Commission Agenda Report

Planning Commission Meeting
06-01-26
Item 5.A.

To: Chair Peak and Members of the Planning Commission

Prepared by: Michelle Santiago, Assistant Planner

Reviewed by: Didier Murillo, Principal Planner

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

Date prepared: May 21, 2026 Meeting date: June 1, 2026

Subject: Conditional Use Permit No 26-001 – An application to establish the use of an existing restaurant and to allow the catering of alcoholic beverages offsite of the subject property (Alcohol Beverage Control [ABC] License Type 58) and to allow the onsite sale and consumption of beer and wine (ABC License Type 41) to patrons of a bona fide eating place (Pita Bu)

Location:	22935 Pacific Coast Highway
APN:	4452-019-010
Owner:	Chabad of Malibu, Inc.
Tenant:	Pita Bu LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-22 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA) and exempt from a Coastal Development Permit (CDP), and approving Conditional Use Permit (CUP) No. 26-001 to establish the use of an existing restaurant and to allow the catering of alcoholic beverages offsite of the subject property (ABC License Type 58) and onsite sale and consumption of beer and wine (ABC License Type 41) to patrons of a bona fide eating place (Pita Bu) in the Commercial Visitor Serving (CV-1) zoning district at 22935 Pacific Coast Highway (PCH) (Chabad of Malibu, Inc.).

DISCUSSION: This agenda report provides a project overview, project setting, and a summary of the surrounding land uses, description of the proposed project, an analysis of the project's consistency with the applicable provisions of the Malibu Local Coastal

Program (LCP), Malibu Municipal Code (MMC) and environmental review pursuant to CEQA. The analysis and findings discussed herein demonstrate that the project is consistent with the MMC and CEQA.

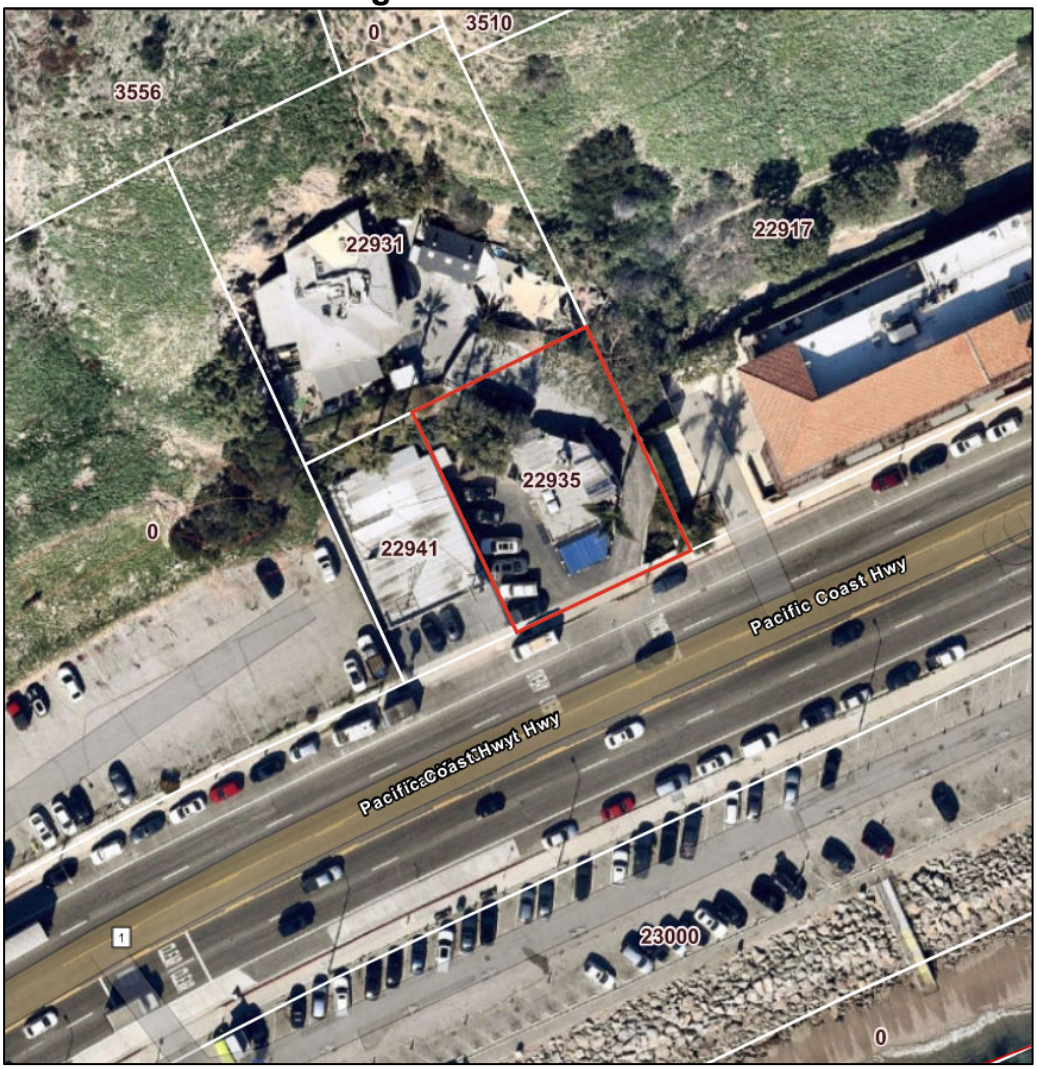
Coastal Development Permit (CDP) Exemption

The subject parcel is entirely within the Appealable Jurisdiction Area of the California Coastal Commission (CCC) as depicted on the Post LCP Certification Permit and Appeal Jurisdiction Map for the City of Malibu. Section 13.4 of LCP Local Implementation Plan (LIP) provides exemptions from a CDP for projects with no risk of adverse environmental impacts. The proposed CUP does not include any development that would qualify for a CDP nor involve a risk of adverse environmental impacts, adversely affect public access, or involve a change in use contrary to the policy of the LIP. The project is exempt from the requirements of CDP pursuant to LIP Section 13.4.3.

