



Commission Agenda Report

Planning Commission
Meeting
02-02-26
**Item
3.B.1.**

To: Chair Riddick and Members of the Planning Commission

Prepared by: Tyler Eaton, Assistant Community Development Director

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

Date prepared: January 22, 2026 Meeting date: February 2, 2026

Subject: Extension of Coastal Development Permit No. 19-045 – A request to extend the Planning Commission’s approval for the demolition of the existing residence and construction of a new single-family residence and associated development

Location: 31662 Broad Beach Road
APN: 4470-024-052
Owner: The LaShay Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-06 (Attachment 1) granting a two-year extension of Coastal Development Permit (CDP) No. 19-045 and Demolition Permit No. 19-029 for the construction of a new single-family residence and demolition of an existing single-family residence, landscaping, grading, retaining walls, bluff slope repair with below grade piles and onsite wastewater treatment system; including Variance No. 20-003 for reduction of the top of bluff setback, Site Plan Review No. 19-057 for structure height greater than 18 feet, up to 28 feet in height for a pitched roof, Minor Modification No. 20-006 for a reduced front yard setback, and Neighborhood Standards No. 21-002 for structure size similar to the neighborhood average, on a parcel located in the Single-Family, Medium Density zoning district at 31662 Broad Beach Road (LaShay Trust).

DISCUSSION: On February 6, 2023, the Planning Commission adopted Resolution No. 23-04, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 6 in Planning Commission Resolution No. 23-04 states that the CDP and associated requests shall expire if the project has not commenced within three years after final City action. Extension of the permit may be granted by the approving authority for due cause. The item before the

Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 23-04.

Per LCP Policy No. 5 (CDP Extensions), the aggregate life of a CDP shall not exceed five years absent extraordinary circumstances. The subject CDP is set to expire on February 6, 2026 and a two-year extension to February 6, 2028 would be consistent with this policy. On December 17, 2025, the applicant submitted an extension request to ensure a valid CDP permit remains in place while the project is under construction, citing delays due to a condition of approval requiring a bluff erosion study prior to submittal to Building Plan Check. The project was submitted to Building Plan Check in October 2024 but was further delayed by the owner's loss of his primary residence in the 2025 Palisades Fire. The applicant's basis for due cause is included as Attachment 2.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 23-04 shall remain valid for an additional two-year term. The expiration date of this approval would then be February 6, 2028. All conditions of approval in Planning Commission Resolution No. 23-04 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-06
2. Time Extension Request
3. LCP Policy No. 5 (CDP Extensions)
4. 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. 26-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A TWO-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 19-045 AND DEMOLITION PERMIT NO. 19-029 FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE, LANDSCAPING, GRADING, RETAINING WALLS, BLUFF SLOPE REPAIR WITH BELOW GRADE PILES AND ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 20-003 FOR REDUCTION OF THE TOP OF BLUFF SETBACK, SITE PLAN REVIEW NO. 19-057 FOR STRUCTURE HEIGHT GREATER THAN 18 FEET, UP TO 28 FEET IN HEIGHT FOR A PITCHED ROOF, MINOR MODIFICATION NO. 20-006 FOR A REDUCED FRONT YARD SETBACK, AND NEIGHBORHOOD STANDARDS NO. 21-002 FOR STRUCTURE SIZE SIMILAR TO THE NEIGHBORHOOD AVERAGE, ON A PARCEL LOCATED IN THE SINGLE FAMILY, MEDIUM DENSITY ZONING DISTRICT AT 31662 BROAD BEACH ROAD (LASHAY TRUST)

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

SECTION 1. Recitals.

A. On February 6, 2023, the Planning Commission adopted Planning Commission Resolution No. 23-04, approving Coastal Development Permit (CDP) No. 19-045 and Demolition Permit No. 19-029 for the demolition of an existing single-family residence and construction of a new single-family residence, landscaping, grading, retaining walls, bluff slope repair with below grade piles and onsite wastewater treatment system; including Variance No. 20-003 for reduction of the top of bluff setback, Site Plan Review No. 19-057 for structure height greater than 18 feet, up to 28 feet in height for a pitched roof, Minor Modification No. 20-006 for a reduced front yard setback, and Neighborhood Standards No. 21-002 for structure size similar to the neighborhood average, on a parcel located in the Single Family, Medium Density zoning district at 31662 Broad Beach Road (LaShay Trust).

B. On December 17, 2025, the applicant submitted an initial time extension request citing delays due to a condition of approval requiring a bluff erosion study to be reviewed and approved by City geotechnical consultants and the Planning Division prior to submittal to Building Plan Check. The project was further delayed by the owner's loss of his primary residence in the 2025 Palisades Fire.

C. On January 8, 2026, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

D. On February 2, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, 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 previously determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15303(a) and 15303(e) - New Construction. As such, Categorical Exemption No. 22-087 was filed for CDP No. 19-045, and adopted with the approval of the project. The time extension is consistent and within the scope of the project analyzed in the Planning Commission's exemption and filed Notice of Exemption. The Planning Commission's action is not a separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project – CEQA Guidelines § 15378(c). Accordingly, the Planning Commission's action is merely a step in furtherance of the project for which environmental review was performed, and no further environmental review is required.

SECTION 3. Findings of Fact.

Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, the Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby finds that the applicant has demonstrated due cause for the necessity of a time extension of the approval of the coastal development permit and associated requests.

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 23-04 are hereby extended for an additional two-year term. The approval is now set to expire on February 6, 2028.

B. No other changes to the conditions contained in Planning Commission Resolution No. 23-04 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 23-04 shall remain in full force and effect.

SECTION 5. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 2nd day of February, 2026.

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

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 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 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. 26-06 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 2nd day of February 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

REBECCA EVANS, Recording Secretary



City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

TIME EXTENSION REQUEST

The City of Malibu will not accept incomplete applications.

Staff use only

Extension No. EXT 25-023

To submit a time extension request:

This time extension request must be timely received by the Planning Department either in person or by mail addressed to City of Malibu, Attn: Planning Department, 23825 Stuart Ranch Road, Malibu, CA 90265.

The request letter must be received **PRIOR** to the expiration date listed in the Notice of Decision or Planning Commission Resolution.

Project No.: CDP No. 19-045

Site Address: 31662 Broad Beach Rd. Malibu

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** ✓

This form with property owner's signature

2. **Time Extension Request Letter** ✓

A letter setting forth due cause for the Planning Director / Commission to grant the time extension.

3. **Time Extension Fee (\$596)** ✓

4. **Property Owner's /Occupant's Information** ✓

Has the property owner or commercial occupant changed since the Planning Commission/ Planning

Director granted the time extension? YES NO

If **YES**, Change of Property Owner/Occupant Fee applicable.

Property Owner's mailing Address: [REDACTED] _____

Property Owner's telephone: [REDACTED] _____

Property Owner's email address: [REDACTED] _____

Occupant's mailing Address: _____

Occupant's telephone: _____

Occupant's email address: _____

5. Applicant's Information

Has the application representing the owner changed since the Planning Commission's/ Planning Director's approval or since the issuance of the last extension? YES NO

If **YES**, complete the Authorization to Submit Project on page 3. If **NO**, complete pages 1-2 only.

Applicant's mailing address: _____

Applicant's telephone: _____

Applicant's email address: _____

6. Certified Public Notice Property Owner & Occupant Mailing Address and Radius Map X

Not required for Administrative Plan Review approvals in which a discretionary request (e.g. site plan review) was not included.

- The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
- An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
- Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
- The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.

**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

Indemnification Clause

The property owners, 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.

