Commission Agenda Report

Planning Commission Meeting
05-18-26
Item 3.B.1.

To: Chair Peak and Members of the Planning Commission

Prepared by: Gail Duncan, Management Analyst

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

Date prepared: May 7, 2026 Meeting date: May 18, 2026

Subject: Approval of Minutes

RECOMMENDED ACTION: Approve the minutes of the May 4, 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:

May 4, 2026 Regular Planning Commission Meeting Minutes

MINUTES
MALIBU PLANNING COMMISSION
REGULAR MEETING
MAY 4, 2026
COUNCIL CHAMBERS
6:30 P.M.

CALL TO ORDER

Chair Peak called the meeting to order at 6:31 p.m.

ROLL CALL

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

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

ABSENT: Vice Chair Marni Kamins

ALSO PRESENT: Kellan Martz, Assistant City Attorney; Tyler Eaton, Assistant Community Development Director; Gina Paolini, Contract Planner; Tonya Ward, Contract Planner; Parker Davis, Media Technician; Isabel Scheibelhut, Management Analyst and Gail Duncan, Recording Secretary

PLEDGE OF ALLEGIANCE

Norm Haynie led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION Commissioner Mazza moved and Commissioner Riddick seconded a motion to approve the agenda as recommended by staff, continuing Item No. 5.B. to the May 18, 2026 Regular Planning Commission meeting.

The question was called and the motion carried 4-0, Vice Chair Kamins absent.

REPORT ON POSTING OF AGENDA

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

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2. WRITTEN AND ORAL COMMUNICATIONS

A. PUBLIC COMMENTS

Wilbur Swain stated Chair Peak and former Commissioner Dennis Smith were exonerated of any wrongdoing by the Fair Political Practices Commission (FPPC). He alleged that Mayor Silverstein was involved in filing the FPPC complaint in the hopes of replacement of a Commissioner by Malibu Township Council member Jo Drummond. He also alleged Mayor Silverstein had a history of involvement in controversies, which included a fake emerald scheme.

In response to Wilbur Swain, Commissioner Mazza alleged that the same person who wrote Wilbur's speech wrote the fake emerald scheme storyline.

B. COMMUNITY DEVELOPMENT DIRECTOR REPORT

Assistant Community Development Director Eaton provided an update regarding upcoming long-range planning items the Commission can expect to see at future meetings.

ITEM 3 CONSENT CALENDAR

The following item was pulled: Item No. 3.B.2.

MOTION Chair Peak moved and Commissioner Mazza seconded a motion to approve the balance of the consent calendar.

The question was called and the motion carried 4-0, Vice Chair Kamins absent.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

None.

B. New Items

1. De Minimis Waiver No. 26-002 – An application for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire
   Location: 31205 Bailard Road, not within the appealable coastal zone
   APN: 4470-011-033
   Owner: Preston's Planet Foundation Inc.
   Case Planner: Contract Planner Ward, AICP, 925-667-0547

Recommended Action: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver No. 26-002 for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire.

The Commission received and filed the Community Development Director's report on the issuance of De Minimis Waiver No. 26-002 upon approval of the balance of the Consent Calendar.

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

The commission directed questions to staff.

MOTION Commissioner Mazza moved and Commissioner Riddick seconded a motion to approve the minutes for the April 20, 2026 Regular Planning Commission meeting, as amended, 1) adding to Item Nos. 3.B.1. through 3.B.5., "The Commission and staff discussed Formula Retail Clearance in relation to Item Nos. 3.B.1 through 3.B.5 extensively ."; 2) modifying the final paragraph of Item No. 3.B.1, to state, "The Community Development Director's reports on Formula Retail Clearance Nos. 26-001 through 26-005 were received and filed by the Commission."; "3) adding to Item No. 3.B.2., "The Community Development Director's report on Formula Retail Clearance No. 26-002 was received and filed by the Commission."; 4) adding to Item No. 3.B.3., "The Community Development Director's report on Formula Retail Clearance No. 26-003 was received and filed by the Commission."; 5) adding to Item No. 3.B.4., "The Community Development Director's report on Formula Retail Clearance No. 26-004 was received and filed by the Commission."; 6) adding to Item No. 3.B.5., "The Community Development Director's report on Formula Retail Clearance No. 26-005 was received and filed by the Commission." and 7) directed staff to bring back the corrected minutes on the May 18, 2026 Regular Planning Commission meeting consent calendar.

The question was called and the motion carried 4-0, Vice Chair Kamins absent.

ITEM 4 CONTINUED PUBLIC HEARINGS

None.

ITEM 5 NEW PUBLIC HEARINGS

A. Coastal Development Permit No. 15-070 and Demolition Permit No. 25-006 – An application to abandon the existing onsite wastewater treatment system (OWTS) and demolition of the existing driveway, retaining walls, swimming pool and spa, and the installation of a new Alternative OWTS and landscaping, grading, construction of retaining walls and driveway with shared access from 29140 Cliffside Drive

Location: 29150 Cliffside Drive, within the appealable coastal zone
APN: 4468-001-004
Owner: Nabisco Holdings, S.A.
Case Planner: Contract Planner Paolini, 530-957-1461
Recommended Action: Adopt Planning Commission Resolution No. 26-15 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-070 and Demolition Permit No. 25-006 to abandon an existing OWTS and demolition of an existing driveway, retaining walls, landscaping, hardscaping, decking, and an existing pool and spa, and the installation of a new alternative OWTS, landscaping, grading, and the construction of retaining walls and a new driveway with shared access from an existing driveway on the northeast adjacent parcel at 29140 Cliffside Drive, located in the Rural Residential, One-Acre zoning district at 29150 Cliffside Drive (Nabisco Holdings, S.A.).

Contract Paolini presented the staff report.

Disclosures: Chair Peak and Commissioner Mazza

The Commission directed questions to staff.

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

Speaker: Anne Dereaux

As there were no other speakers present, Chair Peak 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 Commissioner Mazza moved and Commissioner Riddick seconded a motion to adopt Planning Commission Resolution No. 26-15, as amended, 1) adding to Condition No. 27, "All existing vegetation within the public right-of-way or north of the established fence shall be cut and maintained at or below 42 inches in height."; 2) adding Condition No. 37 to state, "Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time."; 3) adding to Condition No. 87, "No new development or vegetation shall be placed or permitted in the view corridor, other than a fence that is completely view permeable. Existing vegetation shall be cut to restore the view corridor. Three sequential violations of this condition will result in the requirement to permanently remove all offending vegetation from the site."; and 4) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 15-070 and Demolition Permit No. 25-006 to abandon an existing OWTS and demolition of an existing driveway, retaining walls, landscaping, hardscaping, decking, and an existing pool and spa, and the installation of a new alternative OWTS, landscaping, grading, and the construction of retaining walls and a new driveway with shared access from an existing driveway on the northeast adjacent parcel at 29140 Cliffside Drive, located in the Rural Residential, One-Acre zoning district at 29150 Cliffside Drive (Nabisco Holdings, S.A.).

The question was called and the motion carried 4-0, Vice Chair Kamins absent.

B. Coastal Development Permit No. 18-029 – A follow-up application to Emergency Coastal Development Permit No. 18-002 for the removal of temporary bluff protection measures and the construction of permanent bluff protection measures consisting of two revetments on the ocean side of a private street

Location: 31618 Sea Level Drive, within the appealable coastal zone
APNs: 4470-017-009; 4470-001-014 through 4470-001-026
Owners: Malibu Encinal Homeowners Association; WHE Properties, LLC; Gary and Daphne Murphy; X17 Inc; Sea Level Properties II, LLC; Elizabeth E Heitman Trust; Drake Family Trust; Steve Shuken Trust; MH and JM Gainer Trust; CWMBS, Inc.; Fusco Family

Trust; Steve Supowitz; Fusco Family Trust; Crowley and Summers; P and C Partners LP; BJGL Holdings I LLC

Case Planner: Associate Planner da Silva, 456-2489, ext. 314

Recommended Action: Continue the item to the May 18, 2026 Regular Planning Commission meeting.

The item was continued to the May 18, 2026 Regular Planning Commission meeting upon approval of the agenda.

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

CONSENSUS At 7:30 p.m. the meeting was adjourned by unanimous consensus in memory of Rosemarie Ihde.

Approved and adopted by the Planning Commission of the City of Malibu on May 18, 2026.

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SKYLAR PEAK, Planning Commission Chair

ATTEST:

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GAIL DUNCAN, Recording Secretary