Commission Agenda Report

Planning Commission Meeting
09-22-26
Item 3.A.1.

To: Chair Peak and Members of the Planning Commission

Prepared by: Samantha Elias, Associate Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

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

Date prepared: September 10, 2026 Meeting date: September 22, 2026

Subject: Coastal Development Permit No. 26-032, Conditional Use Permit No. 26-005 and Variance No. 26-008 – A follow-up application to Emergency Coastal Development Permit No. 25-017 for a temporary public utility laydown yard to store materials and vehicles; including a variance for development on slopes steeper than 2.5 to 1

Location: 4000 Corral Canyon Road, partially within the appealable coastal zone
APN: 4459-006-270
Owner: Los Angeles Department of Water and Power (LADWP)

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 26-23 (Attachment 1) determining that the California Environmental Quality Act (CEQA) does not apply to projects that a public agency rejects or disapproves, and denying Coastal Development Permit (CDP) No. 26-032 as follow-up to Emergency Coastal Development Permit (ECDP) No. 25-017 to construct a temporary utility laydown yard to be operated over a period of seven years, including the placement of eight storage trailers, a new access driveway, fencing, vehicle gate, dark sky compliant lighting, six portable toilets, the placement of a permeable aggregate base for the operational area, utility hook-ups, and the complete restoration and improvement of site environmental conditions to conditions existing prior to construction activities at the end of the seven year period; including Conditional Use Permit (CUP) No. 26-005 for the operation of a public utility facility comprised of a temporary utility laydown yard and Variance (VAR) No. 26-008 for development on slopes steeper than 2.5 to 1 located in the Rural Residential, 20-Acre (RR-20) zoning district at 4000 Corral Canyon Road (LADWP).

DISCUSSION: On August 3, 2026, the Planning Commission conducted a public hearing on the subject application. The staff report, supplemental report, and all attachments, including the project plans and department review sheets, are available online in the Agenda Center (https://www.malibucity.org/agendacenter). Following deliberation, the Commission directed staff to return with a resolution denying CDP No. 26-032, CUP No. 26-005, and VAR 26-008. The Commission's direction was primarily based on two grounds: 1) a laydown yard is not a permitted or conditionally permitted use in the Rural Residential (RR) zoning district under the LIP or MMC; and 2) the record contains insufficient analysis of whether the exceptions to the use of categorical exemptions set forth in CEQA Guidelines Section 15300.2(a-f) prevent the reliance on Class 3 and 4 exemptions identified in the August 3, 2026 staff report. The Commission further directed that the required site restoration be completed within two months (60 days) once the denial becomes final. The denial would become final after the close of a 10-day appeal period, or if appealed to the City Council, after the Council's decision, provided that the Council concurs with the Commission's decision.

Site Restoration

Portions of the requested scope of work were previously completed under ECDP No. 25-017. Under LIP Section 13.14, development authorized by an ECDP is temporary unless and until a follow up CDP is obtained. However, if a follow up CDP is not obtained, the development must be removed and the site restored. This is also stated as Condition Nos. 5 and 6 in ECDP No. 25-017. Accordingly, if Resolution No. 26-23 is adopted denying CDP No. 26-032, the property owner will be required to abide by the conditions of approval in the ECDP, including the requirement to fully restore the site back to its condition prior to the issuance of the ECDP. Consistent with the Commission's direction, the property owner will have 60 days to restore the site once the denial becomes final. If the site has not been restored within that time frame, the City will initiate a code enforcement case, and the property owner may be subject to enforcement actions including, without limitation, administrative citations assessed daily pursuant to MMC Section 1.10.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Commission has analyzed the proposed project and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves. No further environmental review or determination under CEQA is required, and the Planning Commission makes no determination as to whether the project would otherwise qualify for a categorical exemption or whether any exception under CEQA Guidelines Section 15300.2 would apply.

CORRESPONDENCE: After the August 3, 2026 agenda was published, 26 items of correspondence were received and provided to the Commission. As of the publication of this report, no additional written correspondence has been received by the Planning Division.

PUBLIC NOTICE: On July 9, 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 1000-foot radius of the subject property. At the August 3, 2026 Regular Planning Commission meeting, staff was directed to return with a resolution memorializing the Commission's direction as a Consent Calendar item.

