



Commission Agenda Report

Planning Commission
Meeting
01-20-26

**Item
4.A.**

To: Chair Riddick and Members of the Planning Commission

Prepared by: Coli Turner, MUP, Assistant Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: January 8, 2026 Meeting date: January 20, 2026

Subject: View Preservation Permit No. 24-001 – An application requesting corrective action to restore the views recorded at 4727 Avenida Del Mar under Primary View Determination No. 12-267 with regard to the foliage located at 4732 Avenida Del Mar (Continued from December 1, 2025)

Claimant Name: Paul Rothbard
Claimant Address: 4727 Avenida Del Mar
Claimant APN: 4473-010-034
Foliage Owner Name: Avenida Del Mar Holding Trust
Foliage Owner Address: 4732 Avenida Del Mar
Foliage Owner APN: 4473-010-021

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-01 determining the action is categorically exempt from the California Environmental Quality Act, and approving View Preservation Permit No. 24-001 to require alteration and maintenance of foliage on 4732 Avenida Del Mar at the height of the horizon, as shown in Primary View Determination (PVD) No. 12-267, in order to restore the primary view documented in PVD No. 12-267 or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

DISCUSSION: This agenda report is an addendum to the agenda report published on December 1, 2025. The attached draft resolution number has been updated to Planning Commission Resolution No. 26-01 and the recitals have been changed

to reflect the continuance from the December 1, 2025 Planning Commission meeting. No other changes have been made to the draft resolution. No public correspondence has been received since the publication of the December 1, 2025 agenda report.

EXHIBITS:

- A. Planning Commission Resolution No. 26-01
- B. December 1, 2025 Planning Commission Agenda Report

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING VIEW PRESERVATION PERMIT NO. 24-001 TO REQUIRE ALTERATION AND MAINTENANCE OF FOLIAGE ON 4732 AVENIDA DEL MAR AT THE HEIGHT OF THE HORIZON, AS SHOWN IN PRIMARY VIEW DETERMINATION NO. 12-267, IN ORDER TO RESTORE THE PRIMARY VIEW DOCUMENTED IN PRIMARY VIEW DETERMINATION NO. 12-267

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On March 28, 2013, staff conducted Primary View Determination (PVD) No. 12-267 at 4727 Avienda del Mar.

B. On July 20, 2023, a letter requesting informal discussions between the claimant and owner of the property located at 4732 Avenida del Mar (foliage owner) was sent by the property owner of 4727 Avenida del Mar via certified mail.

C. On September 26, 2023, a letter requesting mediation between the claimant and the foliage owner was sent by representatives of claimant to the foliage owner via registered mail.

D. On December 6, 2023, a letter requesting binding arbitration between the claimant and the foliage owner was sent by representatives of claimant to the foliage owner via registered mail.

E. On February 20, 2024, the claimant submitted an application for View Preservation Permit (VPP) No. 24-001.

F. On April 16, 2024, staff conducted a site visit to document the existing view conditions from the primary view location at 4727 Avenida del Mar.

G. On April 18, 2024, staff called and sent an email to the foliage owner explaining the public hearing to be held on November 18, 2024, and attempted to reach another agreement before the hearing.

H. On May 22, 2024, staff sent a letter to the foliage owner notifying them of the application and requesting a site visit via standard mail.

I. On December 23, 2024, a Notice of Planning Commission Public Hearing was mailed to all interested parties, the claimant, the foliage owner, and the recorded owners and occupants of all properties on which the foliage at issue in the VPP application is located.

J. On December 26, 2024, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu.

K. On January 16, 2025, the Planning Commission hearing scheduled for January 23, 2025 was adjourned and continued to February 3, 2025 due to the Palisades Fire.

EXHIBIT A

L. On February 3, 2025, the Planning Commission continued the item to the February 18, 2025 Planning Commission meeting at the applicant's request to allow additional time to attempt to resolve the conflict with the foliage owner.

M. On February 18, 2025, the Planning Commission continued the item to the March 3, 2025 Planning Commission meeting at the applicant's request to allow additional time to attempt to resolve the conflict with the foliage owner.

N. On February 20, 2025, the applicant withdrew the application after reaching an agreement with the foliage owner and the item was removed from the March 3, 2025 Planning Commission agenda.

O. On September 3, 2025, the applicant informed staff that an agreement could not be finalized and requested reinstatement of the VPP application and scheduling of a public hearing.

P. On November 20, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, the claimant, the foliage owner, and the recorded owners and occupants of all properties on which the foliage at issue in the VPP application is located.

Q. On December 1, 2025, the Planning Commission continued the item to the January 20, 2026 Regular Planning Commission meeting prior to opening the public hearing at the applicant's request.

R. On January 20, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines section 15301(h) - Existing Facilities - Maintenance of Existing Landscaping. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines section 15300.2).

SECTION 3. View Preservation Permit Findings.

Based on all the evidence contained within the record and testimony and deliberations at the January 20, 2026 Regular Planning Commission meeting, and pursuant to Malibu Municipal Code (MMC), including MMC Chapters 17.45, the Planning Commission adopts the findings of fact below, and approves VPP No. 24-001 to require alteration and maintenance of foliage on 4732 Avenida del Mar at the height of the foliage in order to restore the documented primary view documented in PVD No. 12-267.

1. The claimant has provided evidence of attempt at informal discussion, mediation and binding arbitration. They waited 60 days between the mediation and binding arbitration letters and another 60 days with no agreement with the foliage owner as required by MMC Section 17.45.060.

2. The foliage under dispute does not qualify as exempt per MMC Chapter 17.45.140. Foliage growth obstructs views of the Pacific Ocean which were documented in PVD No. 12-267. The location of these obstruction(s) is within the center-left (southeast) of the view looking towards the Pacific Ocean, which is documented in the Primary View Determination. The foliage owner has removed several trees from the property; however, one remaining tree continues to obstruct the documented primary view.

3. PVD No. 12-267 can be restored if the remaining vegetation is trimmed and maintained to be below the horizon line as depicted in PVD No. 12-267. Palm trees are currently a prohibited species pursuant to MMC Section 17.53.090 C(1)(a). The foliage owner has removed several trees from the property, and only one palm tree remains in view. Removal of the tree(s) would bring the site closer to compliance with the MMC, but removal is not required.

4. The requested restorative action does not include removal.

5. The recommended restorative action includes trimming the foliage to be below the horizon line, which is the minimum necessary to restore the claimant's primary view, as documented in PVD No. 12-267.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby issues VPP No. 24-001, subject to the following conditions.

SECTION 5. Conditions of Approval.

