



Planning Commission
Meeting
01-19-21

**Item
3.B.1.**

Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission

Prepared by: Kathleen Stecko, Administrative Assistant

Approved by: Richard Mollica, Acting Planning Director

Date prepared: January 7, 2021 Meeting Date: January 19, 2021

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes for the January 4, 2021 Regular Planning Commission meeting.

DISCUSSION: Staff has prepared draft minutes for the above-referenced Planning Commission meeting and hereby submits the minutes for the Commission's consideration.

ATTACHMENT: January 4, 2021 Regular Planning Commission meeting.

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
JANUARY 4, 2021
TELECONFERENCED – VARIOUS LOCATIONS
6:30 P.M.

The following meeting was held pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and fully teleconferenced from various locations during the coronavirus disease (COVID-19) pandemic.

CALL TO ORDER

Chair Mazza called the meeting to order at 6:33 p.m.

ROLL CALL

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

PRESENT: Chair John Mazza; Vice Chair Chris Marx; and Commissioners Jeffrey Jennings and David Weil

ALSO PRESENT: Trevor Rusin, Assistant City Attorney; Richard Mollica, Acting Planning Director; Rob Duboux, Public Works Director / City Engineer; Lilly Rudolph, Contract Planner; and Kathleen Stecko, Administrative Assistant

PLEDGE OF ALLEGIANCE

Vice Chair Marx led the pledge of allegiance.

APPROVAL OF AGENDA

MOTION Vice Chair Marx moved and Commissioner Weil seconded a motion to approve the agenda, continuing Item No. 4.A. to the January 19, 2021 Regular Planning Commission meeting. The question was called and the motion carried unanimously.

REPORT ON POSTING OF AGENDA

Administrative Assistant Stecko reported that the agenda for the meeting was properly posted on December 22, 2020.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2.A. PUBLIC COMMENTS

Kraig Hill commented on how he felt the public should be able to view Short-Term Rental permits online, suggested improvements to the teleconference meetings such as facilitating the deferment of minutes to other speakers during public comment as well as video of the public to be shown during meetings. He cited a reference in an article that appeared in the New York Times that stated one in twelve people in Los Angeles County had contracted the COVID-19 virus.

ITEM 2.B. COMMISSION / STAFF COMMENT

In response to Chair Mazza, Acting Planning Director Mollica stated that innovations to the currently utilized virtual meeting platform such as the deferment of minutes and showing participants onscreen would be discussed at a future City Council meeting, but for the time being Commission meetings followed the guidelines the City Council observed.

CONSENSUS

By consensus, the Commission directed staff to propose to the City Council that features be added to teleconference meetings such as speaker time deferment to another speaker, public participants being shown on camera, and hand raising during the meeting, in order for the Commission to call upon those wishing to provide input, and have staff report back to the Commission the City Council's response.

In response to Chair Mazza, Assistant City Attorney Rusin stated that there would be penalties imposed for those not complying with the new Short-Term Rental Ordinance, which would go into effect on January 15, 2021.

ITEM 3 CONSENT CALENDAR

MOTION Chair Mazza moved and Commissioner Jennings seconded a motion to approve the Consent Calendar. The question was called and 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 December 7, 2020 Regular Planning Commission meeting.

ITEM 4 CONTINUED PUBLIC HEARINGS

- A. Coastal Development Permit No. 20-018 - An application for a new vehicular and pedestrian access gate to the Sycamore Park neighborhood (Continued from December 7, 2020)

Location: 6480 Via Escondido Drive, not within the appealable coastal zone
APN: 4460-009-003
Owner: Sycamore Tennis Court Association
Case Planner: Associate Planner Thompson, 456-2489, ext. 280
Recommended Action: Continue this item to the January 19, 2021 Regular Planning Commission meeting.

This item was continued to the January 19, 2021 Regular Planning Commission meeting upon approval of the agenda.

- B. Coastal Development Permit No. 19-001, Variance No. 19-001, Site Plan Review No. 19-001, and Minor Modification No. 19-001 – An application for a new single-family residence and associated development (Continued from December 7, 2021)

Location: 20272 Inland Lane, within the appealable coastal zone
APN: 4450-012-032
Owner: The Jonathan L. Congdon Revocable Trust
Case Planner: Contract Planner Rudolph, 456-2489, ext. 374
Recommended Action: Adopt Planning Commission Resolution No. 21-01 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-001 for the construction of a new 3,792 square foot, two-story single-family residence, plus a 602 square foot attached two-car garage with storage, a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification No. 19-001 for the reduction of the required side yard setback, located in the Single-Family Low Density zoning district at 20272 Inland Lane (The Jonathan L. Congdon Revocable Trust).

Contract Planner Rudolph presented the staff report.

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

The Commission directed questions to staff.

