City Council Meeting
04-13-26
Item
1.A.1.

Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Courtney Brown, Senior Planner

Reviewed by: Yolanda Bundy, Community Development Director
Tyler Eaton, Assistant Community Development Director

Approved by: Joseph D. Irvin, City Manager
Trevor Rusin, Interim City Attorney

Date prepared: March 27, 2026 Meeting date: April 13, 2026

Subject: Appeal of Planning Commission Resolution No. 25-78 Regarding Coastal Development Permit No. 25-041 (within the Pacific Coast Highway public right-of-way between Broad Beach Road and La Piedra Beach Road, Owner: California Department of Transportation; Appellant: Dr. Thomas G. Diamantidis)

RECOMMENDED ACTION: Adopt Resolution No. 26-10 denying Appeal No. 26-001, determining project is exempt from the California Environmental Quality Act, and approving Coastal Development Permit (CDP) No. 25-041, an application for a pilot project for temporary improvements within the Pacific Coast Highway public right-of-way between Broad Beach Road and La Piedra Beach Road, including lane reductions, signage, and the installation of two roundabouts with safety lighting at the intersection of El Matador Beach Road and Encinal Canyon Road, between post mile 58.4 and 59.9, as recommended in the 2015 Pacific Coast Highway (PCH) Safety Study conducted by the City of Malibu in partnership with the California Department of Transportation (Caltrans) (City of Malibu Public Works Department and Caltrans).

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

STRATEGIC PLAN IMPLEMENTATION: In November 2025, the City Council adopted a three-year Strategic Plan that includes Goal 4, which prioritizes the improvement of public safety. This goal incorporates Objective 4.1, which aims to reduce injury and fatal collisions along PCH.

DISCUSSION: On March 18, 2026, the City Council held a public hearing and considered the subject application and denied the appeal and approved CDP No. 25-041 on a 4-1 vote and requested that the entitlement proceed with a two-step process, where the CDP is conditionally approved until the project is presented back to the Council to determine whether the project should proceed under the Capital Improvement Program (CIP). The Council directed staff to bring back Resolution No. 26-10, as amended, for its consideration. The resolution amendments per Council direction are as follows: 1) added Recital B stating the proposed temporary improvement are pursuant to the Local Emergency declaration, "On November 13, 2023, the Malibu City Council declared a Local Emergency aimed at addressing the risk to public safety of dangerous, illegal, reckless, and/or distracted driving on Pacific Coast Highway in the City." 2) Remove all statements where the temporary pilot project will improve safety along the PCH corridor, and 3) add Condition of Approval No. 11 stating the "The City Council will determine whether to direct staff to move forward with the project at a future public meeting."

ATTACHMENT:

1. Council Resolution No. 26-10

RESOLUTION NO. 26-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DENYING APPEAL NO. 26-001, DETERMINING THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING COASTAL DEVELOPMENT PERMIT NO. 25-041 AN APPLICATION FOR A PILOT PROJECT FOR TEMPORARY IMPROVEMENTS WITHIN PACIFIC COAST HIGHWAY PUBLIC RIGHT-OF-WAY BETWEEN BROAD BEACH ROAD AND LA PIEDRA BEACH ROAD, INCLUDING LANE REDUCTIONS, SIGNAGE, AND THE INSTALLATION OF TWO ROUNDABOUTS WITH SAFETY LIGHTING AT THE INTERSECTIONS OF EL MATADOR BEACH ROAD AND ENCINAL CANYON ROAD, BETWEEN POST MILE 58.4 AND 59.9, AS RECOMMENDED IN THE 2015 PACIFIC COAST HIGHWAY SAFETY STUDY CONDUCTED BY THE CITY OF MALIBU IN PARTNERSHIP WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CITY OF MALIBU PUBLIC WORKS DEPARTMENT AND CALTRANS)

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

SECTION 1. Recitals.

A. On June 22, 2015, the Malibu's City Council adopted the Pacific Coast Highway (PCH) Safety Study, developed in partnership with the California Department of Transportation (Caltrans), which authorized recommendations for measures to improve safety along the Pacific Coast Highway (PCH) corridor to reduce vehicle, bicycle, and pedestrian conflicts.

B. On November 13, 2023, and pursuant to Government Code sections 8630 and 8634 the Malibu's City Council proclaimed a Local Emergency due to the extreme peril posed to people and property by the dangerous, illegal, reckless, and/or distracted driving on Pacific Coast Highway in the City. This proclamation was later extended by Resolution No. 23-52. It grants emergency powers to the City and its personnel to address this emergency, and also directed City Staff to work with Caltrans, LASD, CHP and other government agencies to help reduce and prevent the dangers posed on PCH. This project is designed to address this state of emergency and its causes, and has been brought forward pursuant to the direction and powers granted by these resolutions.

C. On September 9, 2025, an application for Coastal Development Permit (CDP) No. 25-041 was submitted to the Planning Division by the City of Malibu Public Works Department to request authorization for improvements on a 1.2-mile stretch of PCH between Broad Beach Road and La Pietra Beach Road, between Post Mile (PM) 58.4 and 59.9, as recommended in the 2015 PCH Safety Study.

D. On October 3, 2025, Notices of Coastal Development Permit Application were posted along PCH at the intersections of El Matador State Beach Road and Encinal Canyon Road.

E. On October 22, 2025, the City Public Works Department held a virtual town hall meeting to gain community insight on the proposed project.

F. On December 2, 2025, the City Public Works Department held a second town hall meeting to gain community insight on the proposed project.

G. On December 4, 2025, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a notice was mailed to all property owners and occupants within a 500-foot radius of the subject project area.

H. On December 16, 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. The Planning Commission approved the project with added conditions on a 3-2 vote (Resolution No. 25-78).

I. On January 6, 2026, Appeal No. 26-001 was filed by a resident group.

J. On February 12, 2026, a Notice of City Council Public Hearing was published in newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within 500-foot radius of the subject property.

K. On March 18, 2026, the City Council 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 California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The City Council 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 Sections 15301(c) and Existing Facilities, 15303(d) – New Construction or Conversion of Small Structures. The City Council 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. Appeal of Action.

The appellant contends that the Planning Commission's decision is based on the findings or conditions not supported by evidence, or the decision is not supported by the findings, lack of a fair or impartial hearing, and the decision was contrary to law. Based on the evidence in the record, as detailed below, in the agenda report, and at the public hearings on the matter, the City Council has determined that the project does conform to the findings required by the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC), denying the appeal and approving the project. The Council finds that the evidence supports the findings and is consistent with the City's past application of the applicable provisions of the LCP Local Implementation Plan (LIP).

This argument solely relates to policy issues and does not provide grounds to deny the application. The Council and Caltrans may independently, as co-applicants, choose to alter the project—but that is not before the Council. The Council is acting as a quasi-judicial body in evaluating this project and whether the evidence supports the required findings for the project's approval. The Council, at a future meeting, could choose not to fund or move forward with the project—but again, that is not before the Council today where the sole issue is whether the evidence supports

the required findings, and if it does a CDP should be issued.

Nevertheless, the 2015 PCH Safety Study recommended realigning Encinal Canyon Road to intersect with La Piedra Beach Road and considered a roundabout at the newly aligned intersection. The realignment of Encinal Canyon Road would occur on a fifty-foot-wide strip of property located at 32701 Pacific Coast Highway that was previously owned by the State of California. The realignment of Encinal Canyon Road, and the connector to La Piedra Beach Road, is not proposed. The safety study included roundabouts at the intersection of Encinal Canyon Road and PCH, but the canyon road is not being realigned. The City's Public Works Department and Caltrans concluded that the proposed locations, directly at the existing intersections, is the best location to slow down traffic on PCH as recommended by the 2015 safety study.