1. The claimant, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. The foliage located at 4732 Avenida del Mar that blocks ocean views documented in PVD No. 12-267 must be trimmed and maintained to be no taller than the horizon line, as shown in PVD No. 12-267, separating 4727 and 4732 Avenida del Mar.
3. The claimant shall be responsible for paying the cost of the restorative action required to return the view conditions to those documented by PVD No. 12-267, and the foliage owner shall be responsible for paying the costs of any subsequent maintenance of the subject foliage unless otherwise agreed to by the parties or required pursuant to any final arbitration decision or court order.

4. A 20-day grace period, after the 10-day appeal period, shall be allowed for the claimant and foliage owner to agree in good faith to dates to cut the subject vegetation before citations can be issued.
5. The claimant and foliage owner must sign and notarize an affidavit of acceptance of conditions of approval prior to commencement of any restorative actions.
6. The Planning Commission's decisions regarding view preservation shall be binding on all current and future owners of the claimant's property and foliage owner's property, and such decisions must be disclosed by each owner to subsequent owners of the property.
7. Any decision of the Planning Commission made pursuant to MMC Chapter 17.45.060 takes effect ten (10) calendar days from the date of adoption of a resolution unless an appeal is filed. If appealed, the effective date is the date on which final action is taken by the city council.
8. The City shall not be liable for any damages, injuries, costs or expenses which are the result of a decision issued by a city employee or official or any agreements or determinations resulting from mediation, arbitration or litigation concerning view restoration claims or claimant's assertions pertaining to views granted or conferred herein. Nor shall the City have any liability because a particular neighborhood or overlay district is granted or denied an exemption pursuant to MMC Chapter 17.45.140.
9. Under no circumstances shall the City have any responsibility or liability to enforce or seek any legal redress, civil or criminal, for any decision that any other person or entity makes concerning a VPP.
10. Nothing in this Resolution shall be construed as preventing a claimant or foliage owner from bringing a civil action to enforce the terms of a VPP.
11. Failure to abide by the terms and conditions of this VPP shall constitute a violation punishable in accordance with MMC Section 1.16.010.
12. In addition to all penalties authorized by MMC Section 1.16.010 or any other provision of law, violations of this VPP are subject to the administrative penalty provisions of MMC Chapter 1.10. Each day that a violation continues shall constitute a separate offense.
13. To the extent any foliage is in violation of the terms of this VPP, it shall constitute a public nuisance.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 20th day of January 2026.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Chapter 17.45.060(E)(7) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days of the planning commission's adoption of its resolution regarding the view preservation permit and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-01 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 20th day of January 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

REBECCA EVANS, Recording Secretary



Commission Agenda Report

To: Chair Riddick and Members of the Planning Commission

Prepared by: Coli Turner, MUP, Planning Technician

Reviewed by: Didier Murillo, Senior Planner

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: November 20, 2025 Meeting Date: December 1, 2025

Subject: View Preservation Permit No. 24-001 – An application requesting corrective action to restore the views recorded at 4727 Avenida Del Ma under Primary View Determination No. 12-267 with regard to the foliage located at 4732 Avenida Del Mar

Claimant Name: Paul Rothbard
Claimant Address: 4727 Avenida Del Mar
Claimant APN: 4473-010-034
Foliage Owner Name: Avenida Del Mar Holding Trust
Foliage Owner Address: 4732 Avenida Del Mar
Foliage Owner APN: 4473-010-021

RECOMMENDED ACTION: Consider Planning Commission Resolution No. 25-07 (Attachment 1) determining the action is categorically exempt from the California Environmental Quality Act (CEQA), and approving View Preservation Permit (VPP) No. 24-001 to require alteration and maintenance of foliage on 4732 Avenida Del Mar at the height of the horizon, as shown in Primary View Determination (PVD) No. 12-267, in order to restore the primary view documented in PVD No. 12-267 and 1) adopt Resolution No. 25-07 or 2) direct staff to return with a resolution matching the Planning Commission’s decision.

DISCUSSION: This agenda report provides an analysis of the action’s consistency with applicable provisions of the Malibu Municipal Code (MMC), and the environmental review pursuant to CEQA.

Background

In 2012, the City Council adopted Ordinance No. 361, which established MMC Chapter 17.45 (Citywide View Restoration Ordinance). In 2014, the ordinance was amended and the title of MMC Chapter 17.45 was changed to the Citywide View Preservation and Restoration Ordinance. MMC Chapter 17.45 allows a residence's private view within 1,000 feet to be preserved based on a PVD established on or after February 13, 2012. If the preserved view is then obstructed by new foliage or growth from existing foliage, the PVD holder, otherwise known as the claimant, can take the necessary steps to restore their view. In order to restore a view documented in a PVD, the claimant must do the following as required by MMC Section 17.45.060:

- Request informal discussion between the claimant and foliage owner with a registered or certified letter with return receipt requested;
- If informal discussion is unsuccessful, then the claimant is to request from the foliage owner mediation by a registered or certified letter with return receipt; and
- If mediation is then declined or unsuccessful after 60 days, the claimant is to request binding arbitration by a registered or certified letter with return receipt to settle the dispute.

If informal discussion, mediation, or binding arbitration settle the dispute, the agreement can be documented in a VPP approved by the Community Development Director. If the issue is not settled after 60 days of the binding arbitration attempt, the claimant can apply for a VPP to be determined by the Planning Commission. As will be described below, the claimant has attempted all the negotiation requirements of the VPP process unsuccessfully and is requesting the Planning Commission render a decision on the matter.

Claimant's View Restoration Process and Setting

On March 28, 2013, staff conducted a PVD for 4727 Avenida Del Mar (Attachment 2 - PVD No. 12-267). Staff documented the primary view standing in the backyard on an outdoor deck located within ten feet of the living room, a location chosen by the property owner who is also the claimant of the subject VPP. As required by MMC Section 17.45.060, the claimant tried to negotiate with their neighbor at 4732 Avenida Del Mar (foliage owner) to no avail (Attachment 4). The following was conducted by the claimant:

- On July 25, 2023, the claimant requested, through certified mail, that the foliage owner maintain their trees to restore the view depicted in PVD No. 12-267. The letter also included the claimant's agreement with the previous homeowner of 4732 Avenida Del Mar. The previous foliage owner signed the agreement on July 4, 2022, giving the claimant permission to cut four palm trees, trim the tops of two palm trees,

and remove brown palm fronds. This agreement states that it must remain in effect until the trees grow into the protected view.

- On September 18, 2023, the claimant requested, through certified mail, mediation between both parties. Mediation was never agreed to.
- On December 6, 2023, the claimant requested, through certified mail, binding arbitration between both parties. Binding arbitration was never agreed to.

On February 20, 2024, the claimant submitted an application for a VPP to request the foliage owner to trim or remove foliage in order to restore the view conditions documented by PVD No. 12-267.

