Commission Agenda Report

Planning Commission Meeting
09-08-26
Item 5.A.

To: Chair Peak and Members of the Planning Commission

Prepared by: Tyler Eaton, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: August 27, 2026 Meeting date: September 8, 2026

Subject: Extension of Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Negative Declaration No. 20-001, Variance Nos. 13-042, 13-043, 15-035 and 15-036, Minor Modification No. 13-011, Demolition Permit No. 20-011 and Coastal Development Permit Amendment No. 20-017 – An application to extend the Planning Commission's approval for replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank, generator, landscape, hardscape, gates and fencing and associated development

Location: 5723 Busch Drive
APN: 4469-028-006
Owner: Serra Canyon Company, LTD

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-41 (Attachment 1) granting a seventeen-month extension of Coastal Development Permit No. 13-040 and Coastal Development Permit Amendment No. 20-017 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, landscape, hardscape, gates and fencing, Conditional Use Permit No. 13-015 for a water tank on a Rural Residential parcel, Variance No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, Variance No. 13-043 for non-view permeable, eight feet in height fencing within the front yard setback, Variance No. 15-035 for the installation of a 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, Variance No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, Minor Modification No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet and Demolition Permit No. 20-011 for the full demolition of the existing water tank and other associated development located in the

Rural Residential, Two-Acre zoning district at 5723 Busch Drive (Serra Canyon Co, LTD); or 2) direct staff to return with a resolution consistent with the Planning Commission's decision.

DISCUSSION: On July 20, 2020, the Planning Commission adopted Resolution No. 20-23, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 7 in Planning Commission Resolution No. 20-23 states that the coastal development permit and associated requests shall expire if the project has not commenced within three years after final City action. Extension of the permit may be granted by the approving authority for due cause. The item before the Commission is a seventeen-month extension request by the applicant. A complete chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 26-41.

Per LCP Policy No. 5 (Coastal Development Permit Extensions), the aggregate life of a CDP shall not exceed five years absent extraordinary circumstances. On July 17, 2023 the Planning Commission adopted Resolution No. 23-26, granting a one-year time extension. The subject coastal development permit was set to expire on July 20, 2024. On October 16, 2023, the Planning Commission adopted Resolution No. 23-42, approving Coastal Development Permit Amendment No. 20-017 for landscaping to address neighborhood concerns regarding visual impacts. On October 21, 2024, the Planning Commission adopted Resolution No. 24-69 granting a two-year time extension, which set the current project expiration date at July 20, 2026.

On July 17, 2026, the applicant, Los Angeles County Waterworks District No. 29 (WD29), submitted a third extension request for a seventeen-month time extension to ensure a valid CDP permit remains in place while the project is under construction. The extension request exceeds the five-year aggregate life identified in LCP Policy No. 5 (Attachment 3). The Commission has the authority to grant a time extension in excess of five years if a review of the applicant's basis for due cause (Attachment 2) demonstrates extraordinary circumstances beyond the applicant's control and that the applicant has exercised due diligence to pursue and complete the plan check process.

The applicant states the project serves an essential need, the funding and contractor selection process for WD29 projects is lengthy and rebuild efforts impacted daily operations. WD29 has now executed a construction contract for the project and the contractor has initiated building plan check with construction expected to be completed by the end of 2027 or sooner. The current tank is structurally deficient, and the replacement tank is critical in providing additional water to the surrounding community for domestic use and fire protection. Staff confirmed the contractor has met with Building Safety staff to prepare to submit for Building Plan Check should the time extension be granted. Staff anticipate an additional seventeen-month time extension would provide adequate time to pull permits and substantially commence construction.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution Nos. 20-23 and 23-42 shall remain valid for an additional seventeen-month term. The expiration date of this approval would then be December 20, 2027. All conditions of approval in Planning Commission Resolution Nos. 20-23 and 23-42 will remain in effect. Should the Planning Commission determine the applicant has not provided evidence of extraordinary circumstances and due diligence, they may direct staff to return with a resolution consistent with the Commission's direction.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-41
2. Time Extension Request
3. LCP Policy No. 5 (CDP Extensions)
4. Public Hearing Notice

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/onbase.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A SEVENTEEN-MONTH EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 13-040 AND COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 20-017 FOR THE REPLACEMENT OF AN EXISTING 300,000-GALLON WATER TANK WITH A NEW 385,000-GALLON WATER TANK TO MEET CURRENT DOMESTIC AND FIRE PROTECTION STANDARDS, GENERATOR, LANDSCAPE, HARDSCAPE, GATES AND FENCING, CONDITIONAL USE PERMIT NO. 13-015 FOR A WATER TANK ON A RURAL RESIDENTIAL PARCEL, VARIANCE NO. 13-042 FOR THE HEIGHT OF THE WATER TANK TO EXCEED THE MAXIMUM HEIGHT UP TO 26 FEET, VARIANCE NO. 13-043 FOR NON-VIEW PERMEABLE, EIGHT FEET IN HEIGHT FENCING WITHIN THE REQUIRED FRONT YARD SETBACK, VARIANCE NO. 15-035 FOR THE INSTALLATION OF A 7-FOOT, 8-INCH IN HEIGHT BACK-UP GENERATOR WITHIN THE REQUIRED REAR YARD SETBACK FROM THE REQUIRED 15 FEET TO THE PROPOSED 5 FEET, 3 INCHES, VARIANCE NO. 15-036 FOR IMPERMEABLE COVERAGE TO EXCEED THE MAXIMUM PERMITTED FOR UP TO 9,219 SQUARE FEET, MINOR MODIFICATION NO. 13-011 FOR THE WATER TANK TO PROVIDE A 50 PERCENT REDUCTION OF THE REQUIRED FRONT YARD SETBACK FROM THE REQUIRED 20 FEET TO THE PROPOSED 10 FEET AND DEMOLITION PERMIT NO. 20-011 FOR THE FULL DEMOLITION OF THE EXISTING WATER TANK AND OTHER ASSOCIATED DEVELOPMENT LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 5723 BUSCH DRIVE (SERRA CANYON CO, LTD).

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

SECTION 1. Recitals.

A. On July 20, 2020, the Planning Commission adopted Planning Commission Resolution No. 20-23, approving Coastal Development Permit (CDP) No. 13-040, Conditional Use Permit (CUP) No. 13-015, Variance (VAR) Nos. 13-042, 13-043, 15-035, and 15-036, Minor Modification (MM) No. 13-011 and Demolition Permit (DP) No. 20-011, an application for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing including a conditional use permit for a water tank on a rural residential parcel, variances for the height of the water tank to exceed the maximum height up to 26 feet, for a non-permeable eight feet in height fencing within the front yard setback, for the installation of a 7-foot, 8-inch height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, and for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, a minor modification for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet, and a demolition permit for the full demolition of the existing water tank, onsite wastewater treatment system and other associated development.

B. On July 17, 2023, the Planning Commission adopted Resolution No. 23-36 granting a one-year time extension.

C. On October 16, 2023, the Planning Commission adopted Resolution No. 23-42 approving Coastal Development Permit Amendment No. 20-017 for the addition of landscaping to address neighborhood concerns regarding visual impacts.

D. On October 21, 2024, the Planning Commission adopted Resolution No. 24-69 granting a two-year time extension, which extended the project expiration date to July 20, 2026.

E. On July 17, 2026, the applicant Los Angeles County Waterworks District No. 29 (WD29), submitted a third time extension request. WD29 has executed a construction contract and submitted for building plan check. The agency anticipates construction will be complete by the end of 2027. A seventeen-month extension to December 20, 2026 has been requested. The current tank is deficient and the replacement tank is critical in providing additional water to the surrounding community for domestic use and fire protection.

F. On August 13, 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.

G. On September 8, 2026, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, 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 previously analyzed the proposal as described above. Negative Declaration No. 20-001 was previously prepared and adopted for CDP No. 13-040, pursuant to CEQA Guidelines Section 15070, and adopted with the approval of the project.

SECTION 3. Findings of Fact.

Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, the Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby finds that the applicant has demonstrated due cause for the necessity of a time extension of the approval of the coastal development permit and associated requests.

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution Nos. 20-23 and 23-42 are hereby extended for an additional seventeen-month term. The approval is now set to expire on December 20, 2027.

B. No other changes to the conditions contained in Planning Commission Resolution Nos. 20-23 and 23-42 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution Nos. 20-23 and 23-42 shall remain in full force and effect.

SECTION 5. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 8th day of September, 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 and fee schedule 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. 26-41 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 8th day of September 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

CITY OF MALIBU
RECEIVED
JUL 17 2026
PLANNING DIVISION

TIME EXTENSION REQUEST

The City of Malibu will not accept incomplete applications.

Staff use only

Extension No. 26-007

To submit a time extension request:

This time extension request must be timely received by the Planning Department either in person or by mail addressed to City of Malibu, Attn: Planning Department, 23825 Stuart Ranch Road, Malibu, CA 90265.

The request letter must be received **PRIOR** to the expiration date listed in the Notice of Decision or Planning Commission Resolution.

Project No.: 13-040

Site Address: 5723 Busch Drive, Malibu, CA 90265

ALL of the following must be timely filed to perfect a time extension request.

1. **Time Extension Checklist** ✓

   This form with property owner's signature

2. **Time Extension Request Letter** ✓

   A letter setting forth due cause for the Planning Director / Commission to grant the time extension.

3. **Time Extension Fee ($596)** ✓

4. **Property Owner's /Occupant's Information** ✓

   Has the property owner or commercial occupant changed since the Planning Commission/ Planning Director granted the time extension? ☐ YES ☑ NO

   If **YES**, Change of Property Owner/Occupant Fee applicable.

   Property Owner's mailing Address: _____

   _____

   Property Owner's telephone: _____

   Property Owner's email address: _____

ATTACHMENT 2

Occupant's mailing Address: _____

_____

Occupant's telephone: _____

Occupant's email address: _____

5. **Applicant's Information** ✓

Has the application representing the owner changed since the Planning Commission's/ Planning Director's approval or since the issuance of the last extension? ☐ YES ☑ NO

If **YES**, complete the Authorization to Submit Project on page 3. If **NO,** complete pages 1-2 only.

Applicant's mailing address: _____

_____

Applicant's telephone: _____

Applicant's email address: _____

6. **Certified Public Notice Property Owner & Occupant Mailing Address and Radius Map** X

Not required for Administrative Plan Review approvals in which a discretionary request (e.g. site plan review) was not included.

- The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
- An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
- Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
- The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.
**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.

Indemnification Clause

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.

PROPERTY/EASEMENT OWNER SIGNATURE ON BEHALF OF LA COUNTY WATERWORKS DISTRICT 29	Eduardo Maguino PROPERTY EASEMENT OWNER NAME (PRINT)	7-15-2026 DATE

AUTHORIZATION TO SUBMIT A PROJECT

_____(print name) is authorized by me/us as the owner(s) of the property located at _____, to submit an application to and obtain permits from the City of Malibu Planning Department and to act on my/our behalf of the process that applicant. This authorization will be valid until revoked by me/us in writing.

This form must be notarized if not witnessed by City of Malibu staff.

Witnessed by:

Dated: _____

_____
Witness Signature (Staff)

_____
Print Name

I hereby certify that the time extension request submittal contains all of the above items. I understand that if any of the items are missing or subsequently deficient, the time extension shall be deemed to have been withdrawn and the project approval will expire. I acknowledge that the City strongly encourages me to immediately calendar the expiration date of this permit, that it is my responsibility to monitor its status and that the City has no ability to provide relief when a permit has expired.

_____
Property Easement Owner's Signature On Behalf
Of LA County Waterworks District 29

Eduardo Maguino

Print Property Easement Owner's Name

7-15-2026

Date

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

MARK PESTRELLA, Director

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: WW-3

July 15, 2026

Ms. Yolanda Bundy, Community Development Director
City of Malibu
Community Development Department
23825 Stuart Ranch Road
Malibu, CA 90265
Dear Ms. Bundy:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU
LOWER BUSCH TANK IMPROVEMENT PROJECT
REQUEST FOR COASTAL DEVELOPMENT PERMIT TIME EXTENSION

The Los Angeles County Waterworks District No. 29, Malibu (District) hereby requests the City of Malibu Planning Department (City) to grant a Coastal Development Permit (CDP) time extension for the Lower Busch Tank Improvement Project (project).

The purpose of this project is to replace a structurally deficient tank located at 5723 Busch Dr, Malibu, CA 90265. In October 2024, the City approved the CDP extension for the project (CDP 13-040). The District executed a construction contract for the project and the contractor has initiated the plan check review with the City's Building Safety Division. The project construction is expected to be completed by the end of 2027 or sooner.

Currently, CDP 13-040 is set to expire in July 2026. Please approve the enclosed Time Extension Request, which is necessary to complete this critical infrastructure project. There have been no notable changes to the scope of the project, site conditions, or properties involved since the time of the approved CDP 13-040.

If you have any questions, please contact Mr. Jack Husted at jhusted@pw.lacounty.gov or (626) 300-4774.

Very truly yours,

MARK PESTRELLA, PE
Director of Public Works

CAROLINA T HERNANDEZ, PE
Assistant Deputy Director
Waterworks Division

RG:jc
P:\WWPUB\ADMIN\LETTERS\2026\LOWER BUSCH TANK CDP TIME EXTENSION REQUEST LETTER 2026.DOCX

Enc.

City of Malibu

Planning Department

LCP Policy 5: Coastal Development Permit Extensions

LIP Section 13.21 provides:

> Unless the permit states otherwise, a coastal development permit shall expire two years from its date of approval if the development has not commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the two-year period.

Due cause shall generally not exist unless the applicant has demonstrated the following:

- There are extraordinary circumstances beyond the applicant's control that have prevented the applicant from commencing the development, such as financial hardship due to extreme economic conditions or job loss, inability to obtain a construction loan, personal reason, such as illness, divorce or death, restricted access to the property because of an existing lease or a necessary agency approval has not been obtained despite diligent efforts. Change of project ownership or architect and elective project redesigns do not by themselves constitute due cause; and
- The applicant has exercised due diligence in its efforts to commence the project, such as contracting for and completing necessary studies, reports, drawings and plans to pursue and complete the plan check process.

Absent extraordinary circumstances, the aggregate life of the permit shall not exceed five years.

ATTACHMENT 3

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 **Tuesday, September 8, 2026, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference, for the project identified below. In the event of construction delays, the meeting will be held in the Multi-Purpose Room. 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.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 13-040, CONDITIONAL USE PERMIT NO. 13-015, NEGATIVE DECLARATION NO. 20-001, VARIANCE NOS. 13-042, 13-043, 15-035 AND 15-036, MINOR MODIFICATION NO. 13-011, AND DEMOLITION PERMIT NO. 20-011 - A request to extend the Planning Commission's approval of an application for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, associated development and screening landscaping; including a conditional use permit for a water tank on a rural residential parcel; variances for height to exceed the maximum height up to 26 feet, for non-view permeable, eight feet in height fencing within the front yard setback, for the installation of a 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, and for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet; a minor modification for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet; and a demolition permit for the full demolition of the existing water tank and other associated development

LOCATION / APN / ZONING:	**5723 Busch Dr** / 4469-028-006 / Rural Residential, Two-Acre (RR-2)
APPLICANT / OWNER:	Los Angeles County Waterworks District No. 29 / Serra Canyon Company, LTD
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Initial Study & Negative Declaration No. 20-011 (State Clearinghouse No. 2003081124) CEQA Guidelines Section 15071
EXTENSION FILED:	July 17, 2026
CASE PLANNER:	Tyler Eaton, Assistant Community Development Director, teaton@malibucity.org / (310) 456-2489, ext. 273

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.

Extension requests will be presented on consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar.

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 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: August 13, 2026

ATTACHMENT 4