The 2015 safety study was the result of years-long studies conducted by the City, in collaboration with the Southern California Association of Governments (SCAG), which concluded that a roundabout along PCH at a newly realigned Encinal Canyon Road intersection was a recommended measure to increase safety on PCH. A total of nine public meetings were held over the course of the study. Members of the community in attendance had the opportunity to share ideas and concerns. Public input was presented to the Project Steering Committee in April 2015, and the Public Works Commission and Public Safety Commission at a Joint Special Meeting on May 21, 2015, before going to the City Council for final review and approval on June 22, 2015. The Project Steering Committee included representatives from the City of Malibu, the offices of Senator Fran Pavley, Assemblymember Richard Bloom, and County Supervisor Sheila Kuehl, Caltrans, California Highway Patrol, SCAG, Metro, County of Los Angeles, City of Malibu, Santa Monica-Malibu Unified School District, Pepperdine University, A Safer PCH, Los Angeles County Bike Coalition, the Malibu Chamber of Commerce, and residents.

The project is proposed by the City in collaboration with Caltrans who are responsible to ensure that the project complies with all federal regulations including any required measures by the Federal Highway Administration (FHWA). Caltrans has ensured that the design of the roundabouts is in compliance with all FHWA requirements. Caltrans also owns the property on which the project will be constructed, or has property rights that allow the proposed construction. Caltrans also could be able to acquire any needed property through eminent domain proceedings—though no such proceedings are required for the project.

The pilot project will be constructed entirely within the existing roadway prism and would not expand outside of the existing developed accessway. A portion of the existing PCH roadway is located within an ESHA buffer that extends 100 feet from El Matador State Beach and 100 feet from a mapped blueline stream at La Piedra Beach Road. The pilot project would be constructed outside of ESHA but within the ESHA buffer. LIP Section 4.5.4(A) permits public accessways within an ESHA buffer. The project would not create a significant impact on any sensitive habitats, since all development would occur within the boundaries of the roadway prism. LIP Section 4.4.4 exempts projects from the Environmental Review Board (ERB) review if it includes additions to existing structures that are within a lawfully established graded pad area that does not require additional fuel modification. The project is proposed completely within a pre-existing graded pad area of a State Highway and the highway is not being expanded to accommodate the improvements. There is no fuel modification associated with the project and as a result, there are no direct impacts to nearby ESHAs or streams. Therefore, referral to the ERB for review is not

required.

The project will not impact public access. Currently, there are 299 total parking spaces along the PCH corridor between PM 58.4 and 59.9, comprising 123 oceanside and 176 landside spaces. To accommodate the proposed roundabouts, some existing spaces will be relocated to areas previously designed as "No Parking". Within the PCH roadway prism, 39 existing parking spaces will be relocated, which will result in a total of 146 oceanside parking spaces and 153 inland parking spaces. The number of parking spaces to access El Matador State Beach will not change. But rather, parking will be installed in close proximity to the roundabouts to encourage visitors to use the designated crosswalks and rectangular rapid flashing beacons (RRFB). Contrary to the appellant's assertions, the project will improve public access via vehicle, bicycle, and on-foot through these improvements.

The eight temporary lighting fixtures are proposed at the roundabouts to illuminate the vehicle and bicycle thru-lanes and pedestrian crosswalks. The light fixtures would be downward-directed, utilizing 40-watt and 4,000 Kelvin LED fixtures mounted on a 25-foot pole with four-foot arms, with the inclusion of a solar panel atop the pole. The poles would be constructed on portable three-foot-tall foundations for a total height of 28 feet. The light poles will be installed outside of the thru-lanes parking areas along PCH and will not impact beach access. A condition of approval was added to ensure that light trespass will be limited to the highway and not spill onto adjacent properties, congruent with City Dark Sky principles.

The oceanside light poles would be located adjacent to existing Southern California (SoCal) Edison power poles and vegetation and would not result in a substantial obstruction of views of the Pacific Ocean. The new poles would blend in with existing utility poles in the area. In addition, the inland light poles would be sited to avoid obstruction of blue-water ocean views from properties located north of Pacific Coast Highway and Encinal Canyon Road. The northbound inland pole at the intersection of Encinal Canyon Road will be constructed near existing power boxes, power poles, and light poles. Finally, the three-foot-tall foundations will be at similar heights to existing bollards and will blend in with the environment as designed. The street directional signs, while new should not exceed a width of 48 inches and should not have a significant adverse or scenic or visual impacts due to project design, location on the site or other reasons per LIP Section 6.4(A)((1). A State highway already exists in this area, and is not proposed to encroach beyond its existing envelope. Small visual changes to the look of the highway do not constitute an adverse impact upon scenic areas.

The proposed pilot project would be constructed entirely within the PCH right-of-way and would not extend beyond the existing roadway prism. As such, the project qualifies for a CEQA exemption pursuant to Section 15301(c) (Class 1 – Existing Facilities), as it involves minor alterations to an existing public highway. The categorical exemption allows for highway improvements including improvements for public safety that do not increase the number of lanes, consistent with the proposed project. Condition of Approval No. 19 states that "access to driveways to all properties in the vicinity of the construction activity shall be maintained at all times, unless otherwise coordinated with property owners for restricted access;" accordingly, the pilot project would not result in impacts to private driveways during construction or throughout the pilot project. In addition, the pilot project qualifies for a CEQA exemption pursuant to Section 15303(d) (Class 3 – New Construction), which allows for street improvements of reasonable length. Accordingly, the proposed reduction in vehicle thru-lanes, installation of bicycle lanes, on-

street parking, and pedestrian crossings would be exempt from CEQA.

On September 15, 2025, the City's Public Works Department released a public notification of the project by mailing 150 letters to nearby residents regarding the upcoming Public Works Commission hearing. On September 24, 2025, the applicant team presented the project to the Public Works Commission, which recommended that a community meeting be held to further discuss the proposal with local residents. In response, the applicant team hosted community meetings on October 22, 2025, virtually and again on December 2, 2025, in-person at City Hall.

All CDP projects are required to provide public notice of the application prior to a public hearing. The applicant team laminated and properly posted physical notices at the intersection of Encinal Canyon Road and PCH, as well as at the entrance to El Matador State Beach. In compliance with LIP Section 13.12.1(A), on December 4, 2025, the application was noticed at least ten calendar days prior to the first public hearing and published in a newspaper for general circulation within the City of Malibu and a notice was mailed to all property owners and occupants within a 500-foot radius of the pilot project, between PM 58.4 and PM 59.9.

Staff presented the application to the Planning Commission on December 16, 2025. After the project was presented by staff, a public hearing was held with the applicant team and members of the public; the Planning Commission deliberated and approved the project with a 3-2 vote. Appellants had notice of the hearing, and an opportunity to be heard. In addition, any concerns regarding the conduct of the hearing would be cured as the hearing before the City Council is on a de novo basis.

SECTION 4. Coastal Development Permit Findings.

Based on the evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the City Council adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP 25-041 for a pilot project for temporary improvements within the Pacific Coast Highway public right-of-way between Broad Beach Road and La Piedra Beach Road, including lane reductions, signage, and the installation of two roundabouts with safety lighting at the intersections of El Matador Beach Road and Encinal Canyon Road, between post mile 58.4 and 59.9, as recommended in the 2015 pacific coast highway safety study conducted by the City of Malibu in partnership with the California Department of Transportation (Caltrans).

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. The project has been reviewed for conformance with the LCP and the Malibu Municipal Code (MMC) by the Planning Division, City Biologist, and City Public Works Department. The pilot project involves improvements to an existing public road and is consistent with the policies of LUP Chapter 7 (Public Works) by maintaining multimodal access to and between visitor-serving and recreation areas. As discussed herein, based on submitted documents, project plans, visual analysis and site investigation, the proposed pilot project, as conditioned,

conforms to the LCP in that it meets all applicable development standards.

2. The project is located along the first public road and the sea and would be in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act, as the project would not inhibit public access opportunities. As part of the proposed highway improvements, vehicular and bicycle access will be maintained along PCH within the project area. The roundabouts would also provide safer access to El Matador State Beach and Encinal Canyon Road and would not impede existing or future access to the beach or parks. On-street parking will be provided along southbound PCH with designated striping. The project is temporary and intended to provide improvements along a 1.2-mile stretch of PCH. As depicted on the LCP Park Lands Map, the closest mapped trail is approximately 1,500 feet from the project site and existing recreation in the project area would not be impacted by the proposed improvements. Therefore, the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code.

3. The project is located entirely within the PCH public right-of-way and within the existing roadway prism. It does not include structures or development outside of the public right-of-way or require any offsite grading or other offsite improvements outside of the existing disturbed public right-of-way. The project would reduce vehicular speeds, enabling improved pedestrian crossing and bicycle travel, and increasing visibility. The temporary highway improvements, including two roundabouts and safety lighting, are limited to a 1.2-mile stretch of PCH between La Piedra State Beach and Broad Beach Road. There are no impacts to coastal access, scenic resources, or environmental resources that are not otherwise permitted and/or exempted in the LCP. As proposed, the project is the least environmentally damaging alternative.

4. The development will not be located within any mapped environmentally sensitive habitat area (ESHA) pursuant to the LCP and the improvements are proposed entirely within the existing PCH roadway prism and would not extend offsite. However, a portion of the existing PCH roadway is located within an ESHA buffer that extends 100 feet from El Matador State Beach and a blueline stream at La Piedra Beach Road. LIP Section 4.5.4(A) allows for public accessways as a permitted use within an ESHA buffer. The project will take place outside of ESHA but within ESHA buffer; however, the project occurs entirely within the existing roadway prism, will aid the general public with access via vehicle, bicycle and on-foot, and does not result in the expansion of the existing developed accessway. Moreover, LIP Section 4.6.2 states that "Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity features, shielded, and directed away from ESHA to minimize impacts on wildlife". The proposed project has a lighting component that will be "navigational" or "other similar safety lighting" and is therefore exempt from the lighting standards within Chapter 4 of the LIP and the finding is not applicable.

B. Scenic, Visual, and Hillside Resource Protection Findings (LIP Section 6.4)

1. The project is proposed along on a designated scenic road pursuant to LUP Policy 6.5 and would be visible from scenic areas, such as trails and parkland in the vicinity. However, the medians and roundabouts would not exceed a height of one-foot above grade, and the street signs and light poles will blend in with the environment as designed, except for necessary colors and signage required by law to attract the attention of drivers. Signage would not exceed a width of 48 inches. The proposed lighting is not subject to the exterior lighting requirements in LIP Section 6.5(G) since they are for purposes of safety and navigation lighting. The proposed lighting

is not subject to the City's Dark Sky Ordinance pursuant to the MMC as it is considered street lighting. However, the proposed lighting specifications indicate the fixtures would be downward directed, utilize 40-watt and 4000 Kelvin LED fixtures, and mounted on a 25-foot pole with four-foot arm. Each pole would include a solar panel for system charging during the day. The poles would be constructed on portable three-foot-tall foundations for a total height of 28 feet. Based on the allowances in the LIP, as well as a review of the project plans and the nature of the surrounding area, the proposed improvements are not considered to have a significant adverse impact to scenic resources and/or are considered exempt from LIP standards.

2. As conditioned, the project would be limited to a maximum of 18 months. Conditions of approval are included to ensure that the light poles blend in as much as feasible with the surrounding environment through the use of materials, colors, and the prohibition of highly reflective materials except for solar panels, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible. As conditioned, the proposed improvements are not considered to have a significant adverse impact to scenic resources and/or are considered exempt from LIP standards.

3. The project is located entirely within the PCH public right-of-way and within the existing roadway prism. It does not include structures or development outside of the public right-of-way or require any offsite grading or other offsite improvements outside of the existing disturbed public right-of-way. The project would reduce vehicular speeds, enabling safer pedestrian crossing and bicycle travel, and improving visibility. The temporary highway improvements, including two roundabouts and safety lighting, are limited to a 1.2-mile stretch of PCH between La Piedra State Beach and Broad Beach Road. There are no impacts to coastal access, scenic resources, or environmental resources that are not otherwise permitted and/or exempted in the LCP. As proposed, the project is the least environmentally damaging alternative.

4. As proposed and conditioned, the proposed improvements are not considered to have a significant adverse impact to scenic resources and/or are considered exempt from LIP standards. The project has already been designed for location entirely within the PCH public right-of-way and within the existing roadway prism. The medians and roundabouts would not exceed a height of one-foot above grade, and the street signs and light poles will blend in with the environment as designed, except for necessary colors and signage required by law to attract the attention of drivers . Signage would not exceed a width of 48 inches. The proposed lighting is not subject to the exterior lighting requirements in LIP Section 6.5(G) since they are for purposes of safety and navigation lighting.

5. The development will not be located within any mapped ESHA pursuant to the LCP and the improvements are proposed entirely within the existing PCH roadway prism and would not extend offsite. However, a portion of the existing PCH roadway is located within an ESHA buffer that extends 100 feet from El Matador State Beach and a blueline stream at La Piedra Beach Road. LIP Section 4.5.4(A) allows for public accessways as a permitted use within an ESHA buffer. The project will take place outside of ESHA but within ESHA buffer; however, the project occurs entirely within the existing roadway prism, will aid the general public with access via vehicle, bicycle and on-foot, and does not result in the expansion of the existing developed accessway. Moreover, LIP Section 4.6.2 states that "Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity features, shielded, and directed away from ESHA to minimize impacts on wildlife". The proposed project has a lighting component that will be "navigational" or "other similar safety lighting" and

is therefore exempt from the lighting standards within Chapter 4 of the LIP. Therefore, the pilot project will have no significant scenic and visual impacts nor contribute adversely to sensitive resource protection policies.

SECTION 5. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 25-041, subject to the following conditions, which are applicable to the project, as noted below.

SECTION6. Conditions of Approval.

1. 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.

2. The approved scope authorizes the installation of temporary improvements, for a period not to exceed a maximum of 18 months once operational, within the PCH public right-of-way between Broad Beach Road and La Piedra Beach Road, including lane reductions, medians, striping for bicycle lanes and on-street parking, signage, and the installation of two roundabouts with safety lighting, crosswalks and associated improvements at the intersections of El Matador Beach Road and Encinal Canyon Road.

3. The authorized improvements are considered temporary and to be utilized for a minimum of fifteen months once operational, up to a maximum of 18 months. This period is intended to allow Caltrans and the City's Public Works Department to gather enough data to determine if the roundabouts provide speed reduction on PCH within the project area. At the conclusion of the authorized period, the improvements would need to be removed and the PCH travel lanes restored to pre-condition. Should the City and/or Caltrans request to retain the improvements permanently, authorization shall be subject to an approved permit.

4. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Division date-stamped **November 20, 2025**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.

5. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Division prior to the issuance of any development permits.

6. The applicant shall digitally submit a complete set of plans to the Planning Division for consistency review and approval prior to plan check (as applicable) and again prior to the issuance of any building or development permits, if necessary.

7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Community Development Director upon written request of such interpretation.

9. Minor changes to the approved plans or the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

10. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.

11. The City Council will determine whether to direct staff to move forward with the project at a future public meeting.

Cultural Resources

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Community Development Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

13. If human bone is discovered during geologic testing or during construction, work shall immediately cease, and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Biology

14. No new landscaping is proposed with this project. Therefore, none is approved. A detailed landscaping plan must be submitted to the Planning Division for review by the City Biologist and approval by the Planning Division prior to any planting. Should the applicant intend to plant any new or altered vegetation with a potential to grow over six feet in height at full maturity for an area of 500 square feet or more of landscaping for a new residence, or 2,500 square feet or more of landscaping for an existing residence, a detailed Landscape Documentation Package is required.

15. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

Colors and Materials

16. The project is visible from scenic roads or public viewing areas and shall incorporate colors and materials that are compatible with the surrounding landscape.
    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Community Development Director and clearly indicated on the building plans.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, reflective paint, bollards, and other safety devices as needed, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. Necessary safety signage is not subject to these requirements if required by federal, State, or local law.

Public Works

17. The City of Malibu has completed installation of communication conduits along Pacific Coast Highway from Topanga Canyon to John Tyler Road for the traffic signal system in this region. It will be the responsibility of the applicant and contractor to properly identify, locate, and protect the utilities in place, especially those of the signal system. It will be the responsibility of the applicant and contractor to repair and replace any potential damage caused to the infrastructure as a result of this proposed scope of work.

18. The City of Malibu, Public Works Superintendent shall be invited to the preconstruction meeting prior to any construction activity taking place.

19. If applicable, applicant is to provide a Public Notification letter by printed notice to occupants of all properties within the construction zone on any access, parking and circulation restrictions and limitations that will be created by the construction at least 72 hours in advance of construction.

20. Access to the driveways to all properties in the vicinity of the construction activity shall be maintained at all times, unless otherwise coordinated with property owners for restricted access.

21. If temporary bathroom facilities for construction workers are used, the temporary bathroom facilities shall have secondary containment, and be sited and maintained to prevent any spills to the environment.

22. A Caltrans encroachment permit shall be obtained for any work proposed within the State's right-of-way.

23. If applicable, a traffic control plan shall be prepared by a licensed Civil or Traffic Engineer and shall be approved by Caltrans prior to construction.

24. If applicable, no signs shall be placed within Caltrans right of way or City right of way unless all required encroachment permits are first obtained from Caltrans and/or City of Malibu.

25. If applicable, applicant shall ensure temporary "No Parking" signs shall designate the dates and times the parking restrictions are to be enforced. Such signs shall be posted 72 hours in advance of parking restriction and shall be placed no more than 100 feet apart and at each end of the area to be restricted.

26. The applicant shall maintain signs through the duration of construction from the time of placement to time of completion and is responsible for replacement of missing or damaged signs.

Construction

27. Prior to the commencement of work, the applicant shall provide a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.

28. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

29. All new development, including construction (and when applicable, grading and landscaping) shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
    a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
    b. If included, grading activities shall be planned during the southern California dry season (April through October).

c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

Prior to Final Sign-Off

30. The applicant shall request a final Planning Division inspection prior to final inspection by the City of Malibu Building Safety Division. A final approval shall not be issued until the Planning Division has determined that the project complies with this CDP.

31. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

32. Caltrans shall utilize light fixtures that are Dark Sky compliant to the maximum extent feasible. The light fixtures shall be fully shielded, 3,000 kelvins in color temperature, directed downward, and must not exceed the light trespass limits onto adjacent properties listed in MMC Section 17.41.050(G) unless necessary for adequate ingress/egress as reasonably determined by the Community Development Director. City staff shall inspect the installed lights at the cost of Caltrans and confirm compliance with this condition.

Fixed Conditions

33. This coastal development permit shall run with the land and bind all future owners of the property.

34. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

35. The applicant must submit a report to the City Council at the conclusion of the 15-month test period, detailing the impact of the temporary improvements.

SECTION 7. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 13th day of April 2026.

_____
BRUCE SILVERSTEIN, Mayor

ATTEST:

_____
KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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.