Both the claimant's and the current foliage owner's properties are located on the landside of Pacific Coast Highway, in the Encinal Canyon area. As seen in Figure 1 below, the claimant is located upslope, and across the street from the foliage owner's property. The foliage owner's property lies directly between the claimant's primary view location and the Pacific Ocean. For reference, the location of the ocean has been indicated in Figure 2 to assist with orientation.

Figure 1 – Aerial Photograph



Source: Malibu City GIS, 2025

Figure 2 – Aerial Photograph of Pacific Ocean



Source: Malibu City GIS, 2025

Discussion

On April 16, 2024, staff conducted a site visit to the claimant's property and re-took the photos from PVD No. 12-267, as required by MMC Section 17.45.060(E)(2). Photographs from this site visit are included in Attachment 3. All subject foliage appeared to be present and the trees in question appear to be non-deciduous palm trees.

Comparing the photographs available in PVD No. 12-267 and the staff photos taken in April of 2024, staff determined that two main areas of concern foliage may qualify as an obstruction. Shown within the red circles in Figures 3(a) and 3(b) below; both areas demonstrate what is documented in PVD No. 12-267 and what is the current view conditions.

Figure 3(a): View from Primary View Looking Southeast (2013 VS 2024)



Source: PVD No. 12-267, March 2013



Source: VPP 24-001, Staff Site Visit, April 2024

Figure 3(b): View from Primary View Looking Southeast (2024 VS 2025)



Source: VPP 24-001, Staff Site Visit, April 2024



Source: VPP 24-001, Staff Site Visit September 2025

As shown in the photos above, foliage belonging to the foliage owner has grown, though it is hard to determine if the foliage within the view under PVD No. 12-267 has grown to the extent that it blocks the view greater than what had existed when the PVD was first documented. The main reason is the deck that is shown in the 2012 PVD and today has been lowered when it was rebuilt following destruction in the 2018 Woolsey Fire (more details below). The previous deck was elevated above grade and blocked a larger portion of the view of the ocean. If the Planning Commission determines there is a view impact, the primary view can be restored if the vegetation in question is trimmed or removed to a height consistent with the guidelines in PVD No. 12-267, as shown in PVD No. 12-267.

Woolsey Fire Impacts

Both properties were affected by the 2018 Woolsey Fire. The claimant's property at 4727 Avenida del Mar obtained a Planning Verification – Woolsey Fire (PVWF) No. 19-143 on July 11, 2019, and the application was finalized on April 28, 2022. The claimant has received a certificate of occupancy from the city to reside in their home. The original above-

grade deck shown in Figures 3a and 3b was removed and redesigned less than a foot above grade allowing the homeowner additional blue water views, which has opened up more visibility of the palm trees in question.

The above-ground deck is shown in the 2013 PVD photos. However, staff photographs from April 2024 show that the lowered deck exposed more of the palm trees than could be seen in the 2012 PVD. This change can be attributed to the new deck now constructed near grade, which opened up more blue water views and visibility of the palm trees in the foliage owner's possession. The same palm trees are visible in the 2013 PVD, located behind the previous deck and trellis.

As of September 2025, the foliage owner has removed several trees from the property, located at 4732 Avenida del Mar, as shown in updated photographs. One remaining tree continues to obstruct the documented primary view according to the claimant, as shown in Figure 3b. The foliage owner's property, located at 4732 Avenida del Mar has been permitted for a rebuild with an additional 10 percent of square footage beyond the previous home.

Summary of Resolution Attempts

Staff made several attempts to contact the foliage owner to assist in resolving the disputed view obstruction. On August 8, 2024, a letter from staff was mailed and emailed to the foliage owner explaining that, after completing the View Preservation process and being unable to reach an agreement, the applicant wished to proceed with a public hearing so the Planning Commission could make a determination on the matter. (Attachment 5).

On January 16, 2025, a public hearing was initially scheduled for January 23, 2025. However, the meeting was adjourned and continued to February 3, 2025, due to the Palisades Fire. The February 3rd hearing was then continued to February 18, 2025 to allow additional time for the parties to reach a private resolution. On February 6, 2025 the applicant requested that the February 18th hearing be continued to the March 3, 2025 meeting to allow for a final attempt to resolve the issue with the foliage owner.

On February 20, 2025, the applicant withdrew the application after initially reaching an agreement with the foliage owner. However, on September 3, 2025, the applicant informed staff that the agreement could not be finalized and requested reinstatement of the VPP application to proceed with the public hearing process. On September 25, 2025, staff conducted a site visit to document the current foliage conditions. Most of the trees shown in Figure 3a have since been removed, with the exception of the palm trees shown in Figure 3b located at the southeast corner of the property.

VPP Findings

Pursuant to MMC Chapter 17.45.060(E)(4), the Planning Commission may issue a VPP to require removal or alteration and maintenance of foliage at the designated maximum height, including trimming, thinning, or reducing the height or width of foliage, on a foliage owner's property if it makes all five of the required findings. Staff has prepared draft findings for approval in the claimant's favor if the Planning Commission determines there is a view blockage.

CONCLUSION: The Planning Commission may impose such restrictions or conditions, including restorative action, as deemed necessary or proper to restore a primary view; protect the foliage owner's privacy; protect the public health, safety or welfare; or any combination thereof.

If approval of this VPP is granted, the claimant shall be responsible for paying the cost of the restorative action required to return the view conditions to those documented by PVD No. 12-267, and the foliage owner shall be responsible for paying the costs of any subsequent maintenance of the subject foliage, unless otherwise agreed to by the parties or required pursuant to any final arbitration decision or court order.

The Planning Commission's decision regarding view preservation shall be binding on all current and future owners of the claimant's property and foliage owner's property, and such decisions must be disclosed by each owner to subsequent owners of the property.

Failure to abide by the adopted terms and conditions of Planning Commission Resolution No. 25-07 shall constitute a violation punishable in accordance with MMC Chapter 1.16.010. In addition to all penalties authorized by Chapter 1.16.010 or any other provision of law, violations of the VPP are subject to the administrative penalty provisions of MMC Chapter 1.10. Each day that a violation continues shall constitute a separate offense. To the extent any foliage is in violation of the terms of the VPP, it shall constitute a public nuisance. Staff recommends that a 30-day grace period (10-day appeal period plus an additional 20 days) be allowed for the claimant and foliage owner to work out dates to cut the subject vegetation before citations can be issued.

Based on the analysis contained in this report and the accompanying resolution, staff makes no recommendation of this project because it is not clear if there is a true violation but if the Planning Commission finds that there is one after reviewing all the available evidence they may approve the VPP subject to the conditions of approval contained in Section 5 of Planning Commission Resolution No. 25-07.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director has analyzed the proposed project, which includes the trimming of the foliage at 4732 Avenida del Mar. The Community Development Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines section 15301(h) – Maintenance of Existing Landscaping. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines section 15300.2).

CORRESPONDENCE: To date, staff has not received correspondence regarding this application other than the documentation attached to this report.

PUBLIC NOTICE: On November 20, 2025 staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all interested parties, the claimant, the foliage owner, and the record owners and occupants of all properties on which the foliage at issue in the view preservation permit application is located (Attachment 7).

ATTACHMENTS:

1. Planning Commission Resolution No. 25-07
2. Claimant Primary View Determination No. 12-267
3. Staff Photographs Recreating Primary View in April 2024
4. Letters Requesting Discussion, Mediation, and Arbitration and Receipts of Delivery
5. Staff Correspondence
6. View Preservation Process Flow Chart
7. Public Hearing Notice

All referenced City Council and Planning Commission records are available for review at <http://www.malibucity.org/onbase>.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 25-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING VIEW PRESERVATION PERMIT NO. 24-001 TO REQUIRE ALTERATION AND MAINTENANCE OF FOLIAGE ON 4732 AVENIDA DEL MAR AT THE HEIGHT OF THE HORIZON, AS SHOWN IN PRIMARY VIEW DETERMINATION NO. 12-267, IN ORDER TO RESTORE THE PRIMARY VIEW DOCUMENTED IN PRIMARY VIEW DETERMINATION NO. 12-267

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

- A. On March 28, 2013, staff conducted a Primary View Determination (PVD) No. 12-267 at 4727 Avienda del Mar.
- B. On July 20, 2023, a letter requesting informal discussions between the claimant and owner of the property located at 4732 Avenida del Mar (foliage owner) was sent by the property owner of 4727 Avenida del Mar via certified mail.
- C. On September 26, 2023, a letter requesting mediation between the claimant and the foliage owner was sent by representatives of claimant to the foliage owner via registered mail.
- D. On December 6, 2023, a letter requesting binding arbitration between the claimant and the foliage owner was sent by representatives of claimant to the foliage owner via registered mail.
- E. On February 20, 2024, the claimant submitted an application for View Preservation Permit (VPP) No. 24-001.
- F. On April 16, 2024, staff conducted a site visit to document the existing view conditions from the primary view location at 4727 Avenida del Mar.
- G. On April 18, 2024, staff called and sent an email to the foliage owner explaining the public hearing to be held on November 18, 2024, and also to try to reach another agreement before the hearing.
- H. On May 22, 2024, staff sent a letter to the foliage owner notifying them of the application and requesting a site visit via standard mail.
- I. On December 23, 2024 a Notice of Planning Commission Public Hearing was mailed to all interested parties, the claimant, the foliage owner, and the record owners and occupants of all properties on which the foliage at issue in the VPP application is located.
- J. On December 26, 2024, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu.
- K. On January 16, 2025 the Planning Commission hearing scheduled for January 23, 2025, was adjourned and continued to February 3, 2025, due to the Palisades Fire.

L. On February 3, 2025 the Planning Commission continued the item to the February 18, 2025 Planning Commission meeting at the applicants request to allow additional time to attempt to resolve the conflict with the foliage owner.

M. On February 18, 2025, the Planning Commission continued the item to the March 3, 2025 Planning Commission meeting at the applicants request to allow additional time to attempt to resolve the conflict with the foliage owner.

N. On February 20, 2025, the applicant withdrew the application after reaching an agreement with the foliage owner and the item was removed from the March 3, 2025 Planning Commission agenda.

O. On September 3, 2025, the applicant informed staff that an agreement could not be finalized and requested to reinstate the VPP application and proceed with the public hearing.

P. On November 20, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and mailed to all interested parties, the claimant, the foliage owner, and the record owners and occupants of all properties on which the foliage at issue in the VPP application is located.

Q. On December 1, 2025, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines section 15301(h) - Existing Facilities - Maintenance of Existing Landscaping. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines section 15300.2).

SECTION 3. View Preservation Permit Findings.

Based on all the evidence contained within the record and testimony and deliberations at the December 1, 2025, Planning Commission meeting, and pursuant to Malibu Municipal Code (MMC), including MMC Chapters 17.45, the Planning Commission adopts the findings of fact below, and approves VPP No. 24-001 to require alteration and maintenance of foliage on 4732 Avenida del Mar at the height of the foliage in order to restore the documented primary view documented in PVD No. 12-267.

1. The claimant has provided evidence of attempt at informal discussion, mediation and binding arbitration. They waited 60 days between the mediation and binding arbitration letters and another 60 days with no agreement with the foliage owner as required by MMC Section 17.45.060.

2. The foliage under dispute does not qualify as exempt per MMC Chapter 17.45.140. Foliage growth obstructs views of the Pacific Ocean which were documented in PVD No. 12-267. The location of these obstruction(s) is within the center-left (southeast) of the view looking towards the Pacific Ocean, which is documented in the Primary View Determination. The foliage owner has removed several trees from the property; however, one remaining tree continues to obstruct the documented primary view.

3. PVD No. 12-267 can be restored if the remaining vegetation is trimmed and maintained to be below the horizon line as depicted in PVD No. 12-267. Palm trees are currently a prohibited species pursuant to MMC Section 17.53.090 C(1)(a). The foliage owner has removed several trees from the property, and only one palm tree remains in view. Removal of the tree(s) would bring the site closer to compliance with the MMC, but removal is not required.

4. The requested restorative action does not include removal.

5. The recommended restorative action includes trimming the foliage to line, which is the minimum necessary to restore the claimant's primary view, as documented in PVD No. 12-267.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby issues VPP No. 24-001, subject to the following conditions.

SECTION 5. Conditions of Approval.

1. The claimant, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. The foliage located at 4732 Avenida del Mar that blocks ocean views documented in PVD No. 12-267 must be trimmed and maintained to be no taller than the horizon line, as shown in PVD No. 12-267, separating 4727 and 4732 Avenida del Mar.
3. The claimant shall be responsible for paying the cost of the restorative action required to return the view conditions to those documented by PVD No. 12-267, and the foliage owner shall be responsible for paying the costs of any subsequent maintenance of the subject foliage unless otherwise agreed to by the parties or required pursuant to any final arbitration decision or court order.
4. A 20-day grace period, after the 10-day appeal period, shall be allowed for the claimant and foliage owner to agree in good faith to dates to cut the subject vegetation before the citations can be issued.

5. The claimant and foliage owner must sign and notarize an affidavit of acceptance of conditions of approval prior to commencement of any restorative actions.
6. The Planning Commission's decisions regarding view preservation shall be binding on all current and future owners of the claimant's property and foliage owner's property, and such decisions must be disclosed by each owner to subsequent owners of the property.
7. Any decision of the Planning Commission made pursuant to MMC Chapter 17.45.060 takes effect ten (10) calendar days from the date of adoption of a resolution unless an appeal is filed. If appealed, the effective date is the date on which final action is taken by the city council.
8. The City shall not be liable for any damages, injuries, costs or expenses which are the result of a decision issued by a city employee or official or any agreements or determinations resulting from mediation, arbitration or litigation concerning view restoration claims or claimant's assertions pertaining to views granted or conferred herein. Nor shall the City have any liability because a particular neighborhood or overlay district is granted or denied an exemption pursuant to MMC Chapter 17.45.140.
9. Under no circumstances shall the City have any responsibility or liability to enforce or seek any legal redress, civil or criminal, for any decision that any other person or entity makes concerning a VPP.
10. Nothing in this Resolution shall be construed as preventing a claimant or foliage owner from bringing a civil action to enforce the terms of a VPP.
11. Failure to abide by the terms and conditions of this VPP shall constitute a violation punishable in accordance with MMC Section 1.16.010.
12. In addition to all penalties authorized by MMC Section 1.16.010 or any other provision of law, violations of this VPP are subject to the administrative penalty provisions of MMC Chapter 1.10. Each day that a violation continues shall constitute a separate offense.
13. To the extent any foliage is in violation of the terms of this VPP, it shall constitute a public nuisance.

SECTION 6. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of December 2025.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Chapter 17.45.060(E)(7) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days of the planning commission's adoption of its resolution regarding the view preservation permit and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 25-07 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 1st day of December 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary



City of Malibu

23825 Stuart Ranch Rd, Malibu, California 90265-4861
(310) 456-2489 FAX (310) 456-7650 www.malibucity.org

PLANNING DEPARTMENT PRIMARY VIEW DETERMINATION

Primary View Determination: 4727 Avenida del Mar – Andrea Ringe

On March 28, 2013, staff conducted a primary view determination at 4727 Avenida del Mar. Staff documented the primary view standing on an outdoor deck, located within ten feet of the exterior wall of the living room, a location chosen by the property owner. The location of the primary view determination photographs were taken from is denoted by a red star in the aerial below.



On March 28, 2013, the view from this location on the property is as follows, from east to west:





- Red arrow denotes horizon







ATTACHMENT 3





































July 4, 2022

Mr. Maksym Gorodnly & Mrs. Liudmyla Gorodnia

[REDACTED]
Westlake Village, CA 91361

Regarding: View Preservation for 4727 Avenida Del Mar, Malibu per Primary View Determination

Dear Max:

Thank you for meeting on site to discuss the trees referenced in the June 8th letter. As we agreed, you authorized me to have 4 palm trees removed, and to trim the tops of two palm trees and to remove all brown, palm fronds from other palm trees. We completed this work yesterday. Please see four photos I took on Friday, July 1st, 2022 from the same spot as that used for the Primary View Determination 12-267 dated March 28, 2013. As you can see, the view has now been preserved and should be this way until such time as trees grow once again into the protected view.

This letter shall serve as confirmation that you have fulfilled the requirements to preserve our view, as I outlined in that June 8th, 2022 letter.

The Primary View Determination for our property remains valid and shall be maintained if new trees are planted or any of the current remaining ones (palms primarily) grow once again into the Primary View.

Per your request, I will send a copy of this letter to your selling agent and also ask that a copy be forwarded to any escrow you enter into to sell the property such that any prospective Buyer is also aware of this.

Please feel free to call me to discuss this further or reply via email or mail. My contact information is:

Paul Rothbard
c/o ISHC Lompoc, LLC

[REDACTED]
Malibu, CA 90265

Email: [REDACTED]

Phone: [REDACTED]

Thanks, Paul Rothbard

ATTACHMENT 4

July 20, 2023

Raviv Netzah
c/o NETZAH & SHEM TOV INC, ; 4732 AVENIDA DEL MAR HOLDING
TRUST,
[REDACTED]

Re: View Preservation for 4727 Avenida Del Mar, Malibu per Primary View Determination

Dear Raviv Netzah, et al:

I do hope this letter finds you well. I'd like to extend a warm welcome to our neighborhood. We look forward to meeting you in person and are excited you have purchased the property with the plans to rebuild. In fact, we've seen work starting on the property – Exciting times!!

As you may know, I have had previous communications with Max Govidny (prior owner of 4743 Avenida Del Mar) regarding our View Preservation. I am attaching the previous letters for your reference.

I am writing now to formally inform you that your foliage, primarily several (2) of your palm trees, are now once again infringing on our protected Primary View Determination. I have attached the following items for your review:

- 1) The View Preservation Process (as outlined by the City of Malibu Planning Department).
- 2) Our Primary View Determination 12-267 dated March 28, 2013.
- 3) Current photos taken on May 1, 2023 from the same spot as those shown in the Primary View Determination. I've indicated in the photos which palm trees are now infringing on our Primary View.
- 4) The previous communications with Max Govidny.

As you can see in the current photos, two of the palms that were trimmed previously have grown considerably and are now within the protected view corridor for our property. The tops of these trees were trimmed as part of the agreement with Mr. Govidny. I simply ask that these trees be substantially trimmed down (or removed) as soon as possible such that your property is in compliance with our PVD 12-267.

I am happy to meet onsite so we can discuss in person. Please let me know if you'd like to do that. Please feel free to call me to discuss this further or reply via email or mail. My contact information is:

Paul Rothbard c/o ISHC Lompoc, LLC
[REDACTED]

Malibu, CA 90265

Email: [REDACTED] Phone: [REDACTED]

Thanks, Paul Rothbard



September 01, 2023

Dear Customer,

The following is the proof-of-delivery for tracking number: 781603244128

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	M.MONICA	Delivery Location:	
Service type:	FedEx Express Saver		
Special Handling:	Deliver Weekday; Residential Delivery		SHERMAN OAKS, CA,
		Delivery date:	Jul 26, 2023 15:36

Shipping Information:

Tracking number:	781603244128	Ship Date:	Jul 25, 2023
		Weight:	0.5 LB/0.23 KG

Recipient:		Shipper:	
SHERMAN OAKS, CA, US,		BIG SKY, MT, US,	

Reference	Paul Rothbard
Invoice	PKG ID: 173093

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Thank you for choosing FedEx



September 01, 2023

Dear Customer,

The following is the proof-of-delivery for tracking number: 781603244128

Delivery Information:

Status:	Delivered	Delivered To:	Receptionist/Front Desk
Signed for by:	M.MONICA	Delivery Location:	
Service type:	FedEx Express Saver		
Special Handling:	Deliver Weekday; Residential Delivery		SHERMAN OAKS, CA,
		Delivery date:	Jul 26, 2023 15:36

Shipping Information:

Tracking number:	781603244128	Ship Date:	Jul 25, 2023
		Weight:	0.5 LB/0.23 KG

Recipient:		Shipper:	
SHERMAN OAKS, CA, US,		BIG SKY, MT, US,	

Reference	Paul Rothbard
Invoice	PKG ID: 173093

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

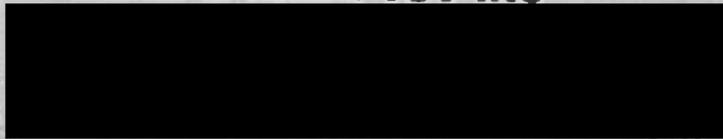
Thank you for choosing FedEx

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NETZAH & SHEM TOV INC



9590 9402 7575 2098 9564 87

2. Article Number (Transfer from service label)

9414 7112 0620 9512 6294 36

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

9.28

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

USPS TRACKING #



SANTA CLARITA CA 913

2 OCT 2023 PM 5 L



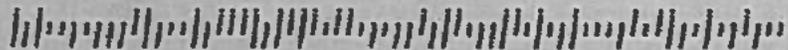
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 7575 2098 9564 87

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

PAUL ROTHBARD
[Redacted address]



September 26, 2023

Raviv Netzah
c/o NETZAH & SHEM TOV INC, ; 4732 AVENIDA DEL MAR HOLDING
TRUST,
[REDACTED]

Re: View Preservation for 4727 Avenida Del Mar, Malibu per Primary View Determination

Dear Raviv Netzah, et al:

I'm following up on our call several weeks ago. As I mentioned, I am the neighbor above the house being built at 4732 Avenida Del Mar in Malibu. As you also know, I sent a letter dated July 20, 2023 to the address on record. A person named Monica signed for it. I'm attaching a copy of the letter as well as the proof of delivery to your office.

I would like to resolve this matter related to your palm trees growing significantly into our legal Preserved View. I am attaching that again although you should have everything from the July 20th, 2023 mailing. I can meet on site anytime in the next 60 days. We are neighbors and I'd like to build a good neighborly relationship with you. However, I have not heard back from you.

I would like to offer that we agree to Mediation and move forward in selecting a mediator to resolve this if we are unable to do so in person on site.

To reiterate, I am writing now to formally request Mediation and to once again inform you that your foliage, primarily several (3) of your palm trees, are now once again infringing on our protected Primary View Determination. I have attached the following items for your review:

- 1) A copy of the July 20, 2023 letter.
- 2) A copy of the proof of delivery notice.
- 3) The View Preservation Process (as outlined by the City of Malibu Planning Department).
- 4) Our Primary View Determination 12-267 dated March 28, 2013.

Please feel free to call me to discuss this further or reply via email or mail. My contact information is:

Paul Rothbard c/o ISHC Lompoc, LLC
[REDACTED]

Malibu, CA 90265

Email: [REDACTED] Phone: [REDACTED]

Thanks, Paul Rothbard

December 6, 2023

Raviv Netzah & Shem Tov
c/o NETZAH & SHEM TOV INC, ; 4732 AVENIDA DEL MAR HOLDING TRUST,
[REDACTED]

Re: 3rd Letter: View Preservation for 4727 Avenida Del Mar, Malibu per Primary View Determination

Dear Raviv Netzah, and Shem Tov, et al:

I'm following up on my call several weeks ago with Shem Tov. As I mentioned, I am the neighbor above the house being built at 4732 Avenida Del Mar in Malibu. As you also know, I sent a letter dated July 20, 2023 to the address on record. I sent a 2nd letter on September 26, 2023, also to the address of record. I have proof that both letters were received at your office.

I would like to resolve this matter related to your palm trees growing significantly into our legal Preserved View. The trees have now grown an additional 1 – 2' into our view. They are significantly violating the recorded Preserved View for our house located at 4727 Avenida Del Mar. A trim is likely not going to resolve this given they are palm trees and the infraction starts at the trunk, well below the actual palm fronds. More than likely, the trees will need to be removed entirely. I can meet on site anytime in the next 2 – 3 weeks. We are neighbors and I'd like to build a good neighborly relationship with you. However, I have not heard back from you.

I would like to offer that we agree to Binding Arbitration and move forward in selecting an Arbitrator to resolve this if we are unable to do so in person on site.

To reiterate, I am writing now to formally request Binding Arbitration and to once again inform you that your foliage, primarily several (3) of your palm trees, are now once again infringing on our protected Primary View Determination. I have attached the following items for your review:

- 1) A copy of the July 20, 2023 letter.
- 2) A copy of the September 26, 2023 letter.
- 3) The View Preservation Process (as outlined by the City of Malibu Planning Department).

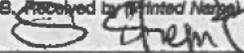
Please feel free to call me to discuss this further or reply via email or mail. My contact information is:

Paul Rothbard c/o ISHC Lompoc, LLC
[REDACTED]

Malibu, CA 90265

Email: [REDACTED] Phone: [REDACTED]

Thanks, Paul Rothbard

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p>X </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p>	<p>B. Received by (Printed Name) </p> <p>C. Date of Delivery </p>
<p>2. </p> <p>9402 7112 0821 0880 9443 78</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9063</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery <p>Domestic Return Receipt</p>



City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

April 18, 2024

Raviv Netzah and Shem Tov
c/o Netzah and Shem Tov Inc.
[REDACTED]

Malibu, CA 90265

Re: View Preservation Permit No. 24-001

To Raviv Netzah and Shem Tov (via standard mail):

On February 20, 2024, a View Preservation Permit application was submitted by Paul Rothbard of 4727 Avenida del Mar to the City of Malibu Planning Department for review.

A View Preservation Permit is considered by the Planning Commission after a claimant (the property owner mentioned above) goes through a 5-step process (attached) in which they attempt to work with foliage owner (you and any other legal property owner of 4732 Avenida del Mar) in order to preserve their documented primary view corridor that is obstructed by foliage located within 1,000 feet of the point of the main viewing area. The attached Primary View Determination conducted in 2013 shows the extent of the view that is documented with the City.

The View Preservation Permit and conditions outlining the restorative actions proposed to preserve the primary view of the claimant will be discussed and possibly issued by the Planning Commission at a scheduled Planning Commission public hearing.

For more information on this type of permit please visit the City's website here: <https://www.malibucity.org/775/View-Preservation-Permit-Planning-Commis> and see Chapter 17.45 of the Malibu Municipal Code.

