



# Commission Agenda Report

To: Chair Riddick and Members of the Planning Commission

Prepared by: Rebecca Evans, MS, Senior Management Analyst

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

Date prepared: February 5, 2026 Meeting date: February 17, 2026

Subject: Approval of Minutes

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**RECOMMENDED ACTION:** Approve the minutes of the February 2, 2026 Regular Planning Commission meeting.

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

**ATTACHMENT:**

February 2, 2026 Regular Planning Commission Meeting Minutes

MINUTES  
MALIBU PLANNING COMMISSION  
REGULAR MEETING  
FEBRUARY 2, 2026  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Chair Riddick called the meeting to order at 6:30 p.m.

**ROLL CALL**

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

PRESENT: Chair Elizabeth Riddick, Vice Chair John G. Mazza and Commissioners Marni Kamins, Drew Leonard and Skylar Peak

ALSO PRESENT: Kellan Martz, Assistant City Attorney; Tyler Eaton, Assistant Community Development Director; Larbi Azzaz, Associate Planner; Coli Turner, Assistant Planner; Allison Cook, Contract Planner; Magda Gonzalez, Contract Planner; Parker Davis, Media Production Technician; Gail Duncan, Administrative Assistant and Rebecca Evans, Recording Secretary

**PLEDGE OF ALLEGIANCE**

Norm Haynie led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Vice Chair Mazza moved and Commissioner Peak seconded a motion to approve the agenda, continuing Item No. 4.A. to a date uncertain.

The question was called and the motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Evans reported that the agenda for the meeting was properly posted on January 23, 2026.

**ITEM 1 CEREMONIAL/PRESENTATIONS**

None.

**ITEM 2. WRITTEN AND ORAL COMMUNICATIONS**

**A. PUBLIC COMMENTS**

Anne Komarovsk thanked those who had already provided nominating signatures for her candidacy for Governor of California in 2026 and noted that more signatures were needed. She thanked the Planning Commission for their work.

Neil McCauley stated Vice Chair Mazza hid behind Council Policy No. 43 at the last meeting and stated that those who filed a code enforcement claim were required to disclose their name to the owner of the property. Mr. McCauley asserted the policy was not a law, not part of the Malibu Municipal Code nor was it an Ordinance. He stated the policy did not override privacy protections under California law. He alleged Councilmember Uhring had numerous verified code violations at his property, which included a fence exceeding the maximum height allowed, accessory storage sheds, unpermitted structures and a squirrel sanctuary.

Jo Drummond stated the President's Executive Order on wildfire recovery impacted the City's ability to claim Federal Emergency Management Agency reimbursements. She asserted Malibu needed to make rebuilds the top priority and scale up approvals by waiving requirements such as geotechnical reviews, which took eight or more months to complete. Ms. Drummond asked for the ability of rebuild properties to rely on prescriptive engineering calculations, allowed under state building codes, rather than geotechnical reviews to speed the process.

Gary Harkness noted Vice Chair Mazza's position as Vice President of the Malibu Township Council and sixteen years as a Planning Commissioner. He cited Malibu Municipal Code Chapter 17 development standards limited front yard fencing to a height of 42 inches and required non-view-obscuring fencing above that height. Mr. Harkness stated Councilmember Uhring's front fence was 72 inches high rather than the maximum height of 42 inches and was not view permeable for portions over 42 inches. He further alleged that construction of any fence over 42 inches required a permit prior to construction and none were obtained. Mr. Harkness also noted that accessory structures were not allowed to be built along the property lines and those structures had been installed without permits. He asked Vice Chair Mazza why Councilmember Uhring's code violations had not been handled in the same manner as violations by ordinary residents.

Assistant City Attorney Martz asked that the Commission limit comments to areas within their purview.

Vice Chair Mazza suggested that residents use Google to search for speakers like Gary Harkness, George Dawes and others who spoke in public comment to determine if they were artificial intelligence rather than individuals with the right to provide public comment and alleged the comments were politically motivated. The Vice Chair noted that Code Enforcement was not within the Planning Commission's purview and that he had not served on the City Council.

Commissioner Peak asked Assistant City Attorney Martz whether the President's order would impact rebuild development in Malibu.

In response to Commissioner Peak, Assistant City Attorney Martz noted the President's Order was under City review and nothing had changed at the moment.

Commissioner Leonard asked that whatever rebuild policy was considered, that it extend past the initial rebuilds and be applied to future disaster recoveries.