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

Speakers: Norman Haynie, Fred Gaines, Hak Wong, Eugene Don Michael, Rpsenarie Ihde, Gerhard Ihde, Jo Drummond, Colin Drummond, Dean Wilcox, Eric Sosa, Dee Dee Graves, Georgia Goldfarb, Jeff Grier, Jimi Petulla, Inna Patulla, Ed Menavsky, Marina Menavsky, Joy Wilcox, and Hooshang Vahedi.

Mr. Haynie, Mr. Gaines, and Jon Congdon provided rebuttal to public comment.

Additional Speaker: Dorina Schiro.

Mr. Haynie provided rebuttal to Ms. Schiro's public comment.

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

The Commission directed questions to staff, Mr. Haynie, Don Kowalski, Mark Barrett, and Mr. Michael.

RECESS At 9:45 p.m. Chair Mazza recessed the meeting. The meeting reconvened at 9:55 p.m. with all Commissioners present.

The Commission directed questions to staff and Mr. Haynie.

MOTION Chair Mazza moved and Vice Chair Marx seconded a motion to deny Coastal Development Permit No. 19-001, Variance No. 19-001, Site Plan Review No. 19-001, and Minor Modification No. 19-001, an application for a new single-family residence and associated development based upon the inability to make the findings for the variance for the factor of safety, as it had not been met.

The Commission discussed the motion.

The question was called and the motion failed 2-2, Commissioners Jennings and Weil dissenting.

The Commission directed questions to staff, Mr. Barrett, Mr. Michael, and Mr. Kowalaski.

MOTION Commissioner Jennings moved to continue the item to the March 1, 2021 Regular Planning Commission meeting.

The Commission discussed the motion.

The motion was withdrawn.

The Commission directed questions to staff and Mr. Haynie.

MOTION Commissioner Jennings moved and Commissioner Weil seconded a motion to adopt Planning Commission Resolution No. 21-01, as amended: 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-001 for the construction of a new 3,792 square foot, two-story single-family residence, plus a 602 square foot attached two-car garage with storage, a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification No. 19-001 for the reduction of the required side yard setback, located in the Single-Family Low Density zoning district at 20272 Inland Lane (The Jonathan L. Congdon Revocable Trust); and 2) correcting the square footage of the ground floor from 1,921 to 1,490 and the square footage of the lower level from 2,018 to 2,302.

The Commission discussed the motion.

FRIENDLY AMNDEMENT

Chair Mazza amended the motion requiring the addition of a condition specifying that exceedance of site stability thresholds discovered during post-rainstorms, as described in the Quality Control Maintenance Manual, shall be reported to City geotechnical staff within two business days of discovery.

The amendment was accepted by the maker and the seconder.

The question was called and the amended motion carried 2-1-0, Chair Mazza dissenting and Vice Chair Marx abstaining.

MOTION Chair Mazza moved and Commissioner Jennings seconded a motion to continue Item No. 5.A. to the January 19, 2021 Regular Planning Commission meeting.

ITEM 5 NEW PUBLIC HEARINGS

- A. Coastal Development Permit No. 17-085, Variance No. 19-059, Site Plan Review No. 17-001 and Demolition Permit No. 17-001 – An application for and interior and exterior remodel, additions to an existing single-family residence and new accessory development

Location: 3710 Decker Edison Road, not within the appealable coastal zone

APN: 4473-005-014

Owner: Tao Guan

Case Planner: Assistant Planner Murillo, 456-2489, ext. 353

Recommended Action: Adopt Planning Commission Resolution No. 21-02 determining the project is categorically exempt from the California Environmental Quality Act, approving Coastal Development Permit No. 17-085 to allow for an interior and exterior remodel and 920 square feet of additions to the existing single-family residence, a new 900 square foot detached second residential unit with an attached 400 square foot garage, a new 440 square foot detached swimming pool

house, swimming pool, native vegetation restoration, hardscape, fire department access improvements and a new onsite wastewater treatment system; including Variance No 19-059 for the required fuel modification to encroach onto Environmentally Sensitive Habitat Area, Site Plan Review No. 17-001 for construction up to 28 feet in height for a pitched roof and Demolition Permit No. 17-001 for the exterior wall demolition to accommodate the additions to the existing single-family residence and abandon the existing OWTS, located in the Rural Residential-Ten Acre zoning district at 3710 Decker Edison Road (Tao Guan).

This item was continued to the January 19, 2021 Regular Planning Commission meeting.

ITEM 6 OLD BUSINESS

None.

ITEM 7 NEW BUSINESS

None.

ITEM 8 PLANNING COMMISSION ITEMS

None.

ADJOURNMENT

MOTION At 10:37 p.m., Commissioner Jennings moved and Chair Mazza seconded a motion to adjourn the meeting. The question was called and the motion carried 3-1, Vice Chair Marx dissenting.

Approved and adopted by the Planning Commission
of the City of Malibu on _____.

JOHN MAZZA, Chair

ATTEST:

KATHLEEN STECKO, Administrative Assistant