Project Overview

Figure 1 below shows the location of the subject property which is approximately 8,423 square feet in size and is developed with an existing 574 square foot restaurant (known as Pita Bu), including a 360 square foot outdoor covered patio with 30 seats. The existing restaurant fronts directly onto PCH and contains an approximate 35.2-foot-wide driveway apron providing access to the existing onsite, non-conforming five parking spaces; as well as access to the property above the restaurant. The building the restaurant occupies was constructed in 1984. Since 1984 the existing space has been occupied with a restaurant use.

Figure 1 – Aerial View



Source: ArcGIS 2026

Property Setting and Surrounding Land Uses

Surrounding land uses in the general vicinity of Pita Bu include properties that are zoned CV-1 and Public Open Space (OS). East to the subject property the parcels are developed as a shopping center known as Malibu Plaza. West to the parcel is a recreational retail store for the sales of bicycles also owned by Chabad of Malibu (the applicant). Directly in front of the property, it is zoned OS where Malibu Pier and parking to the Malibu Pier is located. Directly north and above the property is a non-conforming residence located in a CV-1 zoning district.

Project Description

On March 23, 2026, Nieves and Associates submitted a CUP application on behalf of Pita Bu to allow the onsite sale and consumption of beer and wine through a Type 41 ABC license and a Type 58 ABC License for catering alcoholic beverages offsite of the subject

property. An ABC license Type 41 allows for the sale of beer and wine for consumption on or off the premises where sold, however Pita Bu has agreed that this approval be conditioned to allow only onsite sale and consumption. Pita Bu's ABC application requests both Type 41 and 58 licenses.

The existing restaurant includes 574 square feet of indoor space consisting of 164 square feet dedicated to the lobby, retail, service and pick up area, and the remaining 410 square feet is dedicated to the kitchen which includes a work table, convection ovens, two sinks, three fridges, and a restroom. The 360 square foot outdoor patio accommodates 30 outdoor patio seats, and the site contains five existing nonconforming parking spaces. (Attachment 2- Project Plans). Furthermore, MMC Section 17.24.030, requires restaurants to obtain a CUP. The existing restaurant does not have a CUP on file with the City, although the space has been used as a restaurant since 1984. This CUP will memorialize the use of the existing restaurant as well as allow for the use of onsite beer and wine consumption if approved by the Commission.

The restaurant operation hours are from Sunday to Thursday from 11:00 a.m. to 11:00 p.m., and Friday from 11:00 a.m. to 3:00 p.m. Saturday the restaurant is closed all day. Onsite alcohol service would be served during all restaurant operation hours. Alcohol service will be for the consumption of beer and wine on the premises only, including the outdoor patio. Off-site sales of alcohol associated with to-go orders would not be allowed. The restaurant does not propose any amplified or live music. The applicant does not propose any new structural development or other operational modifications that would intensify or otherwise change the restaurant operation hours. The restaurant has 5 employees and will have two shift crews per day. During peak hours from 11:00 a.m. to 7:00 p.m. a maximum of three employees will be on shift. Other operation hours will have two employees.

Parking

As previously mentioned, the site contains five existing nonconforming parking spaces measuring 9 feet wide by 16 feet long. The MMC requires parking spaces to measure nine feet wide by 20 feet long. Pursuant to MMC Section 17.48.050, parking for a restaurant is based on one space for each 50 square feet of service area. The service area of the restaurant totals 164 square feet; therefore, four parking spaces are required. As stated previously, the restaurant is existing and is not proposing any new development. There are enough parking stalls to meet the four minimum required by the MMC, however the stalls are not 20 feet in length. The lot is constrained so elongating the stalls would impact egress in the parking area and is not feasible.

ABC License

The applicant submitted a Type 41 License application to ABC to permit the sale of beer and wine for onsite consumption (Attachment 4 – Pending ABC License). ABC will not

issue the license until the proposed CUP is approved. Therefore, a condition of approval has been included to the draft resolution stating that the tenant must submit a copy of the ABC license to the Planning Division prior to alcohol sales. Pursuant to ABC website the Type 41 On-Sale Beer & Wine -Eating Place is defined as follows:

Issued to restaurants. Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified.

The applicant also submitted a Type 58 License application to ABC to permit licensees to cater alcoholic beverages off-site. An ABC Type 58 license can be used to cater within or outside of city limits for scheduled events. Pursuant to the ABC website, the Type 58 Caterer's Permit is defined as follows:

This permit allows certain licensees to cater alcoholic beverages off-site.

Conditional Use Permit Findings (MMC Section 17.66.080)

The Planning Commission may approve, deny, and/or modify a CUP application in whole or in part, with or without conditions, provided that it makes all of the findings of fact required by MMC Section 17.66.080. Staff recommends that the Planning Commission approve CUP No. 26-001 based on the draft findings provided within the resolution (Attachment 1) for the Commission's consideration.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Community Development Director 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 Section 15301– Existing Facilities. The Community Development Director 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).

PUBLIC NOTICE: On May 7, 2026, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu, and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

CORRESPONDENCE: As of publication of this report, no correspondence has been received by the Planning Division.