SUMMARY: Staff has prepared a resolution for the Commission's consideration based on the August 3, 2026 deliberations. Staff recommends the Commission adopt Resolution No. 26-23 denying the project based on the foregoing findings and evidence contained within the record, including information set forth in the draft resolution.

ATTACHMENT:

Planning Commission Resolution No. 26-23 (Denial)

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THAT THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO PROJECTS THAT A PUBLIC AGENCY REJECTS OR DISAPPROVES, AND DENYING COASTAL DEVELOPMENT PERMIT NO. 26-032 AS FOLLOW-UP TO EMERGENCY COASTAL DEVELOPMENT PERMIT NO. 25-017 TO CONSTRUCT A TEMPORARY UTILITY LAYDOWN YARD TO BE OPERATED OVER A PERIOD OF SEVEN YEARS, INCLUDING THE PLACEMENT OF EIGHT STORAGE TRAILERS, A NEW ACCESS DRIVEWAY, FENCING, VEHICLE GATE, DARK SKY COMPLIANT LIGHTING, SIX PORTABLE TOILETS, THE PLACEMENT OF A PERMEABLE AGGREGATE BASE FOR THE OPERATIONAL AREA, UTILITY HOOK-UPS, AND THE COMPLETE RESTORATION AND IMPROVEMENT OF SITE ENVIRONMENTAL CONDITIONS THAN EXISTING CONDITIONS PRIOR TO CONSTRUCTION ACTIVITIES AT THE END OF THE SEVEN YEAR PERIOD; INCLUDING CONDITIONAL USE PERMIT NO. 26-005 FOR THE OPERATION OF A PUBLIC UTILITY FACILITY COMPRISED OF A TEMPORARY UTILITY LAYDOWN YARD AND VARIANCE NO. 26-008 FOR DEVELOPMENT ON SLOPES STEEPER THAN 2.5 TO 1 LOCATED IN THE RURAL RESIDENTIAL, 20-ACRE ZONING DISTRICT AT 4000 CORRAL CANYON ROAD (LOS ANGELES DEPARTMENT OF WATER AND POWER)

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

SECTION 1. Recitals.

A. On September 2, 2025, an application for an Emergency Coastal Development Permit (ECDP) No. 25-017 and was submitted to the Planning Division by applicant Katherine Rubin, on behalf of the Los Angeles Department of Water and Power (LADWP).

B. On March 24, 2026, the Community Development Director approved ECDP No. 25-017 to allow a temporary utility laydown yard including four storage trailers, grading a new access driveway on slopes steeper than 2.5 to 1 without need for retaining walls, fencing, and the placement of permeable aggregate base on areas planned for use.

C. On May 1, 2026 the Planning Division received an application for a follow-up Coastal Development Permit (CDP) and Conditional Use Permit (CUP) to permit the development approved under ECDP No. 25-017, expanded to include, four additional storage trailers (eight trailers total), dark sky compliant lighting, six portable toilets, and utility hook-ups.

D. On May 7, 2026, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On June 8, 2026, ECDP No. 25-017 was reported to the City Council pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.14.1(A).

F. On June 23, 2026, the subject application was deemed complete.

G. On July 9, 2026, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 1,000-foot (ft.) radius of the subject parcel.

H. On August 3, 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. At the conclusion of the public hearing, the Commission voted 3-0, Commissioner Riddick and Vice Chair Kamins absent, to direct staff to return with a resolution denying the application primarily on the grounds that the Commission found that the proposed laydown yard was not a public facility or otherwise permitted or conditionally permitted use in the Rural Residential 20-Acre (RR-20), and that the record did not contain sufficient analysis to support reliance on a categorical exemption under the California Environmental Quality Act (CEQA).

I. On September 22, 2026, Planning Commission Resolution No. 26-23 memorializing the decision made on August 3, 2026 and denying the subject application was presented to the Planning Commission for adoption.

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 and finds that, pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproved. Because this resolution denies the subject applications, no further environmental review or determination under CEQA is required, and the Planning Commission makes no determination as to whether the project would otherwise qualify for a categorical exemption or whether any exception under CEQA Guidelines Section 15300.2 would apply.

SECTION 3. Findings for Denial.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on August 3, 2026, and pursuant to LIP Sections 13.7(B) and 13.9 and MMC Section 17.66.080, the Planning Commission adopts the findings of fact and denies the following entitlement requests on a parcel located in the RR-20 zone at 4000 Corral Canyon Road (APN 4459-006-270):

a) CUP No. 26-005, for the operation of a public utility facility comprised of a temporary utility laydown yard; and

b) CDP No. 26-032, a follow-up CDP application to construct and operate a temporary utility laydown yard over a period of seven years, including the placement of eight storage trailers, a new access driveway, fencing, vehicle gate, dark sky compliant lighting, six portable toilets, the placement of a permeable aggregate base for the operational area, and utility hook-ups; and

c) Variance (VAR) No 26-008, for development on slopes steeper than 2.5.

A. Conditional Use Permit for the Operation of a Public Utility Facility Comprised of a Temporary Utility Laydown Yard in the RR-20 Zone (LIP Section 3.3(A)(2) and MMC Section 17.66.080)

The proposed use is for a laydown yard operated by LADWP for the storage of materials and vehicles in support of fire restoration activities in the Pacific Palisades. A laydown yard is not expressly listed as either a permitted or prohibited use in the LIP or MMC. Because the codes are silent as to laydown yards and the applicant is a public utility, the applicant requested that the proposed use be permitted as a form of public utility facility. A public utility facility is a conditionally permitted use within several zoning districts, including the RR-20 zoning district. The RR zoning district is intended primarily for single family residential and agricultural uses that are compatible with surrounding residences and the natural environment. Having reviewed the proposed use, the Planning Commission finds that the proposed laydown yard is not comparable to a public utility facility and is not a permitted or conditionally permitted use in the RR zoning district.

B. Coastal Development Permit for the Development and Operation of a Public Utility Facility

LIP Section 13.9 requires that a CDP be approved only upon a finding that the proposed development conforms to the LCP. Pursuant to LIP Chapter 2.1, development includes an intensification in the use of land. The subject parcel is currently vacant and the proposed intensification of the parcel's use as a lay down yard and related grading was deemed by the Planning Commission to be inconsistent with the policies of the LCP because it is not compatible with residential uses allowed in the underlying zoning district. Additionally, the proposed laydown yard is not expressly a permitted or conditionally permitted use in the RR-20 zoning district under LIP Section 3.3, and as such the proposed development does not conform to the LCP. Therefore, the Planning Commission is unable to make the findings required by LIP Section 13.9.

C. Variance from LIP Section 3.6(J) for Development on slopes steeper than 2.5 to 1 (LIP Section 13.26)

VAR No. 26-008 is requested solely to permit development on slopes steeper than 2.5 to 1 in connection with the proposed laydown yard. Because the proposed laydown yard is not a permitted or conditionally permitted use in the RR-20 zoning district, no VAR is necessary. In addition, the Planning Commission finds that it cannot make the findings required for approval of a VAR, in that there are no special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that deprive it of privileges enjoyed by other property in the vicinity and under the identical zoning classification, and the granting of the variance would constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

SECTION 4. Insufficient Environmental Analysis.

Pursuant to the authority and criteria contained in CEQA, an environmental review is required for all CDPs processed within the City unless a proposed project is found to be categorically exempt from the provisions of CEQA. Pursuant to CEQA Guidelines Section 15300.2 the six exceptions to the categorical exemptions are as follows:

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The application does not propose a project that would damage a scenic resource (subsection d), the subject parcel is not a hazardous waste site as confirmed by the Department of Toxic Substances Control (subsection e), and an initial archaeological evaluation conducted by Aspen Environmental Group concluded that there was no indication of prehistoric or historic archaeological resources discovered in the project area (subsection f).

However, the record contains insufficient analysis for the exceptions listed in CEQA Guidelines Section 115300.2(a), (b), and (c) due to the project site's location and potential cumulative traffic impacts in the fire affected areas specifically related to the amount of truck trips that would be generated from the ongoing construction vehicles leaving and coming into the site and along Pacific Coast Highway on a daily basis over the next seven years. For these reasons, the Planning Commission

is unable to find that the project is categorically exempt from CEQA, and further environmental review would be required before the Commission could consider approving the project.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby denies CDP No. 26-032, CUP No. 26-005 and VAR No. 26-008.

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

PASSED, DENIED AND ADOPTED this 22nd day of September 2026.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by 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 filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 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. 26-23 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 22nd day of September 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary