Supplemental Commission Agenda Report

Planning Commission Meeting
09-22-26
Item 5.B.

To: Chair Peak and Members of the Planning Commission

Prepared by: Tonya Ward, AICP, Contract Planner

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

Date prepared: September 18, 2026 Meeting date: September 22, 2026

Subject: Administrative Plan Review No. 26-014, Conditional Use Permit No. 24-010, Variance Nos. 24-020, 24-021, 24-024, and 25-001, Site Plan Review Nos. 24-023 and 26-020 – An application to install a new water tank and associated water system improvements

Location: 20699 Las Flores Mesa Drive
APN: 4450-030-902
Owner: Los Angeles County Waterworks District No. 29

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-42 (Attachment 1) determining the project is suspended from the California Coastal Act (Coastal Act) and the California Environmental Quality Act (CEQA) pursuant to Governor Executive Order (EO) N-20-25, and approving Administrative Plan Review (APR) No. 26-014 to install a new 25 foot (ft.), 5 inch (in.) tall, above-ground new 100,000 gallon (gal.) water tank and associated foundation to accompany an existing 100,000 gal. water tank, an 18 ft., 10 in. tall retaining wall, and grading on an existing public utility parcel; including Conditional Use Permit (CUP) No. 24-010 for a utility facility use in the Rural Residential zoning district, Variance (VAR) No. 24-020 for a 59 percent reduction in the required rear yard setback from 24 feet, 7 inches to 10 feet, VAR No. 24-021 for structures on slopes steeper than 2.5 to 1, VAR No. 24-024 for an increase in the maximum impermeable coverage from 5,830 square feet to 6,337 square feet, and VAR No. 25-001 for retaining wall height above 18 feet, up to 18 feet, 10 inches, Site Plan Review (SPR) No. 24-023 for structure height above 18 feet, up to 25 feet, 5 inches and SPR No. 26-020 for a 12 percent reduction in the required side yard setback from 11 foot, 4 inches to 10 feet located in the Rural Residential, Twenty-Acre (RR-20) zoning district at 20699 Las Flores Mesa Drive (Los Angeles County Waterworks District No. 29); or 2) deny the project as proposed and direct staff to return with a resolution of denial. The applicant for the project is a private entity (LFMAC, LLC).

DISCUSSION: Subsequent to publication of the agenda report on September 11, 2026, staff conducted additional coordination with Los Angeles County Waterworks District No. 29 regarding the project and the information presented in the agenda report. As a result of that coordination, staff has made final clarifications to the Background and Project Review sections in the agenda report (Exhibit A) and associated Finding No. A.2. and modified Condition No. 49 regarding landscaping in Planning Commission Resolution No. 26-42 (Exhibit B). The revised agenda report, findings, and conditions of approval are attached to this supplemental report and reflect these changes.

The clarifications are not substantive in nature and do not change the recommended action or remaining analysis contained in the original agenda report.

EXHIBITS:

A. Revised Agenda Report
B. Planning Commission Resolution No. 26-42 in Strikethrough Format

Commission Agenda Report

Planning Commission Meeting
09-22-26
Item 5.B.

To: Chair Peak and Members of the Planning Commission

Prepared by: Tonya Ward, AICP, Contract 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: Administrative Plan Review No. 26-014, Conditional Use Permit No. 24-010, Variance Nos. 24-020, 24-021, 24-024, and 25-001, Site Plan Review Nos. 24-023 and 26-020 – An application to install a new water tank and associated water system improvements

Location: 20699 Las Flores Mesa Drive
APN: 4450-030-902
Owner: Los Angeles County Waterworks District No. 29

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-42 (Exhibit B) determining the project is suspended from the California Coastal Act (Coastal Act) and the California Environmental Quality Act (CEQA) pursuant to Governor Executive Order (EO) N-20-25, and approving Administrative Plan Review (APR) No. 26-014 to install a new 25 foot (ft.), 5 inch (in.) tall, above-ground new 100,000 gallon (gal.) water tank and associated foundation to accompany an existing 100,000 gal. water tank, an 18 ft., 10 in. tall retaining wall, and grading on an existing public utility parcel; including Conditional Use Permit (CUP) No. 24-010 for a utility facility use in the Rural Residential zoning district, Variance (VAR) No. 24-020 for a 59 percent reduction in the required rear yard setback from 24 feet, 7 inches to 10 feet, VAR No. 24-021 for structures on slopes steeper than 2.5 to 1, VAR No. 24-024 for an increase in the maximum impermeable coverage from 5,830 square feet to 6,337 square feet, and VAR No. 25-001 for retaining wall height above 18 feet, up to 18 feet, 10 inches, Site Plan Review (SPR) No. 24-023 for structure height above 18 feet, up to 25 feet, 5 inches and SPR No. 26-020 for a 12 percent reduction in the required side yard setback from 11 foot, 4 inches to 10 feet located in the Rural Residential, Twenty-Acre (RR-20) zoning district at 20699 Las Flores Mesa Drive (Los Angeles County Waterworks District No. 29); or 2) deny

EXHIBIT A

the project as proposed and direct staff to return with a resolution of denial. The applicant for the project is a private entity (LFMAC, LLC).

DISCUSSION: This agenda report provides a background and project overview, project setting and surrounding land uses, description of the proposed project, and an analysis of the project's consistency with applicable provisions of the Malibu Municipal Code (MMC) and environmental review pursuant to CEQA. The Planning Commission can consider the merits of the project presented by the applicant and staff and determine if the analysis contained herein demonstrates the project is consistent with the MMC with the inclusion of the CUP, VARs and SPRs or constitutes a denial if the findings cannot be made.

Typically, the review and approval of an APR or an APR with SPR would fall under the authority of the Community Development Director; however, since the subject application includes a CUP and VAR requests, pursuant to MMC Sections 17.66.080 and 17.72.060, a public hearing is required by the Planning Commission.

Governor's Executive Order N-20-25 – Coastal Act and CEQA Suspension

The Community Development Director has determined that Governor's EO N-20-25 applies to the proposed project and, with concurrence from the Planning Commission, the project would be suspended from the Coastal Act and CEQA. Paragraph 2(d) of EO N-20-25 allows supportive infrastructure, such as utilities that are necessary to construct, install, or use structures destroyed by the 2025 Palisades Fire, to be included within the suspensions of the Coastal Act and CEQA. As an additional qualifier for the EO's suspensions, the project will not encroach into any public access easement, view corridor, or open space deed restriction. The EO gives local agencies the sole authorization of determining eligibility under this suspension if the above findings can be made. Pursuant to the EO, the project is not appealable to the California Coastal Commission if it qualifies for this suspension from the Coastal Act.

The proposed water tank will be used by Los Angeles County Waterworks District No. 29 (WD29) and the Los Angeles County Fire Department (LACFD), who serve the neighborhood. Of the 37 developed parcels in the area, 19 were destroyed by the Palisades Fire (51 percent) and would be supported by the additional water supply needed to meet fire flow standards for the respective fire rebuilds. The additional developed parcels within the Las Flores Mesa neighborhood will also be supported by the extra fire flow capabilities in case a future fire impacts the surrounding area. The new water tank is supportive utility infrastructure that is necessary to provide adequate fire flow to the Las Flores Mesa neighborhood directly assisting with the rebuilding of 19 parcels with eligible primary and accessory development covered under the EO's suspensions.

Because the proposed project is eligible for suspension of the Coastal Act and CEQA, the project need not adhere to the Malibu Local Coastal Program (LCP), which is the City's certified implementation of the State's Coastal Act. Instead, the proposed project has been

reviewed solely for compliance with the city's MMC and General Plan, consistent with all other fire rebuilds and supporting infrastructure destroyed in the Palisades Fire that qualify under the EO. A copy of EO N-20-25 is provided as Attachment 2.

Discretionary Requests

For the use and development of the water tank, a CUP, four VARs and two SPRs are requested. Pursuant to MMC Section 17.66.080, the Planning Commission must make eleven findings in support of a CUP. Pursuant to MMC Section 17.72.060, eight findings are required for a VAR. Pursuant to MMC Section 17.62.040(D), eight findings are required for an SPR. Based on evidence provided in the record, a draft resolution containing all required findings has been prepared for the Planning Commission's consideration (Attachment 1). The Planning Commission, as the decision-making body, will weigh the evidence in the record, including this staff report and materials in the record, and determine whether the required findings can be made. The requested entitlements are summarized below:

- APR No. 26-014: Development of the water tank and infrastructure
- CUP No. 24-010: Use of a utility facility in RR-20
- VAR No. 24-020: 59% rear yard setback reduction from 24 ft., 7 in. to 10 ft.
- VAR No. 24-021: Structures on slopes steeper than 2.5 to 1
- VAR No. 24-024: Increase in impermeable coverage from 5,830 sf. to 6,337 sf.
- VAR No. 25-001: Retaining wall height above 18 ft., up to 18 ft., 10 in.
- SPR No. 24-023: Structure height above 18 ft., up to 25 ft., 5 in. and
- SPR No. 26-020: 12% side yard setback reduction from 11 ft., 4 in. to 10 ft.

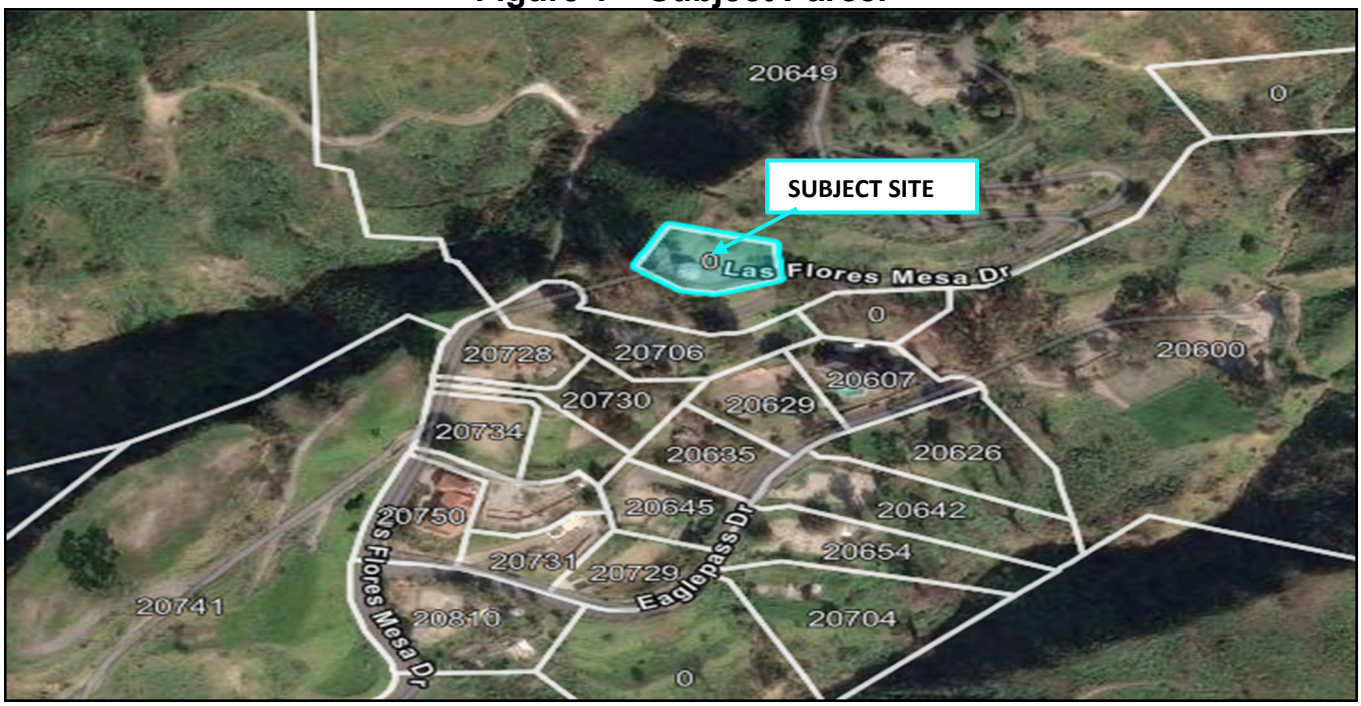
In addition to the entitlements above, the applicant will need to obtain building permits from the City's Building Safety Division.

Background and Project Overview

As shown in Figure 1, the subject parcel is a publicly owned utility site located at the end of the Las Flores Mesa Drive cul-de-sac, approximately 125 ft. uphill of the roadway, and is accessed via a driveway shared with the single-family residence at 20649 Las Flores Mesa Drive. The property is maintained by the County of Los Angeles who serves as the registered owner of the parcel. The parcel is currently improved with a flat concrete pad and an existing 100,000 gal. water tank measuring 16 ft. 11" in. height, which currently serves the surrounding neighborhood. The proposed use is an extension of the parcel's current use as necessary public infrastructure and would serve the immediate residential neighborhood by providing additional water service for residential properties and additional water capacity in the event of a wildfire. The surrounding parcels are a mix of one- and two-story residential properties zoned RR-20 and Rural Residential, Two-Acres (RR-2).

The Las Flores Mesa neighborhood, along with the entire City of Malibu, lies within a Very High Fire Hazard Severity Zone (VHFHSZ) identified by the State's Fire Marshal and will likely be subject to additional threats from wildfire in the future. The proposed improvement was previously studied by WD29 and identified as a desired system improvement. A second 100,000 gal. water tank was included in WD29's Water System Master Plan Draft Environmental Impact Report but was eliminated from the final version due to capital constraints. The project is now proposed by a private party (LFMAC, LLC) who would assume the obligation of installing the new tank. Upon installation of the tank, the property will be continually managed and operated by the County of Los Angeles to provide public water services to the neighborhood. LFMAC, LLC has been authorized by the County to install the tank and obtain permits from the City for its construction.

Figure 1 – Subject Parcel



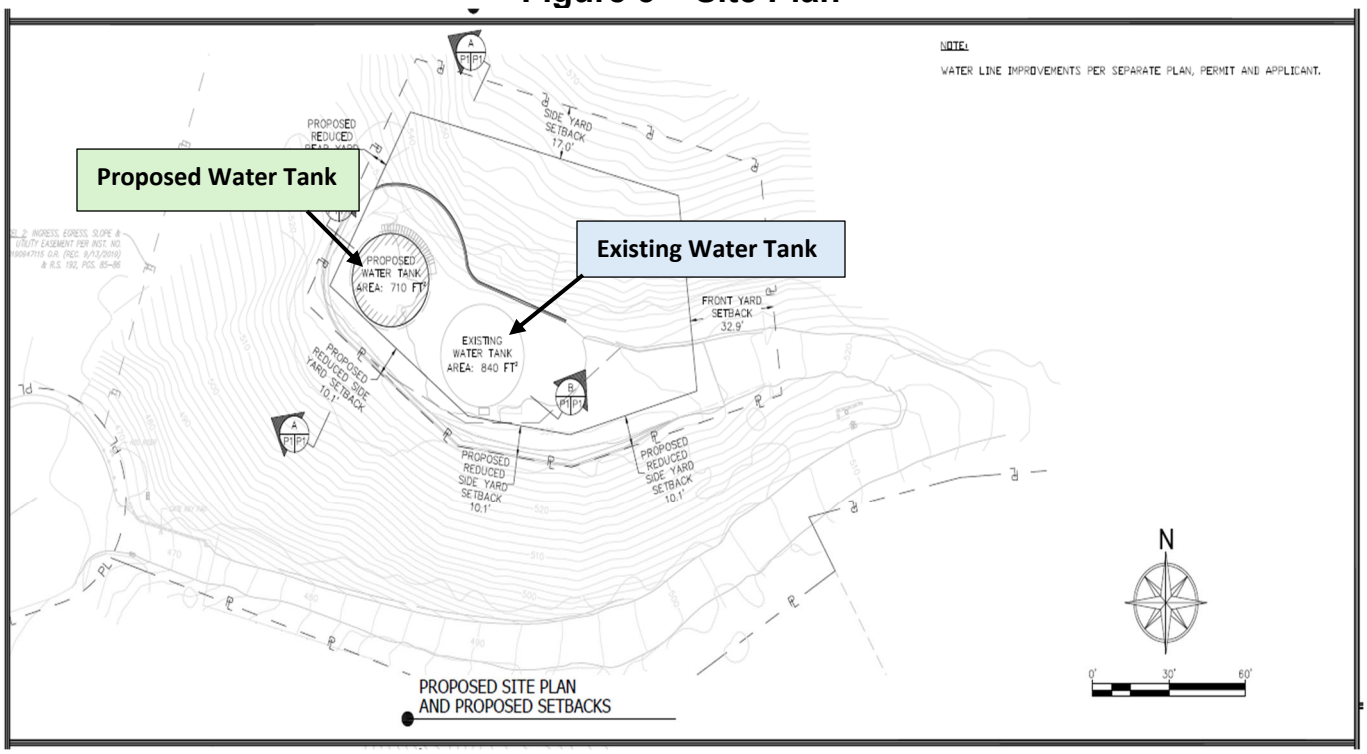
Source: City of Malibu GIS 2026

Figure 2 – Oblique View of Project Site



Source: Google Earth 2026

Figure 3 – Site Plan



Source: Applicant Plans

The subject application proposes the construction of a new 25 ft., 5 in. tall, above-ground, 100,000-gal. water tank and associated foundation to accompany the existing 100,000-gal. water tank currently in service, as well as a new 18 ft., 10 in. tall retaining wall and approximately 610 cubic yards (c.y.) of non-exempt grading. The subject application includes an APR and seven discretionary requests as previously summarized.

The footprint of the proposed water tank is similar to the existing water tank. The proposed water tank is sited on the remaining portion of the existing flat building pad with a minimum of 10 ft. of clearance around it for access and maintenance. While the footprint of the existing water tank is similar to the proposed tank, the available buildable area on the subject parcel and size of the parcel requires some encroachment into the required south side yard and rear yard. The existing water tank is also similarly located within the side yard setback and rear yard setback areas categorized as an existing non-conforming structure. The subject parcel currently has 4,707 sf. of existing impermeable coverage from the existing tank and site improvements, where MMC standards allow for a maximum of 5,830 sf. Due to site constraints, there is no other feasible location on the site that would avoid encroachments into setbacks.

The proposed tank is approximately 25 ft., 5 in. in height, compared to approximately 16 ft., 11 in. The existing tank is slightly wider at approximately 32.6 ft. in diameter compared to 30 ft. for the proposed tank. The proposed tank is designed to provide 100,000 gallons of storage while providing adequate clearance between the maximum water level and the top of the tank. Story poles were installed in January 2026 to demonstrate the siting, massing and scale of the second water tank in relation to the existing water tank and surrounding development. Staff visited the site, conducted a story pole inspection and reviewed the site's surroundings as part of its analysis. Based on the project plans and staff's site visit, it was determined that the proposed water tank is not likely to obstruct primary views of neighboring residences or have a visual impact from public scenic areas and would not adversely affect neighborhood character. The visual impacts are further minimized since only a portion of the project has an elevation height over 18 ft. due to grading to lower the tank into the parcel topography. Both the existing and proposed tank are conditioned to be painted a color that blends in with the surrounding environment. The parcel is located at the end of a cul-de-sac, approximately 125 ft. uphill of the roadway, and the proposed development will be shielded from view by existing mature trees located along the slope leading up from the cul-de-sac.

WD29 completed a feasibility analysis and determined that the proposed project location is the most suitable location remaining on the parcel to achieve the required project scope. This was based on the parcel's geology, its existing water tank and existing flat building pad, its proximity to the serviceable area, and its minimal public visibility. Because the tank volume and the associated access, maintenance, and foundation standards are set by WD29, the resulting exceedances from MMC development standards are considered unavoidable and necessary to allow a second 100,000 gal. water tank on the subject parcel.

Project Setting and Surrounding Land Uses

Table 1 provides a summary of the dimensions and area of the subject parcel.

Table 1 – Parcel Data	
Lot Depth	164 ft., 4 in.
Lot Width	113 ft., 2 in.
Gross Lot Area	16,992 sf. (0.39 acre)
Area of Street Easements and 1:1 Slopes	334 sf.
Net Lot Area*	16,658 sf. (0.38 acre)

*Net Lot Area = Gross Lot Area minus the area of 1 to 1 slopes and private/public street easements.

The subject parcel is zoned RR-20. Surrounding parcels are a mix of RR-20 and RR-2 zoned properties developed with one- and two-story single-family residences.

Table 2 provides a summary of the surrounding land uses:

Table 2 – Surrounding Land Uses				
Direction	**Address**	**Lot Size**	**Zoning**	**Land Use**
Subject Parcel	20699 Las Flores Mesa Drive	16,992 sf.	RR-20	Public utility
North	20649 Las Flores Mesa Drive	21.50 acres	RR-20	Single-family residential
East	20600 Eagle Pass Drive	7.76 acres	RR-20	Single-family residential
South	20706 Las Flores Mesa Drive	29,400	RR-2	Single-family residential
West	20649 Las Flores Mesa Drive	21.50 acres	RR-20	Single-family residential

Sources: Malibu City GIS and LA County Tax Assessor

Project Description

The proposed scope of work is as follows (Attachment 3 – Project Plans):

Construction

a. Installation of a new 25 ft., 5 in. tall, above-ground 100,000 gal. water tank and associated foundation;
b. Installation of a new 18 ft., 10 in. tall retaining wall;
c. 610 c.y. of non-exempt grading.

Discretionary Requests

d. CUP No. 24-010 for use of a utility facility (water tank) within the RR Zoning District pursuant to MMC Section 17.08.040(A);

e. VAR No. 24-020 from MMC Section 17.40.040(A)(6)(c) for a 59 percent reduction in the required rear yard setback from 24 ft., 7 in. (required) to 10 ft. (proposed);
f. VAR No. 24-021 from MMC Section 17.40.040(A)(12) to allow structures on slopes steeper than 2.5 to 1 consisting of the water tank, retaining wall, and necessary access and maintenance areas;
g. VAR No. 24-024 from MMC Section 17.40.040(A)(11)(a) to allow 6,337 sf. of impermeable lot coverage where 5,830 sf. is the maximum permitted;
h. VAR No. 25-001 from MMC Section 17.40.030(A)(4) to allow a retaining wall measuring 18 ft., 10 in. in height to create a building pad where 18 ft. is the maximum permitted;
i. SPR No. 24-023 from MMC Section 17.40.040(A)(5)(a) for a structure height above 18 ft., to allow a water tank measuring up to 25 ft., 5 in. in height; and
j. SPR No. 26-020 from MMC Section 17.40.040(A)(6)(b) for a 12 percent reduction in the required south side yard setback from 11 ft., 4 in. (required) to 10 ft. (proposed).

Water Storage Capacity

• Existing water tank:		100,000 gal.
• Proposed water tank:		100,000 gal.
	Total:	**200,000 gal.**

General Plan Consistency

The proposed use is consistent with the goals, objectives, policies and general land uses of the General Plan, specifically:

1. Conservation Policy 2.2.1, that the City shall ensure adequate water storage for firefighting and other emergencies;
2. Safety Policy S-3.3.17, require adequate water supplies and infrastructure are available for current and future development;
3. Safety Policy S-3.3.18, ensure that adequate water storage and capacity are available to meet daily demand and fire flow standards;
4. Safety Policy S-3.3.19, coordinate with appropriate providers/agencies to ensure adequate infrastructure and conditions for new development related to: water supply and fire flow; location of anticipated water supply; maintenance and long-term integrity of water supplies; evacuation and emergency vehicle access; fuel modification and defensible space; vegetation clearance maintenance on public and private roads; visible home and street addressing and signage;
5. Safety Action S-3.3.1n, work with water service providers and Los Angeles County Fire Department to identify neighborhoods with inadequate flow from fire hydrants, and to upgrade deteriorated and undersized water-distribution systems.

MMC Analysis

The following MMC sections are applicable to the proposed project and conformance with the MMC is required for the APR. Pursuant to MMC Section 17.66.080, eleven findings are required in support of a CUP. Pursuant to MMC Section 17.72.060, eight findings are required for a VAR. Pursuant to MMC Section 17.62.040(D), eight findings are required for an SPR. These findings are made in the attached resolution.

The proposed project has been reviewed by the Planning Division, City geotechnical consultant reviewers, City Biologist, City Environmental Health Administrator, the Public Works Department, and WD29 (Attachment 4 – Department Review Sheets). All conditions of approval from reviewers are included in the resolution. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs and SPRs.

Zoning (MMC Title 17)

MMC Chapter 17 requires conformance to development standards. Table 3 provides a summary of the applicable standards for the proposed development and whether the project complies with those standards, inclusive of the requested SPRs and VARs.

Table 3 – MMC Zoning Conformance			
Development Requirement	**Allowed**	**Proposed**	**Comments**
SETBACKS (ft. in.)			
Front Yard	32’ 11”	131’ 11”	Complies
Rear Yard	*24’ 7”*	*10’*	*VAR No. 24-020*
North Side Yard	17’	55’ 10”	Complies
South Side Yard	*11’ 4”*	*10’*	*SPR No. 26-020*
HEIGHT (ft. in.)	*18’*	*25’ 5”*	*SPR No. 24-023*
IMPERMEABLE LOT COVERAGE (sf.)	*5,830*	*6,337*	*VAR No. 24-024*
CONSTRUCTION ON SLOPES	*2.5 to 1 (APR)*	*Steeper than 2.5 to 1*	*VAR No. 24-021*
NON-EXEMPT GRADING (c.y.)	1,000	610	Complies
RETAINING WALL HEIGHT (ft. in.)	*18’*	*18’ 10”*	*VAR No. 25-001*

Grading (MMC Chapter 17.40)

MMC Section 17.40.080 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 c.y. for a residential parcel. The project will consist of 75 c.y. of exempt understructure grading and 610 c.y. of non-exempt grading.

Archaeological / Cultural Resources (MMC Section 17.54)

MMC Section 17.54 requires certain procedures be followed to determine potential impacts on archaeological resources. The subject site is mapped to have a low probability of containing archaeological resources and the entire parcel has been previously disturbed by grading, hardscape and a water tank. Therefore, the additional water tank on the same footprint of the existing water tank is not expected to have an adverse effect on cultural resources.

Nevertheless, a condition of approval is included which states that in the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Community Development Director can review this information.

Onsite Wastewater Treatment System (OWTS) (MMC Chapter 15.44)

The project was routed to Environmental Health for conformance review. The project scope is for a new water tank to accompany an existing water tank. No OWTS improvements are proposed as part of the project.

ENVIRONMENTAL REVIEW: The Community Development Director has determined that Governor's EO N-20-25 applies to the proposed project. Paragraph 2(d) of EO N-20-25 includes supportive infrastructure, such as utilities that are necessary to construct, install, or use structures destroyed by the 2025 Palisades Fire, within the suspensions of the Coastal Act and CEQA. The proposed water tank will be used by WD29 and the LACFD, who serve the neighborhood. Nineteen of the 37 developed parcels in the area (51 percent) were destroyed by the Palisades Fire and would be supported by the additional water supply needed to meet fire flow standards for the respective rebuilds. Therefore, pursuant to EO N-20-25, the proposed project is considered suspended from the Coastal Act and from CEQA.

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

PUBLIC NOTICE: On August 27, 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 1,000 ft. radius of the subject parcel (Attachment 5).

SUMMARY: The project has been reviewed and conditionally approved for conformance with the MMC by appropriate City and County departments. The required findings can be made that the project complies with the MMC. Based on the analysis contained in this report for consideration, staff provide no recommendation on this project. If the Planning

Commission determines the required findings for the CUP, VARs, and SPRs can be made, staff has provided the attached resolution for adoption. The Commission may also choose to continue to a date uncertain to allow time for the applicant to revise project plans or make findings in denial of the project as proposed and request staff return with a denial resolution.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-42 (replaced by Supplemental Planning Commission Agenda Report Exhibit B)
2. Governor's Executive Order N-20-25
3. Project Plans
4. Department Review Sheets
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS SUSPENDED FROM THE CALIFORNIA COASTAL ACT AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GOVERNOR EXECUTIVE ORDER N-20-25, AND APPROVING ADMINISTRATIVE PLAN REVIEW NO. 26-014 TO INSTALL A NEW 25 FOOT, 5 INCH TALL, ABOVE-GROUND 100,000 GALLON WATER TANK AND ASSOCIATED FOUNDATION TO ACCOMPANY AN EXISTING 100,000 GALLON WATER TANK, AN 18 FOOT, 10 INCH TALL RETAINING WALL, AND GRADING ON AN EXISTING PUBLIC UTILITY PARCEL; INCLUDING CONDITIONAL USE PERMIT NO. 24-010 FOR A UTILITY FACILITY USE IN THE RURAL RESIDENTIAL ZONING DISTRICT, VARIANCE NO. 24-020 FOR A 59 PERCENT REDUCTION IN THE REQUIRED REAR YARD SETBACK FROM 24 FEET, 7 INCHES TO 10 FEET, VARIANCE NO. 24-021 FOR STRUCTURES ON SLOPES STEEPER THAN 2.5 TO 1, VARIANCE NO. 24-024 FOR AN INCREASE IN THE MAXIMUM IMPERMEABLE COVERAGE FROM 5,830 SQUARE FEET TO 6,337 SQUARE FEET, AND VARIANCE NO. 25-001 FOR RETAINING WALL HEIGHT ABOVE 18 FEET, UP TO 18 FEET, 10 INCHES, SITE PLAN REVIEW NO. 24-023 FOR STRUCTURE HEIGHT ABOVE 18 FEET, UP TO 25 FEET, 5 INCHES AND SITE PLAN REVIEW NO. 26-020 FOR A 12 PERCENT REDUCTION IN THE REQUIRED SIDE YARD SETBACK FROM 11 FOOT, 4 INCHES TO 10 FEET LOCATED IN THE RURAL RESIDENTIAL, TWENTY-ACRE ZONING DISTRICT AT 20699 LAS FLORES MESA DRIVE (LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29)

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

SECTION 1. Recitals.

A. On September 29, 2023, an application for Administrative Plan Review (APR) No. 26-014 was submitted to the Planning Division by the applicant LFMAC, LLC, on behalf of the property owner, Los Angeles County Waterworks District No. 29 (WD29), for development on the subject parcel located at 20699 Las Flores Mesa Drive (Assessor's Parcel Number 4450-030-902). The application was routed to the City geotechnical consultant reviewers, City Biologist, City Environmental Health Administrator, the Public Works Department, WD29, and Los Angeles County Fire Department (LACFD) for review.

B. During application processing, the applicant submitted requests for Conditional Use Permit (CUP) No. 24-010 to permit a utility facility in the Rural Residential, Twenty-Acre (RR-20) zoning district; Site Plan Review (SPR) No. 24-023 for construction above 18 ft. in height; SPR No. 26-020 for a reduction in the required south side yard setback; and Variance (VAR) Nos. 24-020, 24-021, 24-024, and 25-001 for a rear yard setback reduction, structures on slopes steeper than 2.5 to 1, impermeable surface coverage exceeding the maximum permitted, and a retaining wall exceeding 18 ft. in height to create a building pad.

EXHIBIT B

C. On October 8, 2024, the Planning Division determined the application to be complete.

D. On November 18, 2024, a notice of pending development was posted near the entry to the subject parcel.

E. The SPR notice period was conducted from December 18, 2025, to January 8, 2026.

F. In January 2026, story poles were installed on the subject parcel to demonstrate the siting, massing, and scale of the project in relation to surrounding development. Planning Division staff conducted a site visit and story pole inspection to document site conditions, the subject parcel, and surrounding area.

G. On August 27, 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 ft. radius of the subject parcel and to all interested parties.

H. On September 22, 2026, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

The Planning Commission has determined that Governor Executive Order (EO) N-20-25 applies to the proposed project. Paragraph 2(d) of EO N-20-25 includes supportive infrastructure, such as utilities that are necessary to construct, install, or use structures destroyed by the 2025 Palisades Fire, within the suspensions of the California Coastal Act (Coastal Act) and the California Environmental Quality Act (CEQA). The water tank will be used by WD29 and the Los Angeles County Fire Department (LACFD), who serve the neighborhood. Nineteen of the 37 developed parcels in the area (51 percent) were destroyed by the Palisades Fire and would be supported by the additional water supply needed to meet fire flow standards for the respective rebuilds. As an additional qualifier for the EO's suspensions, the project will not encroach into any public access easement, view corridor, or open space deed restriction. The EO gives local agencies the sole authorization of determining eligibility under this suspension if the above findings can be made. The new water tank is supportive utility infrastructure that is necessary to provide adequate fire flow to the Las Flores Mesa neighborhood directly assisting with the rebuilding of 19 parcels with eligible primary and accessory development covered under the EO's suspensions. Therefore, pursuant to EO N-20-25, the proposed project is determined to be suspended from the Coastal Act and from CEQA.

SECTION 3. Conditional Use Permit Findings.

A. Conditional Use Permit No. 24-010 for Use of a Utility Facility within the Rural Residential Zoning District (MMC Sections 17.08.040(A) and 17.66.080)

CUP No. 24-010 would permit the operation of a utility facility (water tank). No other conditionally allowed uses in the RR-20 zone are authorized by this CUP. MMC Section 17.08.040(A) designates

the requested use as conditionally permitted subject to a CUP with the findings being made pursuant to MMC 17.66.080. Based on the foregoing evidence contained in the record, and submitted evidence by the applicant, the findings for CUP No. 24-010 are made as follows.

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of this title.

The subject parcel is zoned RR-20 and, under MMC Section 17.08.040(A), a utility facility is listed as a conditionally permitted use. The subject parcel is currently improved with a flat concrete pad and an existing 100,000-gallon (gal.) water tank which currently serves the surrounding neighborhood. The proposed use is an extension of the parcel's current use as a utility facility and would serve the immediate residential neighborhood by providing additional water service for residential properties and additional water capacity in the event of a wildfire.

2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

A 100,000 gal. water tank exists on the subject parcel, which currently services the neighborhood. The project is for the installation of an additional 100,000 gal. water tank which would be located adjacent to the existing 100,000 gal. water tank to provide a total capacity of 200,000 gal. The proposed improvement was previously studied by WD29 and identified as a desired system improvement. A second 100,000 gal. water tank was included in WD29's Water System Master Plan Draft Environmental Impact Report but was eliminated from the final version due to capital constraints. The project is now proposed by a private party (LFMAC, LLC) who would assume the obligation of installing the new tank.

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

The project would require SPRs and VARs for setbacks, tank height, retaining wall height, impervious surfaces, and development on steep slopes, but these are necessary to provide the amount of water needed within the existing parcel. WD29 has completed a feasibility analysis and deemed this location the most ideal to achieve the project scope required. Because the tank volume and the associated access, maintenance, and foundation requirements are set by WD29, the resulting exceedances from MMC development standards are considered unavoidable and necessary to allow a second 100,000 gal. water tank on the subject parcel.

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

The use is an extension of the existing utility facility use and would serve the immediate residential neighborhood to provide additional water service for residential parcels and water capacity in the event of a wildfire. Surrounding parcels are a mix of RR-20 and RR-2 zoned parcels developed with one- and two-story single-family residences. Therefore, the proposed use is compatible with the land uses presently on the subject parcel.

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

The water tank and associated water line are compatible with and necessary for future residential construction and fire rebuilds within the neighborhood. The additional tank would be available and provide capacity for fire suppression in the event of a wildfire in the future.

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 staff.

The second water tank would allow more utility and service access to water for residential and fire suppression needs. The proposed tank is approximately 25 ft., 5 in. in height, compared to approximately 16 ft., 11 in. for the existing tank resulting in a total increase of 8 ft. 6 in. Although the tanks have similar footprints, the existing tank is slightly wider at approximately 32.6 ft. in diameter compared to 30 ft. for the proposed tank. The proposed tank is designed to provide 100,000 gallons of storage while providing adequate clearance between the maximum water level and the top of the tank. Story poles were installed in January 2026 to demonstrate the siting, massing, and scale of the second water tank in relation to the existing water tank and surrounding development. Staff visited the site, conducted a story pole inspection, and reviewed the site's surroundings as part of its analysis. Based on the project plans and staff's site visit, it was determined that the proposed water tank is not likely to obstruct primary views of neighboring residences or have a visual impact from public scenic areas and would not adversely affect neighborhood character. The visual impacts are further minimized since only a portion of the project has an elevation height over 18 ft. due to grading to lower the tank into the parcel topography. The parcel is located at the end of a cul-de-sac, approximately 125 ft. uphill of the roadway, and the proposed development will be shielded from view by existing mature trees located along the slope leading up from the cul-de-sac. The water tank is minimally visible from public and private views due to existing tree coverage and the slope located to the north and does not affect solar access of nearby residential properties.

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

The project is a public utility to be maintained and managed by WD29, for which no public access is permitted for security purposes. Therefore, this finding does not apply.

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

The use extends the current use and is consistent with the goals, objectives, policies and general land uses of the General Plan, specifically: (1) Conservation Policy 2.2.1, that the City shall ensure adequate water storage for firefighting and other emergencies; (2) Safety Policy 1.1.2, that the City shall minimize the risk of loss from fire; and (3) Safety Implementation Measure 17, to work with water service providers to identify neighborhoods with inadequate flow from fire hydrants, and to upgrade deteriorated and undersized water-distribution systems. The project, as proposed and conditioned, has

been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs, and SPRs.

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

Due to existing site constraints and water capacity requirements identified by WD29, the project requires VARs for a reduced rear yard setback, allowance for structures on slopes steeper than 2.5 to 1, increase in impervious surfaces, and allowance for retaining wall height to create a building pad and SPRs for an increase in structure height and reduced side yard setback. With the granting of the VARs and SPRs, the proposed project complies with all applicable requirements of state and local law.

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

The project will increase neighborhood safety by providing water storage capacity and increased access to water in a neighborhood that is known to be a very high fire zone and has been affected by previous wildfires with insufficient water access. Therefore, the proposed use is in the public interest and will not adversely affect health, safety, convenience, or welfare.

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 parcel is not at risk from earth movement, flooding, or liquefaction. WD29 has been obtaining inclinometer readings dating back to 2007, all of which have been favorable for the proposed utility facility. The WD29 has completed site analyses for feasibility and based on the analysis, concluded the proposed site is the most feasible in the area to support the proposed water tank.

SECTION 4. Site Plan Review Findings.

B. SPR No. 24-023 from MMC Section 17.40.040(A)(5)(a) for Structure Height Above 18 Ft. (MMC Section 17.62.040(D))

SPR No. 24-023 would allow structure height above 18 ft., up to 25 ft., 5 in. for a new 100,000 gal. water tank to be sited next to an existing 100,000 gal. water tank. The MMC requires that eight findings be made in the consideration and approval of an SPR for construction above 18 ft. in height. Based on the foregoing evidence contained in the record, and submitted evidence by the applicant, the findings for SPR No. 24-023 are made as follows.

1. *The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

Staff conducted an analysis of surrounding property characteristics to assess the project with neighborhood character. The subject parcel is a publicly owned lot with an established flat concrete pad and an existing 100,000 gal. water tank measuring 16 ft. 11 in. in height. The subject parcel is

located at the end of the cul-de-sac, is approximately 125 ft. uphill of the roadway, and shares a driveway entrance with an existing residential parcel at 20649 Las Flores Mesa Drive. In addition, the proposed development will be shielded from view by existing mature trees located along the slope leading up from the cul-de-sac. The footprint of the proposed water tank is similar to the existing water tank, but the proposed tank is approximately 8 ft. 6 in. taller.

Story poles were installed in January 2026 to demonstrate the siting, massing, and scale of the project in relation to surrounding development. Staff visited the site, conducted a story pole inspection, and reviewed the parcel's surroundings for potential impacts. Based on the project plans and staff's site visit, it was determined that the proposed new water tank is not likely to obstruct primary views of neighboring residences or have a visual impact from public scenic areas and would not adversely affect neighborhood character. As previously discussed, the project proposes the new water tank directly next to the existing water tank and screening via existing trees. The visual impacts are further minimized since only a portion of the project has an elevation height over 18 ft. due to grading to lower the tank into the parcel topography.

The subject parcel is part of an established residentially developed neighborhood. Los Angeles County Assessor (LACA) data was used to reference the size of residences within the vicinity of the project site, and the project plans were used to identify the dimensions of the existing and proposed water tanks. The proposed water tank would reach a maximum height of approximately 25 ft. 5in., exceeding the 18-ft. height standard by approximately 7 ft., 5 in. The proposed tank would be located adjacent to the existing 16-ft. 11 in.-tall water tank on a parcel already developed with the same utility use. The surrounding neighborhood contains a mix of one- and two-story residential development, as shown in the table below.

Direction	Address	Structure Size (sf.)*	Height or No. of Stories	Zoning
Subject Parcel	20699 Las Flores Mesa Drive	840 sf.	16 ft. 11 in.	RR-20
North	20649 Las Flores Mesa Drive	3,426 sf.	One-story	RR-20
East	20600 Eagle Pass Drive	5,393 sf.	Two-story	RR-20
South	20706 Las Flores Mesa Drive	Vacant	N/A	RR-2
West	20649 Las Flores Mesa	3,426 sf.	One-story	RR-20

*Source: Los Angeles County Assessor's Office and Project Plans

Based on the characteristics described above, the proposed project is considered to blend with the existing development pattern in the neighborhood, including the subject parcel, and does not adversely affect neighborhood character. Story poles were installed to demonstrate the proposed height and bulk of the tank. The story poles, the tank's location adjacent to the existing tank, and the surrounding development demonstrate that the additional height is not anticipated to adversely affect neighborhood character. In addition, a Notice of Public Hearing was sent to all parcel owners and occupants within a 1,000 ft. radius of the project and no correspondence has been provided on the subject application.

2. *The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

The proposed water tank is designed to be placed immediately adjacent to the existing tank, which will remain on the parcel and work in conjunction with the new tank. Although VARs are requested for the rear yard setback, structures on steep slopes, impermeable surfaces, and retaining wall height, the project has been designed to disrupt the site as minimally as feasible.

3. *Remedial grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.*

No remedial grading is proposed for the proposed project. Therefore, this finding does not apply.

4. *The project does not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).*

Due to a steep slope that exists to the north of the project site and an extensive tree line to the south, the proposed tank is not within any sightlines of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from any public viewing area or main viewing area of any affected principal residence. As discussed in Finding B.1, the visual impacts are further minimized since only a portion of the project has an elevation height over 18 ft. due to grading to lower the tank into the parcel topography.

5. *The project does not affect solar access, as defined by staff.*

The proposed project does not affect solar access for reasons similar to those previously described in Finding B.4. Therefore, this finding does not apply.

6. *The project is consistent with the City's General Plan, local coastal program, municipal code and City standards.*

The proposed project, including the discretionary request for an increase in structure height and other associated SPR and VARs, as discussed herein, is consistent with the City's General Plan, applicable MMC standards in Title 17 (Zoning), and other City standards as applied by the Planning Division, City geotechnical consultant reviewers, City Biologist, and City Public Works Department, as well as WD29. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project.

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

The proposed project was reviewed by the Planning Division and is found to comply with all applicable

requirements of state and local law with the inclusion of the requested CUP, VARs and SPRs. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. As conditioned, the applicant is required to transfer the completed water tank improvements to the Los Angeles County Waterworks District for ownership, operation, and maintenance through a recorded Warranty Deed and Bill of Sale.

8. *A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.*

No seawall, bulkhead, or other shoreline protective devices are associated with this project as the subject parcel is located inland and not on the coast. Therefore, this finding does not apply.

C. SPR No. 26-020 from MMC Section 17.40.040(A)(6)(b) for a 12 Percent Reduction in the Required South Side Yard Setback (MMC Section 17.62.040(D))

SPR No. 26-020 would allow a 12 percent reduction in the required south side yard setback from 11 ft., 4 in. (required) to 10 ft. (proposed). The MMC requires that eight findings be made in the consideration and approval of an SPR for a side yard setback reduction up to 20 percent. Based on the foregoing evidence contained in the record, and submitted evidence by the applicant, the findings for SPR No. 26-020 are made as follows.

1. *The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

The proposed water tank is sited on the remaining portion of the existing flat building pad with a minimum of 10 ft. of clearance space around it for access and maintenance. While the footprint of the existing water tank is similar to the proposed tank, the available buildable area on the subject parcel and size of the parcel requires some encroachment into the required south side yard (and rear yard, subject to VAR No. 24-020). The existing water tank is also within the setback areas, but the size of the parcel relative to the remaining buildable area and the size of the proposed water tank necessitates that the water tank encroach into the side yard setback by 1 ft., 4 in. (12 percent). Due to the location of the project site, topography, and existing mature trees in the project vicinity, the proposed water tank's encroachment into the side yard setback is not likely to obstruct primary views of neighboring residences or have a visual impact from public scenic areas and would not adversely affect neighborhood character.

2. *The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.*

The proposed water tank is designed to be placed immediately adjacent to the existing tank, which will remain on the parcel and work in conjunction with the new tank. Although VARs are requested for the rear yard setback, structures on steep slopes, impermeable surfaces, and retaining wall height, the project has been designed to disrupt the site as minimally as feasible.

3. *Remedial grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.*

No remedial grading is proposed for the proposed project. Therefore, this finding does not apply.

4. *The project does not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).*

Due to a steep slope that exists to the north of the project site and an extensive tree line to the south, the proposed tank encroachment into the south side yard by 1 ft., 4 in. (12 percent) is not within any sightlines of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from any public viewing area or main viewing area of any affected principal residence. As discussed, the visual impacts are further minimized since only a portion of the project has an elevation height over 18 ft. due to grading to lower the tank into the parcel topography.

5. *The project does not affect solar access, as defined by staff.*

The proposed project does not affect solar access for reasons similar to those previously described. Therefore, this finding does not apply.

6. *The project is consistent with the City's General Plan, local coastal program, municipal code and City standards.*

The proposed project, including the discretionary request for an increase in structure height and other associated SPR and VARs, as discussed herein, is consistent with the City's General Plan, applicable MMC standards in Title 17 (Zoning), and other City standards as applied by the Planning Division, City geotechnical consultant reviewers, City Biologist, and City Public Works Department, as well as WD29. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project.

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

The proposed project was reviewed by the Planning Division and is found to comply with all applicable requirements of state and local law with the inclusion of the requested CUP, VARs and SPRs. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which

time compliance with the California Building Code, as adopted by the City, will be verified As conditioned, the applicant is required to transfer the completed water tank improvements to the Los Angeles County Waterworks District for ownership, operation, and maintenance through a recorded Warranty Deed and Bill of Sale.

8. *A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.*

No seawall, bulkhead, or other shoreline protective devices are associated with this project as the subject parcel is located inland and not on the coast. Therefore, this finding does not apply.

SECTION 5. Variance Findings.

D. Variance No. 24-020 from MMC Section 17.40.040(A)(6)(c) for a 59 Percent Reduction in the Required Rear Yard Setback (MMC Section 17.72.060)

VAR No. 24-020 would allow a 59 percent reduction in the required rear yard setback from 24 ft., 7 in. (required) to 10 ft. (proposed). Pursuant to MMC Section 17.72.060, following a public hearing, the Planning Commission may approve and/or modify an application for a VAR in whole or in part, with or without conditions, provided that it makes all eight of the following findings of fact for a VAR. Based on the foregoing evidence contained in the record, and submitted evidence by the applicant, the findings for VAR No. 24-020 are made as follows.

1. *There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

The project site with an encroachment into the required rear yard by 14 ft., 7 in. was deemed to be the most viable location for the proposed water tank by WD29 due to the site conditions, proximity to the existing water tank and flat building pad, the parcel's geology, and the site's minimal visibility. The proposed water tank is sited on the remaining portion of the existing flat building pad with a minimum of 10 ft. of clearance around it for access and maintenance. While the footprint of the existing water tank is similar to the proposed tank, the available buildable area on the subject parcel and size of the parcel requires the proposed encroachment into the required rear yard (and south side yard, subject to SPR No. 26-020). The existing water tank is also within the setback areas. Because the tank volume and the associated access, maintenance, and foundation requirements are set by WD29, the resulting exceedances from MMC development standards are considered unavoidable and necessary to allow a second 100,000 gal. water tank on the subject parcel. Therefore, the exceptional characteristics of the subject parcel warrant such a VAR, as strict application of the zoning ordinance would deprive the neighborhood of additional water service and fire flow.

2. *The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The granting of a VAR for rear yard encroachment allows for the installation of a second 100,000 gal. water tank, which is critical to the public interest, safety, health, and welfare as it would allow for an additional 100,000 gal. of water capacity for residential uses and fire flow access. The proposed water tank is sited directly adjacent to an existing water tank and due to its location and geology, will not be injurious to surrounding parcels.

3. *The granting of the variance will not constitute a special privilege to the applicant or property owner.*

The granting of the VAR will not constitute a special privilege to the applicant or property owner, as the site is currently used as a utility facility with a 100,000 gal. water tank servicing the neighborhood. The VAR is unavoidable due to the water tank design to accommodate 100,000 gal., which is the determined amount necessary by WD29 for additional capacity at this location, and maintenance standards given the site characteristics of the subject parcel, including topography. The installation of the water tank would provide health and safety benefits for a residential neighborhood by increasing water access for residential and fire suppression purposes from 100,000 gal. to 200,000 gal.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the General Plan.*

The use extends the current use and is consistent with the goals, objectives, policies, and general land uses of the General Plan, specifically: (1) Conservation Policy 2.2.1, that the City shall ensure adequate water storage for firefighting and other emergencies; (2) Safety Policy 1.1.2, that the City shall minimize the risk of loss from fire; and (3) Safety Implementation Measure 17, to work with water service providers to identify neighborhoods with inadequate flow from fire hydrants, and to upgrade deteriorated and undersized water-distribution systems. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, SPRs, and VARs.

5. *The variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.*

The VAR would allow for an utility improvement to facilitate residential development, including rebuilding efforts following the 2025 Palisades Fire in a zoning district intended for single-family residential development. The base zoning district, RR-20, allows for utility facilities with the approval of a CUP. Inclusive of the CUP, the VAR is consistent with the purpose and intent of the RR-20 zone.

6. *The subject site is physically suitable for the proposed variance.*

The subject parcel contains an existing water tank and is physically suitable from a geotechnical perspective for grading and construction of the tank and the associated retaining wall. The

encroachment into the rear yard setback by 59 percent is unavoidable due to water tank sizing requirements as well as requirements for access and maintenance.

7. *The variance complies with all requirements of state and local law.*

The proposed project was reviewed by the Planning Division and is found to comply with all applicable requirements of state and local law with the inclusion of the requested CUP, VARs and SPRs. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. As conditioned, the applicant is required to transfer the completed water tank improvements to the Los Angeles County Waterworks District for ownership, operation, and maintenance through a recorded Warranty Deed and Bill of Sale.

8. *All or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the city.*

The proposed project, including the request for a 59 percent encroachment into the otherwise required rear yard has been reviewed by the Planning Division, City geotechnical consultant reviewers, City Biologist, City Environmental Health Administrator, the Public Works Department and WD29. All conditions of approval from reviewers are included herein. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs and SPRs. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. All necessary geotechnical, construction, access, maintenance, and operational conditions have been included to ensure that the VAR will not be detrimental to the health, safety, and welfare of the city.

E. Variance No. 24-021 from MMC Section 17.40.040(A)(12) to Allow Structures on Slopes Steeper than 2.5 to 1 (MMC Section 17.72.060)

VAR No. 24-021 would allow the proposed water tank, retaining wall, and necessary access and maintenance areas be located on slopes steeper than 2.5 to 1. Pursuant to MMC Section 17.72.060, following a public hearing, the Planning Commission may approve and/or modify an application for a VAR in whole or in part, with or without conditions, provided that it makes all eight of the following findings of fact for a VAR. Based on the foregoing evidence contained in the record, and submitted evidence by the applicant, the findings for VAR No. 24-021 are made as follows.

1. *There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

The project site was deemed to be the most viable location for the proposed water tank by WD29 due to the parcel geology. The proposed development on slopes steeper than 2.5 to 1 (steep slopes) is

necessary to allow for placement of the water tank, retaining wall, and access requirements for water tank maintenance and management. The proposed grading and single retaining wall allow for the water tank to be placed in the proposed location, adjacent to the existing water tank, for efficiency in water distribution, and to reduce visibility from surrounding parcels. Because the tank volume and the associated access, maintenance, and foundation requirements are set by WD29, the resulting exceedances from MMC development standards are considered unavoidable and necessary to allow a second 100,000 gal. water tank on the subject parcel. Therefore, the exceptional characteristics of the subject parcel warrant such a VAR, as strict application of the zoning ordinance would deprive the neighborhood of additional water service and fire flow.

2. *The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The granting of a VAR for structures on steep slopes allows for the installation of a second 100,000 gal. water tank, which is critical to the public interest, safety, health, and welfare as it would allow for an additional 100,000 gal. of water capacity for residential uses and fire flow access. The proposed water tank is sited directly adjacent to an existing water tank and due to its location and geology, will not be injurious to surrounding parcels.

3. *The granting of the variance will not constitute a special privilege to the applicant or property owner.*

The granting of the VAR will not constitute a special privilege to the applicant or property owner, as the site is currently used as a utility facility with a 100,000 gal. water tank servicing the neighborhood. The VAR is unavoidable due to the water tank design and access and maintenance requirements to accommodate 100,000 gal., which is the amount determined necessary by WD29 for additional capacity at this location. The installation of the water tank would provide health and safety benefits for a residential neighborhood by increasing water access for residential and fire suppression purposes from 100,000 gal. to 200,000 gal.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the General Plan.*

The use extends the current use and is consistent with the goals, objectives, policies, and general land uses of the General Plan, specifically: (1) Conservation Policy 2.2.1, that the City shall ensure adequate water storage for firefighting and other emergencies; (2) Safety Policy 1.1.2, that the City shall minimize the risk of loss from fire; and (3) Safety Implementation Measure 17, to work with water service providers to identify neighborhoods with inadequate flow from fire hydrants, and to upgrade deteriorated and undersized water-distribution systems. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs, and SPRs.

5. *The variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.*

The VAR would allow for a utility improvement to facilitate residential development, including rebuilding efforts following the 2025 Palisades Fire in a zoning district intended for single-family residential development. The base zoning district, RR-20, allows for utility facilities with the approval of a CUP. Inclusive of the CUP, the VAR is consistent with the purpose and intent of the RR-20 zone.

6. *The subject site is physically suitable for the proposed variance.*

The subject parcel contains an existing water tank and is physically suitable from a geotechnical perspective for grading and construction of the tank and the associated retaining wall. The location of the proposed water tank and retaining wall are unavoidable due to water tank sizing requirements as well as requirements for access and maintenance.

7. *The variance complies with all requirements of state and local law.*

The proposed project was reviewed by the Planning Division and is found to comply with all applicable requirements of state and local law with the inclusion of the requested CUP, VARs and SPRs. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. As conditioned, the applicant is required to transfer the completed water tank improvements to the Los Angeles County Waterworks District for ownership, operation, and maintenance through a recorded Warranty Deed and Bill of Sale.

8. *All or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the city.*

The proposed project, including the request the placement of structures on steep slopes has been reviewed by the Planning Division, City geotechnical consultant reviewers, City Biologist, City Environmental Health Administrator, the Public Works Department, and WD29. All conditions of approval from reviewers are included herein. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs, and SPRs. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. All necessary geotechnical, construction, access, maintenance, and operational conditions have been included to ensure that the VAR will not be detrimental to the health, safety, and welfare of the city.

F. Variance No. 24-024 from MMC Section 17.40.040(A)(11)(a) to Allow an Increase in the Maximum Impermeable Coverage (MMC Section 17.72.060)

VAR No. 24-024 would allow an increase in the maximum allowed impermeable coverage for the subject parcel from 5,830 sf. (maximum) to 6,337 sf. (proposed). Pursuant to MMC Section 17.72.060, following a public hearing, the Planning Commission may approve and/or modify an application for a VAR in whole or in part, with or without conditions, provided that it makes all eight of the following findings of fact for a VAR. Based on the foregoing evidence contained in the record, and submitted

evidence by the applicant, the findings for VAR No. 24-021 are made as follows.

1. *There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

The proposed location of the additional water tank was selected based on feasibility studies completed by WD29, which determined the proposed location would be most suitable for additional service water to the neighborhood. The VAR required for impervious surfaces cannot be reduced, as the proposed 100,000 gal. tank is the size specified and required by WD29 for this capacity. The subject parcel currently has 4,707 sf. of existing impermeable coverage from the existing water tank and site improvements, where MMC standards allow for a maximum of 5,830 sf. With the second water tank, the proposed increase in allowable impermeable coverage would exceed the MMC allowance by 507 sf. and is unavoidable due to the tank design and size. Because the tank volume and the associated access, maintenance, and foundation requirements are set by WD29, the resulting exceedances from MMC development standards are considered unavoidable and necessary to allow a second 100,000 gal. water tank on the subject parcel. Therefore, the exceptional characteristics of the subject parcel warrant such a VAR, as strict application of the zoning ordinance would deprive the neighborhood of additional water service and fire flow.

2. *The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The granting of a VAR for an increase in impermeable coverage allows for the installation of a second 100,000 gal. water tank, which is critical to the public interest, safety, health, and welfare as it would allow for an additional 100,000 gal. of water capacity for residential uses and fire flow access. The proposed water tank is sited directly adjacent to an existing water tank and due to its location and geology, will not be injurious to surrounding parcels.

3. *The granting of the variance will not constitute a special privilege to the applicant or property owner.*

The granting of the VAR will not constitute a special privilege to the applicant or property owner, as the site is currently used as a utility facility with a 100,000 gal. water tank servicing the neighborhood. The VAR is unavoidable due to the water tank design and sizing to accommodate 100,000 gal., which is the determined amount necessary by WD29 for additional capacity at this location. The installation of the water tank would provide health and safety benefits for a residential neighborhood by increasing water access for residential and fire suppression purposes from 100,000 gal. to 200,000 gal.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the General Plan.*

The use extends the current use and is consistent with the goals, objectives, policies, and general land uses of the General Plan, specifically: (1) Conservation Policy 2.2.1, that the City shall ensure adequate

water storage for firefighting and other emergencies; (2) Safety Policy 1.1.2, that the City shall minimize the risk of loss from fire; and (3) Safety Implementation Measure 17, to work with water service providers to identify neighborhoods with inadequate flow from fire hydrants, and to upgrade deteriorated and undersized water-distribution systems. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs, and SPRs.

5. *The variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.*

The VAR would allow for a utility improvement to facilitate residential development, including rebuilding efforts following the 2025 Palisades Fire in a zoning district intended for single-family residential development. The base zoning district, RR-20, allows for utility facilities with the approval of a CUP. Inclusive of the CUP, the VAR is consistent with the purpose and intent of the RR-20 zone.

6. *The subject site is physically suitable for the proposed variance.*

The subject parcel contains an existing water tank and is physically suitable from a geotechnical perspective for grading and construction of the tank and the associated retaining wall. The location of the proposed water tank and retaining wall are unavoidable due to water tank sizing requirements as well as requirements for access and maintenance.

7. *The variance complies with all requirements of state and local law.*

The proposed project was reviewed by the Planning Division and is found to comply with all applicable requirements of state and local law with the inclusion of the requested CUP, VARs and SPRs. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. As conditioned, the applicant is required to transfer the completed water tank improvements to the Los Angeles County Waterworks District for ownership, operation, and maintenance through a recorded Warranty Deed and Bill of Sale.

8. *All or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the city.*

The proposed project, including the request for an increase in impermeable coverage, has been reviewed by the Planning Division, City geotechnical consultant reviewers, City Biologist, City Environmental Health Administrator, the Public Works Department, and WD29. All conditions of approval from reviewers are included herein. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs and SPRs. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. All

necessary geotechnical, construction, access, maintenance, and operational conditions have been included to ensure that the VAR will not be detrimental to the health, safety, and welfare of the city.

G. Variance No. 25-001 from MMC Section 17.40.030(A)(4) for Retaining Wall Height Above 18 Ft. (MMC Section 17.72.060)

VAR No. 25-001 would allow retaining wall height above 18 ft., up to 18 ft., 10 in. to create a building pad for a new 100,000 gal. water tank to be sited next to an existing 100,000 gal. water tank. Pursuant to MMC Section 17.72.060, following a public hearing, the Planning Commission may approve and/or modify an application for a VAR in whole or in part, with or without conditions, provided that it makes all eight of the following findings of fact for a VAR. Based on the foregoing evidence contained in the record, and submitted evidence by the applicant, the findings for VAR No. 25-001 are made as follows.

1. *There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.*

The project site was deemed to be the most viable location for the proposed water tank by WD29 due to the parcel geology. The application proposes one 18 ft., 10 in. retaining wall to create a building pad for a proposed water tank and access, rather than a multi-tiered retaining wall system in order to reduce the extent of development on steep slopes, reduce the necessary encroachment into setbacks and decrease visibility of the proposed development from surrounding parcels. The proposed grading and single retaining wall allow for the water tank to be placed in the proposed location, adjacent to the existing water tank, for efficiency in water distribution, and to reduce visibility from surrounding parcels. Therefore, the exceptional characteristics of the subject parcel warrant such a VAR, as strict application of the zoning ordinance would deprive the neighborhood of additional water service and fire flow.

2. *The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.*

The granting of a VAR for a 10 in. increase in retaining wall height above the maximum allowable 18 ft. allows for the installation of a second 100,000 gal. water tank, which is critical to the public interest, safety, health, and welfare as it would allow for an additional 100,000 gal. of water capacity for residential uses and fire flow access. The proposed water tank is sited directly adjacent to an existing water tank and due to its location and geology, will not be injurious to surrounding parcels.

3. *The granting of the variance will not constitute a special privilege to the applicant or property owner.*

The granting of the VAR will not constitute a special privilege to the applicant or property owner, as the site is currently used as a utility facility with a 100,000 gal. water tank servicing the neighborhood. The single wall design was proposed rather than a multi-tiered retaining wall system in order to reduce the extent of development on steep slopes, reduce the necessary encroachment into setbacks and

decrease visibility of the proposed development from surrounding parcels. The proposed grading and single retaining wall allow for the water tank to be placed in the proposed location, adjacent to the existing water tank, for efficiency in water distribution, and to reduce visibility from surrounding parcels. The retaining wall would allow for a building pad to be created of sufficient size to accommodate a 100,000 gal. water tank, which is the determined amount necessary by WD29 for additional capacity at this location. The installation of the water tank would provide health and safety benefits for a residential neighborhood by increasing water access for residential and fire suppression purposes from 100,000 gal. to 200,000 gal.

4. *The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the General Plan.*

The use extends the current use and is consistent with the goals, objectives, policies, and general land uses of the General Plan, specifically: (1) Conservation Policy 2.2.1, that the City shall ensure adequate water storage for firefighting and other emergencies; (2) Safety Policy 1.1.2, that the City shall minimize the risk of loss from fire; and (3) Safety Implementation Measure 17, to work with water service providers to identify neighborhoods with inadequate flow from fire hydrants, and to upgrade deteriorated and undersized water-distribution systems. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, VARs and SPRs.

5. *The variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.*

The VAR would allow for a utility improvement to facilitate residential development, including rebuilding efforts following the 2025 Palisades Fire in a zoning district intended for single-family residential development. The base zoning district, RR-20, allows for utility facilities with the approval of a CUP. Inclusive of the CUP, the VAR is consistent with the purpose and intent of the RR-20 zone.

6. *The subject site is physically suitable for the proposed variance.*

The subject parcel contains an existing water tank and is physically suitable from a geotechnical perspective for grading and construction of the tank and the associated retaining wall. The location of the proposed water tank and retaining wall are unavoidable due to water tank sizing requirements as well as requirements for access and maintenance. As described in Finding G.3, the single-wall design up to 18 ft., 10 in. would result in less development and reduced visibility concerns than a multi-tiered retaining wall design consistent with MMC standards.

7. *The variance complies with all requirements of state and local law.*

The proposed project was reviewed by the Planning Division and is found to comply with all applicable requirements of state and local law with the inclusion of the requested CUP, VARs and SPRs. The project is considered to comply with the Governor EO N-20-25 related to the Palisades Fire, which suspended Coastal Act and CEQA review for the project. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. As

conditioned, the applicant is required to transfer the completed water tank improvements to the Los Angeles County Waterworks District for ownership, operation, and maintenance through a recorded Warranty Deed and Bill of Sale.

8. *All or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the city.*

The proposed project, including the request for an additional 10 in. of height over the otherwise allowed retaining wall height of 18 ft. to create a building pad has been reviewed by the Planning Division, City geotechnical consultant reviewers, City Biologist, City Environmental Health Administrator, the Public Works Department, and WD29. All conditions of approval from reviewers are included herein. The project, as proposed and conditioned, has been found to be consistent with the General Plan and all applicable MMC codes, standards, goals and policies with the inclusion of the requested CUP, SPRs, and VARs. The applicant will be required to obtain appropriate building permits with the City Building and Safety Division prior to construction, at which time compliance with the California Building Code, as adopted by the City, will be verified. All necessary geotechnical, construction, access, maintenance, and operational conditions have been included to ensure that the VAR will not be detrimental to the health, safety, and welfare of the city.

SECTION 6. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves APR No. 26-014, CUP No. 24-010, VAR No. 24-020, VAR No. 24-021, VAR No. 24-024, VAR No. 25-001, SPR No. 24-023 and SPR No. 26-020 subject to the following conditions.

SECTION 7. Conditions of Approval.

Standard Conditions

1. The applicant and 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. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   Construction

   a. Installation of a new 25 ft., 5 in. tall, above-ground 100,000 gal. water tank and associated foundation;
   b. Installation of a new 18 ft., 10 in. tall retaining wall;
   c. 610 c.y. of non-exempt grading.

Discretionary Requests

d. CUP No. 24-010 for use of a utility facility (water tank) within the RR zoning district pursuant to MMC Section 17.08.040(A);
e. VAR No. 24-020 from MMC Section 17.40.040(A)(6)(c) for a 59 percent reduction in the required rear yard setback from 24 ft., 7 in. (required) to 10 ft. (proposed);
f. VAR No. 24-021 from MMC Section 17.40.040(A)(12) to allow structures on slopes steeper than 2.5 to 1 consisting of the water tank, retaining wall, and necessary access and maintenance areas;
g. VAR No. 24-024 from MMC Section 17.40.040(A)(11)(a) to allow 6,337 sf. of impermeable lot coverage where 5,830 sf. is the maximum permitted;
h. VAR No. 25-001 from MMC Section 17.40.030(A)(4) to allow a retaining wall measuring 18 ft., 10 in. in height to create a building pad where 18 ft. is the maximum permitted;
i. SPR No. 24-023 from MMC Section 17.40.040(A)(5)(a) for a structure height above 18 ft., to allow a water tank measuring up to 25 ft., 5 in. in height; and
j. SPR No. 26-020 from MMC Section 17.40.040(A)(6)(b) for a 12 percent reduction in the required south side yard setback from 11 ft., 4 in. (required) to 10 ft. (proposed).

3. The permits and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Division within 30 days of this decision or prior to issuance of building permits.

4. The applicant shall digitally submit a complete digital 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. The approvals granted herein shall expire three years from the date of approval, **September 22, 2026**, unless a time extension has been granted, or work has commenced, and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the Administrative Plan Review approval shall expire after three years from the date of final Planning Division approval if construction is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.

6. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the plans stamped August 26, 2026, on file with the Planning Division. In the event the project plans conflict with any condition of approval, the condition shall control.

7. The Community Development Director is authorized to make minor changes to the approved plans or any of the conditions if such modifications achieve substantially the same results, as would strict compliance with said plans and conditions.

8. An extension to the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the approving authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

9. Prior to construction, the applicant shall receive Planning Division approval for compliance with conditions of approval.

10. Prior to sign off for the foundation, a foundation survey shall be prepared by a licensed civil engineer or architect that states the finished building pad elevation, and location on the site. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Division for review and sign off.

Cultural Resources

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

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

Lighting

13. Exterior lighting must comply with the 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.

14. Night lighting for sports courts or other private recreational facilities shall be prohibited.

15. 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.

16. 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.

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

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

19. No lighting can exceed 18 ft. in height except as required by the California building code.

20. 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.

21. Up-lighting of landscaping is prohibited.

Construction / Demolition

22. Prior to demolition activities, the applicant shall receive Planning Division approval for compliance with conditions of approval.

23. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

24. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Building Safety Division. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

25. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

26. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.

27. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported and disposed of in full compliance with all applicable federal, state and local regulations.

28. Any building or demolition permits issued for work commenced or completed without the

benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.

29. Upon completion of demolition activities, the applicant shall request a demolition inspection by the Building Safety Division and the Planning Division.

Construction / Framing

30. The applicant shall submit a copy of a Construction Management Plan to the Planning Division. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material. Prior to permit issuance, the Construction Management Plan must be acceptable to the Community Development Director and, if applicable, to the Building Official and Public Works Director.

31. A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.

32. Construction hours shall be limited to Monday through Friday from 7:00 AM to 7:00 PM and Saturdays from 8:00 AM to 5:00 PM. No construction activities shall be permitted on Sundays or City-designated holidays.

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

34. Prior to final sign off from the City, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Division for review and sign off on framing.

35. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Colors and Materials

36. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Community Development Director and clearly indicated on all grading, improvement and/or building plans.

37. Both the proposed and existing water tank shall be painted the same color and a color that blends in with the surrounding environment. Earth tones (greys, tans, browns, and greens) are acceptable with no bright colors or materials allowed. The proposed paint shall not be glossy.

The proposed paint color shall be clearly identified on the plans submitted for permit review and approved by the Planning Division prior to issuance of permits.

Fire Department

38. The project is subject to a Fire Department Plan Review and Developer fee prior to final approval by LACFD.

Biology

39. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height, or change 500/2,500 sf. or more of the existing landscaping area, a detailed landscape plan / Landscape Documentation Package shall be submitted for review and approval prior to any planting.

40. All new development including structures, septic systems, or landscaping, shall be set back no less than 100 ft. from the riparian ESHA, jurisdictional drainage, and/or parkland.

41. 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.

42. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Community Development Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

43. No portion of the project development shall be placed within the protected zone of a protected native tree.

44. Invasive plant species, as determined by the City of Malibu, are prohibited.

45. No non-native plant species shall be approved greater than 50 ft. from the residential structure.

46. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

47. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.

48. Construction fencing shall be placed within five feet of the southern limits of grading.

Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

49. All open areas not used for buildings, driveways, parking areas, or walkways shall be attractively landscaped and maintained ~~in accordance with a landscape plan,~~ with native plant species, to the satisfaction of the Community Development Director.

50. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 ft. between large woody (≥10 ft. canopy) shrubs is recommended by the Los Angeles County Fire Department. Lawns are prohibited on slopes > 5 percent.

51. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to interrupt the flow and rate of surface runoff in order to prevent surface soil erosion.

52. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

53. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 in. Three violations of this condition will result in a requirement to permanently remove the vegetation from the site.

54. Vegetation in excess of six feet in height shall not obstruct the primary view of existing residences located within a 1,000 ft. radius at any given time (given consideration of its future growth).

55. Plantings required for fuel modification, except for within irrigated Zone A nearest to approved residential structures, must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

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

57. Earthmoving shall be scheduled only during the dry season from April 1 – October 31. If it becomes necessary to conduct earthmoving activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.

58. Grading and/or demolition shall be scheduled only during the dry season from April 1 – October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a

grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

59. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 ft. from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 ft. or more from a structure with no limitation on application area.

Geology

60. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical consultant reviewers prior to the issuance of a grading permit.

61. Final plans approved by the City geotechnical consultant reviewers shall be in substantial conformance with the approved APR relative to construction, grading, sewage disposal and drainage. Any substantial changes may require an amended or new APR.

62. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

Public Works

63. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 ft. of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

64. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

65. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

66. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that

accomplishes the following:

a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.

b. Prohibits the discharge of trash.

c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).

d. Elimination of non-storm water discharges.

67. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The QQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

a. Site Design Best Management Practices (BMPs):

b. Source Control BMPs;

c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;

d. Drainage improvements;

e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;

f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;

g. Measures to treat and infiltrate runoff from impervious areas;

h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and

i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Office of the Los Angeles County Recorder. A certified copy of the WQMP

shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

68. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
    a. Public Works Department general notes;
    b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
    c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
    d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
    e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
    f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
    g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

69. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but is not limited to:

Erosion Controls / Scheduling	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

70. All Best Management Practices (BMPs) shall be in accordance with the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

71. Prior to the approval of any permits and prior to the submittal of the required construction general permit document to the State Water Quality Control Board, the property owner / applicant shall submit the Public Works Department an Erosion and Sediment Control Plan (ESCP) for review. The ESCP shall contain appropriate site-specific construction site BMPs prepared and certified by a qualified SWPPP developer (QWD). All structural BMPs must be designed by a licensed California civil engineer. The ESCP must address the following elements:

    a. Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area

    b. Methods used to protect native vegetation and trees

    c. Sediment / erosion control

    d. Controls to prevent tracking on- and off-site

    e. Non-stormwater control

    f. Material management (delivery and storage)

    g. Spill prevention and control

    h. Waste management

    i. Identification of site risk level as identified per the requirements in Appendix 1 of the Construction General Permit

    j. Landowner must sign the following statement on the ESCP:

        "I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that quality personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to properly and/or adequately implement the ESCP may result in revocation of grading and/or other permits or other sanctions provided by law."

72. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:

    a. Is located within or adjacent to ESHA, or

    b. Includes grading on slopes greater than 4 to 1.

73. Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading

operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

74. The Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

75. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.

Site Specific Conditions

76. Prior to construction of the proposed water tank, the County of Los Angeles shall submit plans for the Las Flores Mesa water main and pump station improvements that will accompany the tank to the City for review and approval. The water tank shall not be constructed without first receiving approval from the City of Malibu on the waterline improvements as the water tank will serve no purpose without demonstration of adequate waterline connection. The County of Los Angeles must submit the plans for the waterline connections and pump station improvements to the City prior to the expiration of this permit.

77. Prior to the issuance of any development permit, the applicant/property owner shall provide a pre-construction assessment of the existing condition of Las Flores Mesa Drive to the subject parcel. A copy of this assessment shall be kept on file with the City. The applicant/property owner shall be responsible for repairs of any damage to the road that may result during the construction phase of the proposed project. Any obvious damage to the road that becomes apparent during the construction phase (including, but not limited to, pot holes, cracks and ripples) shall be immediately repaired by the applicant/property owner. Prior to a Planning Division final inspection, the applicant/property owner shall submit a post-construction assessment of the road to demonstrate compliance with this condition. A photo survey shall be utilized to complete this assessment.

78. Upon completion and acceptance of the water tank improvements by the County of Los Angeles, the applicant shall transfer the water tank improvements to the County for ownership, operation, and maintenance through a Warranty Deed and Bill of Sale. Such evidence shall be provided to the City prior to the City's final sign off.

79. The applicant/owner shall obtain building permits from the City of Malibu's Building Safety Division prior to any construction activities for the approved project under this entitlement, unless deemed by the City's Building Official to be unnecessary.

Conditional Use Permit

80. The CUP may be reviewed by the Community Development Director (or designee) and/or Planning Commission on an as-needed basis at the discretion of the Community Development Director (or designee) or Planning Commission. Should it be determined that a review is required, the Property Owners shall pay the Planning Division site inspection fee in effect at the time of request for a site inspection. A planner will conduct a site visit to verify compliance

with the provisions set forth in this resolution. If necessary, the Community Development Director (or designee) will determine whether the CUP may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent nuisances that were identified during the site inspection or made aware of by members of the public.

81. The conditions under which this CUP was granted may be modified by the City without the consent of the property owners or operator if the Planning Commission finds that the use is creating a nuisance.

82. 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 any lawfully existing building or structure on the land.

83. The CUP shall no longer be valid and in effect with the demolition of all structures.

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

85. 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.

86. 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 conditional use permit 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 CUP was obtained in a fraudulent manner.
    b. The use for which the CUP was granted has ceased or was suspended for at least six successive calendar months, absent a natural disaster.
    c. One or more of the conditions found within this resolution have not been substantially met.

Prior to Final Planning Inspection

87. Prior to, or at the time of a Planning final inspection, the City Biologist shall inspect the project site and determine that all Planning Division conditions to protect natural resources are in compliance with the approved plans.

88. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Community Development Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.

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

if applicable, the issuance of the certificate of occupancy.

Deed Restrictions

90. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to the Planning Division prior to final planning approval.

91. Prior to final Planning Division approval, the property owner shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 14 to 22. A copy of the recorded document shall be provided to the Planning Division prior to final Planning approval.

Fixed Conditions

92. This APR, CUP, SPRs, and VARs shall run with the land and bind all future owners of the property.

93. Violation of any of the conditions of this approval may be cause for revocation of the APR and/or CUP and termination of all rights granted there under.

SECTION 9. The Planning Commission shall certify the adoption of this Resolution.

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

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code (MMC) Section 17.04.220 (Appeal of action) 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. The Planning Commission found that the project qualifies for the suspensions of the California Coastal Act and CEQA covered in EO N-20-25 and thus is not appealable to the California Coastal Commission.

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. 26-42 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