Please email me with any questions or concerns at cturner@malibucity.org. **If you are available for and amendable to a site visit, please let me know dates and times that work best for you.**

Best Regards,

Coli Turner

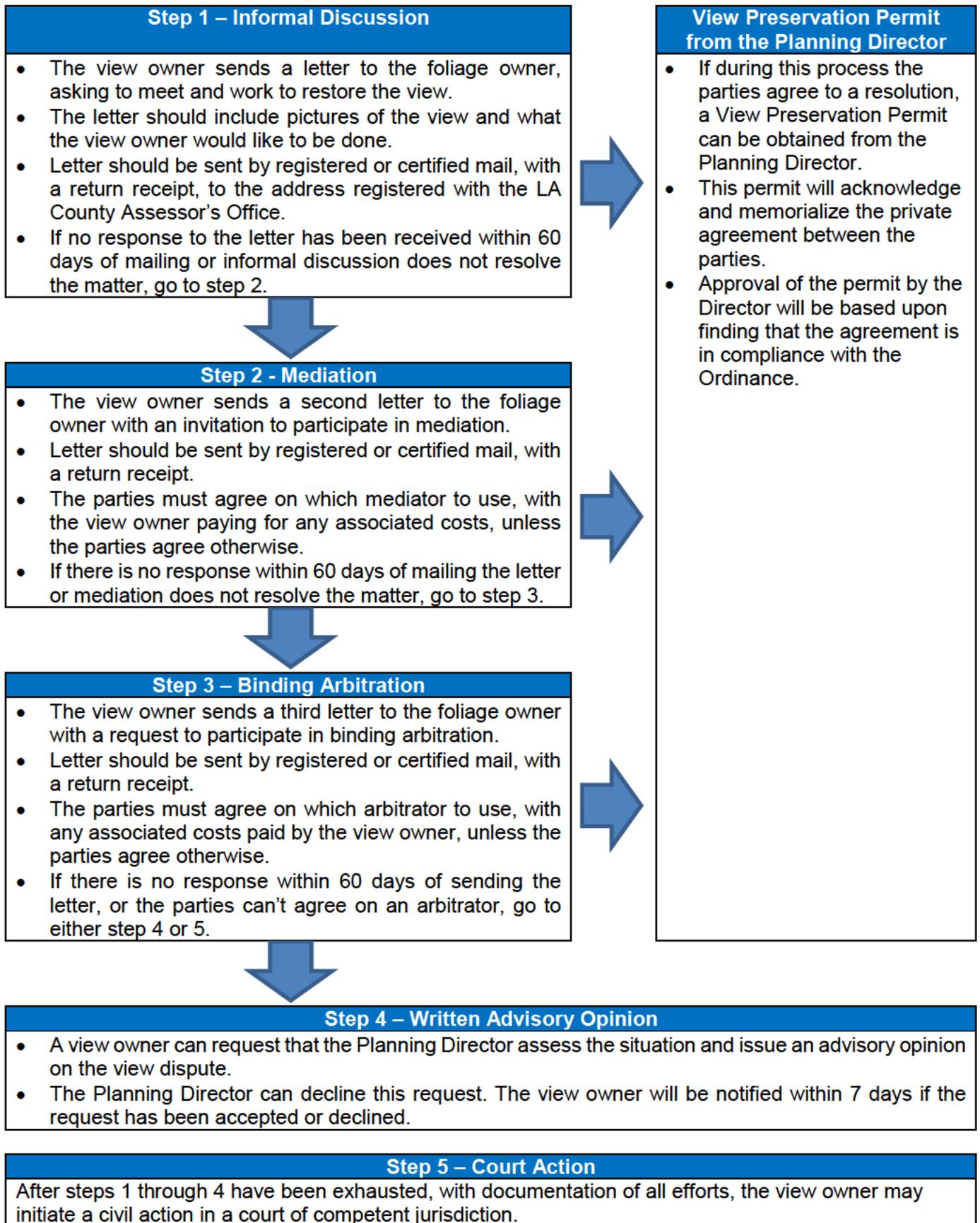
Coli Turner
Planning Technician

Attachments:

1. View Preservation Permit Process Flowchart
2. Primary View Determination No. 12-267



View Restoration Process



For more information on any of the steps above, visit www.malibucity.org/view.



City of Malibu

23825 Stuart Ranch Rd, Malibu, California 90265-4861
(310) 456-2489 FAX (310) 456-7650 www.malibucity.org

PLANNING DEPARTMENT PRIMARY VIEW DETERMINATION

Primary View Determination: 4727 Avenida del Mar – Andrea Ringe

On March 28, 2013, staff conducted a primary view determination at 4727 Avenida del Mar. Staff documented the primary view standing on an outdoor deck, located within ten feet of the exterior wall of the living room, a location chosen by the property owner. The location of the primary view determination photographs were taken from is denoted by a red star in the aerial below.



On March 28, 2013, the view from this location on the property is as follows, from east to west:





- Red arrow denotes horizon







City of Malibu

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May 22, 2024

Raviv Netzah and Shem Tov
c/o Netzah and Shem Tov Inc. Trust

██████████
Malibu, CA 90265

Re: View Preservation Permit No. 24-001 (Second Attempt)

To Raviv Netzah and Shem Tov (via standard mail):

On February 20, 2024, a View Preservation Permit application was submitted by Paul Rothbard of 4727 Avenida del Mar to the City of Malibu Planning Department for review. On April 18, 2024, staff sent a letter to the address listed by the applicant, 4732 Avenida de Mar, of violation of Primary View Determination PVD 12-267.

A View Preservation Permit is considered by the Planning Commission after a claimant (the property owner mentioned above) goes through a 5-step process (attached) in which they attempt to work with foliage owner (you and any other legal property owner of 4732 Avenida del Mar) in order to preserve their documented primary view corridor that is obstructed by foliage located within 1,000 feet of the point of the main viewing area. The attached Primary View Determination conducted in 2013 shows the extent of the view that is documented with the City.

The View Preservation Permit and conditions outlining the restorative actions proposed to preserve the primary view of the claimant will be discussed and possibly issued by the Planning Commission at a scheduled Planning Commission public hearing. A view preservation permit issued by the Planning Commission may include restrictions or conditions and require restorative action by the foliage owner.

For more information on this type of permit please visit the City's website here: <https://www.malibucity.org/775/View-Preservation-Permit-Planning-Commis> and see Chapter 17.45 of the Malibu Municipal Code.

Please email me with any questions or concerns at cturner@malibucity.org. **If you are available for and amendable to a site visit, please let me know dates and times that work best for you.**

Best Regards,

Coli Turner
Planning Technician

Attachments:

1. View Preservation Permit Process Flowchart
2. Primary View Determination No. 12-267





City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

August 8, 2024

Raviv Netzah and Shem Tov
c/o Netzah and Shem Tov Inc. Trust
[REDACTED]
Malibu, CA 90265

Re: View Preservation Permit No. 24-001 (Third Attempt)

To Raviv Netzah and Shem Tov (via standard mail):

On February 20, 2024, a View Preservation Permit application was submitted by Paul Rothbard of 4727 Avenida del Mar to the City of Malibu Planning Department for review. On April 18, 2024, and May 22, 2024, staff sent a letter to the address listed by the applicant, 4732 Avenida de Mar, of violation of Primary View Determination PVD 12-267.

