



Commission Agenda Report

Planning Commission
Meeting
03-02-26

**Item
3.A.2.**

To: Chair Riddick and Members of the Planning Commission

Prepared by: Allison Cook, AICP, Contract Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

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

Date prepared: February 19, 2026 Meeting date: March 2, 2026

Subject: 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 (Continued from February 2, 2026)

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

APN: 4452-023-003

Owner: Anita Kundi

RECOMMENDED ACTION: Adopt Resolution No. 26-07 recommending the City Council determine the California Environmental Quality Act (CEQA) does not apply to projects disapproved, deny Local Coastal Program Amendment (LCPA) 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 (LUP) and Local Implementation Plan (LIP), deny Zoning Map Amendment (ZMA) No. 18-001 to change the zoning of the property in Title 17 (Zoning) of the Malibu Municipal Code (MMC) from CN to CC, deny Coastal Development Permit (CDP) No. 18-038 to construct a new 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, driveway, fire truck turnaround area, landscape, hardscape, terrace decks, grading, retaining walls, site walls, and an onsite wastewater treatment system (OWTS); including denial of 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 the Environmentally Sensitive Habitat Area (ESHA) Buffer and fuel modification in ESHA and ESHA Buffer, Site Plan Review (SPR) No. 18-044 for construction over 18 feet up to a maximum height of 24 feet for a flat roof, and deny Conditional Use Permit (CUP) 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).

DISCUSSION: On February 2, 2026, the Planning Commission held a public hearing on this item to provide a recommendation to City Council. The item included the following requests:

1. Exemption from the CEQA;
2. LCPA No. 23-003 to change the land use designation and zoning designation from CN to CC in the LCP LUP and LIP to align with the current General Plan land use designation of CC;
3. ZMA No. 18-001 to change the zoning of the property in MMC Title 17 (Zoning) from CN to CC to align with the LCPA and current General Plan land use designation of CC;
4. CDP 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 OWTS, including 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 ESHA buffer and fuel modification in ESHA and ESHA buffer, and SPR No. 18-044 for construction over 18 feet up to a maximum height of 24 feet for a flat roof; and
5. CUP No. 19-002 to allow a residential care facility for the elderly use in the CC zone (subject to adoption of the LCPA and ZMA).

The Planning Commission deliberated on the item and unanimously directed staff to return on March 2, 2026 with a resolution recommending the City Council deny the project entitlements, as the required findings for VAR No. 21-001, VAR No. 21-002, VAR No. 21-003, and CUP No. 19-002 could not be made by the Planning Commission.

ATTACHMENT: Resolution No. 26-07

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU RECOMMENDING THE CITY COUNCIL DETERMINE THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO PROJECTS DISAPPROVED, DENY LOCAL COASTAL PROGRAM AMENDMENT NO. 23-003 TO CHANGE THE LAND USE DESIGNATION AND ZONING DESIGNATION FROM COMMERCIAL NEIGHBORHOOD TO COMMUNITY COMMERCIAL IN THE LOCAL COASTAL PROGRAM LAND USE PLAN AND LOCAL IMPLEMENTATION PLAN, DENY ZONING MAP AMENDMENT NO. 18-001 TO CHANGE THE ZONING OF THE PROPERTY IN TITLE 17 (ZONING) OF THE MALIBU MUNICIPAL CODE FROM COMMERCIAL NEIGHBORHOOD TO COMMUNITY COMMERCIAL, DENY COASTAL DEVELOPMENT PERMIT NO. 18-038 TO CONSTRUCT A NEW 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, DRIVEWAY, FIRE TRUCK TURNAROUND AREA, LANDSCAPE, HARDSCAPE, TERRACE DECKS, GRADING, RETAINING WALLS, SITE WALLS, AND AN ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING DENIAL OF VARIANCE NO. 21-001 FOR RETAINING WALL AND IMPACT WALL HEIGHTS ABOVE SIX FEET FOR A SINGLE WALL, VARIANCE NO. 21-002 FOR CONSTRUCTION ON SLOPES STEEPER THAN 2.5 TO 1, VARIANCE NO. 21-003 FOR DEVELOPMENT IN THE ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER AND FUEL MODIFICATION IN ENVIRONMENTALLY SENSITIVE HABITAT AREA AND ENVIRONMENTALLY SENSITIVE HABITAT AREA 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 DENY CONDITIONAL USE PERMIT NO. 19-002 TO ALLOW A RESIDENTIAL CARE FACILITY FOR THE ELDERLY USE IN THE COMMUNITY COMMERCIAL ZONE FOR A PROPERTY LOCATED AT 22549 PACIFIC COAST HIGHWAY (ANITA KUNDI)

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

SECTION 1. Recitals.

A. On September 5, 2018, an application for a Coastal Development Permit (CDP) No. 18-038 to allow for a new residential care facility for the elderly and associated development was submitted to the Planning Division by owner Anita Kundi. On October 9, 2018, an application for Site Plan Review (SPR) No. 18-044 for building height and Zoning Map Amendment (ZMA) No. 18-001 to change the zone on the property from Commercial Neighborhood (CN) to Community Commercial (CC) was submitted to the Planning Department by the owner. On February 26, 2019, an application for a Conditional Use Permit (CUP) No. 19-002 to allow for a

residential care facility for the elderly was submitted to the Planning Department by the owner. On January 6, 2021, applications for Variances (VAR) No. 21-001 for wall heights, No. 21-002 for construction of structures in steep slopes, and No. 21-003 for development in Environmentally Sensitive Habitat Area (ESHA) and ESHA buffer were submitted to the Planning Division by the owner. On December 4, 2023, an application for a Local Coastal Program Amendment (LCPA) No. 23-003 to change the land use designation and zoning on the site from CN to CC was submitted to the Planning Division by the owner. The applications were routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

B. On February 1, 2024, the application was deemed complete.

C. On March 19, 2024, a Notice of Coastal Development Permit application was posted on the subject property.

D. On November 8, 2025, a site visit was conducted by Planning Division staff to evaluate the site conditions and story pole installation.

E. 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 was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On December 16, 2025, the Planning Commission continued the item to the February 2, 2026, Regular Planning Commission meeting.

G. On February 2, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report dated December 15, 2025, the addendum staff report dated February 2, 2026, other written reports, public testimony, and other information in the record, and recommended the City Council deny the project entitlements, as the findings for the VARs and CUP could not be made. The Planning Commission unanimously directed staff to return to the Commission with a resolution recommending denial on March 2, 2026.

H. On March 2, 2026, the Planning Commission adopted a resolution recommending the City Council deny the requested LCPA, ZMA, CDP, VARs, SPR, and CUP.

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 hereby recommends the City Council find that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

SECTION 3. Local Coastal Program Amendment Findings.

An amendment to the LCP's land use designation and zoning designation for the parcel from CN to CC is requested. However, the requested changes are associated with proposed development requested by CDP No. 18-038 for a 1,792 square-foot building, 805 square-foot garage, 1,194 square-foot basement, a driveway, terrace decks, landscape, hardscape, grading, retaining wall of up to 24 feet in height, an impact wall of 11 feet in height for geotechnical purposes, and an onsite wastewater treatment system, including three VAR requests to allow for a deviation from LIP standards and requirements. The proposed development is for a conditionally permitted use in the CC zone but not the CN zone. Pursuant to Section 5 and 6 of the resolution, the findings cannot be made in support of the requested entitlements. Therefore, the Planning Commission recommends the City Council deny LCPA No. 23-003 in conjunction with CDP No. 18-038.

SECTION 4. Zoning Map Amendment Findings.

An amendment to the Zoning Map associated with Malibu Municipal Code (MMC) Title 17 (Zoning) for the parcel is requested from CN to CC. However, the requested changes are associated with proposed development requested by CDP No. 18-038 for a 1,792 square-foot building, 805 square-foot garage, 1,194 square-foot basement, a driveway, terrace decks, landscape, hardscape, grading, retaining wall of up to 24 feet in height, an impact wall of 11 feet in height for geotechnical purposes, and an onsite wastewater treatment system, including three VAR requests to allow for a deviation from LIP standards and requirements. The proposed development is for a conditionally permitted use in the CC zone but not the CN zone. Pursuant to Section 5 and 6 of the resolution, the findings cannot be made in support of the requested entitlements. Therefore, the Planning Commission recommends the City Council deny ZMA No. 18-001 in conjunction with CDP No. 18-038.

SECTION 5. Coastal Development Permit Findings.

Based on evidence contained within the record, including agenda reports for the project and the hearings on February 2, 2026, and March 2, 2026, and pursuant to LIP Section 13.26, the Planning Commission hereby recommends the City Council deny CDP No. 18-038, SPR No. 18-044 and VAR Nos. 21-001, 21-002, and 21-003 requested to authorize deviations from LIP standards and requirements for CDP No. 18-038. The CDP, with inclusion of the SPR and VARs, was requested to allow for the construction of a 1,792 square-foot senior residential care facility, 805 square-foot garage, 1,194 square-foot basement, a driveway, terrace decks, landscape, hardscape, grading, retaining wall of up to 24 feet in height, an impact wall of 11 feet in height for geotechnical purposes, and an onsite wastewater treatment system located on the subject property. SPR No. 18-044 was also associated with the CDP to allow for structure height above 18 feet, up to 24 feet. Without approval of the requested VARs, the CDP and associated SPR cannot be authorized as the proposed development does not comply with the provisions of the LIP.

The Planning Commission's recommendation of denial of the VARs is based on the inability to make the following findings required in LIP Section 13.26.5.

A. Variance Findings for Wall Heights (LIP Sections 3.5.3(A)(3) and (4))

Finding 13.26.5(B): The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

Finding 13.26.5(D): The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter [Chapter 13. Coastal Development Permits], nor to the goals, objectives and policies of the LCP.

Granting of VAR No. 21-001 for the impact wall height of 11 feet on the western edge of the project site and retaining wall height of 11 to 24 feet on the northern edge of the project site will be detrimental to the public interest because it will allow for substantial alteration of natural hillside topography and/or the natural appearance of the hillside. The granting of the VAR is also inconsistent with the purpose and intent of LIP Chapter 6 (Scenic, Visual, and Hillside Resource Protection Ordinance), Section 6.1 to protect the scenic and visual qualities of mountain areas and to minimize alteration of natural landforms, and with LUP Policy 6.9 to minimize alteration of natural landforms by conforming to natural topography and preventing substantial reconfiguration of the project site. The requested VAR for the walls exceed what is allowed under LIP Section 3.5.3 and thus would be contrary to the policies of the LCP.

B. Variance Findings for Structures on Steep Slopes (LIP Section 8.3(D))

Finding 13.26.5(B): The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

Finding 13.26.5(D): The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter [Chapter 13. Coastal Development Permits], nor to the goals, objectives and policies of the LCP.

Granting of VAR No. 21-002 to allow development on slopes steeper than 2.5 to 1, up to 1 to 1, for a portion of the proposed building, retaining wall on the northern edge of the project site, and stormwater infrastructure will be detrimental to the public interest because it will allow for substantial alteration of natural hillside topography and natural hillside appearance. The granting of the VAR is also inconsistent with the purpose and intent of LIP Chapter 6 (Scenic, Visual, and Hillside Resource Protection Ordinance), Section 6.1 to protect the scenic and visual qualities of mountain areas and to minimize alteration of natural landforms, and with LUP Policy 6.9 to minimize alteration of natural landforms by conforming to natural topography and preventing substantial reconfiguration of the project site. There are flatter portions of the property that can be developed and limit landform alteration further than what has been proposed. The proposed VAR for development on steep slopes is also inconsistent with LIP Section 3.6(J) in that it impacts slopes steeper than 3 to 1 and 2.5 to 1 that are in place to guide development to use the natural and flatter landforms for development siting.

C. Variance Findings for Development within the ESHA and Buffer (LIP Section 4.6.4(A))

Finding 13.26.5(D): The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter [Chapter 13. Coastal Development Permits], nor to the goals, objectives and policies of the LCP.

Granting of VAR No. 21-003 for development in the onsite ESHA and fuel modification activities offsite into ESHA and ESHA buffer is inconsistent with the purpose of LIP Chapter 4 (Environmentally Sensitive Habitat Area Overlay) Section 4.1, as it will not protect and preserve areas, including their buffers, in which plant or animal life or their habitats are especially valuable. Granting of the VAR is also inconsistent with LUP Chapter 3 (Marine and Land Resources), Section C(1)(b) policies to protect ESHA to the maximum extent feasible. A smaller development area can be sought to limit ESHA impacts closer to Pacific Coast Highway where the flatter, disturbed areas of the property are. The project as proposed does not protect ESHA to the maximum extent feasible.

SECTION 6. Conditional Use Permit Findings.

Based on evidence contained within the record, including the agenda reports and the hearing on February 2, 2026, and pursuant to MMC Section 17.66, the Planning Commission hereby recommends the City Council deny CUP No. 18-038 to allow a conditionally permitted use in the CC zone for a residential care facility for the elderly. The Planning Commission's recommendation is associated with the development proposed for the conditionally permitted use associated with CDP No. 18-038 and not the conditionally permitted use in general. The proposed development includes the construction of a 1,792 square-foot senior residential care facility, 805 square-foot garage, 1,194 square-foot basement, a driveway, terrace decks, landscape, hardscape, grading, retaining walls, an impact wall for geotechnical purposes, and an onsite wastewater treatment system.

Given the location of the property at the terminus of an offsite driveway and the steepness of the driveway, and the single point of ingress/egress to the project site, the use will be detrimental to the public interest, health, safety, and welfare due to access limitations to the land use during an emergency event. The use is recommended for denial in conjunction with the development denied under CDP No. 18-038.

SECTION 7. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby adopts Resolution No. 26-07 recommending the City Council deny LCPA No. 23-003, ZMA No. 18-001, CDP No. 18-038, VAR No. 21-001, VAR No. 21-002, VAR No. 21-003, SPR No. 18-044, and CUP No. 19-002.

SECTION 8. The Planning Commission shall certify the adoption of this resolution.

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

ELIZABETH RIDDICK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-07 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 2nd day of March 2026 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

REBECCA EVANS, Recording Secretary