SUMMARY: The required findings can be made that the proposed project complies with the MMC. Further, the Planning Division's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 26-22. The proposed project has been reviewed and conditionally approved for conformance with the MMC by Planning Division staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-22
2. Project Plans
3. Department Review Sheets
4. Pending ABC License
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND EXEMPT FROM A COASTAL DEVELOPMENT PERMIT, AND APPROVING CONDITIONAL USE PERMIT NO. 26-001 TO ESTABLISH THE USE OF AN EXISTING RESTURANT AND TO ALLOW THE CATERING OF ALCOHOLIC BEVERAGES OFFSITE OF THE SUBJECT PROPERTY (ALCOHOLIC BEVERAGE CONTROL LICENSE TYPE 58) AND ONSITE SALE AND CONSUMPTION OF BEER AND WINE (ALCOHOLIC BEVERAGE CONTROL LICENSE TYPE 41) TO PATRONS OF A BONA FIDE EATING PLACE (PITA BU) IN THE COMMERCIAL VISITOR SERVING ZONING DISTRICT AT 22935 PACIFIC COAST HIGHWAY (CHABAD OF MALIBU, INC.)

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

SECTION 1. Recitals.

A. On March 23, 2026, the Nieves and Associates submitted Conditional Use Permit (CUP) No. 26-001 for the establishment of the use of the existing restaurant Pita Bu and to allow the onsite sale and consumption of beer and wine via a California Department of Alcoholic Beverage Control (ABC) License Type 41 and a Type 58 ABC License for catering alcoholic beverages offsite of the subject property.

B. On April 21, 2026, the application was deemed complete.

C. On May 7, 2026, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

D. On June 1, 2026, 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.

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 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 Section 15301 – Existing Facilities. The Planning Commission 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. Conditional Use Permit Findings of Fact.

The applicant is requesting a CUP to establish the use of an existing restaurant and to allow the onsite sale and consumption of beer and wine through an ABC License Type 41 and a Type 58 ABC License for catering alcoholic beverages offsite of the subject property. Pursuant to Malibu

Municipal Code (MMC) Section 17.66.080, the Planning Commission may approve, deny, and or modify an application for a CUP in whole or in part, with or without conditions, provided that it makes all of the following findings of fact. Based on evidence in the record, including all written and oral testimony and pursuant to MMC Section 17.66.080, the Planning Commission hereby makes the following findings of fact and approves CUP No. 26-001.

1. *The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.*

The project has been designed and conditioned to comply with all applicable provisions of the MMC. The subject application will establish the use of an existing restaurant, Pita Bu, and it will permit the onsite sale and consumption of alcoholic beverages in the Commercial Visitor Serving (CV-1) zoning district. The CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, museums and galleries. The sale of alcoholic beverages in association with the ABC License Type 41 will be for restaurant patrons only. The project, as proposed and conditioned, is consistent with MMC Sections 17.22.040(B), 17.24.030(A), and 17.26.030(A) which allows a restaurant with onsite alcohol sales and consumption with a CUP. In addition, the project will be conditioned accordingly to meet the intent of the CV-1 zone.

2. *The proposed use would not impair the integrity and character of the zoning district in which it is located.*

The approved restaurant is a commercial use in the CV-1 zoning district. The restaurant use is consistent with the surrounding land uses. The CV-1 zone allows for alcohol sales with an approved CUP. The sale of beer and wine for onsite consumption by restaurant patrons pursuant to a new ABC License Type 41 is incidental to the operation of the restaurant and, as such, will not impair the integrity and character of the CV-1 zone. Moreover, the Planning Commission found that an ABC License Type 58 is substantially different than typical offsite beverage sales sold at the premises. For this reason, the CUP is compatible with the CV-1 zoning district.

3. *The subject site is physically suitable for the type of land use being proposed.*

The addition of alcohol sales is ancillary to the existing restaurant use and is suitable for the project site. The subject application does not propose any changes to the structure or generate a greater demand for parking than the parcel is designed to accommodate. There is adequate parking to meet the existing use. Although the parking stalls are non-conforming, there is no new development proposed or a change of use which would be subject to upgrading the existing parking conditions The site is constrained but has accommodated a similar restaurant use for decades. Therefore, the subject site is physically suitable for the proposed project.

4. *The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.*

The proposed addition of alcohol sales and consumptions and establishing the use of the restaurant would be compatible with the land use as restaurants are allowed with the visitor and resident-serving land use. The restaurant is existing and the alcohol will only be sold to and consumed by Pita Bu customers on site. Surrounding parcels are zoned CV-1 and Open Public Space (OS). The restaurant is existing and the addition of the sales and consumption of alcohol is not expected to disturb the surrounding neighborhood. Alcohol sales will be ancillary to the restaurant use.

5. *The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.*

The proposed addition of the onsite sale and consumption of alcoholic beverages and the establishment of the existing restaurant is compatible with existing and future land uses allowed in the CV-1 zone. The proposed project is compatible with the surrounding visitor serving commercial businesses like the adjacently located Malibu Beach Inn, Malibu Pier, Surfrider Hotel, V's restaurant and Malibu Farms. Furthermore, the CV-1 zone allows for alcohol sales with a CUP, as being requested by the applicant. The existing restaurant (Pita Bu) has served the community since it was established in 2023 but the building has had previous restaurant uses prior to cityhood. The tenant and property owner are required to adhere to all local, state and federal regulations regarding the sale of alcohol, and specifically their ABC license.

6. *There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.*

The sale of alcoholic beverages has been determined to not adversely affect public utilities, water, or sanitation services because the use would not generate a greater demand for service. The sale of alcoholic beverages on the premises will not affect solar access or adversely impact existing public or private views as no new development is proposed. The restaurant and ancillary alcohol sales will be accommodated by adequate utilities as demonstrated by its ongoing compliance with City building permits.

7. *There would be adequate provisions for public access to serve the subject proposal.*

No changes to the site's access or circulation for pedestrians or vehicles is proposed. The onsite sale, catering, and consumption of alcoholic beverages pursuant to a new ABC License Type 41 and 58 is limited to restaurant customers and catered events only and will not negatively affect parking demand. Additionally, the proposed sale of alcohol for offsite consumption will be located entirely within the existing restaurant space and does not propose any changes to the size of the building area, resulting in no changes to vehicular or pedestrian demand, nor public access.

