraw the final basis for the appeal pertaining to the Caltrans requirements superseding the City's, on the basis that it was determined that the requirement for underground vaulting was not practicable / feasible, the ongoing maintenance was redundant and not needed due to an electronic alert system and the requirement to replace the pole would cause a disproportionate burden on the applicant (30402.5, 25147.5, and 25627.5 Pacific Coast Highway).

The Commission discussed the motion.

The question was called and the motion carried 3-2, Commissioner Marx and Chair Uhring dissenting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:59 p.m., Chair Uhring 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 June 17, 2019.



STEVE UHRING, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary