Commission Agenda Report

Planning Commission Meeting
10-05-26
Item 5.B.

To: Chair Kamins and Members of the Planning Commission

Prepared by: Courtney Brown, Senior Planner

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

Date prepared: September 24, 2026 Meeting date: October 5, 2026

Subject: Extension of Coastal Development Permit No. 12-095, and Minor Modification Nos. 12-016 and 12-017 – A request to extend the Planning Commission's approval to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, and to permit unpermitted structures and site work

Location: 5942 Cavalleri Road
APN: 4467-018-013
Owner: James Hull Trust

RECOMMENDED ACTION: Either 1) adopt Planning Commission Resolution No. 26-51 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. 12-095 to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, to permit unpermitted structures and site work, and to permit an after-the-fact outdoor terraced seating area constructed without the benefit of permits not to be used for commercial purposes, nor employ the use of amplified sound; including Minor Modification (MM) No. 12-016 for reduction of the required 65-foot front yard setback by 36.6 percent and MM No. 12-017 for reduction of the 69-foot, 10-inch rear yard setback by 20 percent, located in the Rural Residential, Five-Acre zoning district at 5942 Cavalleri Road (James Hull Trust); or 2) provide direction to staff to return with a Resolution consistent with the Planning Commission's decision.

DISCUSSION: On September 21, 2020, the Planning Commission adopted Resolution No. 20-64, approving CDP No. 12-095 and MM Nos. 12-016 and 12-017. Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.21, Condition of Approval No. 7 in Resolution No. 20-64 states that the CDP and associated requests shall expire if the project has not commenced within three years after final City action. Extension of the permit may be granted by the approving authority for due cause. Expiration of the CDP was originally set for September 21, 2023.

On January 18, 2024, the Planning Commission adopted Resolution No. 24-01, granting a one-year time extension and the CDP expiration was extended to September 21, 2024. On November 18, 2024, the Planning Commission adopted Resolution No. 24-74, granting an additional one-year time extension and the CDP expiration was reset to September 21, 2025. On November 3, 2025, the Planning Commission adopted Resolution No. 25-82, granting a third one-year time extension and the CDP expiration was reset to September 21, 2026.

The item before the Planning Commission is a request for a fourth one-year time extension. If approved, the new CDP expiration would be September 21, 2027. The extension request was filed on September 9, 2026 by the applicant, Schmitz & Associates, on behalf of the owner, James Hull Trust. The request cited ongoing and significant health issues and financial hardships of the owner and multiple rounds of comments from Building and Safety during building plan check. The applicant is working to address Public Works comments to complete building plan check and obtain building permits.

Per LCP Policy No. 5 (Coastal Development Permit Extensions), the aggregate life of a CDP shall not exceed five years absent extraordinary circumstances. A one-year extension to September 21, 2027, exceeds five years and is allowable should the Planning Commission determine extraordinary circumstances have delayed the commencement of construction. The applicant's basis for due cause is provided as Attachment 2.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 20-64 shall remain valid for an additional one-year term. The CDP expiration would then be September 21, 2027. All conditions of approval in Planning Commission Resolution No. 20-64 will remain in effect. Should the Planning Commission determine the applicant has not provided evidence of extraordinary circumstances and due diligence, they may direct staff to return with a resolution for denial.

ATTACHMENTS:

1. Planning Commission Resolution No. 26-51
2. Time Extension Request
3. LCP Policy No. 5 (CDP Extensions)
4. Public Hearing Notice

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

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 26-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 12-095 TO CONSTRUCT A NEW 18-FOOT TALL, 996 SQUARE FOOT BARN, HORSE CORRALS AND SHED, TO PERMIT UNPERMITTED STRUCTURES AND SITE WORK, AND TO PERMIT AN AFTER-THE-FACT OUTDOOR TERRACED SEATING AREA CONSTRUCTED WITHOUT THE BENEFIT OF PERMITS NOT TO BE USED FOR COMMERCIAL PURPOSES, NOR EMPLOY THE USE OF AMPLIFIED SOUND, INCLUDING MINOR MODIFICATION NO. 12-016 FOR REDUCTION OF THE REQUIRED 65-FOOT FRONT YARD SETBACK BY 36.6 PERCENT AND MINOR MODIFICATION NO. 12-017 FOR REDUCTION OF THE 69-FOOT, 10-INCH REAR YARD SETBACK BY 20 PERCENT, LOCATED IN THE RURAL RESIDENTIAL, FIVE-ACRE ZONING DISTRICT AT 5942 CAVALLERI ROAD (JAMES HULL TRUST)

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

SECTION 1. Recitals.

A. On September 21, 2020, the Planning Commission adopted Planning Commission Resolution No. 20-64, approving Coastal Development Permit (CDP) No. 12-095 to construct a new 18-foot tall, 996 square foot barn, horse corrals and shed, to permit unpermitted structures and site work,, and to permit an after-the-fact outdoor terraced seating area construction without the benefit of permits not to be used for commercial purposes, nor employ the use of amplified sound, including minor modifications for the reduction of the required 65-foot front yard setback by 36.6 percent and for the reduction of the 69-foot, 10-inch rear yard setback by 20 percent.

B. On August 21, 2023, the applicant, Schmitz & Associates, Inc., submitted a first-time extension request.

C. On January 18, 2024, the Planning Commission adopted Planning Commission Resolution No. 24-01 granting a one-year time extension. The project expiration date was extended until September 21, 2024.

D. On August 27, 2024 the applicant, Schmitz & Associates, Inc., submitted a second-time extension request.

E. On November 18, 2024, the Planning Commission adopted Planning Commission Resolution No. 24-74 granting a one-year time extension. The project expiration date was extended until September 21, 2025.

F. September 4, 2025 the applicant, Schmitz & Associates, Inc., submitted a third-time extension request

G. On November 3, 2025, the Planning Commission adopted Planning Commission Resolution No. 25-82 granting a one-year time extension. The project expiration date was extended until September 21, 2026.

H. September 4, 2026 the applicant, Schmitz & Associates, Inc., submitted a fourth one-year time extension request citing the owner's ongoing and significant health issues, financial hardships and diligent efforts to proceed through building plan check.

I. On September 24, 2026, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

J. On October 5, 2026 the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed, and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Sections 15303(e) - New Construction; 15304(a) and 15305 – Minor Alterations to Land on September 21, 2020. As such, Categorical Exemption No. 20-144 was filed for CDP No. 12-095, and adopted with the approval of the project. The time extension is consistent and within the scope of the project analyzed in the Planning Commission's exemption and filed Notice of Exemption. The Planning Commission's action is not a separate project for CEQA purposes but is a subsequent discretionary approval related to a previously approved project – CEQA Guidelines § 15378(c). Accordingly, the Planning Commission's action is merely a step-in furtherance of the project for which environmental review was performed, and no further environmental review is required.

SECTION 3. Findings of Fact.

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

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 20-64 are hereby extended for an additional one-year term. The approval is now set to expire on September 21, 2027.

B. No other changes to the conditions contained in Planning Commission Resolution No. 20-64 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 20-64 shall remain in full force and effect.

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

PASSED, APPROVED AND ADOPTED this 5th day of October, 2026.

MARNI KAMINS, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 26-51 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 5th day of October, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary

City of Malibu

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

CITY OF MALIBU
RECEIVED
SEP 09 2026
PLANNING DIVISION

TIME EXTENSION REQUEST

The City of Malibu will not accept incomplete applications.

Staff use only

Extension No. 26-010

To submit a time extension request:

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

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

Project No.: CDP 12-095

Site Address: 5942 Cavalleri Road

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

1. **Time Extension Checklist** X

   This form with property owner's signature

2. **Time Extension Request Letter** X

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

3. **Time Extension Fee ($596) or currently adopted fee** X

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

   Has the property owner or commercial occupant changed since the Planning Commission's / Community Development Director's approval or since issuance of the last extension? ☐ YES ■ NO

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

   Property Owner's mailing Address: [redacted]

   Property Owner's telephone:

   Property Owner's email address:

ATTACHMENT 2

Occupant's mailing Address: Same as above

Occupant's telephone: Same as above

Occupant's email address: Same as above

5. **Applicant's Information**

Has the applicant representing the owner changed since the Planning Commission's/ Community Development Director's approval or since the issuance of the last extension? ☐ YES ■ NO

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

Applicant's mailing address: 28230 Agoura Road #200
Agoura Hills, CA 91301

Applicant's telephone: 818-338-3636

Applicant's email address: nfarnoush@gmail.com

6. **Certified** Mailing Data and Radius Map for Public Notice to Property Owners and Occupants ____

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

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

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

Indemnification Clause

The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

PROPERTY OWNER SIGNATURE	PROPERTY OWNER NAME (PRINT)	DATE
Trustee	James R. Hull Trust	9/2/26

September 8, 2025

City of Malibu Planning Department
Attn: Courtney Brown, Senior Planner
23815 Stuart Ranch Rd.
Malibu, CA 90265

RE: 5942 Cavalleri Rd., CDP 12-095, Due Cause for CDP Extension

Dear Courtney:

On behalf of the property owner, James Hull, this letter respectfully requests an extension of Coastal Development Permit (CDP) No. 12-095, which is set to expire on September 21, 2025. Pursuant to Section 13.21 of the Malibu Local Coastal Program Local Implementation Plan, a CDP may be extended upon a showing of "due cause."

As you are aware, the project is presently in active plan check. We have received four rounds of comments from Building & Safety/Grading and Drainage. In response to the Building & Safety comments, the project plans were revised, which triggered additional review by Public Works. We have now received the resulting Public Works comments and are working to address them, which we believe to be the final round of plan check comments.

The property owner has continued to diligently pursue the project despite significant personal and financial challenges. As previously discussed, Mr. Hull has been dealing with ongoing health issues associated with his advanced age, compounded by financial hardships that have made it more difficult to move the project forward. Notwithstanding these circumstances, he has continued to work with his consultants to advance the project, including obtaining the green stamp and proceeding with the necessary Building & Safety applications.

In light of these circumstances, and given the progress made toward completion of the project, additional time is needed to address the remaining requirements and finalize the plan check process. We therefore respectfully request that the City grant an extension of CDP No. 12-095. Approval of this extension will provide the owner with the necessary time to complete the remaining requirements, finalize the project, and facilitate resolution of the outstanding Code Enforcement Violation No. 201004010.

Please let us know if you or any Planning Commissioners have any questions or require any additional information.

Sincerely,

Schmitz & Associates
Nicole Farnoush, Project Team Manager

City of Malibu

Planning Department

LCP Policy 5: Coastal Development Permit Extensions

LIP Section 13.21 provides:

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

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

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

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

ATTACHMENT 3

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

COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, October 5, 2026, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA for the project identified below. Public comment can be submitted ahead of the public hearing to planningcommission@malibucity.org for inclusion in the public record. To participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 12-095 AND MINOR MODIFICATION NOS. 12-016 AND 12-017- A request to extend the Planning Commission's approval to construct a new 18-foot tall, 996 square foot barn, horse corrals, and shed, and to permit unpermitted structures and site work

LOCATION / APN:	**5942 Cavalleri Rd** / 4467-018-013
ZONING:	Rural Residential, Five-Acre (RR-5)
APPLICANT / OWNER:	Schmitz and Associates, Inc. / James Hull Trust
APPEALABLE TO:	City Council
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15303(e), 15304(a), and 15305
EXTENSION FILED:	September 9, 2026
CASE PLANNER:	Courtney Brown, Senior Planner, cbrown@malibucity.org / (310) 456-2489, ext. 268

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

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

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

YOLANDA BUNDY, Community Development Director Date: September 24, 2026

ATTACHMENT 4