8. *The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.*

The General Plan includes two policies specific to the sale of alcohol for offsite consumption. Land Use Policy (LUP) 4.1.5 states "The City shall prohibit undue concentration of businesses which sell alcohol for offsite consumption." According to the California Department of ABC, there are currently 19 existing businesses with active offsite and onsite retail licenses within and adjacent to the City of Malibu. For context, five offsite and on-site retail licenses are within one mile of the proposed site's location.

Section 23958.4 of the California Business and Professions Code states off sale licenses (types 20,21), public premises licenses (types 42,48), and certain club types of licenses (types 50,51,57) can be denied by the Department of ABC if an issuance would result in or add to an undue concentration of licenses. Typically, ABC Type 41 and 58 licenses allow for offsite consumption.

However, this CUP has been conditioned as such that only on-site sales are permitted with ABC License Type 41. ABC Type 58 licenses allow for catering of alcoholic beverages off-site at scheduled events within or outside of city limits. The Planning Commission found that this catering license is substantially different than typical offsite beverage sales sold at the premises. For this reason, the CUP is compatible with the General Plan in that it does not contribute to an undue concentration of offsite sales of alcohol within the area.

Furthermore, the subject property is designated CV-1 in the General Plan. The General Plan states that the CV-1 designation, "provides for visitor serving uses which serve visitors and residents such as hotels and restaurants which respect the rural character and natural environmental setting." Therefore, the subjects CUP to consistent with the goals, objectives, and policies of the General Plan.

9. *The proposed project complies with all applicable requirements of state and local law.*

The proposed use complies with all applicable requirements of state and local law and is conditioned to comply with any relevant approvals, permits, and licenses from the City of Malibu and other related agencies, such as ABC and the Los Angeles County Sheriff's Department. Conditions of approval have been added to require the approved restaurant to comply with all state licensing regulations and to maintain a valid ABC License Type 41 and 58 for the onsite sale and consumption of alcoholic beverages and for catering alcoholic beverages offsite of the subject property.

10. *The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.*

The existing restaurant, Pita Bu, is a permitted use in the CV-1 zoning district, and the proposed ancillary use to sell and consume alcoholic beverages onsite and cater alcoholic beverages offsite pursuant to new ABC License Types 41 and 58, would not be detrimental to the public interest, health, safety, convenience, or welfare because the use complies with applicable requirements of state and local law.

11. *If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards*

The subject CUP will establish the use of the existing restaurant and allow for the onsite sale and consumption of alcoholic beverages onsite and catering of alcoholic beverages offsite pursuant to new ABC License Types 41 and 58. No new development or changes to the existing building footprint are proposed. Therefore, there is no new impact related to earth movement, flooding, or liquefaction.

SECTION 4. Planning Commission Approval.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CUP No. 26-001 subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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. This approval is for the establishment of the use of existing restaurant Pita Bu, and to allow for the onsite sale and consumption of alcoholic beverages as ancillary use to the restaurant. The restaurant provides the following business operations:

    a. Five employees
    b. Hours of operation are from 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 p.m. to 3:00 p.m., Friday and closed all day on Saturday.
    c. 30 outdoor seats in the outdoor patio,
    d. a Type 41 ABC License,
    e. and a Type 58 ABC License

3. Except as specifically changed by conditions of approval, the restaurant shall be in substantial conformance with the approved operations plan, as described in Condition No. 2 and depicted on plans on file with the Planning Division date stamped **April 15, 2026**. The restaurant shall further comply with all conditions of approval stipulated in this resolution. In the event project plans conflict with any condition of approval, the condition shall take precedence.

4. The applicant shall digitally submit a complete set of plans to the Planning Division for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

5. This CUP shall not be effective until all appeals are exhausted and the property owner, applicant and the business operator execute the Affidavit of the Acceptance of Conditions. Said documents shall be recorded with the Los Angeles County Recorder and a certified copy of said recordation shall be filed with the Planning Division within 10 days of the effective date of the approval.

6. 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.

7. The project shall conform to the requirements of the City Environmental Health Administrator, City Public Works Department, and Los Angeles County Sheriff Department, and the California Department of ABC, as applicable. Notwithstanding this review, all required permits shall be secured.

8. 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.Revised plans reflecting the minor changes and additional fees shall be required.

9. The property owner shall comply with all provisions of the MMC and Local Implementation Plan.

Operations

10. This CUP permits the sale and consumption of alcoholic beverages with an ABC Type 41 License and the catering of alcoholic beverages offsite the subject property with an ABC Type 58 License. The property owner / tenant shall obtain all necessary approvals from ABC. Once obtained, the applicant is required to provide the Planning Division a copy of the issued ABC license.

11. A copy of the current ABC license shall be kept on the premises of the establishment and be presented to City staff, including the City's Community Development Director and Code Enforcement staff, law enforcement officers or their duly authorized representatives, upon request.

12. At all times during the conduct of the permitted use, the permittee shall maintain and keep in effect valid licensing approval from ABC. Should such licensing be denied, expire or lapse at any time in the future, the approval of alcohol sale pursuant to this permit is subject to modification or revocation of this CUP pursuant to MMC Section 17.66.100(C).

13. The alcohol service is secondary to the meal service and food shall be available for purchase in these areas when alcohol is served. No portion of the restaurant service area may serve as a separate bar only establishment where food is not available

14. The tenant shall maintain suitable kitchen facilities and operate and maintain the premises as a bona fide eating place. Full food service shall be provided during all hours of operation of the establishment.

15. No off-site sale of alcohol shall be permitted. Alcohol shall only be served within the approved service areas, as demonstrated on the project floor plan dated **April 15, 2026**.

16. The sale of alcoholic beverages shall be limited to restaurant patrons only.

17. The approved hours of operation for the sale of alcoholic beverages are limited to 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 p.m. to 3:00 p.m., Friday.

18. No live entertainment or amplified sound is permitted on the property.

19. The property owner / operator shall adhere to a "good neighbor" policy, meaning that the operator and employees must respect the rights of neighboring properties and, to the best of their ability, shall ensure their patrons' compliance with the City's noise and smoking regulations and all conditions of approval for the subject use relating to parking, smoking, litter, noise, loitering, etc.

20. Noise emanating from the premises shall not be audible at a distance of five feet of any residential unit between the hours of 10:00 p.m. and 7:00 a.m., as required by MMC Section 8.24.050(L).

21. Window or other signage visible from the public right-of-way that advertises beer or alcohol shall not be permitted.

22. Prior to the commencement of alcohol service, the property owner / operator shall install small signs in the interior of the business, as depicted on the project plans, requesting that patrons be courteous and quiet when occupying outdoor areas and stating that alcohol may only be consumed in compliance with the restaurant's ABClicense.

23. The property owner / tenant shall comply with the requirements set forth in MMC Chapter 9.28 (Plastic Bag Ban). No retail establishment, restaurant, vendor or nonprofit vendor shall provide plastic bags or compostable bags to customers. This requirement applies to plastic or compostable bags provided at the point of sale for the purpose of carrying away goods.

24. No restaurant, food packager, retail food vendor, vendor or nonprofit food provider shall provide prepared food to its customers in any food packaging that utilizes expanded polystyrene. "Expanded polystyrene" means and includes blown polystyrene and expanded and extruded foams (sometimes incorrectly called Styrofoam, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Expanded polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons.

25. The property owner / tenant shall comply with the requirements set forth in MMC Chapter 9.24 (Ban on Plastic Food Packaging and Other Plasticware). No retail establishment, restaurant, vendor or nonprofit vendor shall provide plastic beverage straws, plastic stirrers, or plastic cutlery to customers.

26. Staff shall inspect the property as needed after approval of the CUP to verify compliance with the conditions of approval.

27. The Planning Division shall conduct a review of restaurant operations and compliance with conditions of approval. The report shall be presented to the Planning Commission five years after CUP approval.

28. All noise shall be subject to the MMC Section 8.24 Noise Ordinance. Violation of the Noise Ordinance shall be cause for revocation of the permit. If any agent of the City requests that the noise level be reduced, applicant shall ensure immediate compliance.

29. 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

Lighting

30. Exterior lighting must comply with Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low-intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes is prohibited.

31. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

32. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. Lighting of the shore or the beach in excess of one foot-candle is prohibited.

33. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

34. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

35. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Sheriff Department

36. The tenant must adhere to all laws related to the sale of alcohol. Violations of such laws may be cause for modification or revocation of this CUP pursuant to MMC Section 17.66.100(C).

37. "No alcohol past this point" or similar signage placed on the patio entrance/ exit to prevent alcohol consumption in public/ parking lot.

Environmental Health

38. Enrollment into the City of Malibu Operating Permit Program is required prior to permit issuance of the Type 41 and 58 Alcohol Licenses.

Fixed Conditions

39. The conditions under which this CUP was approved may be modified by the City without the consent of the property owner, tenant or operator if the Planning Commission finds that the use is creating a nuisance.

40. A CUP that is valid and in effect, and was granted pursuant to the provisions of the MMC, shall run with the land and continue to be valid upon change of ownership of the land or lawfully existing structure.

41. Violation of any of the conditions of approval shall be cause for revocation of the CUP and termination of all rights contained therein.

42. This CUP shall become subject to revocation should the use for which the CUP was granted cease for six successive calendar months after the start of operations, except in the case of natural disaster.

43. If it has cause to believe that grounds for modification or revocation may exist, the Planning Commission shall hold a public hearing upon the question of modification or revocation of this CUP pursuant to MMC Section 17.66.100(C). The CUP may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The conditional use permit was obtained in a fraudulent manner.
    b. The use for which the conditional use permit was granted has ceased or was suspended for at least six successive calendar months.
    c. One or more of the conditions found within this resolution have not been substantially met.

SECTION 6. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 1st day of June 2026.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at www.malibucity.org, in person at City Hall or by calling (310) 456-2489, extension 246.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-22 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 1st day of June 2026 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

22935 PACIFIC COAST HIGHWAY
MALIBU, CA 90265

Received
April 15, 2026
Planning Division



PROJECT DESC: ADD BEER/WINE TO AN (E) RSTNT
PROJECT NAME: PITA BU RESTAURANT
JOB ADDRESS: 22935 PACIFIC COAST HWY
MALIBU, CA 90265
LESSEE: PITA BU LLC, C/0 RONNIE BENARIE
DBA PITA BU RSTNT
22935 PACIFIC COAST HWY
MALIBU, CA 90265
424-235-2477
AGENT: NIEVES AND ASSOCIATES C/O WIL NIEVES
21250 HAWTHORNE BLVD., #500
TORRANCE, CA 90503
310-634-4553
WILNIEVES1@GMAIL.COM
PROPERTY OWNER: CHABAD OF MALIBU, INC
22943 PACIFIC COAST HWY
MALIBU, CA 90265
310-456-6588
ZONING: (CC) COMMUNITY COMMERCIAL
CALCULATIONS: LOT SIZE: 8,422 SF (0.193 AC)
BUILDING AREA: 2 STY 2,398 SF
BUILT: 1963
LOT COVERAGE: 14.2%
SUBJECT RSTNT: 557 SF/360 SF PATIO
LANDSCAPING: 0 SF
PARKING: REQUIRED: 5 SPACES
PROVIDED: 5 SPACES
LEGAL DESC: SEE GRANT DEED
APN: 4452-019-010