 Barak Mevorakh 12-16-25
PROPERTY OWNER SIGNATURE PROPERTY OWNER NAME (PRINT) DATE

AUTHORIZATION TO SUBMIT A PROJECT

Steven Kent Architect

_____ (print name) is authorized by me/us as the owner(s) of the property located at 31662 Broad Beach Road, Malibu, to submit an application to and obtain permits from the City of Malibu Planning Department and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

Witnessed by:

Dated: _____

Witness Signature (Staff)

Print Name

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the project approval will expire. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.


Property Owner's Signature

Barak Mevorakh

Print Property Owner's Name

12-16-25
Date



December 15, 2025

Malibu City Planning Commission
c/o Rebecca Evans
23825 Stuart Ranch Road | Malibu, CA 90265

RE: 31662 Broad Beach Rd. Malibu – CDP 19-045

Hello Rebecca,

As discussed, we are requesting a two-year extension to our CDP 19-045 that is due to expire in February 2026.

Our CDP was conditionally approved in February 2023 with a requirement for a bluff erosion study. City Planning told us that the study needed to be approved before we could submit to building plan check. It was submitted to the City in May of 2023.

The bluff erosion study was finally reviewed and approved by City Geology in July of 2024 and cleared by City Planning in August of 2024 (18 months after our CDP approval).

Building plan check was submitted in October of 2024, just prior to the Palisades fire. Unfortunately, the owner's primary residence in Pacific Palisades burned down and his family has been displaced.

In all of the turmoil after the fire, several months were lost. Additionally, the engineering consultants have been overwhelmed with fire rebuilds and those projects have taken priority, causing more delays.

Given the traumatic ordeal the owner has recently experienced, and the other delays out of our control, we hope that a two-year extension is a reasonable request.

Best,

A handwritten signature in black ink, appearing to read 'Steve', written in a cursive style.

Steve



City of Malibu

Planning Department

LCP Policy 5: Coastal Development Permit Extensions

LIP Section 13.21 provides:

Unless the permit states otherwise, a coastal development permit shall expire two years from its date of approval if the development has not commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the two-year period.

Due cause shall generally not exist unless the applicant has demonstrated the following:

- There are extraordinary circumstances beyond the applicant's control that have prevented the applicant from commencing the development, such as financial hardship due to extreme economic conditions or job loss, inability to obtain a construction loan, personal reason, such as illness, divorce or death, restricted access to the property because of an existing lease or a necessary agency approval has not been obtained despite diligent efforts. Change of project ownership or architect and elective project redesigns do not by themselves constitute due cause; and
- The applicant has exercised due diligence in its efforts to commence the project, such as contracting for and completing necessary studies, reports, drawings and plans to pursue and complete the plan check process.

Absent extraordinary circumstances, the aggregate life of the permit shall not exceed five years.



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, February 2, 2026, 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.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 19-045, NEIGHBORHOOD STANDARDS NO. 21-002, VARIANCE NO. 20-003, SITE PLAN REVIEW NO. 19-057, MINOR MODIFICATION NO. 20-006, AND DEMOLITION PERMIT NO. 19-029 - A request to extend the Planning Commission's approval for the construction of a new single-family residence and demolition of an existing single-family residence, landscaping, grading, retaining walls, bluff slope repair with below grade piles and onsite wastewater treatment system; including Variance No. 20-003 for reduction of the top of bluff setback, Site Plan Review No. 19-057 for structure height greater than 18 feet, up to 28 feet in height for a pitched roof, Minor Modification No. 20-006 for a reduced front yard setback, and Neighborhood Standards No. 21-002 for structure size similar to the neighborhood average, on a parcel located in the single family, medium density zoning district

LOCATION / APN / ZONING: 31662 Broad Beach Rd / 4470-024-052 / Single-family Medium (SFM)
APPLICANT / OWNER: Steven Kent Architect / LaShay Trust
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(e)
EXTENSION FILED: December 17, 2025
CASE PLANNER: Tyler Eaton, Assistant Community Development Director, teaton@malibucity.org
 (310) 456-2489, ext. 273

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter 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.

Extension requests will be presented on consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar.

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: January 8, 2026