## **B. COMMUNITY DEVELOPMENT DIRECTOR REPORT**

Assistant Community Development Director Eaton mentioned upcoming meetings related to zoning, which included the February 9<sup>th</sup> City Council update on the Temporary Use Permit Ordinance; the March 2<sup>nd</sup> Planning Commission public hearing on the Safety Element update; and March 9<sup>th</sup> City Council public hearing on the Accessory Dwelling Unit amendments and recommendations from the Planning Commission.

Associate Planner Azzaz provided an update on rebuild statistics and upcoming rebuild meetings.

Commissioner Leonard asked if it was accurate that about twenty percent of the structures destroyed had Planning Verification approvals and whether a larger influx of applications could be processed with existing staff and contract planners.

In response to Commissioner Leonard, Assistant Community Development Director Eaton stated the Rebuild Center had the staffing capacity and asked families who had not yet applied for a Planning Verification to submit applications.

## **ITEM 3 CONSENT CALENDAR**

The following items were pulled: Item Nos. 3.B.1. and 3.B.2.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. 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  
Case Planner: Assistant Community Development Director Eaton, 456-2489, ext. 273

Recommended Action: Adopt Planning Commission Resolution No. 26-06 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).

Speaker: Cathleen Summers

The Commission directed questions to staff.

MOTION

Commissioner Peak moved and Vice Chair Mazza seconded a motion to adopt Planning Commission Resolution No. 26-06 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 question was called and the motion carried unanimously.

- 2. Approval of Minutes  
Recommended Action: Approve the minutes of the January 20, 2026 Regular Planning Commission meeting.  
Staff Contact: Senior Management Analyst Evans, MS, 456-2489, ext. 246

Disclosure: Vice Chair Mazza

Recording Secretary Evans read a revision of the motion on page six of the minutes into the record.

MOTION Commissioner Peak moved and Vice Chair Mazza seconded a motion to approve the minutes of the January 20, 2026 Regular Planning Commission meeting, as amended, revising the motion on page six to state, “Commissioner Peak moved and Commissioner Kamins seconded a motion to continue the item to February 17, 2026.”

The question was called and the motion carried unanimously.

**ITEM 4 CONTINUED PUBLIC HEARINGS**

- A. Coastal Development Permit No. 21-045 – An application to construct a new 594 square-foot Accessory Dwelling Unit/Second Unit on a proposed second building pad in the Malibu Country Estates Overlay (Continued from December 1, 2025)  
Location: 24507 Vantage Point Terrace, partially within the appealable coastal zone  
APN: 4458-033-006  
Owner: Meissner Family Trust  
Case Planner: Contract Planner Gonzalez, 925-789-7160  
Recommended Action: Adopt Planning Commission Resolution No. 26-02 determining that the California Environmental Quality Act does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit No. 21-045 for a new detached 594 square-foot Accessory Dwelling Unit/Second Unit on a proposed second building pad in the Malibu Country Estates Overlay District and Single Family Medium zoning district at 24507 Vantage Point Terrace (Meissner Family Trust).

This item was continued to a date uncertain upon approval of the agenda at the request of the applicant.

B. View Preservation Permit No. 25-001 – An application requesting corrective action to restore the views recorded at 7132 Dume Drive under Primary View Determination No. 12-009 with regard to the foliage located at 29119 Cliffside Drive (Continued from December 16, 2025)

Claimant Name: Mark DiPaola, Managing Member of Napa Malibu LLC  
Claimant Address: 7132 Dume Drive  
Claimant APN: 4466-014-014  
Foliage Owner Name: Nancy Alder Esq.  
Foliage Owner Address: 29119 Cliffside Drive  
Foliage Owner APN: 4466-014-008  
Case Planner: Assistant Planner Turner, MUP, 456-2489, ext. 295  
Recommended Action: Either 1) adopt Planning Commission Resolution No. 26-08, determining the action is categorically exempt from the California Environmental Quality Act, and approving View Preservation Permit No. 25-001 to require alteration and maintenance of foliage at 29119 Cliffside Drive at the height of the horizon, as shown in Primary View Determination (PVD) No. 12-009, in order to restore the primary view documented in PVD No. 12-009; or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

Assistant Planner Turner presented the staff report.

Disclosures: Commissioners Peak, Kamins, Mazza

As there were no questions for staff, Chair Riddick opened the public hearing.

Speakers: Mark DiPaola, Chris Cumiskey, Jo Drummond

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

The Commission directed questions to the claimant, the foliage owner's representative and staff.

MOTION Commissioner Peak moved and Commissioner Leonard seconded a motion to direct staff to return with a resolution of approval on March 2, 2026 adding a condition of approval to identify the trees requiring trimming to restore the portion of bluewater views depicted in Planning View Determination No. 12-009 at the top of page 3 and at the bottom of page 4.