SHEET INDEX:

A0 - COVER SHEET
A1 - EXISTING SITE PLAN
A2 - EXISTING FLOOR PLAN

VICINITY MAP:



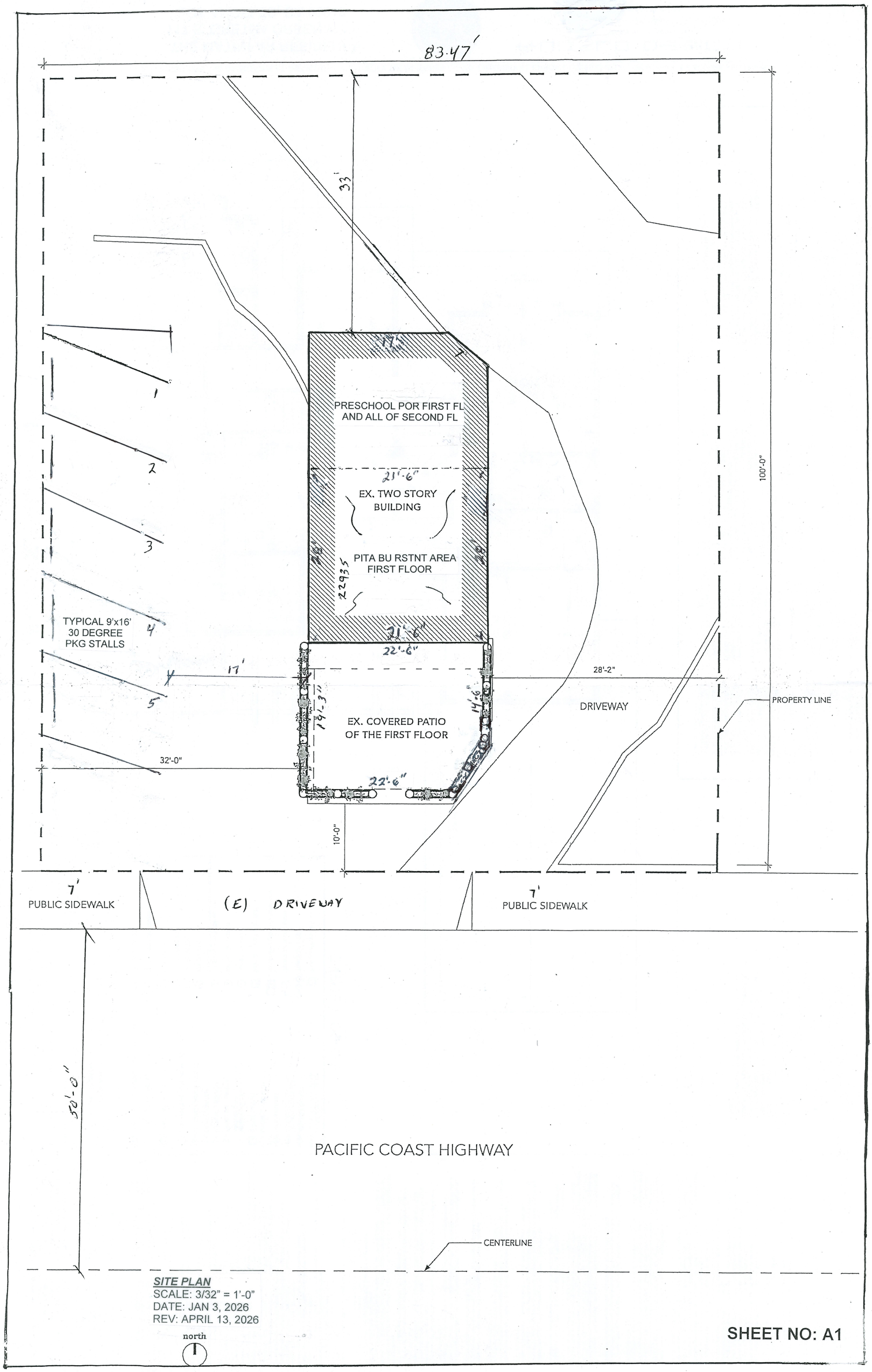
DATE	REMARKS	

DRAWING TITLE
COVER SHEET
DATE: JAN 3, 2026
REV: APRIL 13, 2026

PROJECT
22935 PACIFIC COAST HWY. MALIBU, CA

SHEET NO: A0

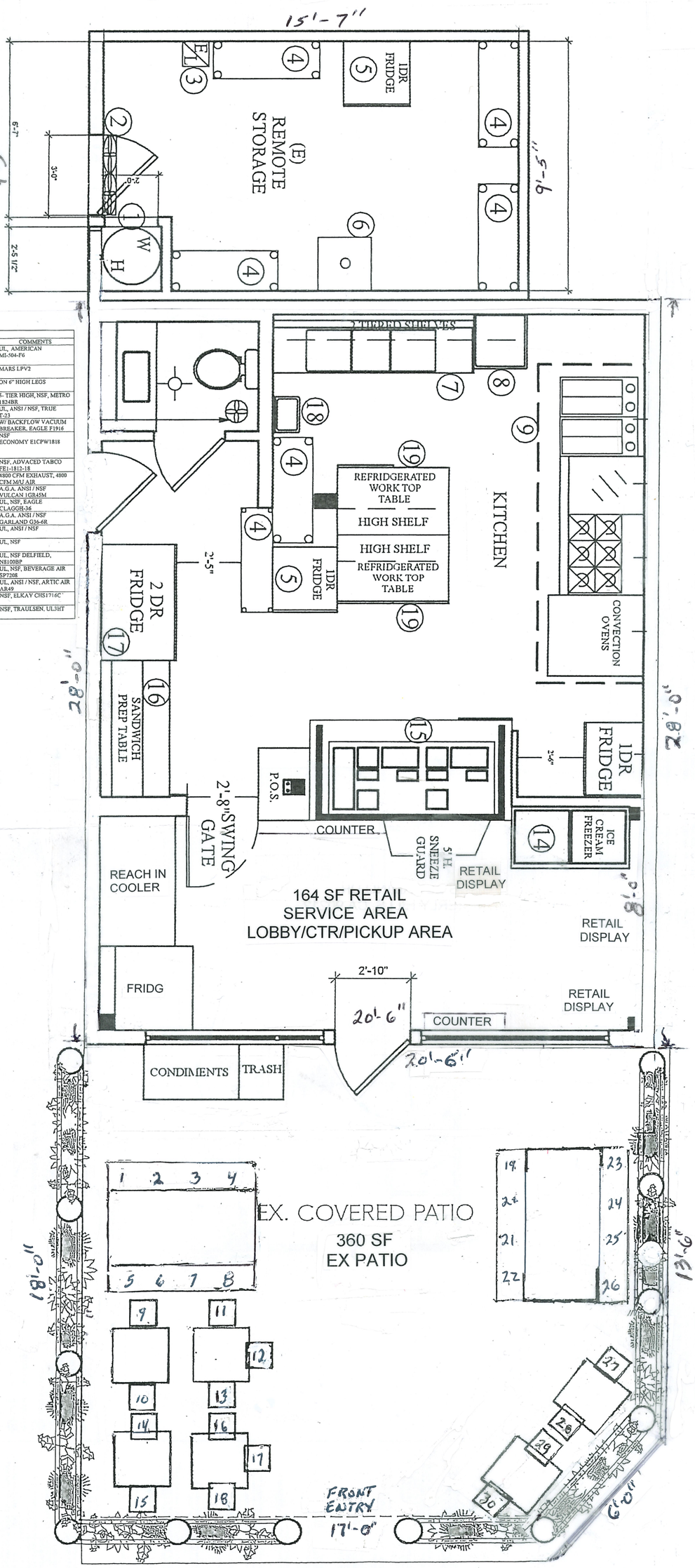
ATTACHMENT 2



SITE PLAN
SCALE: 3/32" = 1'-0"
DATE: JAN 3, 2026
REV: APRIL 13, 2026

north

SHEET NO: A1



EQUIPMENT SCHEDULE								
NO.	DESCRIPTION	VOLTS	AMPS	PHSE	COLD W.	HOT W.	PLUMBING / DRAIN	COMMENTS
1	(E) 40 GALLON ELECTRIC WATER HEATER	4500 WATTS			1"			UL, AMERICAN MI-504-F6
2	(E) 3' MARS AIR CURTAIN	110	7					MARS LPV2
3	(E) EMPLOYEE LOCKERS							ON 6" HIGH LEGS
4	(E) ASST. METRO STORAGE SHELVES							5- TIER HIGH, NSF, METRO 1824BR
5	(E) 1-DR FRIDGE	110	12				SELF- CONTAINED	UL, ANSI / NSF, TRUE T-23
6	(N) MOP SINK				½ "	½"	DIRECT TO WASTE	W/ BACKFLOW VACUUM BREAKER, EAGLE F1916
7	(E) 3-COMP UTENSIL SINK W/ DUAL INTEGRAL DRAINBOARDS				½""	½"	1 ½" DIRECT TO WASTE	NSF ECONOMY E1CPW1818
8	(E) FOOD PREP SINK				½"	½"	1 ½" IN-DIRECT TO FLOOR SINK	NSF, ADVACED TABCO FE1-1812-18
9	(E) 4' X 12' TYPE I S / S HOOD SYSTEM	110	20					4800 CFM EXHAUST, 4800 CFM MAU AIR
10	(E) 45LB. DEEP FRYER						½" GAS @ 90,000 BTU'S	A.G.A. ANSI / NSF VULCAN 1GR45M
11	(E) 3' GRIDDLE ON STAND						½" GAS @ 93,750 BTU'S	UL, NSF, EAGLE CLAGGH-36
12	(E) 6-BURNER RANGE						½" GAS @ 180,000 BTU'S	A.G.A. ANSI / NSF GARLAND G36-6R
13	(E) CONVECTION OVENS	115	4.1				SELF- CONTAINED	UL, ANSI / NSF
