

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MARCH 19, 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, John Mazza, and Mikke Pierson

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Bonnie Blue, Planning Director; Jessica Colvard, Associate Planner; Richard Mollica, Senior Planner; Lilly Rudolph, Contract Planner; Kathleen Stecko, Senior Office Assistant; and Robert DuBoux, Assistant Public Works Director

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 March 9, 2018

APPROVAL OF AGENDA

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

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

None.

ITEM 2.B. COMMISSION / STAFF COMMENTS

In response to Commissioner Mazza, Planning Director Blue provided information on the circumstances in which an event would require a temporary use permit. In response to Commissioner Uhring, she stated a special Planning Commission meeting would be held on Monday, April 16, 2018 at 5:15 p.m.

In response to Commissioners Mazza and Pierson, Assistant Public Works Director DuBoux stated inquiries regarding the legitimacy of curb painting could be directed to the City's Public Works Department and painted curb locations would be included in the Pacific Coast Highway parking study.

Commissioner Mazza announced the Malibu Township Council would be holding a symposium on offshore drilling proposed by the federal government in Southern California at 1:30 p.m. on Saturday, March 24, 2018, at Malibu City Hall.

Commissioner Pierson thanked staff for its work preparing the Dark Sky Ordinance and other projects for consideration by the Planning Commission.

ITEM 3 CONSENT CALENDAR

Commissioner Mazza moved and Vice Chair Uhring 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. Approval of Minutes
Recommended Action: Approve the minutes for the March 6, 2018 Regular Planning Commission meeting.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit Amendment No. 17-007, Variance No. 17-047, and Demolition Permit No. 18-005 – An application to amend Administrative Coastal Development Permit No. 14-017 and Site Plan Review No. 14-026 to relocate existing retaining walls
Location: 3881 Puerco Canyon Road, not within the appealable coastal zone
APN: 4459-011-001
Owner: Puerco Canyon Development, LLC
Case Planner: Contract Planner Rudolph, 456-2489, ext. 238
Recommended Action: Adopt Planning Commission Resolution No. 18-15 determining the proposed amendment is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 17-007 amending Administrative Coastal Development Permit No. 14-017 and Site Plan Review No. 14-026, which approved a two-story single-family residence, to relocate existing private retaining walls out of the public right-of-way, including Variance No. 17-047 for construction on slopes steeper than 2.5

to 1 and Demolition Permit No. 18-005 for the removal of existing retaining walls, located in the Rural Residential-Five Acre zoning district at 3881 Puerco Canyon Road (Puerco Canyon Development, LLC).

Contract Planner Rudolph presented the staff report.

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

As there were no 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 and Eric Radosavcev.

MOTION

Commissioner Jennings moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 18-15 determining the proposed amendment is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit Amendment No. 17-007 amending Administrative Coastal Development Permit No. 14-017 and Site Plan Review No. 14-026, which approved a two-story single-family residence, to relocate existing private retaining walls out of the public right-of-way, including Variance No. 17-047 for construction on slopes steeper than 2.5 to 1 and Demolition Permit No. 18-005 for the removal of existing retaining walls, located in the Rural Residential-Five Acre zoning district at 3881 Puerco Canyon Road (Puerco Canyon Development, LLC). The question was called and the motion carried unanimously.

- B. Coastal Development Permit No. 07-136 – An application for new shoreline protection device improvements and installation of a new alternative onsite wastewater treatment system, and to permit parking lot foundation improvements as a follow-up to Emergency Coastal Development Permit No. 08-083

Location: 20356 Pacific Coast Highway, within the appealable coastal zone

APNs: 4450-004-029, -028 and -030

Owner: 20356 PCH, LLC

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

Recommended Action: Adopt Planning Commission Resolution No. 18-22 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 07-136 to allow for modification of an existing rock revetment, construction of a new alternative onsite wastewater treatment system, and a new seawall, and to permit piles to support the existing parking lot as a follow-up to Emergency Coastal Development Permit No. 08-083 at an existing restaurant property (Moonshadows), located in the

Commercial Visitor Serving-1 zoning district at 20356 Pacific Coast Highway (20356 PCH, LLC).

Senior Planner Mollica presented the staff report.

Disclosures: Commissioner Pierson.

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.

MOTION Vice Chair Uhring moved and Commissioner Mazza seconded a motion to adopt Planning Commission Resolution No. 18-22 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 07-136 to allow for modification of an existing rock revetment, construction of a new alternative onsite wastewater treatment system, and a new seawall, and to permit piles to support the existing parking lot as a follow-up to Emergency Coastal Development Permit No. 08-083 at an existing restaurant property (Moonshadows), located in the Commercial Visitor Serving-1 zoning district at 20356 Pacific Coast Highway (20356 PCH, LLC). The motion carried unanimously.

C. Zoning Text Amendment No. 13-001 - An Amendment to Malibu Municipal Code Title 17 Regulating Outdoor Lighting (commonly known as Dark Sky Ordinance)
Recommended Action: Adopt Planning Commission Resolution No. 18-23 determining the project is categorically exempt from the California Environmental Quality Act, and recommending the City Council approve Zoning Text Amendment No. 13-001 amending the Malibu Municipal Code Title 17 to regulate outdoor lighting citywide.

Associate Planner Colvard presented the staff report.

The Commission directed questions to staff and James Benya.

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

Speakers: Kay Collins, Carey Upton, Cami Winikoff, and Todd Kesselman.

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, Ms. Winikoff, Ms. Collins, Mr. Benya, and Mr. Upton.

MOTION Commissioner Mazza moved and Commissioner Pierson seconded a motion to adopt Planning Commission Resolution No. 18-23, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act; 2) recommending the City Council approve Zoning Text Amendment No. 13-001 amending the Malibu Municipal Code Title 17 to regulate outdoor lighting citywide with the following Planning Commission comments incorporated into the ordinance: make a global change to use “luminaire” in place of “light fixture” and add a definition; specify that for this ordinance, the definition of ESHA includes slopes of 4 to 1 and steeper in Point Dume; in Section 17.41.030, define “outdoor lighting,” “candela” and “luminance,” delete Figure 1 and put on website instead, and remove the last sentence of the “string light” definition; add “except as otherwise regulated by Section 17.41.050(I)” to Section 17.41.040(D)(1); delete “(including address signs)” from Section 17.41.040(D)(3) and add item (D)(4) Address Signs and renumber; delete “to minimize impacts on wildlife and scenic resources” and replace “light source” with “lamp” in the second sentence of Section 17.41.050(A); make Section 17.41.050(F) consistent with (A) by deleting “of wildlife and scenic resources;” add a new Section 17.41.050(I) to regulate the luminance of indoor lighting that projects outside a building to a maximum of 300 candelas per square meter; add “or a swimming pool” after “habitable building” in Section 17.41.060(B)(3); add a new section to prohibit lighting of grandfathered lighted sports courts; change “outdoor light fixtures” to “outdoor lighting” in Section 17.41.060(C)(1); delete Section 17.41.070(B)(2); and in Section 17.41.100(A), change (1) to 12 months, (2) to 18 months, and (3) to 30 months; and 3) including a recommendation that City Council consider alternative enforcement mechanisms to Policy No. 43. The question was called and the motion carried unanimously.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

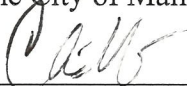
ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 9:20 p.m., Commissioner Mazza moved and Chair 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 April 16, 2018.



CHRIS MARX, Chair

ATTEST:



KATHLEEN STECKO, Recording Secretary