The question was called and the motion carried 4-1, Vice Chair Mazza dissenting.

RECESS Chair Riddick recessed the meeting at 8:06 p.m. The meeting resumed at 8:18 p.m. with all Commissioners present.

- C. Local Coastal Program Amendment No. 23-003, Zoning Map Amendment No. 18-001, Coastal Development Permit No. 18-038, Variance Nos. 21-001, 21-002, and 21-003, Site Plan Review No. 18-044 and Conditional Use Permit No. 19-002 – An application to change the land use designation and rezone the property from Commercial Neighborhood to Community Commercial and construct a two-story 1,792 square foot residential care facility for assisted senior living with an additional 1,194 square-foot basement and 805 square-foot attached four-car garage, onsite wastewater treatment system, retaining walls, landscaping, and associated development; including variances for retaining wall not to exceed 24 feet in height and impact wall not to exceed 11 feet in height, construction on slopes over 2.5:1, and development and fuel modification into ESHA and ESHA buffer, a site plan review for structure height above 18 feet not to exceed 24 feet, and a conditional use permit to allow a residential care facility for the elderly in the Community Commercial zone (Continued from December 16, 2025)

Location: 22549 Pacific Coast Highway, within the appealable coastal zone

APN: 4452-023-003

Owner: Anita Kundi

Case Planner: Contract Planner Cook, AICP, 805-415-1991

Recommended Action: Either 1) adopt Planning Commission Resolution No. 26-07 recommending the City Council determine that the project is exempt from the California Environmental Quality Act, adopt Local Coastal Program Amendment No. 23-003 to change the land use designation and zoning designation from Commercial Neighborhood (CN) to Community Commercial (CC) in the Local Coastal Program Land Use Plan and Local Implementation Plan, adopt Zoning Map Amendment No. 18-001 to change the zoning of the property in Title 17 (Zoning) of the Malibu Municipal Code from CN to CC, approval of Coastal Development Permit No. 18-038 to construct a new two-story 1,792 square-foot (sf) residential care facility for assisted senior living with an additional 1,194 sf basement and 805 sf attached four-car garage, driveway, fire truck turnaround area, landscape, hardscape, terrace decks, grading, retaining walls, site walls, and an onsite wastewater treatment system; including Variance (VAR) No. 21-001 for retaining wall and impact wall heights above six feet for a single wall, VAR No. 21-002 for construction on slopes steeper than 2.5 to 1, VAR No. 21-003 for development in Environmentally Sensitive Habitat Area (ESHA) buffer and fuel modification in ESHA and ESHA buffer, Site Plan Review No. 18-044 for construction over 18 feet up to a maximum height of 24 feet for a flat roof, and approval of Conditional Use Permit No. 19-002 to allow a residential care facility

for the elderly use in the CC zone for a property located at 22549 Pacific Coast Highway (Anita Kundi); or 2) direct staff to return with a resolution consistent with the Planning Commission’s decision.

Contract Planner Cook presented the staff report.

The Commission directed questions to staff.

Disclosures: Commissioners Leonard and Mazza

The Commission directed questions to staff.

As there were no further questions for staff, Chair Riddick opened the public hearing.

Speakers: Anita Kundi (Architect Habans Ghataode was available in person and Civil Engineer Jesus Perez and Geotechnical Engineer Sanjay Govil were available virtually to respond to questions)

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

The Commission directed questions to staff and the applicant team.

**MOTION** Vice Chair Mazza moved and Commissioner Kamins seconded a motion to direct staff to return on March 2, 2026 with a resolution for denial based on being unable to make the findings for VAR No. 21-001, LIP Sections 3.5.3(A)(3) and (4); the findings for VAR No. 21-002, LIP Section 8.3(D); findings for VAR No. 21-003, LIP Section 4.6.4(A); or the findings for safety for CUP No. 19-002, MMC Section 17.66.080(F).

The question was called and the motion carried unanimously.

**ITEM 5 NEW PUBLIC HEARINGS**

None.

**ITEM 6 OLD BUSINESS**

None.

**ITEM 7      NEW BUSINESS**

None.

**ITEM 8      PLANNING COMMISSION ITEMS**

A. Planning Commission and Staff Comments and Inquiries

None.

**ADJOURNMENT**

**MOTION**      At 9:13 p.m., Vice Chair Mazza moved and Chair Riddick seconded a motion to adjourn the meeting. The motion carried by unanimous consensus.

Approved and adopted by the Planning Commission  
of the City of Malibu on February 17, 2026.

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ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

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REBECCA EVANS, Recording Secretary