We spoke over the phone on July 30, 2024. You mentioned that you spoke with the applicant on or around February 2024. You stated that you and the applicant made a verbal agreement that you will make arrangements with the new property owner to remove/trim the trees once the property is sold. The applicant does not agree that you had this conversation and would like to move forward with a public hearing with the Planning Commission.

A View Preservation Permit is considered by the Planning Commission after a claimant (the property owner mentioned above) goes through a 5-step process (attached) in which they attempt to work with foliage owner (you and any other legal property owner of 4732 Avenida del Mar) in order to preserve their documented primary view corridor that is obstructed by foliage located within 1,000 feet of the point of the main viewing area. The attached Primary View Determination conducted in 2013 shows the extent of the view that is documented with the City.

The View Preservation Permit and conditions outlining the restorative actions proposed to preserve the primary view of the claimant will be discussed and possibly issued by the Planning Commission at a scheduled Planning Commission public hearing. A view preservation permit issued by the Planning Commission may include restrictions or conditions and require restorative action by the foliage owner.

For more information on this type of permit please visit the City's website here: <https://www.malibucity.org/775/View-Preservation-Permit-Planning-Commis> and see Chapter 17.45 of the Malibu Municipal Code.

Please email me with any questions or concerns at cturner@malibucity.org. **If you are available for and amendable to a site visit, please let me know dates and times that work best for you.**

Best Regards,

Coli Turner
Planning Technician

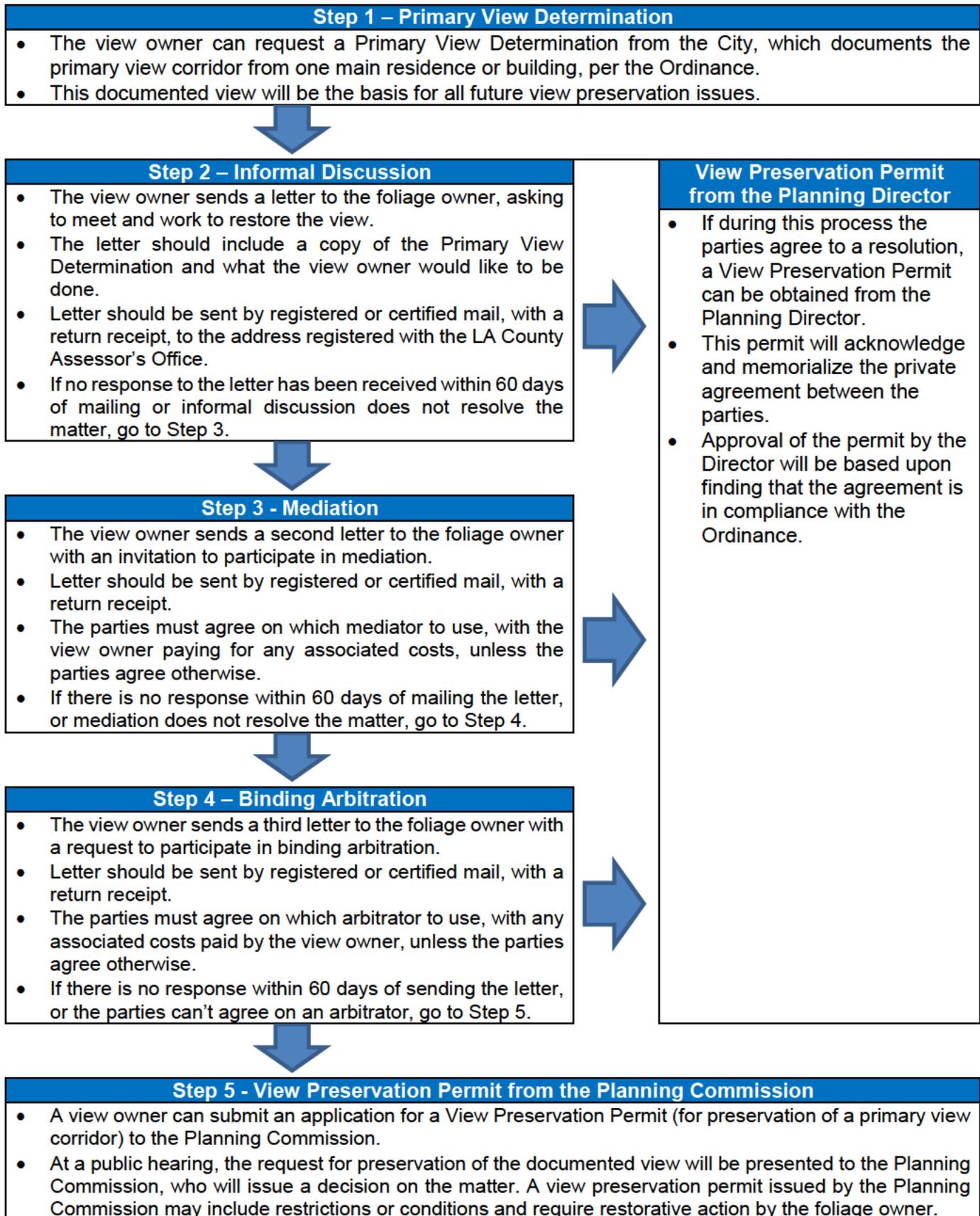
Coli Turner

Attachments:

1. View Preservation Permit Process Flowchart
2. Primary View Determination No. 12-267



View Preservation Process



For more information on any of the steps above, visit www.malibucity.org/view.



City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, December 1, 2025, at 6:30 p.m.** in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

VIEW PRESERVATION PERMIT NO. 24-001 - An application requesting corrective action to restore the views recorded at 4727 Avenida Del Mar under Primary View Determination No. 12-264 with regard to foliage located at 4732 Avenida Del Mar

CLAIMANT LOCATION:	4727 Avenida Del Mar
CLAIMANT APN:	4473-010-034
CLAIMANT NAME:	Paul Rothbard
FOLIAGE LOCATION:	4732 Avenida Del Mar
FOLIAGE APN:	4473-010-021
FOLIAGE OWNER:	Avenida Del Mar Holding Trust
ZONING:	Rural Residential-Two Acre (RR-2)
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15301(h)
APPLICATION FILED:	February 20, 2024
CASE PLANNER:	Coli Turner, Planning Technician, cturner@malibucity.org (310) 456-2489, ext. 295

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

YOLANDA BUNDY, Community Development Director

Date: November 20, 2025