14	(E) ICE CREAM FREEZER	115					SELF- CONTAINED	UL, NSF
15	(E) COLD HOLDING CABINET							UL, NSF DELFIELD, N8108BP
16	(E) SANDWICH PREP TABLE	110	16				SELF- CONTAINED	UL, NSF, BEVERAGE AIR SP720S
17	(E) 2-DR FRIDGE	110	12				SELF- CONTAINED	UL, ANSI / NSF, ARTIC AIR AR49
18	(E) HAND SINK				½"	½"	1 ½" DIRECT TO WASTE	NSF, ELKAY CHS1716C
19	(E) REFRIDGERATED WORK TABLE						SELF- CONTAINED	NSF, TRAULSEN, UL3HT

FLOOR PLAN
SCALE:1/4" = 1'-0"
DATE: JAN 3, 2026
REV: APRIL 13, 2026

SHEET NO: A2

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 website: www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Staff

FROM: City of Malibu Planning Staff DATE: 04/06/2026

PROJECT NUMBER: CUP 26-001

JOB ADDRESS: 22935 PACIFIC COAST HWY

APPLICANT / CONTACT: Wil Nieves, Nieves and Associates

APPLICANT EMAIL: wilnieves1@gmail.com

PROJECT DESCRIPTION: CUP application for type B Alcohol License

---

TO: Malibu Planning Department and/or Applicant

FROM: Malibu Environmental Health Staff

✓ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

Building Plan Check (BPC) Required ☐ Yes ☐ No BPC Fees Req'd $_____

_____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☑ **NOT REQUIRED**

☐ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Fleming 4/15/2026

Signature **Date**

The applicant must submit to City of Malibu Environmental Health Staff to determine whether or not an onsite wastewater treatment system (OWTS) Plot Plan approval is required.

Public Counter hours for Environmental Health staff are Tuesdays and Thursdays, 8:00 AM – 12:00 PM.

This Environmental Health review is for a CUP application for type B Alcohol License only for an existing restaurant.

No additional drainage fixture units or restaurant seats allowed as part of this project.

Enrollment into the City of Malibu Operating Permit Program is required prior to permit issuance of the type B Alcohol License.

Rev 141008

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department DATE: 03/23/2026

PROJECT NUMBER:	CUP 26-001
JOB ADDRESS:	22935 PACIFIC COAST HWY
APPLICANT / CONTACT:	Wil Nieves, Nieves and Associates
APPLICANT EMAIL:	wilnieves1@gmail.com
PROJECT DESCRIPTION:	CUP application for type B Alcohol License

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TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

_____ **The following items described on the attached memorandum shall be addressed and resubmitted.**

X **The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.**

Building Plan Check (BPC) Required ☐Yes ☒No BPC Fees Req'd $_____

SIGNATURE DATE

No conditions necessary. Public Works does not need to review in Building Plan Check. If scope of work changes, Public Works review may be required.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650
www.malibucity.org

CONDITIONAL USE PERMIT
REFERRAL SHEET

TO: Los Angeles County Sheriff - Malibu Lost Hills Station

FROM: City of Malibu Planning Department **DATE:** 03/23/2026

PROJECT NUMBER:	CUP 26-001
JOB ADDRESS:	22935 PACIFIC COAST HWY
APPLICANT / CONTACT:	Wil Nieves, Nieves and Associates
APPLICANT ADDRESS:	21250 Hawthorne Blvd., #500 Torrance, CA 90503
APPLICANT PHONE #:	(310) 634-4553
APPLICANT FAX #:	
PROJECT DESCRIPTION:	CUP application for type B Alcohol License

This Approval Form (including detailed project description and plans) will be forwarded to:

Sergeant Chris Soderlund
27050 Agoura Road, Calabasas, CA 91302
(323) 365-2293 Fax (818) 880-5209
Hours: Monday – Thursday 9:00 a.m. – 5:00 p.m.

Planning Staff to send review packet to casoderl@lasd.org.

Separate applications and fees may be required by the Sheriff's Department. A CUP will not be issued until this form, signed by an authorized member of this agency, has been returned to the City of Malibu. Any conditions imposed by this agency will be included in the CUP.

☒ Approved ☐ Denied (reasons below) Conditions imposed: ☐ No ☒ Yes (see below)

"NO ALCOHOL PAST THIS POINT" OR SIMILAR SIGNAGE PLACED ON PATIO ENTRANCE/EXIT TO PREVENT ALCOHOL CONSUMPTION IN PUBLIC / PARKING LOT.

CHRISTOPHER SODERLUND — 4/20/26
NAME — DATE

SIGNATURE — SERGEANT
SIGNATURE — TITLE

Department of Alcoholic Beverage Control — State of California

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
6150 VAN NUYS BLVD
ROOM 220
VAN NUYS, CA 91401
(818) 901-5017

File Number: **677752**
Receipt Number: **3092481**
Geographical Code: **1988**
Copies Mailed Date: **March 20, 2026**
Issued Date:

DISTRICT SERVING LOCATION: **VAN NUYS**

First Owner: **PITABU LLC**

Name of Business: **PITA BU**

Location of Business: **22935 PACIFIC COAST HWY**
MALIBU, CA 90265

County: **LOS ANGELES**

Is Premises inside city limits: **Yes** Census Tract: **8005.02**

Mailing Address: (If different from premises address)

Type of license(s): **41, 58** Dropping Partner: Yes___ No X

Transferor's license/name:

License Type	Transaction Type	Master	Secondary LT And Count
41 - On-Sale Beer And Wine - Eating	ORI	Y	58[1]
58 - Caterer Permit	ORI	N	

License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	03/20/26	$1,135.00
Application Fee	FEDERAL FINGERPRINTS	NA	3	03/20/26	$72.00
Application Fee	STATE FINGERPRINTS	NA	3	03/20/26	$117.00
58 - Caterer Permit	ANNUAL FEE	NA	1	03/20/26	$290.00
41 - On-Sale Beer And Wine - Ea	ANNUAL FEE	NA	0	03/20/26	$565.00
				Total	$2,179.00

Have you ever been convicted of a felony? **No**
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of LOS ANGELES Date: March 20, 2026

Applicant Name(s)

PITABU LLC

ATTACHMENT 4

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, June 1, 2026, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

CONDITIONAL USE PERMIT NO. 26-001 - An application to establish the use of an existing restaurant known as Pita Bu, with an attached outdoor patio with 30 seats, including a California Department of Alcoholic Beverage Control (ABC) License Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) to allow the onsite service of beer and wine at the restaurant during all business hours Sunday to Thursday from 11:00 AM to 11:00 PM and Friday from 11:00 AM to 3:00 PM

LOCATION / APN:	**22935 Pacific Coast Hwy** / 4452-019-010
ZONING:	Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER:	Nieves and Associates / Chabad of Malibu, Inc.
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15301
APPLICATION FILED:	March 23, 2026
CASE PLANNER:	Michelle Santiago, Assistant Planner, msantiago@malibucity.org / (310) 456-2489, ext. 382

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

LOCAL APPEAL – A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action (15 days for tentative maps) for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

YOLANDA BUNDY, Community Development Director Date: May 7, 2026

ATTACHMENT 5