Commission Agenda Report

Planning Commission Meeting
04-17-23
Item 5.B.

To: Chair Smith and Members of the Planning Commission

Prepared by: Adrian Fernandez, Assistant Planning Director

Approved by: Richard Mollica, Planning Director

Date prepared: April 4, 2023 Meeting date: April 17, 2023

Subject: Malibu Inn Motel - Coastal Development Permit No. 09-067, Mitigated Negative Declaration No. 20-003 and Initial Study No. 20-003, Conditional Use Permit No. 18-002, Variance Nos. 18-030, 18-031, and 20-035, and Site Plan Review No. 18-025 – An application for development of a motel project

Location: 22959 Pacific Coast Highway, within the appealable coastal zone
APN: 4452-019-005
Owner: Surfrider Plaza, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 23-24 (Attachment 1) pursuant to the California Environmental Quality Act (CEQA), adopting Mitigated Negative Declaration (MND) No. 20-003 and Initial Study (IS) No. 20-003 and approving Coastal Development Permit (CDP) No. 09-067 for the construction of a new 7,693 square foot, 20-room motel above a new subterranean parking garage, surface parking lot, rooftop bar area, grading, retaining walls, landscaping, a new onsite wastewater treatment system (OWTS) and authorization for the Planning Director to submit a letter of public convenience or necessity for the sale of alcohol; Conditional Use Permit (CUP) No. 18-002 for a motel in the Commercial Visitor Serving-1 (CV-1) zoning district and sale of alcohol; including Variance (VAR) No. 18-030 for construction on slopes steeper than 3 to 1, VAR No. 18-031 for a retaining wall that is an integral part of the building in excess of 12 feet in height, VAR No. 20-035 for surface parking within the required front yard setback, and Site Plan Review (SPR) No. 18-025 for a building height in excess of 18 feet, not to exceed 24 feet for a flat roof, located in the Commercial Visitor Serving-1 (CV-1) zoning district at 22959 Pacific Coast Highway (PCH) (Surfrider Plaza, LLC); and request direction from the Planning Commission about whether the rooftop swimming pool and spa are uses authorized in the CV-1 zoning district.

DISCUSSION: This agenda report provides a Project overview, summary of the Project setting and surrounding land uses, description of the Project, an analysis of the Project's consistency with applicable Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the Project is consistent with the LCP and MMC.

In a 2011 submittal to the Regional Water Board, the project estimated an average wastewater flow of 1,700 gallons per day (gpd). At the time of Dr. Kang's more recent review of the project, the average flow was 2,704 gpd. According to Dr. Kang, the average flow was not allowed to increase over the estimates provided in 2011. Additionally, the project's OWTS was designed without a future dispersal area expansion. Dr. Kang suggested that the dispersal area shall be designed with a 100 percent future expansion area. Dr. Kang concurred that it was the City's responsibility to administer the OWTS design standards for OWTSs in the prohibition area as established in the City's agreement with the Regional Water Board.

The OWTS design report and OWTS plans for 22959 Pacific Coast Highway had several revisions between March 2022 and January 2023 to meet the Regional Water Board recommendations with the advanced OWTS. This includes a 10,000-gallon equalization tank to collect daily flow and meter it at a maximum of 1,700 gpd, a future dispersal field, and an advance OWTS that is designed and operated to meet the most stringent effluent limits established for the site by the Ocean Plan, Basin Plan, and the General Waste Discharge Requirements (WDR) Order R4-2019-0024. The Regional Water Board recommended limits from the General WDR Order R4-2019-0024 for advance OWTS, which requires discharges from a secondary treatment system to meet bacteria standards for total coliform limitations of 23 MPN/100 mL (millilitres)[2] weekly and 240 MPN/100 mL monthly.

Aside from the Regional Water Board's recommendations, Tetra Tech, a third-party consulting firm that helps the City Environmental Health Division with complex project reviews, recommended effluent limits for biochemical oxygen demand, total suspended solids, and weekly/monthly effluent limits for total coliform. The final revision of the OWTS design report meets all recommendations from the City Environmental Health Division, Regional Water Board and Tetra Tech. On January 20, 2023, the Conformance Review for the project was deemed complete.

The project includes a rooftop swimming pool. The swimming pool was brought to question at the last public hearing; specifically, whether the swimming pool is a permitted, conditionally permitted or not permitted use in the CV-1 zone. The code is not clear on this matter. The Malibu Municipal Code (MMC) does not mention whether pools are permitted, conditionally permitted or accessory to any primary use other than for residences. The LIP

[2] Formula to evaluate fecal coliform bacteria count in wastewater.

is similar but identifies pools for recreational facilities as a conditionally permitted use. Both the MMC and LIP permit health clubs and conditionally permit motels, which are known to include swimming pools. The commercial office building, the Tide Pool, across the street was granted a CDP for the construction of a swimming pool without a CUP. It is possible that the pool was approved because as a use that is incidental to commercial development it was not necessary to be listed as its own separate land use. Staff is seeking direction from the Planning Commission about whether it finds the pool to be a permitted, conditionally permitted or not permitted use. If the Commission finds that the pool is a permitted or conditionally permitted use, the resolution can be adopted as is. If the pool is found not to be a permitted use, the Commission may request staff to bring back a revised resolution as a consent item.

The project civil engineer re-evaluated the grading plans and grading quantities. In the process, they found an error in the grading quantities. Originally, there was a large amount of soil displaced to accommodate access into the subterranean garage. However, the applicant revised the design to both keep most of that soil while providing access to the garage through a tunnel and for the motel to comply with the height limit as measured from finished grade, but the grading sheet was not updated to reflect this revision. Revised grading plans and grading certificate have now been provided (Attachment 2). These revisions reduced the total non-exempt grading amount to 727 cubic yards, which is less than the maximum allowed. Therefore, VAR No. 18-029 was removed from the project.

The code requires one parking space for each keyed room and one parking space for the average, per-shift number of employees. Unfortunately, the code does not define “average, per-shift number of employees”. This could mean the average as calculated for every shift, per day or weekly. The applicant provided the following per shift breakdown:

- Night Manager Shift - 10 p.m. – 4 a.m. (1 person for 6 hours). 1 Manager
- Morning Manager Shift - 4 a.m. – 10 a.m. (1 person for 6 hours). 1 Manager
- Early Day Shift 10 a.m. – 4 p.m. (6 people for 6 hours). 2 maids, 1 chef, 1 server, 1 bartender and 1 manager
- Afternoon Shift - 4 p.m. – 10 p.m. (4 people for 6 hours). 1 manager, 1 chef, 1 server and 1 bartender

Based on this calculation, the average employee per shift is three (12 divided by 4). The project provides four parking spaces for employees. The applicant has agreed not to pursue vehicle lifts or stacked parking with this application. A condition of approval is included in the previous resolution for the project that no more than five employees can be at the site at any one shift. The condition has been revised to permit up to six employees based on the shift breakdown above. While lifts and stacked parking would provide extra parking spaces, these parking spaces are not permitted to count towards required parking spaces and additional employees/required parking spaces would be needed to operate valet services. The applicant also did not pursue an approval from the Public Works

Department to demonstrate safe operation of valet services onsite. Therefore, stack and valet parking are not part of this application.

Project Overview

The proposed Malibu Inn Motel (Project) is a 20-room motel with associated amenities, including a rooftop deck with a swimming pool, spa and bar (Attachment 2 – Project Plans). The Project Site is the 51,352 square foot (1.18 acre) parcel located adjacent to the north (inland) side of PCH, and across the highway from the Malibu Pier (Figure 1 – Project Site Vicinity Map/Aerial). The Project Site is located in the CV-1 zoning district and the proposed motel is a conditionally permitted use in the CV-1 zone.

Figure 1 – Project Site Vicinity Map/Aerial



Source: Bing Maps

On November 4, 2009, the subject application was submitted for a former project consisting of a new commercial plaza providing 7,713 gross square feet of floor area

between two buildings and 82 surface and subterranean parking spaces. This former project also included a retaining wall of up to 62 feet, 2 inches in height above finished grade (with a total height of 77 feet, 5 inches above the bottom of the subterranean parking level).

On November 5, 2009, the Los Angeles Regional Water Quality Control Board (LARWQCB) approved Resolution No. R4-2009-007, banning the use of OWTS in the area. On September 21, 2010, the State Water Regional Control Board (SWRCB) approved that same resolution, thereby amending the State Basin Plan. The adopted plan for a specific Prohibition Area, which includes the Project Site, included the following mandates:

- All commercial properties must cease wastewater discharge by 2015;
- All residential properties must cease wastewater discharge by 2019; and
- No new wastewater discharge is allowed from any property in the prohibition boundary, except for those listed within the Resolution under Table 4-zz.

Since an application for the Project Site was submitted prior to the adoption of Resolution No. R4-2009-007, the application is listed on Table 4-zz as being eligible for a new OWTS.[3]

An IS/MND was prepared and published for the former project. On June 27, 2017, the Environmental Review Board (ERB) review the former project and the IS/MND and provided recommendations.

On June 11, 2018, the applicant submitted revised plans for a new motel instead of the previously submitted commercial retail plaza. The revised project plans were then routed to all applicable City departments and County agencies for review. IS/MND No. 20-003 was prepared and published for the revised project.

A CDP and CUP are required to permit the Project. The Project also requires approval of four variances from development standards established under the MMC Section 17.40.080 and LCP Local Implementation Plan (LIP) Sections 3.5, 3.8 and 8.3(C). With City approval of the requested entitlements, including VARs, SPR and CUP, the would be consistent with the MMC and LCP. Table 1 provides a summary of the required entitlements.

Table 1 – Required Project Entitlements	
Application	**Description**

[3] At its February 2, 2017 Board Meeting, the LARWQCB approved an updated Memorandum of Understanding (MOU) with the City that extends the deadlines by which properties must cease discharging from septic systems and connect to the CCWTF. The updated MOU extends the schedule for the Phase 3 area from 2025 to November 2028.

CDP No. 09-067	Required for development in the Coastal Zone in accordance with LIP Section 13.3
CUP No. 18-002	For a new motel in the CV-1 zoning district and sale of alcohol
VAR No. 18-030	For construction on slopes steeper than 3 to 1
VAR No. 18-031	For a retaining wall that is an integral part of the building in excess of 12 feet in height
VAR No. 20-035	For surface parking within the required front yard setback
SPR No. 18-025	For a building height in excess of 18 feet not to exceed 24 feet for a flat roof.
IS/MND No. 20-003	Adoption as required by CEQA

Project Setting and Surrounding Land Uses

Table 2 provides a summary of the lot dimensions and lot area of the Project Site.

Table 2 – Total Project Site Data	
Lot Depth	237 feet, 2 inches
Lot Width	215 feet, 10 inches
Gross Lot Area	51,352 square feet (1.18 acres)
Area Comprised of 1:1 Slopes	0 square feet
Area Comprised of Easements	0 square feet
Net Lot Area*	**51,352 square feet (1.18 acres)**

*Net Lot Area=Gross Lot Area minus the area of public or private future street easements and 1:1 slope.

The Project Site's land use designation pursuant to the Malibu General Plan is Commercial Visitor Serving (CV), and the zoning designation pursuant to the MMC and LCP is CV-1. The CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents that are designed to be consistent with the rural character and natural environmental setting. The allowable Floor Area Ratio (FAR) is 0.15.

Project Jurisdiction: The Project Site is located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map, so the Project is appealable to the CCC. The Project Site has no trails on or adjacent to it according to the LCP Park Lands Map and is not within a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map, which would trigger ERB review.

Project Setting: The Project Site is located in a commercial area of the City. The highest densities of development occur in the strip between the eastern City boundary and Pepperdine University. East of the Malibu Civic Center area, the land use pattern is characterized by a single lot depth of single-family and multi-family residential development. The Malibu Civic Center area contains the largest aggregation of existing and planned commercial uses in the City as well as Santa Monica College (under construction), regional administrative offices of the County of Los Angeles, library, and the

City of Malibu's offices. Uses included in the commercial area are food stores, restaurants, small general clothing and specialty shops, financial institutions, and entertainment establishments.

Surrounding Land Uses: The Project Site is situated on the north side of PCH, bordered on the south by PCH and commercial land uses zoned CV-1 on the west and east. The Aviation Nation restaurant/retail establishment is located to the west and a single-story commercial building containing Chabad of Malibu preschool and the Traveler Surf Club and Coastal Outpost to the east. The Malibu Plaza, a contemporary three-story commercial mixed-use building, is located 175 feet east of the Project Site, adjacent to the north side of PCH and east of the Malibu Surf Shack. A single-family home is located to the north on Sweetwater Mesa Road on the top of the slope overlooking the Project Site. A public parking lot is located across PCH from the Project Site, adjacent to the Malibu Pier, the beach, and the Pacific Ocean (see Figure 1).

PCH, bordering the Project Site, is approximately 85 feet wide from curb to curb and supports five lanes, including two travel lanes in both directions and a center left-turn lane. Curbside parallel parking is available along the Project Site frontage with more limited available curbside parking located across PCH. Complete sidewalks are present on both sides of the roadway. The nearest signalized intersection along PCH, at its intersection with the Malibu Pier approximately 150 feet west of the site, supports a pedestrian crosswalk and access to the Malibu Pier and driveway access to the Malibu Inn.

In the span between Malibu Beach and 22445 PCH (within approximately 1 mile to the east) there are currently 20 properties zoned CV-1 and one property zoned CV-2.

Table 3 summarizes the immediate surrounding land uses.

Table 3 – Surrounding Land Uses

	Address/ APN	Size	Zone	Land Use
North	3556 Sweetwater Mesa	2.49 acres	RR-1	Single-Family Residence
East	22941 PCH	0.12 acre	CV-1	Chabad of Malibu
West	22969 PCH	0.69 acre	CV-1	Restaurant (Aviation Nation Dreamland); and Retail (Aviation Nation)
South	23000 PCH	1.57 acres	POS	Malibu Pier/Public Parking Lot

Source: City GIS

Existing Development

The southern 30 percent of the Project Site is currently improved with a privately operated, commercial, stand-alone surface parking lot that maintains 40 parking spaces. The northern 70 percent of the Project Site consists of a steep slope that rises approximately 190 feet above PCH, with the parking lot situated at the base of this slope. The slope face is sparsely vegetated, supporting primarily non-native grassland and weedy vegetation.

The existing parking lot on the Project Site currently has no direct access to PCH. There is an existing curb cut east of the Project Site but the lot's boundary abutting PCH is fenced off with a chainlink fence. The parking lot is accessed from PCH via a shared driveway that crosses the westerly adjacent property at 22969 PCH. The property at 22969 PCH is developed with a commercial building which is currently occupied by a new restaurant, Aviation Nation Dreamland (formally Casa Escobar and Malibu Inn), and a retail store, Aviation Nation ("Aviation Nation Site"). Twenty-three of the required parking spaces for the Aviation Nation Site are located on the Project Site pursuant to a Joint Use Parking Agreement (JUPA).

The Project Site is subject to two covenants:

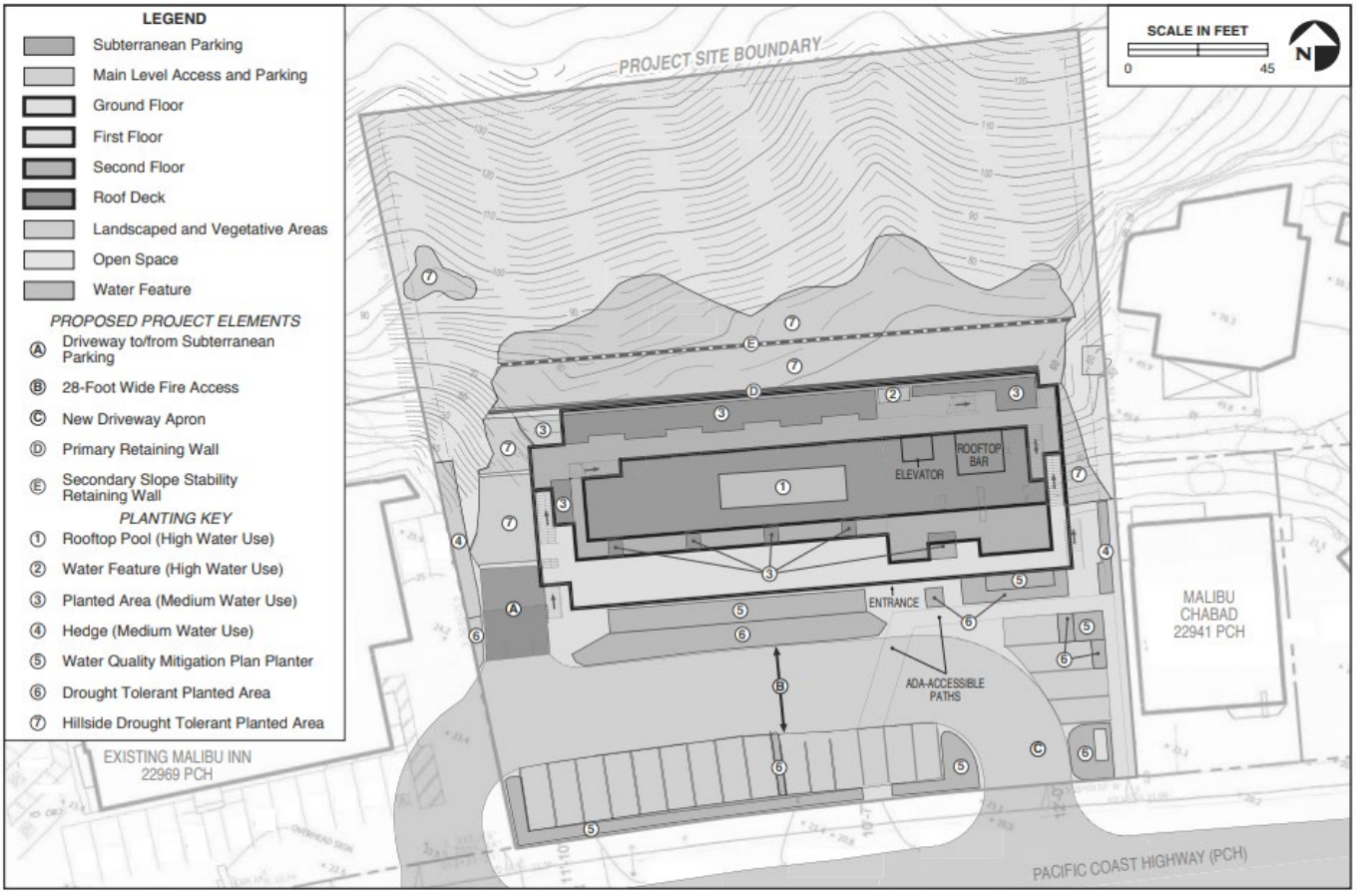
- A JUPA – There is an existing JUPA in place whereby a total of 23 parking spaces on the Project Site are dedicated to the Aviation Nation Site; and
- A Wastewater Treatment Covenant – There is a covenant recorded on the Project Site for the future expansion of the Aviation Nation Site septic system leachfield.

The two properties would continue to be subject to the Wastewater Treatment Covenant and a modified JUPA. Under the recently approved JUPA, a total of 23 donor parking spaces to the Aviation Nation Site are required to be provided by the Project Site. The Project proposes 47 spaces, of which 23 donor parking spaces would be provided in compliance with these parking requirements. Of the remaining 24 parking spaces, 23 are required for the proposed motel and a surplus of one space.

Project Description

The Project involves the redevelopment of the Project Site with a two-story motel, providing 7,693 square feet of floor area (0.15 FAR), with 20 motel rooms and suites, and 47 compliant surface and subterranean parking spaces, which may also be stacked to provide additional parking spaces beyond those required. The ground floor of the building consists of the lobby and a valet parking garage. The main and upper floors accommodate the rooms and suites. A rooftop deck with swimming pool, spa and bar is proposed (Figure 2 – Conceptual Site Plan).

Figure 2 – Conceptual Site Plan



Source: Project Plans

As proposed, the FAR, building setbacks, landscaping, open space, and number and dimensions of parking spaces conform to the development standards of the MMC and LCP. The proposed height, parking front yard setback, grading and retaining wall height are also designed to be compliant with the MMC and LCP development standards, and can be approved pursuant to the requested VARs, and SPR.

Table 4 – Proposed Development Plan Summary	
Site Area	51,352 square feet
Floor Area (0.15 FAR)	7,702.8 square feet
Motel Total FAR	7,693 square feet
Roof Deck	3,139 square feet
Subterranean Parking Garage	9,881 square feet
Total Landscape and Open Space	
Open Space Area	27,652 square feet
Landscaped Area	29,173 square feet
Total Onsite Parking	**47 spaces**
At Grade Surface Parking	18 spaces
Subterranean Parking	29 spaces

FAR: FAR establishes the total allowable square footage for commercial development pursuant to the commercial development standards contained in LIP Section 3.8. Pursuant to LIP Section 3.8(A)(5)(a), the gross square footage of all buildings on a given parcel shall be limited to a maximum FAR of 0.15, or 15 percent of the lot area (excluding any street rights of way). For the Project Site, that equates to:

- 0.15 FAR: The allowable FAR is 7,703 square feet. 7,693 square feet of FAR is proposed.

The development standards for commercial development regulate density based upon Lot Area and Floor Area, and the associated FAR calculation.

- Lot Area is defined as — the total area within the lot lines of a lot, excluding any street rights of way.

- Floor Area is defined as — the sum of the gross horizontal areas of the several floors of a building measured from the interior face of exterior walls, or from the centerline of a wall separating two buildings. Floor area does not include interior parking spaces, loading space for motor vehicles, vehicular maneuvering areas, or any space where the floor-to-ceiling height is less than 6 feet. (LIP Section 2.1)

- FAR is defined as — the formula for determining permitted building area as a percentage of lot area; obtained by dividing the above-ground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land. FAR does not include interior parking spaces, including its maneuvering and loading space, and below ground floor area. (LIP Section 2.1)

Landscape and Open Space: The commercial development standards further regulate density by requiring that a certain percentage of lot area be devoted to landscaping and open space. Pursuant to LIP Section 3.8(A)(5)(b) 40 percent of lot area shall be devoted to landscaping and an additional 25 percent of the lot area shall be devoted to open space. For this Project Site, that equates to:

- Landscaping at 40% of lot area – The required landscaping area is 20,541 square feet and 29,173 square feet is proposed.

- Open Space at 25% of lot area – The required open space area is 12,838 square feet, which may include courtyards, patios, natural open space and additional landscaping, but not parking lots, buildings, exterior hallways and stairways, and 27,652 square feet is proposed.

Access and Parking: LIP Section 3.14 provides specific parking requirements and parking development standards, including location, access, screening and layout.

Access – The development proposes to use the existing, unused driveway on PCH at the eastern edge of the Project Site for direct access to the Project Site. The existing driveways at the adjacent Aviation Nation Site, including one signalized driveway, would also continue to provide vehicle access to the Project Site from the west. One of the four driveway cuts to the Aviation Nation Site is conditioned to be removed as it is not required for circulation and, in fact, is not considered safe. Since the Project Site will continue to provide shared parking to the Aviation Nation Site, an internal access is provided, and the parking lots will remain connected so that shared parking operations do not require entering PCH.

Parking – The required number of parking spaces for the Project, as per LIP Sections 3.14.2 and 3.14.3 is as follows: one parking space for each lodging unit (keyed room) is required, totaling 20 spaces; in addition to one space for the average, per-shift number of employees, totaling 3 spaces. A total of 23 spaces are required for the Project.

The Project Site would continue to be subject to a JUPA with the Aviation Nation Site, under which the Project Site is required to provide enough parking spaces to support land uses on both properties. The number of spaces allocated to the adjacent Aviation Nation Site is 23.

The Project would provide 47 parking spaces, as detailed in Table 5, Proposed Parking Program.

Table 5 – Proposed Parking Program	
Required Parking	Number of Spaces
Lodging (20 units)	20
Average, per-shift number of employees	3
JUPA- Aviation Nation	23
Total Onsite Parking Required	**47 spaces**
Proposed Parking	Number of Spaces
Regular Parking	35 spaces
ADA Parking	3
Compact Parking	9
Total Onsite Parking Proposed	47 spaces

The onsite parking is located as follows:

- Subterranean Parking: 29 parking spaces are located in the proposed subterranean parking level, stacked parking space numbers in the subterranean parking have not been enumerated but would be additive to the minimum surface parking requirements of the LCP.

- Surface Parking: 18 spaces are provided in the at grade surface parking lot adjacent to PCH, which is located in the front yard setback. LIP Section 3.14.5(A)(2) provides that required parking spaces may only be located in interior side and rear setbacks, and no parking space for a commercial use, required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise. The Project requires VAR No. 20-035 for these parking spaces to remain within the required front yard setback.

Height: The motel would reach a height of two stories or up to 24 feet above finished or natural grade, with an elevator shaft at 23 feet, 8 inches from finished grade at perimeter exterior walls (lowest grade). The remaining 34 percent of the Project Site closest to the top of the slope would be maintained as undeveloped open space. The commercial development standards regulate mass and visual impacts by regulating height and number of stories. Pursuant to LIP Section 3.8(A)(1), building height shall not be higher than 18 feet above natural or finished grade, whichever results in a lower building height and that in no event shall the number of stories above grade be greater than two. LIP Section 13.27 provides that the Planning Commission may allow heights up to 24 feet for flat roofs.

- A 24-foot tall, two-story motel building with a rooftop deck and pool, and subterranean parking is proposed to be notched into the hillside. The motel would reach a height of two stories or up to 24 feet for a flat roof above the lowest grade.

- Full site development would be enabled by construction of a retaining wall at the north side of the motel structure along to retain the graded slope and would extend up to 46 feet in height above the surface parking lot (with a total height of 50 feet

above the bottom of the subterranean parking level), constructed to secure the slope following excavation. However, most of the retaining is subterranean with a maximum height of 21 feet, 10 inches exposed above grade. Up to 11 feet, 10 inches of the exposed retaining wall projects above the rooftop deck. From a line-of-sight, only a small portion of the wall will be visible above the proposed motel from PCH.

Setbacks: A setback is the distance by which a structure or an addition to a structure must be separated from a parcel line, natural feature, other structure, road, right-of-way, or easement. Building setbacks are intended to provide open areas around structures for visibility, access to and around structures for safety and convenience purposes, access to natural light, ventilation and direct sunlight, separation of incompatible land uses, space for privacy and landscaping, protection of natural resources, and defensible space against fire.

The Project's proposed setbacks are designed to be compliant with the City's LCP development standards. Pursuant to LIP Section 3.8(A)(2)(a)-(c), the required setbacks are as follows:

- Front yard: 20% of the total depth of the lot. The required setback is 47 feet, 5 inches. The proposed building setback is 61 feet and the surface parking is 5 feet. VAR No. 20-035 for surface parking within the required front yard setback.

- Side yard: Cumulatively at least 25% of the total width of the lot but, in no event, shall a single side yard setback be less than 10% of the width of the lot or 5 feet, whichever is greater. The required setbacks of 21 feet, 7 inches and 32 feet, 5 inches are proposed.

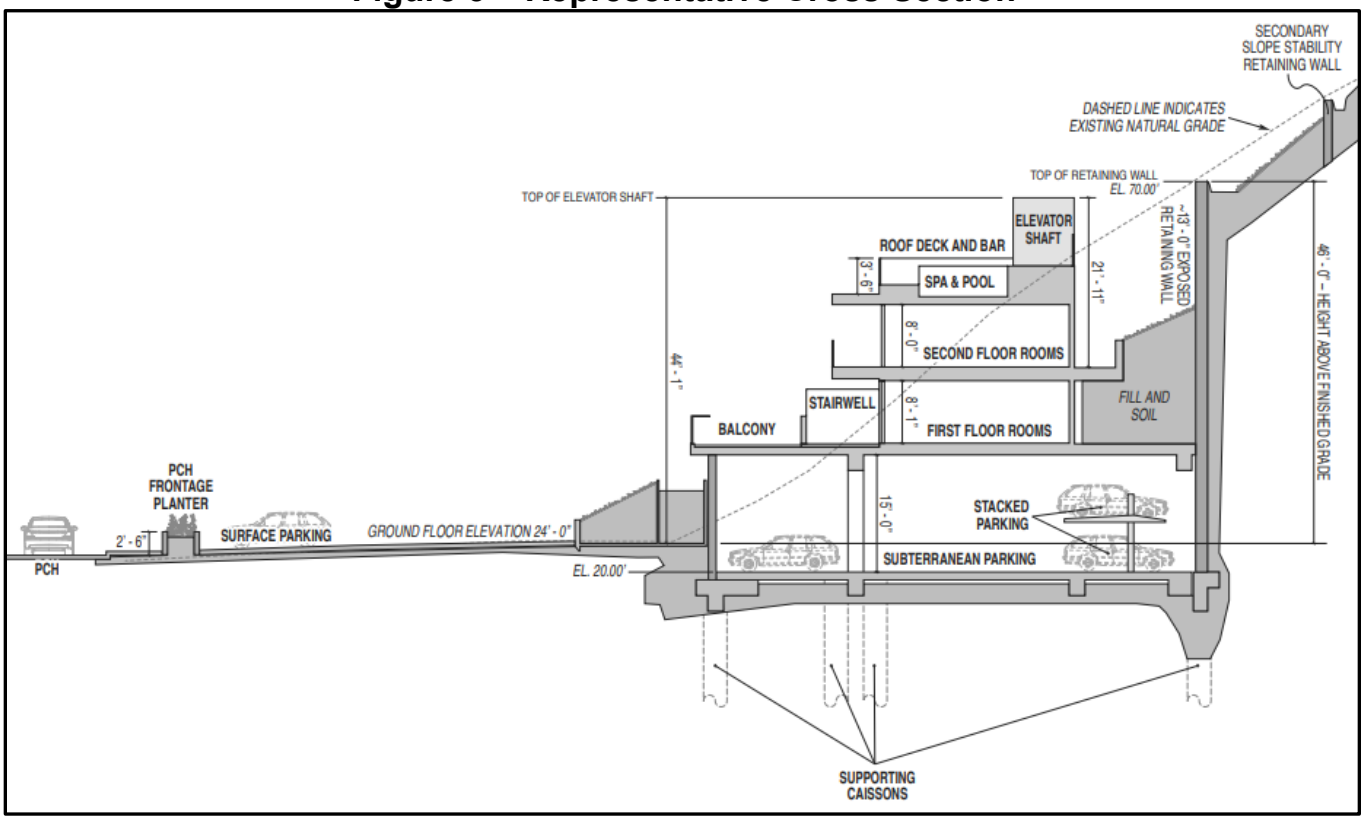
- Rear yard: Setbacks shall be at least fifteen percent of the lot depth or fifteen feet whichever is greater. The required setback is 35 feet, 7 inches. The proposed is 104 feet, 1 inch.

Grading and Retaining Wall: Project development requires grading and excavation of approximately 0.77 acre of the existing lower portion of the slope and existing parking lot to accommodate the two-story motel building (with a single level of subterranean parking and surface parking lot). A proposed retaining wall would be installed at the north side of the motel structure to retain the graded slope and would extend up to 46 feet in height above the surface parking lot (and 52.5 feet above the finished floor elevation of the subterranean parking level), constructed to secure the slope following excavation and to provide a 15-foot structural building setback from the slope. The slopes proposed for grading and construction of a retaining wall are steeper than a 3 to 1 slope (Figure 3 – Representative Cross Section).

Grading – The Project requires a total of 12,648 cubic yards of grading, with excavation of approximately 11,921 cubic yards of soil. Approximately 61 cubic yards of the excavated soil would be used as fill material onsite, while the remaining material (approximately 11,860 cubic yards) would be exported from the Project Site via roughly 581 to 847 heavy haul trucks, depending on the size of trucks utilized. Of the 12,648 cubic yards of total grading, 11,921 is understructure grading, which is an LIP exempt category from the total allowable. LIP Section 8.3(B) allows for 1,000 cubic yards of non-exempt grading per acre of commercial development, allowing 1,180 cubic yards of non-exempt grading on the Project Site. The total amount of non-exempt grading is 727 cubic yards, which is less than the maximum allowed non-exempt grading amount.

Retaining Wall – Project development requires the construction of a retaining wall at the northern edge of the proposed motel building. The retaining wall would rise to a height of 46 feet above the surface parking lot. However, as the retaining is behind the proposed two-story motel building, the motel building will obstruct most of the retaining wall from a line-of-sight perspective taken from PCH. LIP Section 8.3(C) limits the height of vertical cut up to 12 feet for a retaining wall that is an integral part of the structure. VAR No. 18-031 is requested for the proposed installation of a retaining wall taller than 12 feet. VAR No. 18-030 is requested for the siting of structures on slopes steeper than a 3 (horizontal) to 1 (vertical).

Figure 3 – Representative Cross Section



Source: Project Plans

Events: The rooftop deck and amenities would be used by motel guests on a daily basis. Per the MMC, events that would bring in visitors can be held onsite in the motel subject to City approval of a Temporary Use Permit (TUP).[4] Typical events include weddings, B'nai Mitzvahs, parties, corporate events, and other festivities. Pursuant to MMC Section 17.68.010, TUPs are limited to six events per calendar year.

Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in MMC Chapter 8.24.

The Project Site is buffered from surrounding residential areas by open space and the incorporation of additional landscaping. The design of the proposed building would also serve as a barrier that reduces noise transmission, as patios would face away from residential areas and the building would contain some vehicle noise within the subterranean parking garage. The Project does not propose amplified sound (music, concerts, etc.).

Site Lighting: In accordance with LIP Sections 4.6.2 and 6.5(G) and MMC Chapter 17.41, the Project would include installation of low intensity, shielded light fixtures, including a color temperature of proposed lighting less than 3,000 Kelvin. Sources of lighting would include interior lighting, exterior wayfinding, and security lighting. Open public areas, such as parking lots, would be lit by both wall-mounted and free-standing path lights. Pathways immediately adjacent to buildings would generally be lit with free standing, downward facing LED light fixtures. Recessed, wall-mounted LED lighting would be used for step lighting and some narrower publicly accessible walkways and to enhance security. Certain areas (i.e., water features and the lobby entrance) would be accented with low wattage, shielded flood light fixtures.

OWTS: The Project Site is located in Phase 3 of the Civic Center Prohibition Area, which is subject to deadlines by which properties must cease discharging from individual septic systems and connect to the Civic Center Wastewater Treatment Facility (CCWTF) Project. The CCWTF Project was recently constructed approximately 1.3 miles west of the Project Site in Winter Canyon off of Civic Center Way. Phase 2 was recently approved and would be under construction shortly, expanding the area being converted from OWTS to public sewer. Wastewater flows from the Project Site would eventually be accommodated by Phase 3 buildout of CCWTF Project estimated to occur in 2028, after which individual septic systems would no longer be allowed.

New Luxury Overnight Accommodations: Pursuant to LIP Section 12.10, the City may approve new luxury overnight visitor accommodations if the Project lower cost overnight accommodations consisting of fifteen percent of the number of luxury overnight accommodations that are approved. Luxury overnight accommodations shall be defined as the point at which the cost of an overnight room exceeds 120 percent of the median

[4] Per the MMC, a special event is defined as a significant occurrence or happening which is arranged for a particular occasion or purpose.

cost of an overnight room for all overnight accommodations in the City of Malibu. The applicant has expressed that the exemption would apply, since the accommodations are not going to meet the definition of luxury overnight accommodations.

Should the accommodations be classified as luxury accommodations, the lower cost overnight accommodations may be provided, either onsite, offsite, or through payment of an *in-lieu* fee to the City for deposit into a fund to subsidize the construction of lower cost overnight facilities in the Malibu-Santa Monica Mountains Coastal Zone area of Los Angeles County or Ventura County. A condition has been added for the property owner to pay the *in-lieu* fee in compliance with LIP Section 12.10.

ABC License: The applicant will later submit an application to the California Department of Alcoholic Beverage Control (ABC) for a license to sale alcoholic beverages for onsite consumption. ABC will not issue the license until the proposed CUP is approved. Therefore, a condition of approval has been included stating that the owner would be required to submit a copy of the ABC license to the Planning Department prior to alcohol sales. It is unknown at this time whether a Letter of Public Convenience or Necessity will be required prior to the issuance of the ABC license. In case this letter is required, the resolution authorizes the Planning Director the ability to issue it.

ERB Review

Pursuant to LIP Sections 4.4.4(C) and (D), the Project is exempt from ERB review because the Project Site is currently developed with a commercial parking lot and the slope face is sparsely vegetated, supporting primarily non-native grassland, and weedy vegetation. The Project Site is not within a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map.

Nevertheless, on June 27, 2017, ERB reviewed the IS/MND for the Malibu Surfrider Plaza Project, which was the former development project on the Project Site. The Malibu Surfrider Plaza Project included two buildings with a two-story building and subterranean garage in the same location of the Project. However, the exposed portion of the proposed retaining wall is shorter, and the motel building will obstruct more of the wall with vegetation which will help screen it. Therefore, even though the projects are similar, the impacts of the Project would be even less significant compared to the former project. As a result, staff determined that the IS/MND for the Project did not need ERB review.

The ERB recommendations for the Malibu Surfrider Plaza Project are as follows:

1. It is recommended that the landscaping plan be revised to replace the proposed California Sycamore tree at the southwest corner of the subject property with a tree that is less prone to damage the surrounding sidewalk and parking lot such a Toyon (*Heteromeles arbutifolia*).

2. The potential traffic impact as a result of the Project is a concern.

The owner has chosen to keep the California Sycamore trees in an 18-inch root barrier encircling the root ball to minimize potential root damage to the sidewalk or parking lot area. The owner is concerned that the suggested Toyon trees are smaller trees and their canopy would interfere with parking and small berries would be a nuisance. A condition of approval has been added requiring that the landscaping plan be revised to include a detail of the barrier encircling root balls and that the California Sycamore trees be installed in compliance with the detail.

The potential traffic impact is addressed in the IS/MND in more detail and in the Response to Comments. The Project Site currently holds a parking lot, which supports a limited number of trips to the site under existing conditions. It is disclosed that the Project would increase vehicle miles traveled (VMT) compared to this existing setting. Under CEQA, due to the Project's location on the State Highway System, VMT is used for impact analysis purposes, overseen by Caltrans. As a Project with a motel use, it is anticipated to generate approximately 68 average daily trips (ADT), which is well below the threshold of 110 trips per day set by Caltrans that would signify a significant impact. As the increase in trips is not considered significant, the overall traffic conditions would not be significantly impacted from implementation of the Project or on a cumulatively considerable basis.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every Project requiring a coastal development permit must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the Project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division.

For the reasons described in this report, including the Project Site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the Project: Coastal Development Permit (including the required findings for

the VARs and SPR), and Hazards.[5] These chapters are discussed in the *LIP Findings* section of this report.

The findings required by MMC Sections 17.66.080 and 17.72.060 for the conditional use permit and variance for construction on slopes are also discussed later.

LIP Conformance Analysis

The Project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 3 – Department Review Sheets). WD29 provided a Department Review Sheet stating that it will serve water to the property.

The Project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, inclusive of the requested VARs, and SPR.

Zoning (LIP Chapter 3)

The Project is subject to non-beachfront commercial development and design standards set forth under LIP Sections 3.5 and 3.8. Table 6 provides a summary and indicates the Project meets those standards. As shown in Table 6, the Project conforms to the development standards as set forth under LIP Chapter 3. The Project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies, inclusive of the requested VARs, and SPR.

Table 6 – Zoning Conformance

Development Requirement	Allowed/ Required	Proposed	Comments
SETBACKS (ft.)			
Front Yard (20%)	47 ft, 5 in	69 ft, 2 in	Complies
Parking	*47 ft. 5 in*	*5 ft*	*VAR No. 20-035*
Rear Yard (5 ft or 15%)	35 ft, 7 in	104 ft, 1 in	Complies
Side Yard (10%)	21 ft, 7 in	21 ft, 7 in	Complies
Side Yards (25%)	54 ft	54 ft	Complies
PARKING SPACES	47[6]	47	Complies
Standard	35	35	
Compact	9	9	

[5] The ESHA, Native Tree Protection, Transfer of Development Credits, Public Access, Shoreline and Bluff Development, Land Divisions and Scenic, Visual and Hillside Resource Protection findings are neither applicable nor required for the Project.

[6] As stated in the *Parking and Access* section above, the Project includes 23 spaces required for the proposed motel use and 23 parking spaces for the adjacent Aviation Nation Site.

Table 6 – Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
ADA Accessible	4	4	
FAR (15%)	7,703	7,693	Complies
HEIGHT (ft.)	*18*	*24*	*SPR No. 18-025*
Construction on Slopes	*3:1 or flatter*	*Steeper than 3:1*	*VAR No. 18-030*
LANDSCAPING (40%) (sq. ft.)	20,541	29,173	Complies
Open Space (25%) (sq. ft.)	12,838	27,652[7]	
Total	33,379	56,825	
FENCES/WALLS/HEDGES (ft.)			
Walls or Fences (within front yard)	3.5 (solid) 6 (view permeable)	N/A	Complies
Retaining Walls	*12 (integral part of a building)*	*21 ft, 10 in[8]*	*VAR No. 18-031*

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading. LIP Section 8.3(B) allows for 1,000 cubic yards of non-exempt grading per acre of commercial development, allowing 1,180 cubic yards of non-exempt grading on the Project Site. Table 7 includes the grading quantities proposed for the Project.

Table 7 – LCP Grading Conformance						
		Exempt**		**Non-**		
	R&R*	**Understructure**	**Safety****	**Exempt**	**Remedial**	**Total**
Cut	0	11,921	0	333	0	12,254
Fill	0	0	0	394	0	394
Total	0	11,951	0	727	0	12,648
Import	0	0	0	61	0	0
Export	0	11,921	0	0	0	11,860

All quantities listed in cubic yards.
*R&R= Removal and Recompaction
**Exempt grading includes all R&R, understructure and safety grading.
***Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds and any other increases in driveway width above 15 feet required by the LACFD).

As described in Table 7, the Project requires a total of 11,860 cubic yards of grading. Of the 11,860 cubic yards of total grading, 11,921 cubic yards is understructure grading, which is an LIP exempt category from the total allowable. The total amount of non-exempt

[7] Pursuant to LIP Section 3.8(A)(5)(b), open space areas may include courtyards, patios, natural open space and additional landscaping.
[8] The overall height of the wall is 50 feet above the finished floor of the subterranean garage. Above the subterranean garage, the same wall is covered with soil and the remaining 21 feet, 10 inches of wall is then exposed above grade.

grading is 727 cubic yards, which is less than the total allowable non-exempt grading by 453 cubic yards.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The Project is proposed on a site that was likely on or immediately adjacent to a beach prior to development and was subject to coastal processes (e.g., wave action, beach scour), and has experienced substantial erosion from the northern slope into the Project Site. Additionally, the Project Site has been previously disturbed during construction of PCH and the existing parking lot and past grading on the hillside to maintain a stable slope. The Project's location in an area that was likely subject to coastal processes and past disturbance from development limits the potential for encountering subsurface cultural resources. No archaeological resources are known to exist on the Project Site or immediate vicinity. In addition, the steep slope is unlikely to support cultural remains both due to its steepness and past disturbance for slope stabilization.

Nevertheless, a condition of approval is included in the resolution 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 Planning Director can review this information.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the Project for conformance to LIP Chapter 17 requirements for water quality protection. A standard condition of approval for the Project requires that prior to the issuance of any development permit, a Local Storm Water Pollution Prevention Plan incorporating construction-phase Erosion and Sediment Control Plan and Best Management Practices, a Storm Water Management Plan (SWMP), and a Water Quality Mitigation Plan (WQMP) must be approved by the City Public Works Department. With the implementation of these conditions, the Project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The Project includes a new OWTS in the western and southern portions of the Project Site for use until the parcel is connected to improvements anticipated by Phase 3 of the CCWTF Project. The entire septic system would be contained within the Project Site.

The Project's wastewater system requires compliance with all applicable standards and issuance of associated local and State operating permits. Specifically, the septic system would be designed to accommodate the Project's estimated demand generated by the motel's 20 rooms, 229 fixture units, and associated communal areas for the motel's kitchen, employee areas, and communal uses. The associated estimated wastewater discharge rate for the proposed motel uses is an average of 1,700 gpd, and includes a 100 percent dispersal area expansion. The proposed OWTS would comprise of a series of subterranean treatment tanks, a secondary treatment (disinfection) system with ultraviolet (UV) disinfection, equalization tank, a leach field and dispersal area beneath the proposed surface parking lot, and the system designed to nitrify wastewater to meet California Ocean Plan standards.

The proposed OWTS was reviewed by the City Environmental Health Administrator and it was determined to meet the minimum requirements of the Malibu Plumbing Code, the MMC, and the LCP. In addition, the LARWQCB would review the proposed development under a waste discharge requirements permit (WDR) for the proposed system. Conditions of approval have been included in the resolution, which require continued operation, maintenance, and monitoring of onsite facilities. The subject system will meet all applicable requirements, and operating permits will be required.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

Finding 1. That the Project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The Project is located in the CV-1 zoning district, an area designated for rural commercial uses. The proposed motel is a conditionally permitted use in the CV land use designation and CV-1 zoning district in which the Project Site is located. The proposed motel use complies with the intent of the zoning provisions of the MMC and the LCP.

The Project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the Project, as conditioned, complies with all applicable provisions of the MMC and the LCP, inclusive of the VARs and SPR.

Finding 2. If the Project is located between the first public road and the sea, that the Project is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The Project is not located between the first public road and the sea. Therefore, this finding does not apply.

Finding 3. The Project is the least environmentally damaging alternative.

An IS/MND was prepared in accordance with CEQA and the CEQA Guidelines. More specifically, the CEQA Guidelines require that a range of reasonable alternatives to the Project be described, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

This analysis assesses whether alternatives to the Project would significantly lessen adverse impacts to coastal resources. Based on LCP conformance review, the Project as proposed will not result in any significant adverse impacts. Nevertheless, the following alternatives were considered.

1. Reduced Project. The project includes replacement of a 40-space existing parking lot with a 24-foot tall, two-story motel building fronting PCH with 20 lodging rooms, a rooftop deck and pool, and subterranean parking. The proposed development would alter the visual character of the Project Site from a surface parking lot with no landscaping and a lightly vegetated hillside to that of a contemporary, landscaped frontage and motel building with architectural design features intended to comply with the LCP and MMC, as well as with all relevant City standard conditions of approval listed above.

A smaller or alternative project could be proposed on the subject parcel. However, the proposed development area conforms with the commercial development standards, regarding density and intensity of the use, including FAR, open space and landscaping requirements, and required building setbacks. The applicant provided photo simulations to show the design and scale of the proposed development from three vantage points (Attachment 4). Due to the presence of a steep slope that occupies the northern 70 percent of the Project Site, there are no feasible alternative site locations for the proposed development. Siting the development on the most disturbed portion of the property reduces environmental impacts due to landform alteration.

The Project lies within a developed commercial area with existing development bordering the site. The proposed motel would be similar in size, bulk and scale to existing structures to the east and west and would be designed to step back into the hillside to the north.

Views of identified scenic resources from public viewing areas such as PCH, the beach, the Pacific Ocean, and Malibu Pier, would not be altered by project implementation. Although the onsite slope is sparsely vegetated, supporting primarily non-native grassland, and weedy vegetation, efforts to preserve the aesthetic of the slope would be implemented by the Project, including utilizing drought-tolerant plant species in Project landscaping and the use of earth-tone colors and materials.

As designed, the Project complies with the requirements of both the MMC and LCP. In conclusion, it is not anticipated that an alternative Project would offer any environmental advantages.

2. Commercial Retail. A new commercial plaza providing 7,713 gross square feet of floor area between two buildings and 82 surface and subterranean parking spaces was the original project for the Project Site. The former project also included a retaining wall of up to 62 feet, 2 inches in height above finished grade (with a total height of 77 feet, 5 inches above the bottom of the subterranean parking level). The former project included two buildings with a two-story building and subterranean garage in the same location of the Project. However, the exposed portion of the proposed retaining wall is shorter, and the motel building will obstruct more of the wall with vegetation which will help screen it. Therefore, even though the projects are similar, the impacts of the Project would be even less significant compared to the former project.

3. Proposed Project. The motel would consist of a single building oriented parallel to PCH and separated from PCH by a surface parking lot and driveway aisle. The building would be set back approximately 61 feet from PCH and provide 7,693 square feet of occupied motel space. The building would include 20 lodging units, a rooftop deck with a pool, spa and bar area, and a single level of subterranean parking with an optional stacked parking system (i.e., auto lifts) to provide added spaces beyond those required under the MMC. The building setbacks are designed to be compliant with the LCP's development standards. The Project's architectural design incorporates the following items intended to minimize visual impacts: earth-tone colors similar to the surrounding environment; limited height to not exceed that of nearby buildings; perimeter and internal drought resistant landscaping; retaining wall with textured materials, partially screened by the structure and landscaping; parking partially screened from public view through the use of frontage landscaping and building design (subterranean); and the building would consist of tiered floors, ascending away from PCH at approximately the natural grade of the nearby slope. The building's exterior architectural finishes fronting PCH would be comprised of non-glare windows, glass paneled railings, and wood siding and paneling.

The Project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and the LACFD, and meets the City's commercial development policies of the LCP and MMC. The Project as conditioned will comply with all applicable requirements of State and local law. The Project has been determined not to

result in adverse biological, scenic or visual resource impacts, and is the least environmentally damaging feasible alternative.

Finding 4. If the Project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

The Project Site is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. However, due to the preparation of an IS/MND the former Malibu Surfrider Plaza Project, was reviewed by the ERB. The Project is similar to the former project but has a retaining wall that is shorter as measured from finished grade and will be screened with vegetation and the proposed motel building. Therefore, the Project did not need to be reviewed by ERB. ERB's recommendation for replacing the proposed California Sycamore trees with Toyon trees was suggested due to a concern that the Sycamore's root system has a potential for damaging the adjacent sidewalk. The owner instead agreed to a condition to include a barrier encircling root ball for each of the Sycamore trees and therefore, would meet the intent of ERB's recommendation by minimizing the potential for sidewalk damage.

B. Variance for Retaining Wall in Excess of 12 Feet in Height (LIP Section 13.26)

A variance is proposed to allow construction of the development of a retaining wall that is an integral part of the motel building in excess of 12 feet in height. LIP Section 13.26.5 requires that the City makes ten findings in consideration and approval of a variance. Based on the foregoing evidence contained within the record, the required findings for VAR No. 18-031 are made as follows:

Finding 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 development requires the construction of a retaining wall at the rear (north side) of the motel building. The retaining wall would be constructed to secure the graded slope following the excavation and to provide a 15-foot structural setback from the slope. The project structural engineer provided a statement and exhibit showing the required horizontal 15-foot structural setback from the slope (Attachment 11). The retaining wall is 21 feet, 10 inches in height above finished grade. The retaining wall would extend below finished grade to accommodate the subterranean parking level and provide for an adequate foundation.

The applicant provided other examples of similar retaining walls within the same commercial corridor (Attachment 12). The PC Greens shopping center was constructed with a 15-foot-tall retaining wall surfacing above the rooftop parking lot. The original office buildings which will be repurposed for the Sea View Hotel were constructed with a 21-foot-tall retaining wall daylighting above the lower level. The Malibu Vista at Carbon Beach is another office building constructed with a 26-foot-tall retaining wall. All of these buildings are located on the landside of PCH and were built into the hillside similar to the proposed motel.

Up to 11 feet, 10 inches of the proposed retaining wall projects above the rooftop deck and is visible. From a line-of-sight, only a small portion of the wall will be visible above the proposed motel from PCH. The use of earth-tones, faux-rock, and landscaping would be implemented to soften the wall's appearance. This is also similar to the other nearby development with similar retaining walls. Most of the retaining wall behind the PC Greens shopping center is entirely obstructed by the building even though the retaining wall projects 15 feet in height above the building rooftop.

The wall will be visually obstructed by the motel building and elevator shaft, and an approximately 180-foot-wide terrace that would obstruct approximately half of the retaining wall. The wall will also be screened from view by proposed landscaping and roof deck elements. Giant Bird of Paradise, which is a plant that can reach a height of 20 feet and the clumps of long stalks can spread as far as 11 feet, are proposed to be planted in front of the retaining wall with the intent of visually screening the portions of the retaining wall above the roofline of the motel building. The retaining wall would be cladded with earth-tone, faux-rock to mimic and blend with the natural hillside where visible through the proposed vegetation.

The retaining wall is integral to the Project: it is integrated as part of the building to create the subterranean parking; it is required to create a level building area for the motel building, subterranean parking level, and the at-grade surface parking lot adjacent to PCH; and it is essential for securing the excavation of the steep slope to accommodate the structure. Therefore, commercial development on the Project Site would not be feasible without granting a variance for retaining wall height in excess of 12 feet. Strict application of the zoning ordinance would deprive the subject property owner of privileges enjoyed by other properties in the vicinity under similar zoning classification and site constraints.

Finding 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 proposed variance will allow construction of a motel. The Project has been evaluated for impacts on environmental factors pursuant to CEQA. Based on the IS/MND and LCP conformance review, the Project as conditioned will not result in any significant adverse impacts, and will not be detrimental to the public interest, health, safety, convenience or

welfare. Furthermore, the Project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers and City Public Works Department for conformance with the LCP and determined not to be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

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

As previously stated, other nearby commercial development has been constructed with similar retaining walls, which support the toe of the slope. The site's topography is predominantly characterized by a steep slope. There is no alternative development pad on the Project Site that would avoid excavation into the steep slope and the resulting retaining wall to secure the excavation. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, would prohibit commercial development on the Project Site. The proposed development is consistent with surrounding properties and in the CV-1 zoning district. The proposed variance would not constitute a special privilege to the applicant or property owner in that there are other examples of similar retaining walls constructed for nearby development and, without the variance, a commercial development on the property would not be feasible.

Finding 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 LCP.

The granting of the proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a motel and associated development, are allowed in the CV-1 zoning district. As previously stated, with the inclusion of the variance, the Project is consistent with the LCP, the Coastal Act, and other applicable regulations. The granting of the variance will not be contrary to or in conflict with the general purposes and intent of LIP, nor the goals, objectives, and policies of the LCP.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The requested variance is not associated with ESHA or ESHA buffer standards. Therefore, this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The variance request is to allow for the construction of a retaining wall that exceeds 12 feet in height to allow for the development of the proposed motel in the CV-1 zoning district. Therefore, the variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the Project Site.

Finding 8. The subject site is physically suitable for the proposed variance.

The subject site is physically suitable for the proposed variance. The proposed development is sited on the disturbed portion of the subject site, however, construction of the proposed retaining wall in excess of 12 feet in height cannot be avoided. As stated previously, the proposed retaining wall is a building code requirement to maintain a horizontal structural setback to the toe of the slope. The proposed retaining wall is necessary for any new building on the subject parcel. In addition, the Project has been reviewed and approved by City geotechnical consultant reviewers and City Public Works Department for structural integrity and stability, and determined that the Project Site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of State and local law.

The Project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the motel and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The Project does not include or encroach upon public parking. Therefore, this finding does not apply.

C. Variance for Construction for Surface Parking within the Required Front Yard Setback (LIP Section 13.26)

A variance is proposed to permit surface parking within the required front yard setback. Based on the foregoing evidence contained within the record, the required findings for VAR No. 20-035 are made as follows.

Finding 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.

LIP Section 3.8(A)(2)(a) requires that the front yard setback be at least 20 percent of the total lot depth, or 47 feet, 5 inches for the Project Site. LIP Section 3.14.5(A)(2) provides that required parking spaces may only be located in interior side and rear setbacks, and no parking space for a commercial use, required or otherwise, shall be located in any required front or street-side setback area, unless regulations provide otherwise.

Special circumstances or exceptional characteristics applicable to the subject parcel consists of the steep slope that occupies the northern 70 percent of the Project Site. Without allowing the required parking within the front yard setback, there would not be sufficient space to site required parking. A subterranean parking level is proposed, which can accommodate 29 parking spaces. The remaining 18 spaces are provided in the at grade surface parking lot adjacent to PCH, which is located in the front yard setback.

With a few exceptions, almost all existing commercial development along this stretch of PCH has parking within the required front yard setback. Among these commercial developed properties are the Malibu Surfrider Motel, Jack in the Box, Malibu Inn, Chabad of Malibu, H.D. Roy Building and V's Restaurant. Most of these properties have similar site constraints.

The proposed variance would allow for the parking required for the use to be provided onsite as required by the LCP. Due to these special circumstances and exceptional characteristics, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

Finding 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 proposed variance will allow construction of a motel in compliance with the minimum required parking spaces. The Project has been evaluated for impacts on environmental

factors pursuant to CEQA. Based on the IS/MND and LCP conformance review, the Project as conditioned will not result in any significant adverse impacts, and will not be detrimental to the public interest, health, safety, convenience or welfare. Furthermore, the Project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers and City Public Works Department for conformance with the LCP and determined not to be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

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

As previously stated, almost all other commercial development on this stretch of PCH is developed with parking within the required front yard setback. The site's topography is predominantly characterized by a steep slope, limiting the area of development. There is no alternative development pad on the property that would avoid encroachment of the required parking in the front yard setback. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, would prohibit commercial development on the Project Site. The proposed development is consistent with surrounding properties and in the CV-1 zoning district. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner as it is consistent with other surrounding development subject to similar site constraints.

Finding 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 LCP.

The granting of the proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a motel and associated development, are allowed in the CV-1 zoning district. As previously stated, with the inclusion of the variance, the Project is consistent with the LCP, the Coastal Act, and other applicable regulations. The granting of the variance will not be contrary to or in conflict with the general purposes and intent of the LIP, nor the goals, objectives, and policies of the LCP.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The requested variance is not associated with ESHA standards. Therefore, this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with stringline standards. Therefore, this finding does not apply.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity, which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The proposed uses are consistent with the allowed uses in the applicable CV-1 zoning district. The proposed variance would not authorize an unpermitted use or activity.

Finding 8. The subject site is physically suitable for the proposed variance.

The subject site is physically suitable for the proposed variance. The proposed development is utilizing the disturbed portion of the subject site, however, locating the surface parking lot within the front yard setback cannot be avoided. There is already an existing surface parking lot located within the front yard setback. Due to the steep slope to the north of the parking lot, there was no other location that the parking lot could be constructed without encroaching into the front yard setback. The existing parking lot has no direct access from PCH and is accessed via a driveway aisle through the Aviation Nation Site. The Project Site is currently sparsely vegetated and provides no landscaping along the frontage with PCH.

The proposed development includes using an existing driveway on PCH at the eastern edge of the Project Site for direct access to the Project Site, which will improve access to the Project Site. The existing driveways at the adjacent Aviation Nation Site, including one signalized driveway, would also continue to provide vehicle access to the Project Site from the west. The Aviation Nation Site also is developed with a surface parking lot within the front yard setback. Since the Project Site will continue to provide shared parking to the Aviation Nation Site, an internal access is provided and the surface parking lots will remain connected so that shared parking operations do not require entering PCH. The Project Site is designed with throughput access from PCH to the Aviation Nation Site parking lot, negating any need for vehicles to turnaround. The surface parking lot would also be partially screened from view from PCH through the use of frontage landscaping along PCH. Landscaped planter strips would also be installed along pedestrian walkways and roadways throughout the Project Site.

In addition, the Project has been reviewed and approved by City geotechnical consultant reviewers and City Public Works Department for structural integrity and stability, and determined that the Project Site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of state and local law.

The City Biologist, City geotechnical consultant reviewers, City Environmental Health Administrator, City Public Works Department, and LACFD reviewed the Project and

determined it was in conformance with State and local requirements. Therefore, the Project complies with all applicable requirements of State and local law.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The Project does not include or encroach upon public parking. Therefore, this finding does not apply.

D. Site Plan Review for Construction in Excess of 18 Feet in Height (LIP Section 13.27.5)

LIP Section 13.27.5(A) requires that the City makes four findings in the consideration and approval of a site plan review for construction in excess of the City's base 18 feet in height up to a maximum of 24 feet with a flat roof. Two additional findings are required pursuant to MMC Section 17.62.060. Based on the evidence in the record, the findings of fact for SPR No. 18-025 are made as follows:

Finding 1. The project is consistent with policies and provisions of the Malibu LCP.

The Project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigation, the Project is consistent with all policies and provisions of the LCP and MMC.

Finding 2. The project does not adversely affect neighborhood character.

The Project would alter the visual appearance of the Project Site but would not substantially degrade the visual character or quality of the Project Site or introduce any aesthetic elements incompatible with the surrounding land uses, and the height of the proposed building has been limited to minimize impacts to visual character. The Project Site is buffered from surrounding residential areas by open space and the incorporation of additional landscaping. The design of the proposed building would also serve as a barrier that reduces noise transmission, as patios would face away from residential areas and the building would contain some vehicle noise within the subterranean parking garage. The Project does not propose amplified sound (music, concerts, etc.).

Surrounding development includes commercial buildings, visitor-serving attractions, and single-family residences atop the slope roughly 190 feet above the Project Site. The Project Site is bordered on the west and east by commercial land uses, including the Aviation Nation Site to the west, and a single-story commercial building containing Chabad of Malibu preschool and the Traveler Surf Club and Coastal Outpost to the east. The Malibu Plaza, a contemporary three-story commercial mixed-use building, is located 175 feet east of the Project Site, adjacent to the north side of PCH and east of the Malibu Surf Shack.

Notable public viewing locations with views of the Project Site are limited to PCH and Malibu Pier located across PCH from the Project Site. From these locations, the view of the coastline towards the Project Site along the PCH corridor includes the steep slope fronted by one- to two-story commercial buildings and parking lots and residential uses along the shoreline. Due to elevation differences such as the higher elevation of PCH, the Project Site is only minimally visible from the public beaches.

Photo simulations to show the design and scale of the proposed development from three vantage points were submitted instead of story poles (Attachment 4 – Photo Simulations). As demonstrated in the photo simulations, due to the size, shape, and topography of the lot, the proposed development will blend into the hillside, will be minimally visible from public viewing areas or scenic roads, and is not located within primary views of neighboring properties. Based on the existing development within the surrounding neighborhood, and the standard conditions associated with applicable projects to minimize impacts to aesthetic resources, including incorporating colors and exterior materials that are compatible with the surrounding landscape, the Project is expected to blend with the surrounding built environment. Therefore, the portion of the commercial building in excess of 18 feet is not anticipated to adversely affect neighborhood character.

Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

As discussed in Finding 2, as evident from the story poles, and the Project as conditioned, is designed provide maximum feasible protection to significant public views

Finding 4. The proposed project complies with all applicable requirements of state and local law.

The Project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the motel and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

Finding 5. The project is consistent with the City's General Plan and Local Coastal Program.

The Project is located in the CV-1 zoning district, an area designated for rural commercial uses. The proposed motel is a conditionally permitted use in the CV land use designation and CV-1 zoning district in which the Project Site is located. The proposed motel use complies with the intent of the zoning provisions of the MMC and the LCP.

The Project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the Project, as conditioned, complies with all applicable provisions of the MMC and the LCP, inclusive of the VARs and SPR.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore 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).

The proposed development is not expected to obstruct visually impressive scenes from private property as all nearby residences have views oriented away from the subject property. This analysis is based on aerial photographs, site visits, photo simulations and story pole placement.

E. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

The subject property is not in a designated ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Therefore, the findings of LIP Section 4.7.6 do not apply.

F. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the Project Site. Therefore, the findings contained in LIP Chapter 5 do not apply.

G. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area.

LUP Policy 6.4 states that scenic areas do not include inland areas along PCH east of Malibu Canyon Road. No unique rock outcroppings or historic buildings exist on the Project Site. The Malibu Pier and adjacent beaches would be considered public viewing areas under the LCP, although due to elevation differences such as the higher elevation of PCH, the Project Site is only minimally visible from the public beaches.

The Project is located within the commercial corridor of the City and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use

is commensurate with that of the surrounding development. Since the Project is within an inland area that is largely developed or build out with existing commercial development along PCH, east of Malibu Canyon Road, the findings set forth in LIP Section 6.4 do not apply.

H. Transfer of Development Credit (LIP Chapter 7)

The Project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 do not apply.

I. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazards listed in LIP Sections 9.2(A)(1-7) must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the Project causes the potential to create adverse impacts upon site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. The required findings are made as follows:

Finding 1. The Project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to Project design, location on the site or other reasons.

The applicant submitted geotechnical and engineering reports and addenda prepared by GeoConcepts, Inc., dated June 4, 2003, November 3, 2009, February 27, 2012, April 27, 2012, June 27, 2012, December 4, 2014, February 26, 2015, May 29, 2015, June 16, 2015, September 21, 2015, April 28, 2016, October 16, 2018 and June 20, 2018, and EnSitu Engineering, Inc., dated September 12, 2014, March 3, 2015, February 25, 2016 and February 21, 2019. All reports are on file at City Hall. In these reports, site-specific conditions are evaluated, and recommendations are provided to address any pertinent issues. Potential geologic hazards analyzed include geologic, seismic, and fault rupture, liquefaction, landslide, groundwater, tsunami, and flood hazards. Based on review of the project plans and associated reports by City geotechnical consultant reviewers, LACFD, City Public Works Department, and the City Environmental Health Administrator, these specialists determined that adverse impacts to the Project Site related to the proposed development as designed and conditioned are not expected.

The Project, as conditioned, incorporates all recommendations contained in the above cited reports and conditions required by the City geotechnical consultant reviewers, City

Public Works Department and the LACFD, including foundations and drainage. The Project will neither be subject to nor increase the instability of the Project Site from geologic, flood, or fire hazards.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards. The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials will be utilized during construction.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the Project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the Project Site or structural integrity involving wildfire hazards.

Finding 2. The Project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required Project modifications, landscaping or other conditions.

As stated in Finding 1, the Project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to Project modifications, landscaping or other conditions.

Finding 3. The Project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously stated in LIP Findings, Section A, the Project, as designed and conditioned, is the least environmentally damaging alternative.

Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. These specialists and agency determined that the Project does not impact site stability or

structural integrity. As previously discussed in Section A, there are no feasible alternatives to the proposed development that would result in less site disturbance.

Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As previously discussed in LIP Findings, Section A, the Project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

J. Shoreline and Bluff Development (LIP Chapter 10)

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff or bluff-top fronting the shoreline. The Project is not located on or along the shoreline, a coastal bluff or bluff-top fronting the shoreline. Therefore, the findings contained in LIP Chapter 10 do not apply.

K. Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, Project alternative that would avoid impacts to public access.

The Project does not meet any of the criteria above. Furthermore, no trails are identified on the LCP Park Lands Map on or adjacent to the Project Site. Therefore, the requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

L. Land Division (LIP Chapter 15)

The Project does not include a land division. Therefore, the findings in LIP Chapter 15 do not apply.

M. Conditional Use Permit for New Motel Use and Sale of Alcohol (MMC Section 17.66.080)

The Planning Commission may approve, deny and/or modify an amendment to a CUP in whole or in part, with or without conditions, provided that it makes all of the findings of fact required by MMC Section 17.66.080. Staff is recommending that the Planning Commission approve CUP No. 18-002 for a new motel, with associated uses, in the CV-1 zoning district. The CUP, as recommended, can be supported based on the findings below:

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

The Project Site is zoned for commercial use, and the proposed motel use is a conditionally permitted in the CV-1 zoning district and is consistent with existing land uses in the vicinity. MMC Section 17.40.080, Commercial Development Standards, limits commercial development to a maximum FAR of 0.15. As the Project proposes 7,693 square feet of commercial floor area on a 51,352 square foot (1.18 acre) parcel, the resulting FAR would be 0.15, consistent with the maximum FAR permitted.

The Project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the Project, as conditioned, complies with all applicable provisions of the MMC and the LCP.

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

The Project is located within the commercial corridor of the City and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development. The Project Site is zoned for commercial use. The proposed motel use is consistent with the zoning designation and consistent with existing land uses in the vicinity.

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

The Project Site is located within the commercial corridor of the City and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development.

The Project Site is located adjacent to PCH on a stretch of highway connecting the Civic Center area of the City with the City's eastern region. Existing utilities are located within the PCH right-of-way that will serve the Project. The site is physically suitable for the proposed use.

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

The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood. The existing legal non-conforming commercial parking lot as a stand-alone use is being replaced with a commercial use that in contrast is authorized with a conditional use permit in the CV-1 zoning designation.

The Project is located within the commercial corridor of the City and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development and applicable design and development standards.

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

The Project would alter the visual appearance of the Project Site, but as described above, it would not substantially degrade the visual character or quality of the Project Site or introduce any aesthetic elements incompatible with the surrounding land uses. Additionally, the proposed motel is a conditionally permitted use in the CV-1 zoning district, which is compatible with the commercial zoning in the general area. The Project is located within the commercial corridor of the City and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development.

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

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. The Project Site, is served by Southern California Edison for electricity and natural gas is provided by the Southern California Gas Company. Water will be provided by WD29, and WD29 has provided a Department Review Sheet indicating the Project Site may be served. Additionally, there is no municipal sewer yet available in this area of Malibu. However phased construction is continuing on the CCWTF. The CCWTF now includes a

centralized wastewater treatment facility in the Malibu Civic Center area that treats, reuses, and/or disposes of wastewater flows from properties now being served by the system, and will also serve two planned expansions areas (i.e., Phases 2 and 3), including the Project Site within Phase 3. The Project proposes an OWTS composed of a septic system, treatment tank, and disinfection system, subject to review by the City Environmental Health Administrator. The entire system would be contained within the Project Site and has been adequately designed to accommodate wastewater generated by the Project, and wastewater flows of adjacent Aviation Nation Site, and not result in a seepage of groundwater pollutants into the ocean. Additionally, since the Project Site is located in the Phase 3 Prohibition Area of the CCWTF and may be accommodated under the CCWTF buildout by 2028, should Phase 3 CCWTF improvements move forward, the Project's septic system may have a relatively short life span of approximately ten years.

The Project does not affect solar access or adversely impact existing public and private views. The building would consist of tiered floors, ascending away from PCH at approximately the natural grade of the nearby slope. The building's exterior architectural finishes fronting PCH would be comprised of non-glare windows, glass paneled railings, and wood siding and paneling. The proposed development would alter the visual character of the Project Site from a surface parking lot with no landscaping and a lightly vegetated hillside to that of a contemporary, landscaped frontage and motel building with architectural design features intended to comply with the LCP and MMC, as well as with all relevant City standard conditions of approval. The proposed new motel would be similar in size, bulk and scale to existing structures to the east and west and would be designed to step back into the hillside to the north. Views of identified scenic resources from public viewing areas such as PCH, the beach, the Pacific Ocean, and Malibu Pier, would not be altered by Project implementation. Although the onsite slope is sparsely vegetated, supporting primarily non-native grassland, and weedy vegetation, efforts to preserve the aesthetic of the slope would be implemented by the Project, including utilizing drought-tolerant plant species and the use of an earth tone, faux-rock cladding in the retaining wall. Portions of the retaining wall extending above the proposed roofline would be further screened from view by Giant Bird of Paradise, which is a plant that can reach a height of 20 feet and the clumps of long stalks can spread as far as 11 feet. The surface and subterranean parking lots would be partially screened from view from PCH through the use of frontage landscaping and/or subterranean parking design. Further, the Project would only alter the lower approximately 50 feet of the slope, while the upper 130 feet will remain unaltered.

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

Access to the Project is from PCH, an existing public highway. The public, as well as emergency vehicles, would enter and exit the Project Site via PCH. The Project Site is designed with throughput access from PCH to the Aviation Nation Site parking lot, negating any need for vehicles to turnaround. The modified driveways would require

review and approval of an Encroachment Permit by Caltrans. During its review of the permit, Caltrans would ensure the driveways are properly designed to ensure adequate emergency access. All roadway connections would be constructed in conformance with City and Caltrans standards, and would be consistent with LACFD access requirements. Consequently, roadways would be adequate to provide public and emergency access to the Project Site.

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

The General Plan is a policy document that contains policy measures, while the specific development standards to implement these policy measures are located in the MMC. The Project Site is designated as CV in the General Plan, and is subject to the commercial land use policies of the General Plan. The CV zone is designated for development that is visitor-serving, including overnight accommodations. The motel with ancillary uses is a conditionally permitted commercial use pursuant to the CV land use designation of the General Plan and the CV-1 zoning district of the MMC. Therefore, the proposed motel land use is consistent with the City's General Plan land use map, and as conditioned, is consistent with the goals, objectives, policies, and general land uses of the General Plan.

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

Motels and sale of alcohol are conditionally permitted uses in the CV-1 zoning district. The Project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the Project, as conditioned, complies with all applicable requirements of State and local law.

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

An IS/MND was prepared in accordance with CEQA Guidelines. More specifically, the CEQA Guidelines require that potential environmental impacts be evaluated. The range of environmental factors considered include: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities/Service Systems, and Wildfire. On the basis of the evaluation, it was determined that although the Project would have a less than significant effect on the environment with mitigations for Geology/Soils, Noise and Tribal Cultural Resources.

Based on the IS/MND and LCP conformance review, the Project, as conditioned, will not result in any significant adverse impacts, and will not be detrimental to the public interest, health, safety, convenience or welfare.

Furthermore, the Project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers and City Public Works Department for conformance with the LCP and determined not to be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

Finding 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.

As discussed in above in the *Hazards* findings, there is clear and compelling evidence that the Project is not located in an area determined by the City to be at risk from earth movement, flooding or liquefaction.

N. Variance for Construction on Slopes Steeper than 3 to 1 (MMC Section 17.72.060)

Pursuant to MMC Section 17.40.080(A)(6), the site of construction is limited to areas containing slopes flatter than 3 to 1. Pursuant to MMC Section 17.72.060, the City may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes eight required findings. Based on evidence in the record, the findings required for VAR No. 18-030 for construction on slopes steeper than 3 to 1 are made as follows.

Finding 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.

LIP Section 13.27.1(A)(4) allows construction to be located on slopes flatter than 3 to 1. The proposed development requires grading and excavation of approximately 0.77 acre of the Project Site, which includes a portion of the slope that is steeper than 3 to 1, to accommodate a subterranean garage and structural setback to the proposed motel building. A proposed retaining wall would be installed north of the motel structure, constructed to secure the slope following excavation and maintain a structural setback from the slope, which is also subject to a separate variance request related to height.

The grading, retaining wall and motel building are occurring within the steep slope that rises approximately 190 feet above PCH, which comprises the northern 70 percent of the Project Site. The slope face is sparsely vegetated, supporting primarily non-native

grassland, and weedy vegetation. The required grading and excavation, and retaining wall at the lower portion of the slope within the site boundary and adjacent to the existing parking lot is necessary to provide a level building area for the motel building, subterranean parking level, and the at-grade surface parking lot adjacent to PCH. As mentioned in B, Finding 1, there are at least three nearby commercial development with retaining walls on similar steep slopes and there are many other commercial development with construction on steep slopes on the same stretch of PCH.

Due to these site characteristics, the proposed development takes advantage of the currently disturbed areas and minimizes construction on steep slopes by keeping the proposed development near PCH as much as possible. The slope analysis that was submitted shows that the Project Site does not offer any alternative locations for development where steep slopes can be avoided. Therefore, a commercial development on the subject property would not be feasible without granting a variance for construction on slopes steeper than 3 to 1 and the subject property owner would be deprived of privileges enjoyed by other commercial development under the same zoning classification.

Finding 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 proposed variance will allow construction of a motel. The Project has been evaluated for impacts on environmental factors pursuant to CEQA. Based on the IS/MND and LCP conformance review, the Project, as conditioned, will not result in any significant adverse impacts, and will not be detrimental to the public interest, health, safety, convenience or welfare. Furthermore, the Project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers and City Public Works Department for conformance with the LCP and determined not to be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property.

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

As previously stated, the subject property is similar to many other commercial developed properties in this stretch of PCH in that the developed portions are wedged between the Santa Monica Mountains to the north and PCH to the south. Many other commercial development in the area have construction on steep slopes similar to the proposed development. The site's topography is predominantly characterized by a steep slope. There is no alternative development pad on the property that would avoid construction on steep slopes. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, could limit commercial development completely on the subject property. The proposed development is consistent with

surrounding properties in the CV-1 zoning district. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner.

Finding 4. The granting of such variance or modification 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 granting of such variance for construction on slopes steeper than 3 to 1 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 proposed motel and associated development are allowed in the CV-1 zoning district. As previously stated, with the inclusion of the variance, the project is consistent with the LCP, the Coastal Act, and other applicable regulations. The Project, as conditioned, conforms to the MMC and LCP in that it meets all the required commercial standards inclusive of discretionary requests.

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

The variance request is for development on slopes steeper than 3 to 1 to allow for the construction of a motel in the CV-1 zoning district. Therefore, the variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the subject property.

Finding 6. The subject site is physically suitable for the proposed variance or modification.

The subject site is physically suitable for the proposed variance. The proposed development is sited on the disturbed portion of the subject site; however, construction on slopes steeper than 3 to 1 cannot be avoided. In addition, the Project has been reviewed and approved by City geotechnical consultant reviewers and City Public Works Department for structural integrity and stability, and determined that the Project Site is physically suitable for the proposed variance.

Finding 7. The variance or modification permit complies with all requirements of State and local law.

The Project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the motel and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and project consultants.

Finding 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 Project is conditioned for all recommendations of the project engineering geologist or geotechnical engineer, and the City geotechnical consultant reviewers to be incorporated into the final design. Among other conditions, the project was also conditioned to provide a construction staging plan, adhere to limited construction hours, construction management techniques, and dark sky lighting requirements, fuel modification plans, and grading and water quality provisions. With these conditions, the requested variance will not be detrimental to health, safety and welfare of the City.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department prepared an initial study (IS No. 20-003) pursuant to CEQA Guidelines Section 15300.2(c). The initial study analyzed the proposed Malibu Inn Motel Project and determined that with mitigation measures and standard conditions of approval, the Project will not have a significant impact on the environment; subsequently, MND No. 20-003 was prepared and circulated pursuant to CEQA Guidelines Section 15070.

On February 19, 2021, the City made IS/MND No. 20-003 available to the public for the required 30-day circulation period, which concluded on March 22, 2021. The Draft IS/MND was circulated again for another 30-day review period, directed towards agencies due to a file discrepancy, which began on March 29, 2021 and ended on April 28, 2021. During the public review period, the following comments were received from public agencies and members of the public:

Table 8 – CEQA Public Comments Letters

Comment Set/ Number of Comments		Name of Commenter	Date Received
Agency Letters			
A	A.1 – A.2	California Department of Transportation (Caltrans)	April 14, 2021
B	B.1 – B.16	Malibu Open Space Alliance	April 27, 2021
Individual Letters			
1	1.1 – 1.2	Cynthia Randall	March 7, 2021
2	2.1 – 2.2	David King	March 7, 2021
3	3.1	Christine Kauffman	March 8, 2021
4	4.1	Inez McGee	March 8, 2021
5	5.1	Katarina Vinegrad Calderon	March 8, 2021
6	6.1	Terry Lucoff	March 9, 2021
7	7.1 – 7.3	Carla McCloskey (1)	March 14, 2021

Table 8 – CEQA Public Comments Letters			
Comment Set/ Number of Comments		**Name of Commenter**	**Date Received**
8	8.1 – 8.3	Lester Tobias	March 14, 2021
9	9.1 – 9.7	Jamie Ottilie (1)	March 15, 2021
10	10.1	Jamie Ottilie (2)	March 15, 2021
11	11.1	Lisa McKean	March 15, 2021
12	12.1 – 12.2	Susanne Titus	March 15, 2021
13	13.1 – 13.4	Carla McCloskey (2)	March 17, 2021
14	14.1 – 1 4.3	Jae Flora-Katz	March 17,2021
15	15.1 – 15.3	John Stockwell	March 17, 2021
16	16.1 – 16.3	Lynn Saunders Guilburt	March 17, 2021
17	17.1 – 17.7	Matt Goodwin	March 17, 2021
18	18.1 – 18.57	Patt Healy	March 17, 2021
19	19.1	Suzannah Owens	March 17, 2021
20	20.1	Judy Ettinger	March 18, 2021
21	21.1 – 21.7	Mark and Kim Dempster	March 18, 2021
22	22.1	Nick Eliopoulos	March 18, 2021
23	23.1	Paul Astin	March 18, 2021
24	24.1	Robert Allan	March 18, 2021
25	25.1 – 25.6	Roni Serrato	March 18, 2021

These comments were discussed in the *Responses to Comments on the Draft IS / MND* (Attachment 6) added to the Final IS/MND. In addition, the IS/MND has been updated to reflect minor clarifications and corrections. The complete document is listed as Attachment 5 and can be viewed online: https://www.malibucity.org/810/Malibu-Inn-Motel.

Pursuant to CEQA Guidelines Section 15073.5, the IS/MND is not required to be recirculated as long as the document has not been substantially revised. A "substantial revision" occurs when a new avoidable significant effect is identified and mitigation measures or project revisions must be added to reduce the effect to insignificance, or the City determines the measures will not reduce the effect to insignificant and new measures or revisions are required. No substantial revision has been made to the project.

The Guidelines also state that recirculation is not required under the following circumstances:

- Mitigation measures are replaced with equal or more effective measures, or
- New project revisions made in response to comments on project effects which are not new avoidable significant effects, or
- Measures or conditions of approval are added that are not required by CEQA and which do not create new significant effects and are not necessary to mitigate an avoidable significant effect, or
- New information is added which merely clarifies, amplifies or makes insignificant modifications to the IS/MND.

The Planning Department finds that through feasible conditions and mitigation measures placed on the Project, less than significant impacts on the environment are expected. Based on the record as a whole, there is no substantial evidence that the Project, as conditioned, will have a significant effect on the environment.

CORRESPONDENCE: As mentioned in the *Environmental Review* section above, staff received 27 public comments related to the IS/MND during the public review period (Attachment 6). The public comments and responses are provided in the Responses to Comments on the Draft IS/MND. Additional public correspondence is attached hereto as Attachment 7.

PUBLIC NOTICE: On March 23, 2023, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property. (Attachment 8)

SUMMARY: The required findings can be made that the Project complies with the LCP and MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this Project, subject to the conditions of approval contained in Section 6 (Conditions of Approval) of Planning Commission Resolution No. 23-24. The Project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 23-24
2. Project Plans
3. Department Review Sheets
4. Photo Simulations
5. IS/MND https://www.malibucity.org/810/Malibu-Inn-Motel
6. Responses to Comments on the Draft IS/MND
7. Public Correspondence

8. Public Hearing Notice
9. Economic Impact Memo, dated August 26, 2021
10. Malibu Inn Motel Commissioner Inquiries, dated December 16, 2021
11. Building to Slope Setback Response
12. Nearby Retaining Walls

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 23-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING MITIGATED NEGATIVE DECLARATION NO. 20-003 AND INITIAL STUDY NO. 20-003 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 09-067 FOR THE CONSTRUCTION OF A NEW 7,693 SQUARE FOOT, 20-ROOM MOTEL ABOVE A NEW SUBTERRANEAN PARKING GARAGE, SURFACE PARKING LOT, ROOFTOP DECK WITH SWIMMING POOL, SPA AND BAR AREA, GRADING, RETAINING WALLS, LANDSCAPING, A NEW ONSITE WASTEWATER TREATMENT SYSTEM AND AUTHORIZATION FOR THE PLANNING DIRECTOR TO SUBMIT A LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR THE SALE OF ALCOHOL; CONDITIONAL USE PERMIT NO. 18-002 FOR A MOTEL IN THE COMMERCIAL VISITOR-SERVING-1 ZONING DISTRICT AND SALE OF ALCOHOL; INCLUDING VARIANCE NO. 18-030 FOR CONSTRUCTION ON SLOPES STEEPER THAN 3 TO 1, VARIANCE NO. 18-031 FOR A RETAINING WALL THAT IS AN INTEGRAL PART OF THE BUILDING IN EXCESS OF 12 FEET IN HEIGHT, VARIANCE NO. 20-035 FOR SURFACE PARKING WITHIN THE REQUIRED FRONT YARD SETBACK, AND SITE PLAN REVIEW NO. 18-025 FOR A BUILDING HEIGHT IN EXCESS OF 18 FEET, NOT TO EXCEED 24 FEET FOR A FLAT ROOF, LOCATED IN THE COMMERCIAL VISITOR SERVING-1 ZONING DISTRICT AT 22959 PACIFIC COAST HIGHWAY(SURFRIDER PLAZA, LLC)

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

SECTION 1. Recitals.

A. On November 4, 2009, an application for Coastal Development Permit (CDP) No. 09-067, was submitted for the Malibu Surfrider Plaza Project (Former Project) consisting of a new commercial plaza providing 7,713 gross square feet of floor area between two buildings and 82 surface and subterranean parking spaces, located at 22959 Pacific Coast Highway (PCH) in the Commercial Visitor Serving-1 (CV-1) zoning district, by Surfrider Plaza, LLC. The application was routed to the City Geotechnical consultant reviewers, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Fire Department (LACFD), and Los Angeles County Waterworks District No. 29 (WD29).

B. On November 5, 2009, the Los Angeles Regional Water Quality Control Board (LARWQCB) approved Resolution No. R4-2009-007, banning the use of onsite wastewater treatment systems (OWTS) in the area. On September 21, 2010, the State Water Regional Control Board (SWRCB) approved that same resolution, thereby amending the State Basin Plan. The adopted plan for a specific Prohibition Area includes the Project Site. Since an application for the Project Site was submitted prior to the adoption of Resolution No. R4-2009-007, the application is listed on Table 4-zz as being eligible for a new OWTS.

C. On June 15, 2017, a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Former Project was published in a newspaper of general circulation within the City of Malibu. The 30-day public review period ran from July 19, 2017.

D. On June 27, 2017, the Environmental Review Board (ERB) reviewed and considered the Former Project, written reports, Initial Study (IS) No. 16-003/MND No. 17-001 and provided recommendations to the Planning Commission.

E. On June 11, 2018, the applicant submitted revised plans for a new motel instead of the previously submitted commercial retail plaza. The revised project plans were then routed to all applicable City departments and County agencies for review. Conditional Use Permit (CUP) No. 18-002, Variance (VAR) Nos. 18-030, 18-031 and 20-035, Site Plan Review (SPR) No. 18-025, and Joint Use Parking Agreement (JUPA) No. 18-001 were added to the Malibu Inn Motel Project (Project).

F. On June 17, 2020, staff deemed the application complete.

G. On February 19, 2021, a Notice of Intent to Adopt a MND was published in a newspaper of general circulation within the City of Malibu. The 30-day public review period ran from February 19, 2021 to March 22, 2021. The Draft IS/MND No. 20-003 was circulated again for another 30-day review period, directed towards agencies due to a file discrepancy, that began on March 29, 2021 and ended on April 28, 2021.

H. On June 10, 2021, a Notice of Coastal Development Permit Application was posted on the subject property.

I. On June 24, 2021, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

J. On August 5, 2021, 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 500-foot radius of the subject property.

K. On August 26, 2021, a Notice of Adjournment was issued for the August 26, 2021 Special Planning Commission meeting and adjourned to the September 8, 2021 Adjourned Regular meeting to allow staff additional time to gather additional information and for the applicant to install story poles to represent the proposed motel building.

L. On September 8, 2021, the Planning Commission continued the item to the November 1, 2021 Regular Planning Commission meeting.

M. On November 1, 2021, the Planning Commission continued the item to the December 6, 2021 Regular Planning Commission meeting.

N. On December 6, 2021, the Planning Commission continued the item to the January 11, 2022 Special Planning Commission meeting.

O. On January 11, 2022, the Planning Commission continued the item to the April 4, 2022 Regular Planning Commission meeting.

P. On April 4, 2022, the Planning Commission continued the item to a date uncertain.

Q. On March 23, 2023, 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 500-foot radius of the subject property.

R. On April 17, 2023, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Adoption of Mitigated Negative Declaration

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed Project. The Planning Department prepared an initial study (IS No. 20-003) pursuant to CEQA Guidelines Section 15305. The initial study analyzed the Project and determined that it will not have a significant impact on the environment with implementation of mitigation measures; subsequently, MND No. 20-003 was prepared and circulated pursuant to CEQA Guidelines Section 15070.

On February 19, 2021, the City made IS/MND No. 20-003 available to the public for the required 30-day circulation period, which concluded on March 22, 2021. The Draft IS/MND was circulated again for another 30-day review period, directed towards agencies due to a file discrepancy, that began on March 29, 2021. The State Clearinghouse closed its review period on April 28, 2021. A total of twenty-seven pieces of correspondence were received during the public comment period, which are discussed in a Response to Comments (Section 2.0) added to the Final IS/MND.

The Planning Commission has considered IS/MND No. 20-003 together with the comments received during the public review process. IS/MND No. 20-003 reflects the independent judgment of the Planning Commission, and has been completed in compliance with CEQA, and is adequate for this Project.

The Planning Commission finds that the Project does not have the potential to significantly degrade the quality of the environment, nor does it have impacts which are individually limited but cumulatively considerable.

The Planning Commission further finds that less than significant impacts on the environment are expected from the Project, with implementation of mitigation measures. Based on the record as a whole, there is no substantial evidence that the Project, as conditioned, will have a significant effect on the environment.

SECTION 3. Coastal Development Permit Findings.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on April 17, 2023, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and the Malibu Municipal Code (MMC), the Planning Commission makes the findings of fact below, and approves CDP No. 09-067 for the construction of a new 7,693 square foot, 20-room motel above a new subterranean parking garage, surface parking lot, rooftop deck with swimming pool, spa and bar area, grading, retaining walls, landscaping, a new OWTS and authorization for the Planning Director to submit a letter of public convenience or necessity for the sale of alcohol; including CUP No. 18-002 for a motel in the CV-1 zoning district and sale of alcohol, VAR No. 18-030 construction on slopes

steeper than 3 to 1, VAR No. 18-031 for a retaining wall that is an integral part of the building in excess of 12 feet in height, VAR No. 20-035 for surface parking within the required front yard setback, and SPR No. 18-025 for a building height in excess of 18 feet, not to exceed 24 feet for a flat roof, located in the CV-1 zoning district at 22959 PCH.

The Project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed discretionary requests, the Project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

1. Evidence in the record, including submitted reports, project plans, visual analysis and site investigation, demonstrates that the Project, as conditioned, conforms to the LCP and MMC in that it meets all applicable development standards inclusive of the requested discretionary requests. The Project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29, and LACFD.

2. IS/MND No. 20-003 was prepared in accordance with CEQA and the CEQA Guidelines. Other alternatives were analyzed. This analysis assesses whether alternatives to the Project would significantly lessen adverse impacts to coastal resources. Evidence in the record demonstrates an alternative project will not have a significant environmental or visual advantage as the development is sited within the property dimensions of legal lots and the footprint of existing and previously existing development. As a result, the Project, as proposed and conditioned, is the least environmentally damaging alternative.

3. The Project and IS/MND No. 20-003 were not reviewed by the ERB. However, as a matter of policy, the Former Project for a commercial shopping center and associated IS/MND were reviewed by ERB. The potential environmental impacts as a result of the Project are considered less significant than the Former Project. The ERB recommendation and comment were addressed in IS/MND No. 20-003 and a condition has been added requiring a rootball barrier for the Sycamore trees to minimize potential root damage to the adjacent sidewalk and parking lot.

B. Variance for Retaining Wall in Excess of 12 Feet in Height (LIP Section 13.26)

1. There are special circumstances and exceptional characteristics applicable to the subject property. The site's topography is primarily a steep slope. In order to place a building on the Project Site, the northern slope must be stabilized, and a structural setback is required from the slope to the proposed motel building. The retaining wall would be constructed to secure the graded slope following the excavation and to provide a 15-foot structural setback from the slope. The retaining wall is 21 feet, 10 inches in height above finished grade. The retaining wall would extend below finished grade to accommodate the subterranean parking level and provide for an adequate foundation. The applicant provided evidence showing other nearby commercial development were constructed with similar retaining walls. Therefore, it would not be feasible to develop the property without the proposed retaining wall and the strict application of the zoning ordinance would deprive the subject property owner of privileges enjoyed by other properties in the vicinity under similar zoning and site constraints.

2. The proposed variance will allow construction of a motel. The Project has been evaluated for impacts on environmental factors pursuant to CEQA. Based on the IS/MND and LCP conformance review, the Project as conditioned will not result in any significant adverse impacts, and will not be detrimental to the public interest, health, safety, convenience or welfare.

3. Other nearby commercial development has been constructed with similar retaining walls, which support the toe of the slope. . The site's topography is predominantly characterized by a steep slope. There is no alternative development pad on the Project Site that would avoid excavation into the steep slope and the resulting retaining wall to secure the excavation. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, would prohibit commercial development on the Project Site. The proposed development is consistent with surrounding properties and in the CV-1 zoning district. The proposed variance would not constitute a special privilege to the applicant or property owner in that there are other examples of similar retaining walls constructed for nearby development and, without the variance, a commercial development on the property would not be feasible.

4. The granting of the proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a motel and associated development, are conditionally permitted in the CV-1 zoning district.

5. The variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the Project Site. The variance request is to allow for the construction of a retaining wall that exceeds 12 feet in height to allow for the development of the proposed motel in the CV-1 zoning district.

6. The subject site is physically suitable for the proposed variance. The proposed development is primarily sited on the disturbed portion of the subject site; however, given that the site is predominantly on a slope, the proposed retaining wall in excess of 12 feet in height cannot be avoided. The proposed retaining is a building code requirement to maintain a horizontal structural setback to the toe of the slope. The proposed retaining wall is necessary for any new building on the subject parcel.

7. The Project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the motel and associated development are conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and Project consultants.

C. Variance for Construction for Surface Parking within the Required Front Yard Setback (LIP Section 13.26)

1. There are special circumstances and exceptional characteristics applicable to the subject property. The site's topography is primarily a steep slope. Without allowing the required parking within the front yard setback, there would not be sufficient space to site for the required parking. The proposed variance would allow for the parking required for the use to be provided onsite as required by the LCP.

2. The proposed variance will allow construction of the proposed motel in compliance with the minimum required parking spaces. The Project has been evaluated for impacts on environmental factors pursuant to CEQA. Based on the IS/MND and LCP conformance review,

the Project as conditioned will not result in any significant adverse impacts to the environment, and will not be detrimental to the public interest, health, safety, convenience or welfare.

3. Almost all other commercial development on this stretch of PCH is developed with parking within the required front yard setback. There is no alternative development pad on the property that would avoid encroachment of the required parking in the front yard setback. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, would prohibit commercial development on the Project Site. The proposed development is consistent with surrounding properties and in the CV-1 zoning district. Therefore, the granting of the variance will not constitute a special privilege to the applicant or the property owner as it is consistent with other surrounding development subject to similar site constraints.

4. The granting of the proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a motel and associated development, are conditionally permitted in the CV-1 zoning district.

5. The variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the Project Site. The proposed uses are consistent with the allowed uses in the applicable CV-1 zoning district.

6. The subject site is physically suitable for the proposed variance. The proposed development is utilizing the disturbed portion of the subject site, and there is an existing surface parking lot located within the front yard setback. Locating the surface parking lot within the front yard setback cannot be avoided due to the steep slope to the north of the parking lot.

7. The Project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the motel and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and Project consultants.

D. Site Plan Review for Construction in Excess of 18 Feet in Height (LIP Section 13.27.5)

1. Evidence in the record, including submitted reports, project plans, visual analysis and site investigation, demonstrates that the Project, as conditioned, conforms to the LCP and MMC in that it meets all applicable development standards inclusive of the requested discretionary requests. The Project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, WD29, and LACFD.

2. The Project would alter the visual appearance of the Project Site, but would not substantially degrade the visual character or quality of the Project Site or introduce any aesthetic elements incompatible with the surrounding land uses, and the height of the proposed building has been limited to minimize impacts to visual character. The Project Site is buffered from surrounding residential areas by open space and the incorporation of additional landscaping. The design of the proposed building would also serve as a barrier that reduces noise transmission, as patios would face away from residential areas and the building would contain some vehicle noise within the subterranean parking garage. The Project does not propose amplified sound (music, concerts, etc.).

3. Photo simulations to show the design and scale of the proposed development from three vantage points were submitted instead of story poles. As demonstrated in the photo simulations, due to the size, shape, and topography of the lot, the proposed development will blend into the hillside, will be minimally visible from public viewing areas or scenic roads, and is not located within primary views of neighboring properties.

4. The Project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the motel and associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and Project consultants.

5. The Project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. As discussed herein, based on submitted reports, Project plans, visual analysis and site investigation, the Project, as conditioned, complies with all applicable provisions of the MMC and the LCP, inclusive of the VARs and SPR.

E. Hazards (LIP Chapter 9)

1. Evidence in the record demonstrates that the Project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City geotechnical consultant reviewers, City Public Works Department, and the LACFD, including foundations, OWTS, and drainage. As such, the proposed Project will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

2. The Project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to Project modifications, landscaping or other conditions.

3. Evidence in the record demonstrates that the Project, as designed and conditioned, is the least environmentally damaging alternative.

4. Evidence in the record demonstrates that there are no feasible alternatives to the proposed development that would avoid or substantially lessen any adverse impacts on site stability or structural integrity as none are expected as a result of the Project.

5. Evidence in the record demonstrates that the Project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

F. Conditional Use Permit for New Motel Use and Sale of Alcohol (MMC Section 17.66.080)

1. The Project Site is zoned for commercial use, and the proposed motel use is conditionally permitted in the CV-1 zoning district and is consistent with existing land uses in the vicinity.

2. The proposed motel use is consistent with the commercial zoning designation and consistent with existing commercial land uses in the vicinity. The Project is located within the commercial corridor of the City and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development and will not impair the integrity and character of the zoning district.

3. The subject site is physically suitable for the proposed motel land use. The Project is located within the developed commercial corridor of the City and the surrounding development is comprised of restaurants, motels, and other commercial development, as well as multi-family residential development. The intensity and density of the proposed use is commensurate with that of the surrounding development and will not impair the integrity and character of the zoning district.

4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood. The existing legal non-conforming commercial parking lot as a stand-alone use is being replaced with a commercial use that in contrast is authorized with a conditional use permit in the CV-1 zoning designation.

5. The proposed use will be compatible with the existing and future land uses within the zoning district and surrounding area, as it is a commercial use contemplated by the zoning district. The Project is located within the commercial corridor of the City and the proposed motel is a conditionally permitted use in the CV-1 zoning district, which is compatible with the commercial zoning in the general area.

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. Adequate public services and utilities are available to serve the Project. The Project does not affect solar access or adversely impact existing public and private views.

7. Adequate public access is available to serve the Project. Access to the Project is from PCH, an existing public highway. The public, as well as emergency vehicles, would enter and exit the Project Site via PCH. The Project Site is designed with throughput access from PCH to the Aviation Nation Site parking lot, negating any need for vehicles to turnaround. The modified driveways would require review and approval of an Encroachment Permit by Caltrans. During its review of the permit, Caltrans would ensure the driveways are properly designed to ensure adequate emergency access. All roadway connections would be constructed in conformance with City and Caltrans standards, and would be consistent with LACFD access requirements.

8. Evidence in the record demonstrates the proposed use is consistent with the goals, objectives and policies of the General Plan.

9. The Project will be in full compliance with all applicable State, County and City of Malibu ordinances and laws.

10. As designed and conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare, and will provide the public benefit of a potable water supply for domestic use and fire protection.

11. There is clear and compelling evidence that the Project is not located in an area determined by the City to be at risk from earth movement, flooding or liquefaction. With the implementation of the recommendations of the Project geotechnical engineer and City geotechnical consultant reviewers, less than significant impacts on structural integrity from geologic or flood hazards are expected. The Project, as conditioned, will not increase instability of the site or structural integrity from geologic, flood, fire or any other hazards.

G. Variance for Construction on Slopes Steeper than 3 to 1 (MMC Section 17.72.060)

1. There are special circumstances and exceptional characteristics applicable to the subject property. The site's topography is primarily a steep slope. The proposed development requires grading and excavation of approximately 0.77 acre of the Project Site, which includes a portion of the slope that is steeper than 3 to 1, to accommodate a subterranean garage and structural setback to the proposed motel building. It would not be feasible to develop the property without development on slopes steeper than 3 to 1.

2. The proposed variance will allow construction of the proposed motel. The Project has been evaluated for impacts on environmental factors pursuant to CEQA. Based on the IS/MND and LCP conformance review, the Project as conditioned will not result in any significant adverse impacts to the environment, and will not be detrimental to the public interest, health, safety, convenience or welfare.

3. The granting of the variance will not constitute a special privilege to the applicant or the property owner. The required grading and excavation of the lower portion of the 3 to 1 slope within the site boundary and adjacent to the existing parking lot is necessary to provide a level building area for the motel building, subterranean parking level, and at-grade surface parking lot adjacent to PCH. There is no alternative development pad on the property that would avoid construction on steep slopes. Therefore, approval of the variance will grant relief from a technical development standard, which if strictly applied, could limit development of a commercial building completely on the subject property.

4. The granting of the proposed variance will not be contrary to or in conflict with the LCP as the improvements, consisting of a motel and associated development, are conditionally permitted in the CV-1 zoning district.

5. The variance request does not authorize a use or activity that is not expressly authorized by the zoning regulations for the Project Site. The variance request is consistent with the intent and purpose of the CV-1 zoning district. The motel is a conditionally permitted use in the CV-1 zoning district and development on slopes steeper than 3 to 1 is necessary so that the motel development can be constructed in the CV-1 zoning district.

6. The subject site is physically suitable for the proposed variance. The proposed development is primarily sited on the disturbed portion of the subject site; however, given that the site is predominantly on a slope, development on slopes steeper than 3 to 1 to allow for the construction of a motel in the CV-1 zoning district cannot be avoided.

7. The Project complies with all applicable requirements of State and local law, and is conditioned to comply with any relevant approvals and permits. Construction of the motel and

associated development is conditioned to comply with all building code requirements and will incorporate all recommendations from applicable City agencies and Project consultants.

8. The Project is conditioned for all recommendations of the project engineering geologist or geotechnical engineer, and the City geotechnical consultant reviewers to be incorporated into the final design. Among other conditions, the project was also conditioned to provide a construction staging plan, adhere to limited construction hours, construction management techniques, and dark sky lighting requirements, fuel modification plans, and grading and water quality provisions. With these conditions, the requested variance will not be detrimental to health, safety and welfare of the City.

SECTION 4. Determination of Public Convenience or Necessity.

According to the State Department of Alcoholic Beverage Control, a Letter of Public Convenience or Necessity may be required for the overconcentration of licenses. Based on CUP findings in Section 3(G) of this resolution, the Planning Commission finds that the proposed use will not be detrimental to the public health, safety, or general welfare and is compatible with the land uses presently on the subject property and in the surrounding neighborhood. The Planning Commission hereby recommends that the City Council authorizes the Planning Director to prepare and submit a Letter of Public Convenience or Necessity for the proposed use to the State Alcoholic Beverage Control Department.

SECTION 5. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby adopts IS-MND No. 20-003 and approves CDP No. 09-067, CUP No. 18-002, VAR Nos. 18-030, 18-031, and 20-035, and SPR No. 18-025, subject to the following conditions.

SECTION 6. Conditions of Approval.

Standard Conditions

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

2. Approval of this application is to allow for the Project described herein. The scope of work approved includes:
    a. Construction of a new, 2-story, 7,693 square foot, 20-room motel above a new subterranean parking garage (0.15 FAR);
    b. Rooftop deck with a swimming pool, spa and bar;
    c. Surface parking lot;
    d. Hardscape and landscaping;
    e. Grading and retaining wall;

f. Onsite wastewater treatment system; and
g. Discretionary Requests:
    i. CUP No. 18-002 for a new motel in the CV-1 zoning district and sale of alcohol;
    ii. VAR No. 18-030 for construction on slopes steeper than 3 to 1;
    iii. VAR No. 18-031 for a retaining wall that is an integral part of the building in excess of 12 feet in height;
    iv. VAR No. 20-035 for surface parking within the required front yard setback; and
    v. SPR No. 18-025 for a building height in excess of 18 feet not to exceed 24 feet for a flat roof.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial compliance with plans on-file with the Planning Department, date-stamped **May 18, 2020**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event the Project plans conflict with any condition of approval, the condition shall take precedence.

4. This conditional use permit and rights conferred in this approval shall not be effective until all appeals are exhausted, and the property owner executes the Affidavit of the Acceptance of Conditions. Said documents shall be recorded with the Los Angeles County Recorder and a certified copy of said recordation shall be filed with the Planning Department within 10 days of the effective date of the approval.

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

6. This CDP shall expire if the Project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the Project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

7. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

8. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Sheriff's Department, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. Notwithstanding this review, all required permits shall be secured.

9. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the

Project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

10. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the CCC, have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.

11. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Lighting

12. 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.

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

14. 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.

15. 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.

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

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

18. Three sequential 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.

Construction / Framing

19. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

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

21. 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 will be rinsed off prior to leaving the property.

22. When framing is complete, 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 Department for review and sign off on framing.

23. Prior to issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction generated by the Project.

24. 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.

Cultural Resources

25. 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 Planning 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.

26. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require 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.

Site-Specific Conditions

27. No off-site sale of alcohol shall be permitted. Alcohol shall only be served for room service and within the rooftop deck for motel guests**.**

28. This CUP permits the sale and consumption of alcoholic beverages. The property owner / motel operator shall obtain all necessary approvals from ABC. Once obtained, the applicant is required to provide the Planning Department a copy of the issued ABC license.

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

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

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

32. The approved hours of operation for the sale or serving of alcoholic beverages are limited to 12:00 p.m. to 10:00 p.m., Sunday through Thursday, and 12:00 p.m. to 11:00 p.m., Friday and Saturday.

33. No live entertainment or amplified sound is permitted on the property except in compliance with an approved temporary use permit provided it can be demonstrated that the noise generated from the event would be in compliance with Condition No. 38 and off-street parking spaces can be secured to accommodate the number of people expected in the event.

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

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

36. The onsite kitchen may only serve food and beverages to motel guests.

37. The motel operator must adhere to all laws related to the sale of alcohol. Violations of such laws may be cause for modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C).

38. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Department prior to installation of any new sign.

39. The landscaping plan must be revised to include a detail depicting a barrier encircling root balls to be used for all the California Sycamore trees in order to minimize potential root damage to the sidewalk and parking lot. The planting of the California Sycamore trees must be in compliance with this detail.

40. The third driveway curb cut on the Aviation Nation Site from west to east must be removed.

41. Prior to the issuance of a development permit, the property owner must pay the in-lieu fee for the lower cost overnight accommodations in compliance with LIP Section 12.10.

42. Prior to the issuance of a development permit, the property owner / applicant must provide a rooftop floor plan showing the location of the umbrellas in compliance with the height limit.

43. None of the parking spaces may be used as public parking.

44. No more than six employees can be at the site at any one shift.

Mitigation Monitoring and Reporting Program

45. The Project shall comply with all the mitigation measures included in the MMRP of IS/MND No. 20-003.

Colors and Materials

46. The Project is visible from scenic roads or public viewing areas and shall incorporate colors and materials that are compatible with the surrounding landscape.
    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. All windows shall be comprised of non-glare glass.

47. Retaining walls visible from beaches or public viewing areas shall incorporate veneers, texturing and/or colors to blend with the surrounding earth materials. The colors shall be reviewed and approved by the Planning Director and clearly indicated on the grading and building plans.

48. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. The colors shall be reviewed and approved by the Planning Director and clearly indicated on the grading and building plans.

Conditional Use Permit

49. This conditional use permit may be reviewed by the Planning Director (predecessor and/or designee) and/or Planning Commission on an as-needed basis at the discretion of the Planning Director (predecessor and/or designee) or Planning Commission. Should it be determined that a review is required, the applicant shall pay the Planning Department staff site inspection fee in effect at the time of request for a site inspection. A staff planner will conduct a site visit to verify compliance with the provisions set forth in this resolution. If necessary, the Planning Director will determine whether the conditional use permit 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. Possible mitigation measures can include:
    a. Modifying the hours of operation;
    b. Incorporating noise mitigating measures/devices;
    c. Traffic safety measures;
    d. Land use intensification or reconfiguration of shared parking that would result in a parking demand greater than approved under this application; or
    e. Other measures deemed necessary by the Planning Commission.

50. The property owner / tenant shall not use the parking lot for any use other than the uses and activities explicitly permitted for the subject parcel or as permitted by a temporary use permit or filming permit.

51. The property owner and operator must secure an off-site parking area to accommodate vehicles for all events that overlap with other uses that will generate a parking demand in excess of the proposed parking spaces. A shuttle service must be provided between the off-site parking area and the subject property.

52. The conditional use permit may be modified by the City without the consent of the property owner or operator if the Planning Commission finds that the use is creating a nuisance.

53. A conditional use permit 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.

54. This conditional use permit shall no longer be valid and in effect with the demolition of all buildings, including a major remodel constituting new development requiring a new CDP.

55. The conditional use permit may be revoked if the Planning Commission finds that one or more of the following conditions exists:
    a. The conditional use permit was obtained in a fraudulent manner;
    b. One or more of the conditions found within this resolution have not been substantially met; or
    c. The use for which the CUP was granted ceased for six successive calendar months after the start of operations, except in the case of natural disaster.

56. The Planning Commission may revoke the conditional use permit should the conditionally permitted use cease for six successive calendar months, except in the case of a natural disaster.

Building Plan Check/Department Conditions

Water Quality/Water Service

57. Prior to the issuance of a building permit, the applicant shall submit a Will Serve Letter from WD29 to the Planning Department indicating the ability of the property to receive adequate water service.

Biology/Landscaping

58. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to degrade biological resources shall prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. 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 use for a limited time.

59. Prior to final Planning inspection or other final Project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). 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 9.22.

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

61. 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).

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

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

64. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the WD29.

65. 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 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.

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

67. Plantings required for fuel modification must be native, drought-tolerant species and shall blend with the existing natural vegetation and natural habitats on the site.

68. 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 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

69. Delete Dragon tree (*Dracaena draco*) from the planting plan along the PH frontage. All street frontage trees are limited to species natives to the Santa Monica Mountains.

Environmental Health

70. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.

71. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11-inch by 17-inch sheet leaving a five-inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

72. A final design and system specifications shall be submitted as to all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

73. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

74. The final design report shall contain the following information (in addition to the items listed above).
    a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of

bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;

b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the Projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The Projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of fixture units and building occupancy characteristics; and
d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

75. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

76. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely

affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.

77. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

78. A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. Submit a certified copy issued by the City of Malibu Recorder.

79. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.

80. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

81. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

82. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

83. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

84. The City geotechnical consultant reviewers final approval shall be submitted to the City Environmental Health Administrator.

85. The City Biologist's final approval shall be submitted to the City Environmental Health Administrator. The City Biologist shall review the OWTS design to determine any impact on Environmentally Sensitive Habitat Area if applicable.

86. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

87. The applicant/property owner must submit wastewater plans, and all necessary supporting forms and reports to the Los Angeles Regional Water Quality Control Board (RWQCB) to assure compliance with the California Water Quality Control Plan, Los Angeles Region (Basin Plan). Prior to the issuance of any City-issued development permits, RWQCB Waste Discharge Requirements shall be obtained and submitted to the City of Malibu Environmental Health Administrator.

Geology

88. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City Geologist 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 Geologist prior to the issuance of a grading permit.

89. Final plans approved by the City Geologist shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require amendment of the CDP or a new CDP.

Public Works

Street Improvements

90. The Project proposes to construct a new driveway and other improvements within Caltrans' right-of-way. Prior to the Public Works Department approval of the grading or building permit, the applicant shall obtain encroachment permits from Caltrans for the proposed improvements.

Grading/Drainage

91. Exported soil from the site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be placed on the project plans that addresses this condition.

92. A grading and drainage plan containing the following information shall be submitted to the Public Works Department for approval, 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;
    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; and
    h. Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

93. 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.

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.

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

Stormwater

95. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the Project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sandbag 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

All Best Management Practices (BMP) 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.

96. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by

the Public Works Department prior to the issuance of the grading or building permit for this project.

97. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. 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 following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs);
    b. Source Control BMPs;
    c. Treatment Control BMPs;
    d. Drainage improvements;
    e. Methods for onsite percolation, site re-vegetation and an analysis for off-site Project impacts;
    f. Measures to treat and infiltrate runoff from impervious areas;
    g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
    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 measures installed during construction prior to the issuance of grading or building permits; and
    i. The WQMP shall be submitted to the Building Safety Division 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. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the Project.

Miscellaneous

98. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

99. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right-of-way.

100. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

Swimming Pool and Spa

101. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides or other chemicals is

prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
b. There are sufficient BMPs in place to prevent soil erosion; and
c. The discharge does not reach into the MS4 (including tributaries).

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

102. The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating "It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)." The new sign shall be posted in the filtration and/or pumping equipment area for the property: Prior to the issuance of any permits; the applicant shall indicate the method of disinfection and the method of discharging.

Commercial Development

103. All commercial developments shall be designed to control the runoff of pollutants from structures, parking and loading docks. The following minimum measures shall be implemented to minimize the impacts of commercial developments on water quality:

a. Proper design of loading and unloading docks.
    i. Cover loading/unloading dock areas or design drainage to minimize run-on and runoff of storm water.
    ii. Direct connections to storm drains from depressed loading/unloading docks are prohibited.
b. Properly design Repair/Maintenance Bays
    i. Repair/maintenance bays must be indoors or designed to prohibit storm water runoff or contact with storm water runoff.
    ii. Repair/maintenance bays shall be designed to capture all wash water, leaks, and spills. Connect drains to a sump for collection and disposal: Direct connection of the repair/maintenance bays to the storm drain is prohibited. Obtain an Industrial waste discharge permit if required.
c. Properly Design Vehicle/Equipment Wash Areas
    i. Self-contained and/or covered wash areas shall be equipped with a clarifier or other pretreatment facility and properly connected to a sanitary sewer.
d. Properly designed Parking Lots (5,000 square feet of impervious surface or 25 parking spaces.)
    i. Minimize impervious surfacing for parking area.
    ii. Infiltrate runoff before it reaches a storm drain system.
    iii. Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used.
    iv. Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal system fouling and plugging prevention control.

Restaurants

104. Properly design equipment/accessory wash areas:
   a. Install self-contained wash area, equipped with grease trap, and properly connected to Sanitary Sewer.
   b. If the Wash area is located outdoors, it must be covered, paved, have secondary containment and shall be connected to the sanitary sewer.

Trash Storage Areas

105. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area.

106. Trash container areas must be screened or walled to prevent off-site transport of trash.

Outdoor Material Storage

107. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as a cabinet shed or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes or curbs.

108. The storage areas must be paved and sufficiently impervious to contain leaks and spills.

109. The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

Prior to Final Sign-Off/Prior to Occupancy

110. Prior to the issuance of a Certificate of Occupancy, the City Biologist shall inspect the Project site and determine that all planning conditions have been implemented to protect natural resources in compliance with approved plans and this resolution.

111. Prior to a final Building inspection, the applicant shall provide the Environmental Sustainability Department a final Waste Reduction and Recycling Summary Report (WRRP Summary Report). The final Summary Report shall designate all materials that were land filled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

112. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.

113. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental and Sustainability Department. A final approval and Certificate of Occupancy shall not be issued until the Planning Department has determined that the Project complies with this CDP. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been

deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

114. 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

115. The property owner(s) are 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 Planning Department staff prior to final Planning approval.

116. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 13-19. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Fixed Conditions

117. This coastal development permit shall run with the land and bind all future owners of the property.

118. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Mitigation Measures

119. Worker Education and Unanticipated Discovery Response. A qualified paleontologist as approved by the City of Malibu and the Los Angeles County Natural History Museum Vertebrate Paleontology Department shall be retained prior to ground-disturbing activities associated with construction of any individual project phase. Prior to ground-disturbance, the qualified paleontologist shall provide the construction crew(s) a brief summary of the paleontological potential of the underlying geology, the rationale behind the need for protection of paleontological resources, information on the initial identification of paleontological resources, and procedures to implement in the event paleontological resources are discovered.

In the event paleontological resources are uncovered at any point during construction activities, the Construction Contractor shall halt ground-disturbing activities and notify the Paleontologist and City, at which time the Paleontologist shall conduct an on-site inspection of the discovery, make a preliminary taxonomic identification, determine whether further action is required, and recommend measures for further evaluation, and/or collection of the resource as appropriate.

a. Ground-disturbance shall not resume in the vicinity of the of the discovery until the Paleontologist has assessed the resource.
b. The Paleontologist hall have the authority to halt and/or redirect construction activities to allow a reasonable amount of space and time to evaluate potential resources.
c. Significant resources shall be collected, prepared, and curated with an accredited institution as determined necessary by the Paleontologist.

120. Construction Noise Control. All construction machinery and delivery trucks shall be maintained to the highest level of performance, and shall be outfitted with all noise reduction accessories, e.g., mufflers, enclosures, etc. that are offered by the equipment manufacturers. The construction site shall be laid out such that materials are stored and staged near the southwestern edge of the site to maximize the distance from the residence and daycare. A temporary barrier capable of reducing the intensity of sound shall be erected between the project site and the school during the construction period. Prior to construction, all residences within 500 feet of the property line shall be individually notified of the project's construction schedule. Prior to construction, a sign shall be posted on the site that is legible from at least 50 feet off-site. The sign shall include a telephone number that residents can call to inquire about the construction process and to register complaints. The project applicant shall designate a "noise control coordinator" who will reply to all construction noise-related questions and complaints. Pile driving shall not be conducted on-site unless approved by the City.

121. Prohibition of Amplified Sound. Amplified sound outdoors is prohibited from occurring at the property. In the case that amplified sound is proposed outdoors at the property, the applicant shall prepare a noise study and/or otherwise demonstrate that the use of amplified sound would adhere to City noise regulation. The noise study and/or demonstration shall include review by the City and approval would be subject to conditions of approval as necessary (e.g., maximum volume limits, complaint system implementation, etc.) to avoid impacts on nearby land uses.

122. In the event that Tribal Cultural Resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 75-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. The Lead Agency or Project manager shall contact the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians to consult if any such find occurs within areas culturally and traditionally affiliated with the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians.

SECTION 7. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 17th of April 2023.

DENNIS R. SMITH, Planning Commission Chair

ATTEST:

REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to LIP Section 13.20 (Appeals), 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 filing fee, as specified by the City Council. Appeal forms and fee schedule may be found online at www.malibucity.org/planningforms, in person at City Hall, or by calling (310) 456-2489, extension 245.

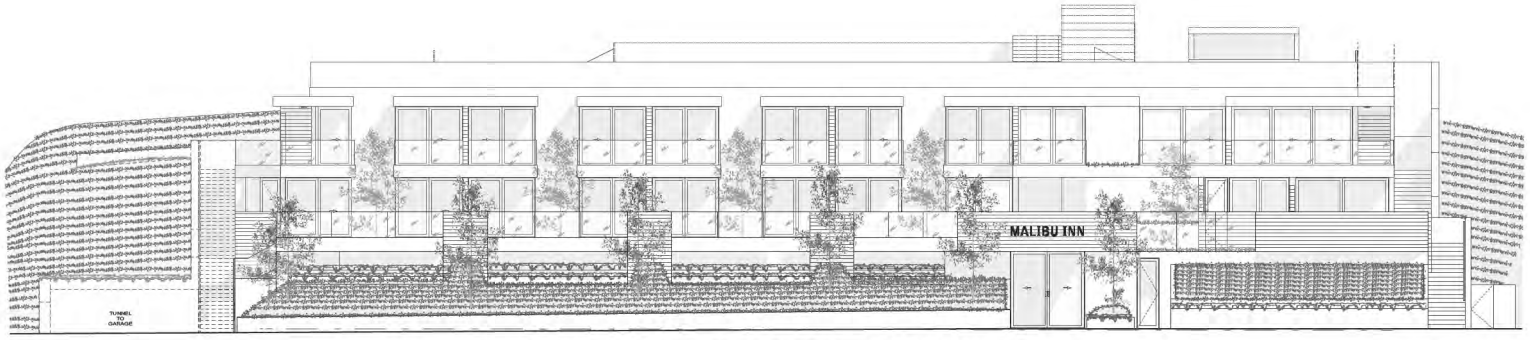
COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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. 23-24 was passed and adopted by the Planning Commission of the City of Malibu at the special meeting held on the 17th of April 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

REBECCA EVANS, Recording Secretary



Received
5/18/2020
Planning Dept.

MALIBU INN MOTEL

22959 PACIFIC COAST HIGHWAY, MALIBU, CA

APRIL, 2020

ADDITIONAL	ADD'L.	JOINT	JT.
ADJUSTABLE	ADJ.		
ABOVE FINISHED FLOOR	A.F.F.	MANUFACTURE	MFR.
ABOVE RAISED FLOOR	A.R.F.	MANUFACTURER'S	MFR'S.
AIR CONDITIONING	A/C	MATERIAL	MATL.
ALTERNATE	ALT.	MAXIMUM	MAX.
ARCHITECT (URAL)	ARCH.	MECHANICAL	MECH.
AREA DRAIN	A.D.	METAL	MTL.
		MINIMUM	MIN.
BLOCKING	BLKG.	MISCELLANEOUS	MISC.
BOARD	BD.		
BUILDING	BLDG.	NORTH	N
		NOT IN CONTRACT	N.I.C.
CABINET	CAB.	NOT TO SCALE	N.T.S.
CEILING	CLG.	NUMBER	NO. OR #
CENTER	CTR.		
CENTER LINE	C.L.	ON CENTER	O.C.
CERAMIC TILE	C.T.	OUTSIDE DIAMETER	O.D.
CLEAR	CLR.	OPENING	OPG.
CONCRETE	CONC.		
CONCRETE MASONRY UNIT	C.M.U.	PAIR	PR.
CONSTRUCTION	CONST.	PERFORATED(ED)	PERF.
CONTINUOUS	CONT.	PIECE/PIECES	PC./PCS.
CONTROL JOINT	C.J.	PLANTER AREA	P.A.
DIAMETER	D.IA..	QUANTITY	QTY.
DIMENSION	DIM.		
DOUBLE	DBL.	RADIUS	RAD.
DOUBLE HUNG	D.H.	REFERENCE	REF.
DOWN	DN.	REFRIGERATOR	REFRIG.
DRAWING	DWG.	REINFORCE/REINFORCING	REINF.
		REQUIRED	REQ.
ELECTRIC	ELECT.	RETURN AIR	R.A.
ELECTRIC PANEL	ELECT. PNL.	ROUGH OPENING	R.O.
ELEVATOR	ELEV.		
ENCLOSURE	ENCL.	SHEET	SHT.
ENGINEER	ENGR.	SIMILAR	SIM.
EQUAL	EQ.	SOUTH	S
EQUIPMENT	EQUIP.	SMOKE DETECTOR	S.D.
EXISTING	EXIST.	SPEAKER	SPKR.
EXTRUDE OR EXTRUSION	EXTR.	SPECIFICATIONS	SPECS.
		SPRINKLER HEAD	S.H.
FABRICATE(ED)	FAB.	SQUARE	SQ.
FINISH	FIN.	STAINLESS STEEL	S.S.
FIXTURE	FIXT.	STANDARD	STD.
FLOOR	FL.	STEEL	STL.
FLUORESCENT	FLUOR.	STRUCTURAL	STRUCT.
FOOT	FT.		
FRESH AIR INTAKE	F.A.I.	TELEPHONE	TEL.
FURNISH(ED)	FURN.	TELEVISION	TV
FURRING	FUR.	TEMPORARY	TEMP.
		TONGUE AND GROOVE	T. & G.
GALVANIZED	GALV.	TYPICAL	TYP.
GAUGE	GA.		
GROUND	GRND.	UNLESS OTHERWISE NOTED	U.O.N.
GYPSUM BOARD	GYP. BD.		
		VERTICAL	VERT.
HEIGHT	HT.	VINYL COMPOSITION TILE	V.C.T.
HOLLOW METAL	H.M.		
HORIZONTAL	HORIZ.	WITH	W/
HOT WATER	H.W.	WITHOUT	W/O
		WOOD	WD.
INSIDE DIAMETER	I.D.		

ABBREVIATIONS

- ADDRESS: 22959 PACIFIC COAST HIGHWAY, MALIBU, CA 90265
- OWNER: HAKIM HOLDINGS
- LEGAL DESCRIPTION: See Survey
- A.P.N.: 4452-019-005
- ZONING: CV-1
- SEPTIC MORATORIUM ZONE: YES
- **OCCUPANCY GROUP:** B, R-1, S-2
- **TYPE OF CONSTRUCTION:** V-A
- **NUMBER OF STORIES:** 2 & SUBTERRANEAN
- YEAR BUILT: -
- **FIRE ZONE:** VHFHSZ
- **SPRINKLERED:** YES (PER-NFPA 13)
- LOT AREA: 51,352 SQ.FT. (1.18 ACRES)
- BUILDING HEIGHT: 24'
- LOT DIMENSIONS: DEPTH: 237'-2" WIDTH: 215'-10"

		REQUIRED	PROPOSED
SETBACKS:	FRONT:	47'-5"	69'-2"
	SIDE 10%:	21'-7"	21'-7"
	SIDE 15%:	32'-5"	32'-5"
	REAR:	35'-7"	104'-1"
MAX. ALLOWABLE F.A.R.:	15% × 51,352 SQ.FT. =	**7,703 SQ.FT.**	**7,693 SQ. FT.**
REQUIRED LANDSCAPING:	40% × 51,352 SQ.FT. =	**20,540.8 SQ.FT.**	**29,173 SQ. FT. (=57%)**
REQUIRED OPEN SPACE:	25% × 51,352 SQ.FT. =	**12,838 SQ.FT.**	**27,652 SQ. FT. (=54%)**

FLOOR AREA TABULATION :

		PROPOSED	UNOCCUPIED
GROUND GARAGE PARKING (SUBTERRANEAN)=		51 SQ.FT.	9,881 SQ. FT.
LOBBY FLOOR & STORAGE : (389 + 86)	=	475 SQ.FT.	
FIRST FLOOR: (1508 +2377)	=	3885 SQ.FT.	
SECOND FLOOR: (3251+31)	=	3282 SQ.FT.	
TOTAL FAR :		**7693 SQ.FT.**	
ROOF DECK			3,139 SQ. FT.
TOTAL AREA (FOR FIRE DEPARTMENT)			**20,713 SQ.FT.**

PROPOSED PARKING AT 22959 PCH:
TOTAL **47 PARKING SPACES** WILL BE PROVIDED, FOR THE REQUIRED **47 PARKING SPACES**

PARKING REQUIREMENT FOR THE MOTEL @ 22959 PCH : **23 SPACES**
(20 ROOMS 1 PARKING SPACE /ROOM, 20 PARKING SPACES REQ.
+ 3 MOTEL EMPLOYEES, 3 PARKING SPACES REQ.)

CARRY-OVER PARKING SPACE REQUIRED FROM 22969 PCH = (47 - 23) = **24 SPACES**
TOTAL REQUIRED -> **47 SPACES**

PROPOSED PARKING:
EXTERIOR PARKING: 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES
INTERIOR PARKING: 24 STANDARD + 5 COMPACT = 29 PARKING SPACES

TOTAL PROPOSED PARKING = 47 PARKING SPACES

PROJECT DATA

OWNER:
HAKIM HOLDINGS
9350 Wilshire Blvd, Ste 300
Beverly Hills, CA 90212
P 310-393-5800

ARCHITECT:
BURDGE & ASSOCIATES ARCHITECTS, INC.
Douglas W. Burdge, A.I.A.
24911 Pacific Coast Hwy
Malibu, CA 90265
T 310.456.5905
F 310.456.2467

CIVIL:
GEOWORKS ENGINEERING GROUP, INC.
5158 Cochran Street
Simi Valley, CA 93063
(805) 522-3206

ENVIRONMENTAL HEALTH:
ENSITU ENGINEERING INC.
http://ensitu.com
John N Yaroslaski PE
Ensitu Engineering Inc.
7475 Carmelita Ave
Atascadero, CA 93422
Tel: (805) 772-0150
Email: jyaroslaski@ensitu.com

GEOLOGY:
GEOCONCEPTS, INC.
www.geoconceptsinc.com
Mark A. Barrett, PG, CEG
14428 Hamlin St #200,
Van Nuys, CA 91401
(818) 994-8895

STRUCTURAL:
KURT FISCHER STRUCTURAL ENGINEERING
www.kfseng.com
Kurt Fischer, S.E.
17547 Ventura Blvd, Ste 302
Encino, CA 91316
O: 818.874.1445

SURVEYOR:
LAND & AIR SURVEYING, INC.
5312 Derry Ave. Suite V
Agoura Hills, Ca 91301
Phn: 818.879.9879
Fax: 818.706.3040
Email: info@landandairsurveying.com

PROJECT TEAM

- 2017 County of Los Angeles Building Code
- 2017 County of Los Angeles Mechanical Code
- 2017 County of Los Angeles Plumbing Code
- 2017 County of Los Angeles Electrical Code
- 2016 California Energy Code
- 2016 Residential Building Energy Efficiency Standards

APPLICABLE CODES

GENERAL

T-1.1	COVER SHEET
T-1.2	SURVEY
T-1.3.1	FAR & FLOOR AREA TABULATION
T-1.3.2	AREA TABULATION LANDSCAPE
T-1.4	COLOR SLOPE ANALYSIS

FIRE DEPARTMENT

FD-1	FIRE DEPARTMENT SITE PLAN
FD-2	FIRE DEPARTMENT NOTES

ARCHITECTURAL

A-0.1	PROPOSED SITE PLAN
A-0.2	PARTIAL LOWER LEVEL SITE PLAN
A-0.3	SITE VIEWS @ PARKING LOT
A-1.1	PROPOSED GARAGE PLAN
A-1.2	PROPOSED FLOOR PLANS
A-2.1	PROPOSED NORTH AND SOUTH ELEVATIONS
A-2.2	PROPOSED PARTIAL SOUTH ELEVATION
A-2.3	PROPOSED PARTIAL NORTH ELEVATION
A-2.4	PROPOSED EAST ELEVATION
A-2.5	PROPOSED WEST ELEVATION
A-3.1	PROPOSED SECTIONS
A-3.2	PROPOSED SECTIONS
A-5.1	DETAILS
A-6.1	LIGHTING PLAN: LANDSCAPE & BASEMENT
A-8.1	HEIGHT EXHIBIT KEYMAP
A-8.2	HEIGHT EXHIBIT
A-8.3	HEIGHT EXHIBIT
A-8.4	HEIGHT EXHIBIT
A-8.5	HEIGHT EXHIBIT
A-8.6	HEIGHT EXHIBIT

GRADING

SHEET 1	COVER SHEET
SHEET 2	GRADING & DRAINAGE PLAN
SHEET 3	SITE SECTION

LANDSCAPE PLAN:

P-1	PLANTING PLAN
HZ-1	HYDROZONE PLAN
IR-1	IRRIGATION PLAN
LL-1	LANDSCAPE LIGHTING PLAN

SHEET INDEX



VICINITY MAP

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

WRITTEN DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE AND ANY DISCREPANCIES BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

MARK	DATE	DESCRIPTION

MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY

BURDGE & Associates ARCHITECTS
MALIBU / SUN VALLEY
24911 PACIFIC COAST HWY, MALIBU, CA 90265
TEL. 310-456-5905
WWW.BUAIA.COM

SHEET TITLE
COVER SHEET/ PROJECT INDEX

DRAWING NO.
T-1.1

PLOT DATE 5/2/20
SCALE
DRAWN BY

22959-PCH-ID-000-08-01-republic.pln

ATTACHMENT 2

PROPERTY ADDRESS

(VACANT) PACIFIC COAST HIGHWAY
MALIBU, CA 90265

ASSESSOR'S PARCEL NO:

4452-019-005 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE(S) 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF THE 20 FOOT PARCEL DESCRIBED IN THE DEED FROM MARBLEHEAD LAND COMPANY TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 16845 PAGE 253, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING BEING NORTH 24° 50' 30" WEST 60 FEET FROM ENGINEER'S CENTER LINE STATION 94+ PLUS 68.93 AT THE WESTERLY EXTREMITY OF THAT CERTAIN CENTER LINE COURSE DESCRIBED AS "NORTH 65°09' 30" EAST 735.70 FEET" IN THE DEED OF THE 80 FOOT STRIP OF LAND FROM T.R. CADWALADER, ET AL TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228 PAGE 342, OFFICIAL RECORDS OF SAID COUNTY; THENCE WESTERLY 173.00 FEET ALONG THE NORTHERLY LINE OF SAID 20 FOOT STRIP ON THE ARC OF A CURVE NORMAL TO THE COURSE OF NORTH 24° 50' 30" WEST AND CONCAVE SOUTHEASTERLY WITH A RADIUS OF 2060 FEET TO THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN A DEED FROM MARBLEHEAD LAND COMPANY TO SEBASTIAN S.V. ARRIETA RECORDED IN BOOK 17257 PAGE 281, OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 32° 26' 05" WEST 240 FEET ALONG THE EASTERLY LINE OF SAID LAST MENTIONED PARCEL AND ITS PROLONGATION NORTHERLY; THENCE NORTH 62° 50' 36" EAST 231.69 FEET; THENCE SOUTH 24° 50' 30" EAST 240 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY LINE OF THE 20 FOOT STRIP HEREINBEFORE MENTIONED; THENCE SOUTH 65° 09' 30" WEST 27 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LANDS AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY IN DEED RECORDED AUGUST 15, 1944 IN BOOK 21117 PAGE 357, OFFICIAL RECORDS.

BASIS OF BEARINGS:

THE BEARING OF N 48° 30' 10" E BETWEEN FOUND ¾" IRON PIPE, TAG (L.), AND 2" IRON PIPE, OPEN, AS PER LEGAL DESCRIPTIONS ABOVE, FILED AS GRANT DEED 02-2272818 (APN 4452-019-004) AND GRANT DEED 03-3447082 IN LOS ANGELES COUNTY, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCH MARK:

MALIBU 20.262' (2003) USC&GS MON FL 27M S/O C/L PACIFIC COAST HWY @ NW COR OF ENT GATE TO MALIBU FISHING PIER MKD (R 576 1939) 14M S/O CF (Y-5389)

ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 1988 DATUM.

NOTES:

1) TITLE REPORT USED FOR THIS SURVEY WAS PREPARED BY FIRST AMERICAN TITLE COMPANY ORDER NO. 365453, DATED NOVEMBER 4, 2008, EASEMENTS, AS SHOWN ON THIS MAP ARE FROM INFORMATION OBTAINED FROM SAID TITLE REPORT.

2) PERTAINING TO SURVEY AND TOPO MAP, IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN ON THIS MAP, GROUND ELEVATIONS AT CRITICAL POINTS CONTROLLING THE DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS PRIOR TO FINAL DESIGN ADOPTION.

3) UTILITIES, IF LOCATED, ARE BY SURFACE EVIDENCE ONLY, (MANHOLES, WATER METERS, GAS METERS, POWER POLES, ETC.)

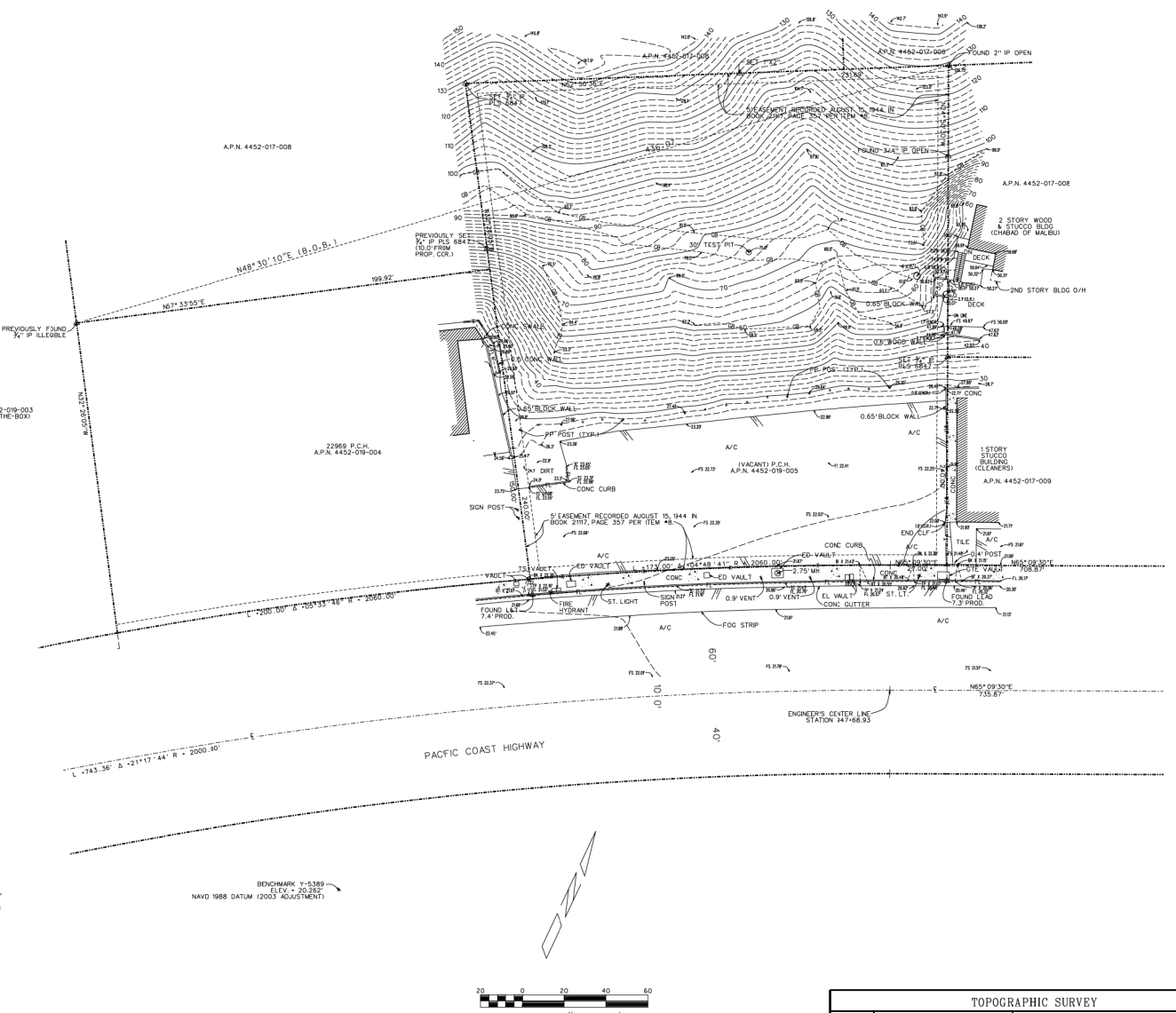
5) GROSS PARCEL AREA = 51,352 SQ. FT. / 1.18 ACRES

LIST OF ABBREVIATIONS:

1X2	1"X2" WOOD
AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
BBQ	BARBEQUE
BLK	BLOCK
B.O.B.	BASIS OF BEARING
BRK	BRICK
CLR	CLEAR
CN	CONCRETE NAIL
CONC	CONCRETE
DI	DRAIN INLET
DO	DRAIN OUTLET
DN.	DOWN
ENCR	ENCROACHMENT
ETCH "X"	ETCHED) OR SCRIBED "X"
FD	FOUND
FH	FIRE HYDRANT
FF	FINISHED FLOOR
FL	FLOW LINE
FS	FINISHED SURFACE
GM	GAS METER
GV	GAS VALVE
H&T	HUB & TACK
ICV	IRRIGATION CONTROL VALVE
IP	IRON PIPE
L&T	LEAD & TACK
MH	MANHOLE
MHTL	MEAN HIGH TIDE LINE
O/H	OVER HANG
PILE	CONC PILE / CAISSON
PP	POWER POLE
PMK	PAINT MARK "X"
RRT	RAIL ROAD TIE
SP	SIGN POST
SPK	SPIKE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB
TW	TOP WALL
W	WASHER
WM	WATER METER
WV	WATER VALVE

LEGEND:

PROPERTY LINE:
STREET CENTERLINE:
EASEMENT:
MONUMENT:
STREET LIGHT (ST.LT.):
ASPHALT (A/C):
BUILDING:
CHAIN LINK FENCE (C.L.F.):
WOOD FENCE:
WIRE FENCE:
WROUGHT IRON-FENCE
CONCRETE (CONC.):
TILE:
S.ATE/FLAGSTONE:
GRAVEL:
BRICK (BRK):
MANHOLE (M.H.):
TREES: PINE, PALM, EUC, OAK, TREE, SYC, PEPPER, CORK, OLIVE



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MARK	DATE	DESCRIPTION

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22959 PACIFIC COAST HIGHWAY

BURDGE & Associates
ARCHITECTS
MALIBU
SUN VALLEY
WWW.BUAIA.COM
23011 MOULTON PARKWAY, SUITE D, LAGUNA HILLS, CA 92653
TEL 949.452.0260

SHEET TITLE
SURVEY

DRAWING NO.
T-1.2

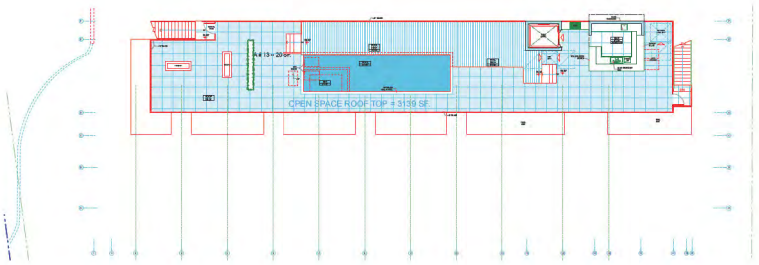
PLOT DATE 9/14/19
SCALE
DRAWN BY

STAMP

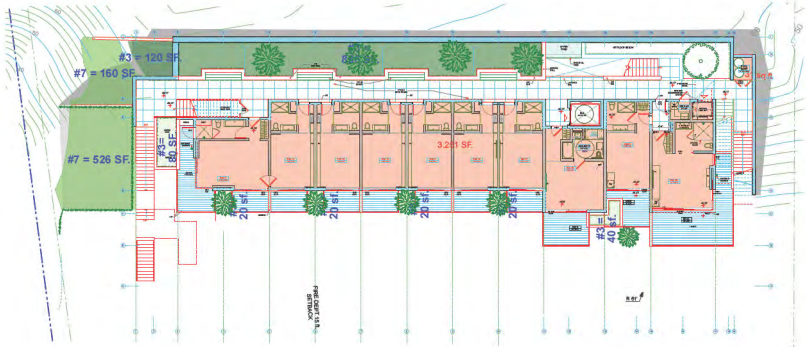
TOPOGRAPHIC SURVEY

REVISIONS:	SURVEYED FOR:	SURVEYED BY:	SCALE:	CALC'D BY:
7/7/08 FIELD UPDATE	SURFRIDER PLAZA, LLC 9350 WILSHIRE BLVD. SUITE 308 BEVERLY HILLS, CA	LAND & AIR SURVEYING BOUNDARY-TOPOGRAPHIC-ALTA SURVEYS SUBDIVISIONS-PARCEL MAPS 22706 PACIFIC COAST HIGHWAY MALIBU, CA 90265 PHONE (310) 456-9381 FAX (310) 456-9881	1" = 20'	GS
SURVEYED BY: DLW/JS/PL/JP			JOB NO. SURF_115	CHECK'D BY: MS
DRAWN BY: PL/SI/WF/AS			MAP REF: 10/04 10/28/08 9/7/08	CASE BY: MS
			SHEET: 1 OF 1 SHEETS	DOCUMENT CHECK'D BY: MS

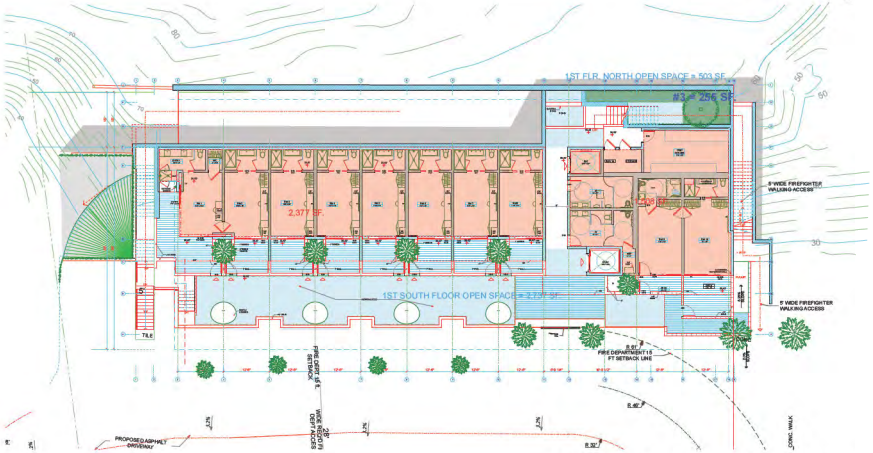
S:\Jobs_S\SURFRIDER_PLAZA_LLC\SURF_115.DGN



AREA TABULATION ROOF DECK 4
SCALE: 1/16" = 1'-0"



AREA TABULATION 2ND FLR 3
SCALE: 1/16" = 1'-0"



AREA TABULATION 1ST FLR. 2
SCALE: 1/16" = 1'-0"

- ADDRESS: 22959 PACIFIC COAST HIGHWAY MALIBU, CA 90265
- LOT AREA: 51,352 SQ.FT. (1.18 ACRES)

		REQUIRED	PROPOSED
• MAX. ALLOWABLE F.A.R.:	15% × 51,352 SQ.FT. =	7,703 SQ.FT.	7,693 SQ. FT.
• REQUIRED LANDSCAPING:	40% × 51,352 SQ.FT. =	20,540.8 SQ.FT.	29,173 SQ. FT. (=57%)
• REQUIRED OPEN SPACE:	25% × 51,352 SQ.FT. =	12,838 SQ.FT.	27,652 SQ. FT. (=54%)

• FLOOR AREA TABULATION :

		PROPOSED	UNOCCUPIED
GROUND GARAGE PARKING (SUBTERRANEAN)=		51 SQ.FT.	9,102 SQ. FT.
LOBBY FLOOR & STORAGE : (389 + 86)	=	475 SQ.FT.	
FIRST FLOOR: (1508 +2377)	=	3885 SQ.FT.	
SECOND FLOOR: (3251+31)	=	3282 SQ.FT.	
TOTAL FAR :		7693 SQ.FT.	
ROOF DECK			3,139 SQ. FT.
TOTAL AREA (FOR FIRE DEPARTMENT)			19,934 SQ.FT.



AREA TABULATION GROUND LEVEL 1
SCALE: 1/16" = 1'-0"

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3900 PACIFIC COAST HWY
MALIBU, CA 90265
TEL 310-456-5848

SHEET TITLE
FAR & FLOOR AREA TABULATION

DRAWING NO.
T-1.3.1

PLOT DATE 3/5/20
SCALE
DRAWN BY

LANDSCAPE AREA TABULATION:

TOTAL LOT SIZE:
GROSS AREA 51,352 SF (PER SURVEY) , NET AREA = 49,413 SF.

REQUIRED OPEN SPACE : 25% X 51,352 SF.= 12,838 SF.

REQUIRED LANDSCAPE AREA= 40% x 51,352 SQ. FT = 20,540 SQ. FT.

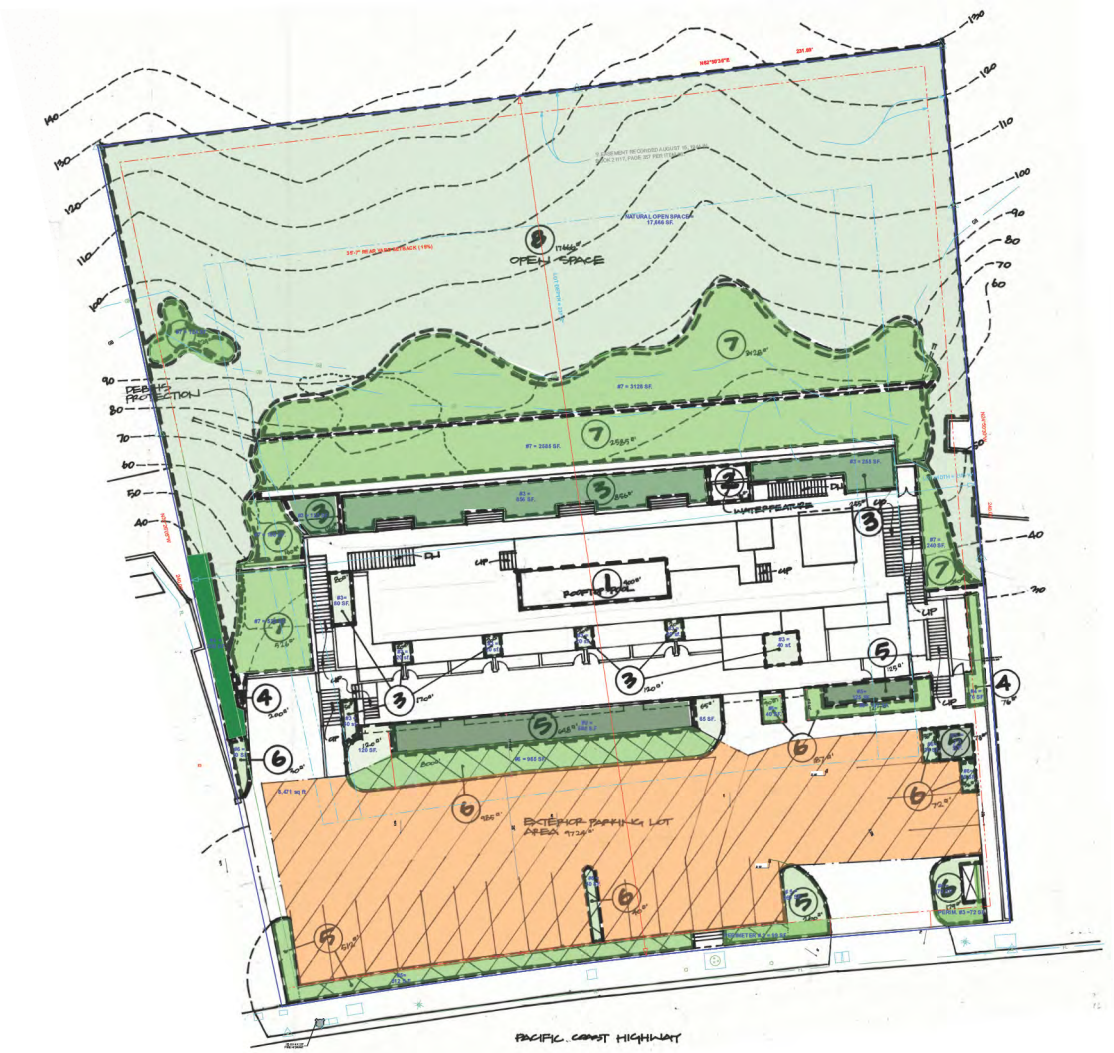
NATURAL UNDISTURBED HILLSIDE OPEN SPACE = 17,666 SF.
TOTAL PLANTED AREA = 11,507 SF.
PROPOSED TOTAL LANDSCAPING AREA/ PERMEABLE AREA /OPEN SPACE = 29,173 SQ. FT. (57% OF LOT AREA)

- LANDSCAPE AREA TABULATION:
  - AREA #3 - LANDSCAPE PLANTED AREA (MEDIUM WATER USE) = 1,521 SF.
  - AREA #4 - HEDGE (MEDIUM WATER USE) = 276 SF.
  - AREA #5 - WQMP PLANTER = 1,618 SF.
  - AREA #6 - DROUGHT TOLERANT PLANTED AREA = 1,453 SF.
  - AREA #7 - HILLSIDE DROUGHT TOLERANT PLANTED AREA = 6,639 SF.

BLDG FOOT PRINT & IMPERMEABLE DRIVEWAY & EXTERIOR STAIRS = 22,179 SF. (43% OF LOT AREA)

PARKING LOT & PLANTING AREA :

FRONT YARD PARKING AREA = 9,734 SF.
5% OF PARKING LOT REQUIRED FOR PLANTED AREA = 486 SF.
PROPOSED PLANTED AREAS WITHIN THE PARKING LOT = 1,456 SF.
PROPOSED PLANTED PERIMETER AREAS WITHIN THE PARKING LOT = 683 SF.
PROPOSED PLANTED INTERIOR AREAS WITHIN THE PARKING LOT = 773 SF.
(8% FRONT YARD PARKING AREA)



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3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5998

SHEET TITLE
AREA TABULATION LANDSCAPE

DRAWING NO.
T-1.3.2

PLOT DATE 3/5/20
SCALE
DRAWN BY

PROPERTY ADDRESS:

(VACANT) PACIFIC COAST HIGHWAY
MALIBU, CA 90265

ASSESSOR'S PARCEL NO:

4452-019-005 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT AS CONFIRMED TO MATHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE(S) 407 ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF THE 20 FOOT PARCEL DESCRIBED IN THE DEED FROM MARBLE-HEAD LAND COMPANY TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 16845 PAGE 253, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING BEING NORTH 24° 50' 30" WEST 50 FEET FROM ENGINEER'S CENTER LINE STATION 947 PLUS 68.93 AT THE WESTERLY EXTREMITY OF THAT CERTAIN CENTER LINE COURSE DESCRIBED AS "NORTH 65° 09' 30" EAST 735.70 FEET" IN THE DEED OF THE 80 FOOT STRIP OF LAND FROM J.G. CADWALADER, ET AL TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228 PAGE 342, OFFICIAL RECORDS OF SAID COUNTY; THENCE WESTERLY 173.00 FEET ALONG THE NORTHERLY LINE OF SAID 20 FOOT STRIP ON THE ARC OF A CURVE NORMAL TO THE COURSE OF NORTH 24° 50' 30" WEST AND CONCAVE SOUTHEASTERLY WITH A RADIUS OF 2060 FEET TO THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN A DEED FROM MARBLE-HEAD LAND COMPANY TO SEBASTIAN S.V. ARRETA RECORDED IN BOOK 17257 PAGE 281, OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 32° 28' 05" WEST 240 FEET ALONG THE EASTERLY LINE OF SAID LAST MENTIONED PARCEL AND ITS PROLONGATION NORTHERLY; THENCE NORTH 62° 50' 55" EAST 231.69 FEET; THENCE SOUTH 24° 50' 30" EAST 240 FEET, MORE OR LESS, TO A POINT IN THE NORTHERLY LINE OF THE 20 FOOT STRIP HEREINBEFORE MENTIONED; THENCE SOUTH 65° 09' 30" WEST 27 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES, IN, WITHIN AND UNDER SAID LANDS AND EVERY PART THEREOF, BUT WITHOUT SURFACE RIGHT OF ENTRY, AS RESERVED BY MARBLEHEAD LAND COMPANY IN DEED RECORDED AUGUST 15, 1944 IN BOOK 21117 PAGE 357, OFFICIAL RECORDS.

BASIS OF BEARINGS:

THE BEARING OF N 48° 30' 10" E BETWEEN FOUND ¾" IRON PIPE TAG 'LS' AND 2" IRON PIPE OPEN AS PER LEGAL DESCRIPTIONS ABOVE, FILED AS GRANT DEED 02-2272818 (APN 4452-019-004) AND GRANT DEED 03-3447082 IN LOS ANGELES COUNTY, STATE OF CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCH MARK:

MALIBU 20.262' (2003) USC&GS MON FL 27M S/O C/L PACIFIC COAST HWY @ NW COR OF ENT GATE TO MALIBU FISHING PIER MKD OK 576 1939) 14M S/O C/L

ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 1988 DATUM.

NOTES:

1) TITLE REPORT USED FOR THIS SURVEY WAS PREPARED BY FIRST AMERICAN TITLE COMPANY ORDER NO. 3654553, DATED NOVEMBER 4, 2008. EASEMENTS, AS SHOWN ON THIS MAP, ARE FROM INFORMATION OBTAINED FROM SAID TITLE REPORT.

2) PERTAINING TO SURVEY AND TOPO MAP, IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN ON THIS MAP, GROUND ELEVATIONS AT CRITICAL POINTS CONTROLLING THE DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS PRIOR TO FINAL DESIGN ADOPTION.

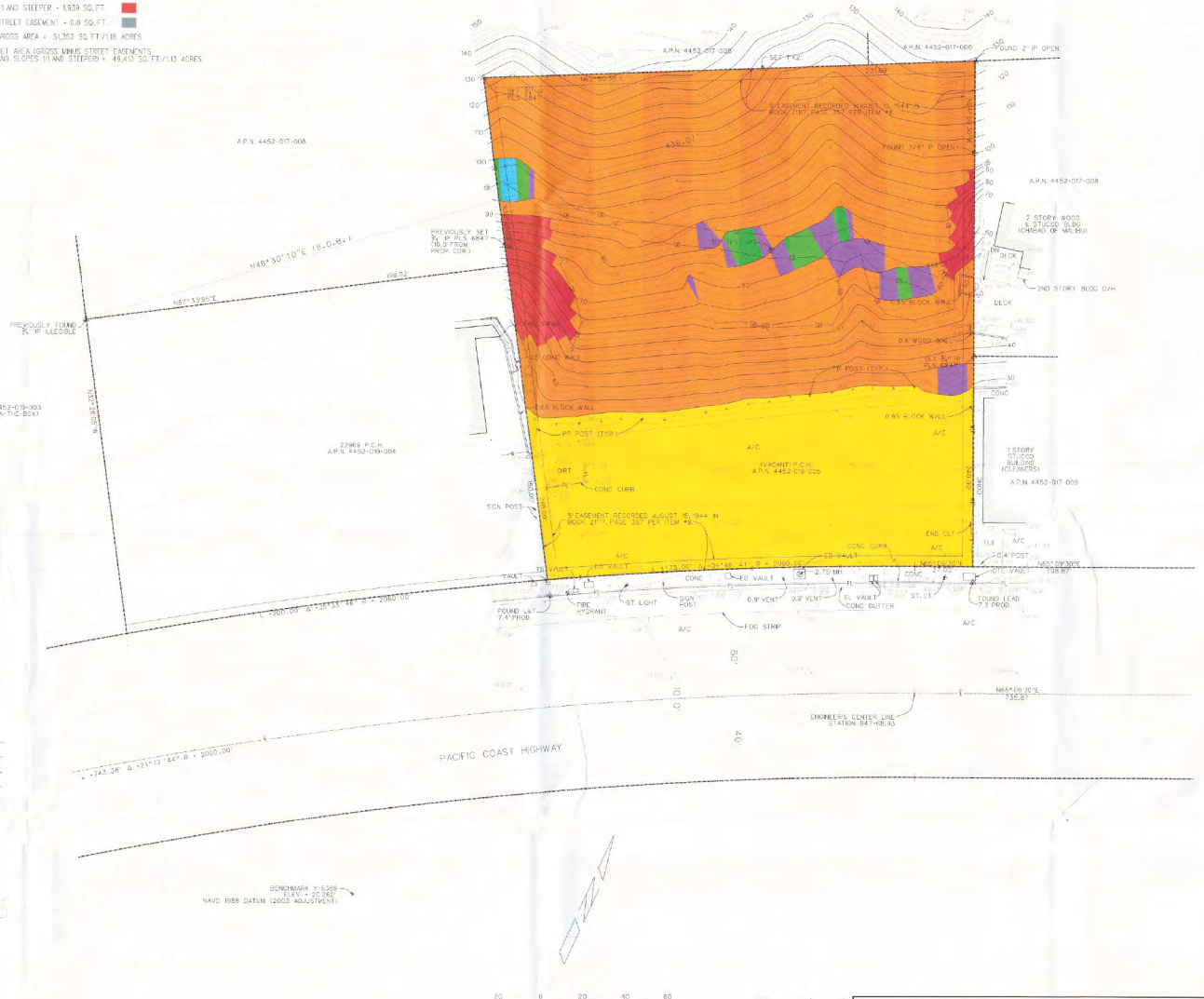
3) UTILITIES, IF LOCATED, ARE BY SURFACE EVIDENCE ONLY. (MANHOLES, WATER METERS, GAS METERS, POWER POLES, ETC.)

5) GROSS PARCEL AREA = 51,352 SQ.FT. / 1.18 ACRES

SLOPE ANALYSIS LEGEND

FLATTER THAN 5:1 =	16,526 SQ.FT.
5:1 TO 4:1 =	183 SQ.FT.
4:1 TO 3:1 =	758 SQ.FT.
3:1 TO 2½:1 =	1,498 SQ.FT.
2½:1 TO 2:1 =	30,568 SQ.FT.
2:1 AND STEEPER =	1,939 SQ.FT.
STREET EASEMENT =	0.0 SQ.FT.
GROSS AREA =	51,352 SQ.FT./1.18 ACRES

NET AREA (GROSS MINUS STREET EASEMENTS AND SLOPES 2:1 AND STEEPER) = 49,413 SQ.FT./1.13 ACRES



LIST OF ABBREVIATIONS:

2X2	"X2" WOOD
AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
BBQ	BARBEQUE
BLK	BLOCK
B.O.B.	BASIS OF BEARING
BRK	BRICK
CLR	CLEAR
CN	CONCRETE NAIL
CONC	CONCRETE
DI	DRAIN INLET
DO	DRAIN OUTLET
DN	DOWN
ENCR	ENCROACHMENT
ETCH "X"	ETCHED OR SCRIBED "X"
FD	FOUND
FH	FIRE HYDRANT
FF	FINISHED FLOOR
FL	FLOW LINE
FS	FINISHED SURFACE
GM	GAS METER
GV	GAS VALVE
H&T	HUB & TACK
ICV	IRRIGATION CONTROL VALVE
IP	IRON PIPE
L&T	LEAD & TACK
MH	MANHOLE
MHTL	MEAN HIGH TIDE LINE
O/H	OVER HANG
P&C	CONC PILE / CAISSON
PP	POWER POLE
PMX	PAINT MARK "X"
RRT	RAIL ROAD TIE
SP	SIGN POST
SPK	SPIKE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB
TW	TOP WALL
W	WASHER
WM	WATER METER
WV	WATER VALVE

LEGEND:

PROPERTY LINE:	
STREET CENTERLINE:	℄
EASEMENT:	
MONUMENT:	⌀
STREET LIGHT (ST.LT.):	☼
ASPHALT (A/C):	
BUILDING:	
CHAIN LINK FENCE (C.L.F.):	x
WOOD FENCE:	#
WIRE FENCE:	##
WROUGHT IRON FENCE:	#/#
CONCRETE (CONC):	
TILE:	
SLATE/FLAGSTONE:	
GRAVEL:	
BRICK (BRK):	
MANHOLE (M.H.):	⊕

TREES: PINE, PALM, EUC, OAK, TREE

SYC, PEPPER, CORK, OLIVE

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WWW.BURDGE.COM

SHEET TITLE

COLOR SLOPE ANALYSIS

DRAWING NO.

T-1.4

PLOT DATE: 3/5/20

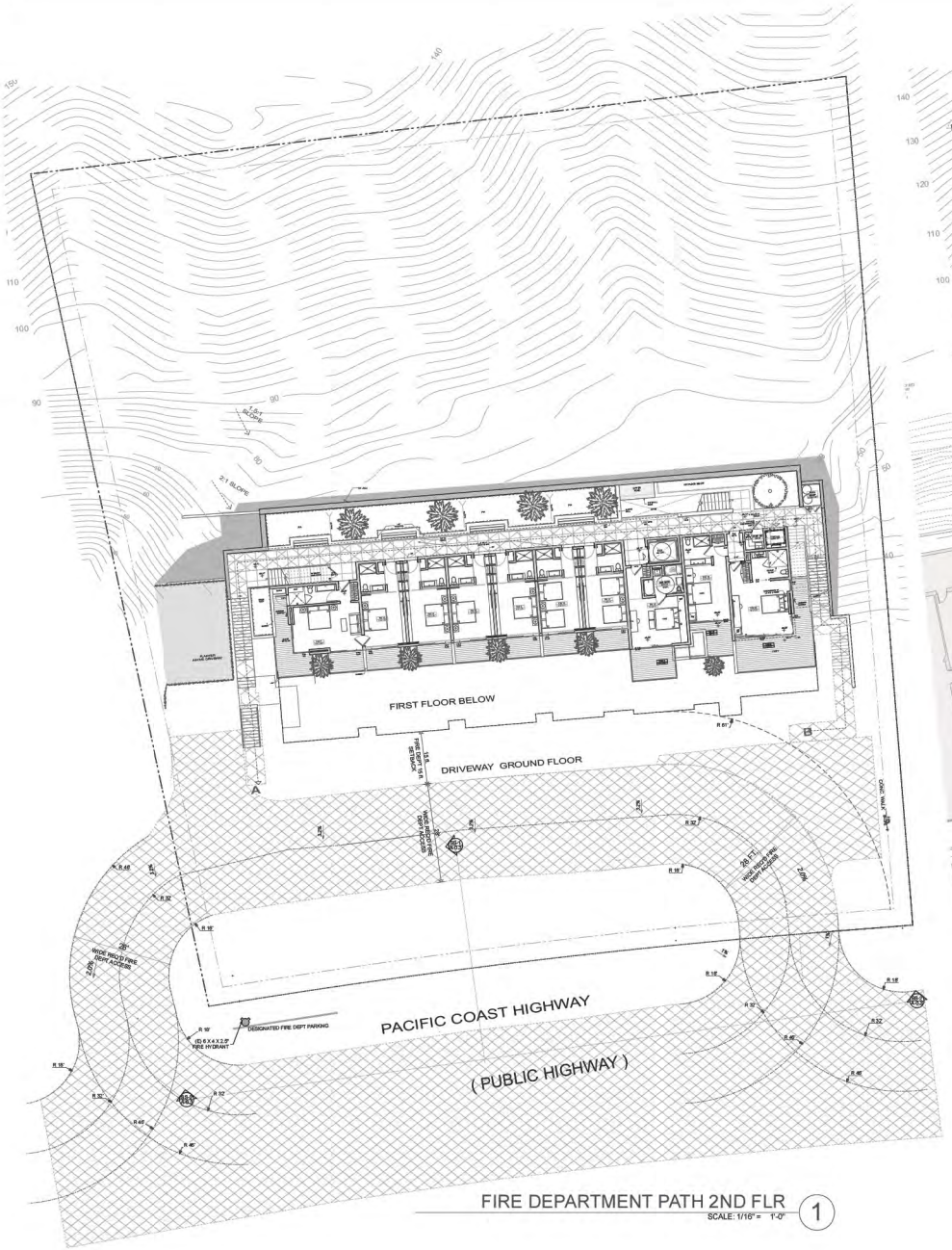
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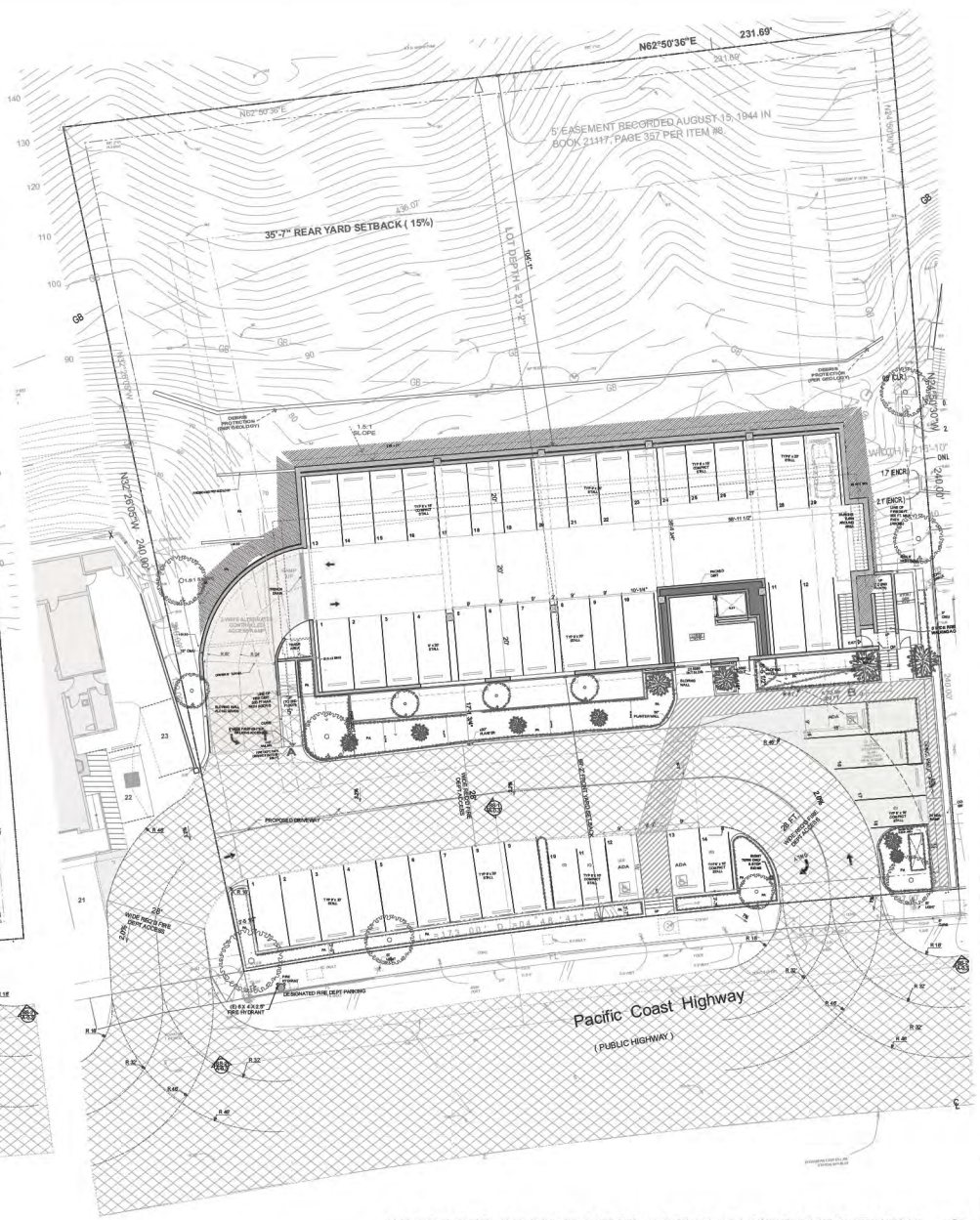
COLOR CODED SLOPE ANALYSIS

INVENTORY: 12/18/2007 FIELD DATE 1/2/2008 FIELD UPDATE	SURVEYED FOR: HAKIM HOLDINGS, LLC 11340 WILSHIRE BLVD. SUITE 302 BEVERLY HILLS, CA 90212	SURVEYED BY: LAND & AIR SURVEYING BOUNDARY / TOPOGRAPHIC / ALTA SURVEYS SUBDIVISION / LAND DATA ESTATE PLANNING / GRANT DEEDS LOT LINE ADJUSTMENTS BUILDING / CIVIL WORKS EASEMENTS / LEGAL DESCRIPTIONS	DRAWN: GS CHECKED: MS APP. BY: MS SCALE: AS NOTED DATE: 4/15/08 MS
SURVEYED BY: BS/NF/JS/RJ/JR DRAWN BY: NL/JS/NF/AS	JOB NO. HAKIM-118 START DATE: 11/14/2007 COMPLETION DATE: 12/26/2007 SURVEY	PAGE 1 OF 1	

REGISTERED PROFESSIONAL ENGINEER No. LS 6847 STATE OF CALIFORNIA
5/7/18



FIRE DEPARTMENT PATH 2ND FLR 1
SCALE: 1/16" = 1'-0"



PROPOSED GROUND LEVEL SITE PLAN FIRE DEPARTMENT 1
SCALE: 1/16" = 1'-0"

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MALIBU, CA 90265
TEL. 310.456.2489

SHEET TITLE
FIRE DEPARTMENT SITE PLAN

DRAWING NO.
FD-1

PLOT DATE 2/25/20
SCALE
DRAWN BY

FIRE DEPARTMENT NOTES

1. PROVIDE A MINIMUM UNOBSTRUCTED WIDTH OF 28 FEET, EXCEPT FOR APPROVED SECURITY GATES IN ACCORDANCE WITH SECTION 503.6 AND AN UNOBSTRUCTED VERTICAL CLEARANCE "CLEAR TO SKY" FIRE DEPARTMENT VEHICULAR ACCESS TO WITHIN 150 FEET OF ALL PORTIONS OF THE EXTERIOR BUILDING WALLS. FIRE CODE 503.2.1

2. DEAD-END FIRE APPARATUS ACCESS ROADS IN EXCESS OF 150 FEET IN LENGTH SHALL BE PROVIDED WITH AN APPROVED FIRE DEPARTMENT TURNAROUND. FIRE CODE 503.2.5

3. FIRE DEPARTMENT VEHICULAR ACCESS ROADS SHALL BE PROVIDED WITH A 32 FOOT CENTERLINE TURNING RADIUS. FIRE CODE 503.2.4

4. THE GRADIENT OF FIRE DEPARTMENT VEHICLE ACCESS ROADS SHALL NOT EXCEED 15% UNLESS APPROVED BY THE FIRE CODE OFFICIAL. FIRE CODE 503.2.7

5. A MINIMUM 5 FOOT WIDE APPROVED FIREFIGHTER ACCESS WALKWAY LEADING FROM THE FIRE APPARATUS ACCESS ROAD TO THE BUILDINGS EXTERIOR OPENINGS SHALL BE PROVIDED FOR FIREFIGHTING AND RESCUE PURPOSES. FIRE CODE 504.1

6. GRADE BREAKS SHALL NOT EXCEED THE MAXIMUM ANGLE OF APPROACH OR DEPARTURE FOR FIRE DEPARTMENT APPARATUS.

7. THE INSPECTION, HYDROSTATIC TEST AND FLUSHING OF THE FIRE SPRINKLER PIPING SHALL BE WITNESSED BY AN AUTHORIZED FIRE DEPARTMENT REPRESENTATIVE. FIRE CODE 901.6

8. PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH BY BUILDING CODE 903 AND FIRE CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

REASON: FIRE CODE 903.3.1.1 - MULTI-OCCUPANCIES (R-1, S-2, B)

TYPE OF FIRE SPRINKLER SYSTEM: 903.3.1.1 - NFPA 13

9. FIRE DEPARTMENT VEHICULAR ACCESS ROADS SHALL BE HARD SCAPE ALL WEATHER ACCESS IN ACCORDANCE WITH THE DEPARTMENT'S ALL WEATHER ACCESS REQUIREMENTS. FIRE CODE 503.2.3

10. STRUCTURES AND OUTDOOR STORAGE UNDERNEATH HIGH VOLTAGE TRANSMISSION LINES (66 KILOVOLTS OR GREATER) SHALL COMPLY WITH FIRE CODE 316.6 AND COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 27. ANY PROPOSED CONSTRUCTION OR LAND USE WITHIN 100 FEET OF THE DRIP LINE OF HIGH VOLTAGE TRANSMISSION LINES SHALL BE SUBJECT TO REVIEW BY THE FIRE MARSHAL.

11. ALL FIRE HYDRANTS SHALL MEASURE 6" x 4" x 2 1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.

12. ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4

13. APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS, AND BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH. FIRE CODE 505.1

14. THE MEANS OF EGRESS, AND EXIT DISCHARGE, SHALL BE ILLUMINATED AT ANY TIME THE BUILDING IS OCCUPIED WITH LIGHT INTENSITY OF NOT LESS THAN 1 FOOT-CANDLE AT THE WALKING SURFACE LEVEL. BUILDING CODE 1006.2

15. THE POWER SUPPLY FOR MEANS OF EGRESS ILLUMINATION SHALL NORMALLY BE PROVIDED BY THE PREMISES ELECTRICAL SUPPLY. IN THE EVENT OF POWER SUPPLY FAILURE, THE EMERGENCY POWER SYSTEM SHALL PROVIDE POWER FOR A DURATION OF NOT LESS THAN 90 MINUTES AND SHALL CONSIST OF STORAGE BATTERIES, UNIT EQUIPMENT OR AN ON-SITE GENERATOR. BUILDING CODE 1006.3

16. ELEVATORS, ESCALATORS AND MOVING WALKS SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN BUILDING CODE CHAPTER 30.

17. EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1008.1.9

18. PORTABLE FIRE EXTINGUISHERS SHALL BE INSTALLED IN LOCATIONS AS REQUIRED BY FIRE CODE 906.

19. ALL ROOF COVERINGS SHALL BE CLASS "A" AS SPECIFIED IN BUILDING CODE 1505.1.1 (RESIDENTIAL CODE R327.5.2 & R902)

20. ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (RESIDENTIAL CODE R327.534 AND BUILDING CODE 705A.4)

21. CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 325

22. A MANUAL FIRE ALARM SYSTEM THAT ACTIVATES THE OCCUPANT NOTIFICATION SYSTEM IN ACCORDANCE WITH FIRE CODE 907.5 AND BUILDING CODE 907.5 SHALL BE IN GROUP R1 AND R-2 OCCUPANCIES AS REQUIRED BY FIRE CODE 907.2.8.1 AND BUILDING CODE 907.2.8.1 FOR GROUP R-1 OCCUPANCIES; FIRE CODE 907.2.9.1 OR BUILDING CODE 907.2.9.1 FOR GROUP R-2 OCCUPANCIES. FIRE ALARM PLANS SHALL BE SUBMITTED TO THE FIRE ALARM PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

23. FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. FIRE CODE 501.4

24. AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 1037 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR.

25. BUILDINGS AND STRUCTURES WITH ONE OR MORE PASSENGER SERVICE ELEVATORS SHALL BE PROVIDED WITH NOT LESS THAN ONE MEDICAL EMERGENCY SERVICE ELEVATOR TO ALL LANDINGS MEETING THE REQUIREMENTS OF 3002.4.1a THROUGH 3002.4.7a. BUILDING CODE 3002.4a

26. DUMPSTERS AND CONTAINERS WITH AN INDIVIDUAL CAPACITY OF 1.5 CUBIC YARDS OR MORE SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 5 FEET OF COMBUSTIBLE WALLS, OPENINGS OR COMBUSTIBLE ROOF EAVES, UNLESS AREAS CONTAINING DUMPSTERS OR CONTAINERS ARE PROTECTED BY AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM. FIRE CODE 304.3.3

27. ROOF VALLEY FLASHINGS SHALL BE NOT LESS THAN 0.019-INCH (NO. 26 GALVANIZED SHEET GAGE) CORROSION-RESISTANT METAL INSTALLED OVER A MINIMUM 36-INCH WIDE UNDERLAYMENT CONSISTING OF ONE LAYER OF NO.72 ASTM CAP SHEET MEETING RUNNING THE FULL LENGTH OF THE VALLEY. (RESIDENTIAL CODE R327.5.3 AND BUILDING CODE 705A.3)

FIRE FLOW AVAILABILITY

THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS 2000 GPM, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS OVER AND ABOVE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3, AND APPENDIX B.

THE REQUIRED FIRE FLOW IS BASED ON THE FOLLOWING CALCULATION:

TYPE OF CONSTRUCTION PER THE BUILDING CODE:	TYPE VB
FIRE-FLOW CALCULATION AREA:	7,703 SQ. FT
FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	2,250 GPM
REDUCTION FOR FIRE SPRINKLERS (MAXIMUM 50%):	250 GPM
TOTAL FIRE FLOW REQUIRED:	2,000 GPM

SYMBOL

SINGLE- AND MULTIPLE- STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2034. CARBON MONOXIDE DETECTORS SHALL BE LISTED AS COMPLYING WITH THE REQUIREMENTS OF UL 2075. CARBON MONOXIDE ALARMS REQUIRED BY (SECTIONS R315.1 AND R315.2) OR (SECTIONS 420.4.1 AND 420.4.2) SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS: 1. OUTSIDE OF EACH SEPARATE DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOM(S). 2. ON EVERY LEVEL OF A DWELLING UNIT INCLUDING BASEMENTS. 3. FOR R-1 ONLY: a. ON THE CEILING OF SLEEPING UNITS WITH PERMANENTLY INSTALLED FUEL-BURNING APPLIANCES. RESIDENTIAL CODE R315.3, BUILDING CODE 420.4.3

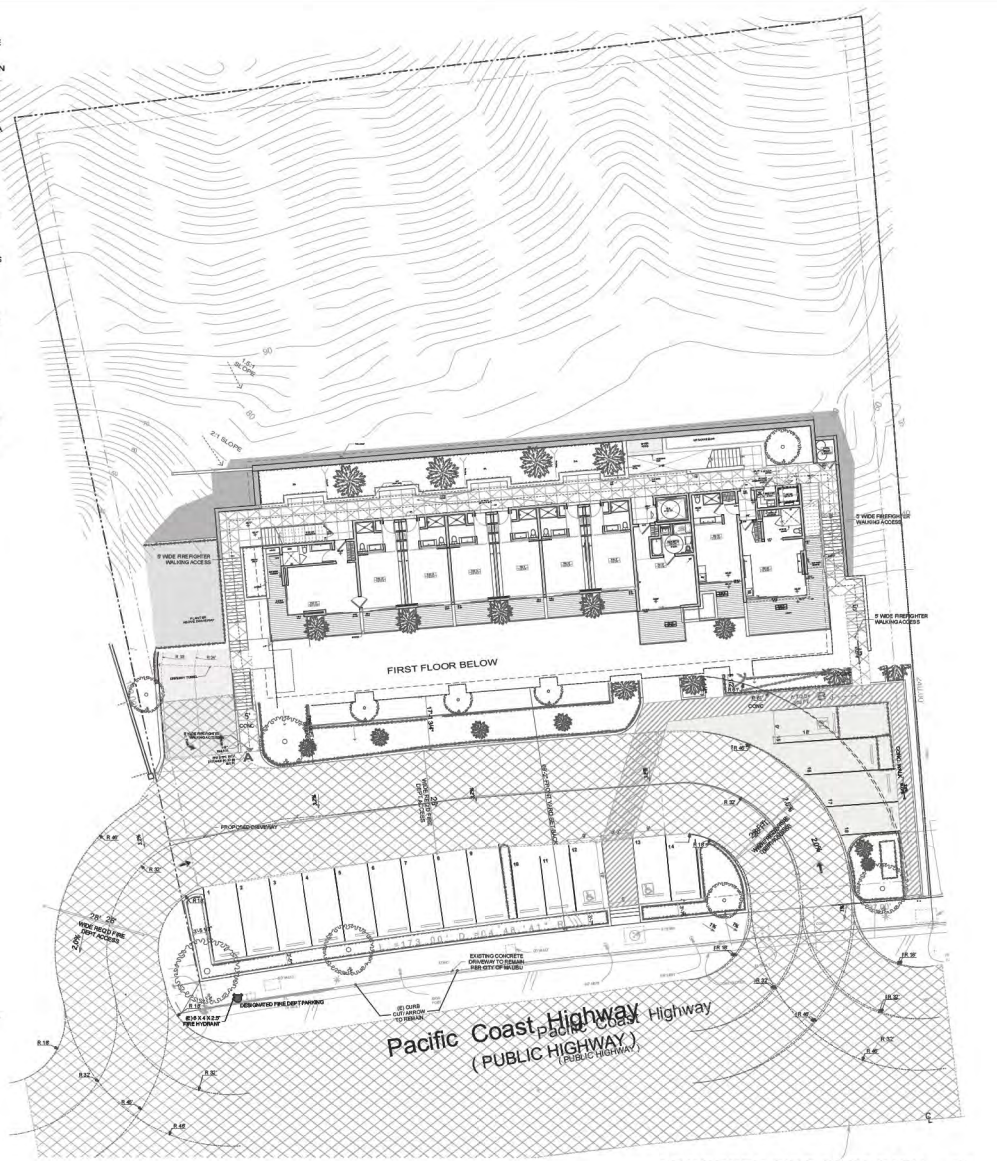
FIREFIGHTER WALKING ACCESS HOSE PULL DISTANCE

A-B = 299' -6"

FIRE DEPT. LEGEND

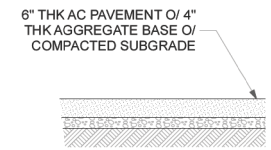
FIRE DEPT. VEHICULAR AND WALKING ACCESS

SCALE



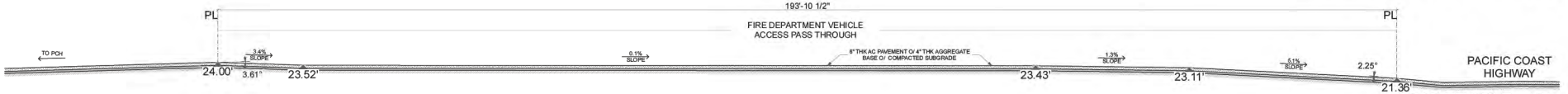
PROPOSED FIRE DEPT PATH. 1

SCALE: 1/16" = 1'-0"



ROAD SECTION DETAIL 3

SCALE: 1/4" = 1'-0"



ROAD PROFILE 2

SCALE: 1/8" = 1'-0"

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MARK	DATE	DESCRIPTION

MALIBU INN MOTEL

22959 PACIFIC COAST HIGHWAY

BURDGE & Associates
ARCHITECTS
MALIBU
SUN VALLEY
WWW.BUAIA.COM
3111 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL. 310-456-2489

SHEET TITLE
FIRE DEPARTMENT NOTES

DRAWING NO.
FD-2

PLOT DATE 2/25/20

SCALE

DRAWN BY

• EXISTING PARKING FOR 22969 PCH MALIBU INN RESTAURANT

EXISTING RESTAURANT 1,935 SQ FT SERVICE AREA , 1 SPACE PER 50 SQ FT SERVICE AREA, PARKING REQUIREMENTS = 39 SPACES.
EXISTING RETAIL 1,636 SQ. FT. GROSS FLOOR AREA, 1 SPACE FOR 225 SQ FT GFA, PARKING REQUIREMENTS = 8 SPACES.
TOTAL REQUIREMENTS PARKING SPACES FOR 22969 PCH = (39 + 8 SPACES) = 47 SPACES.

EXISTING NON CONFORMING PARKING SPACES PROVIDED AT 22969 PCH = 23 SPACES

TOTAL PARKING SPACE REQUIRED ON ADJACENT PROPERTY = (47 - 24) = 24 SPACES

• PROPOSED PARKING AT 22959 PCH:
TOTAL **47 PARKING SPACES** WILL BE PROVIDED, FOR THE REQUIRED **47 PARKING SPACES**
PARKING REQUIREMENT FOR THE MOTEL @ 22959 PCH : **23 SPACES**
(20 ROOMS 1 PARKING SPACE /ROOM, 20 PARKING SPACES REQ.
+ 3 MOTEL EMPLOYEES, 3 PARKING SPACES REQ.)

CARRY-OVER PARKING SPACE REQUIRED FROM 22969 PCH = (47 - 23) = **24 SPACES**
TOTAL REQUIRED -> 47 SPACES

PROPOSED PARKING:
EXTERIOR PARKING: 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES
INTERIOR PARKING: 24 STANDARD + 5 COMPACT = 29 PARKING SPACES

TOTAL PROPOSED PARKING = 47 PARKING SPACES

PROPOSED PARKING SPACES ALLOCATION:
EXTERIOR PARKING - > 18 EXTERIOR PARKING SPACES:
ALL 18 PARKING SPACES FOR MOTEL, 3 ADA PARKING SPACES MIGHT BE SHARED WITH THE RESTAURANT AS NEEDED
NUMBERS OF PARKING SPACES : 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES

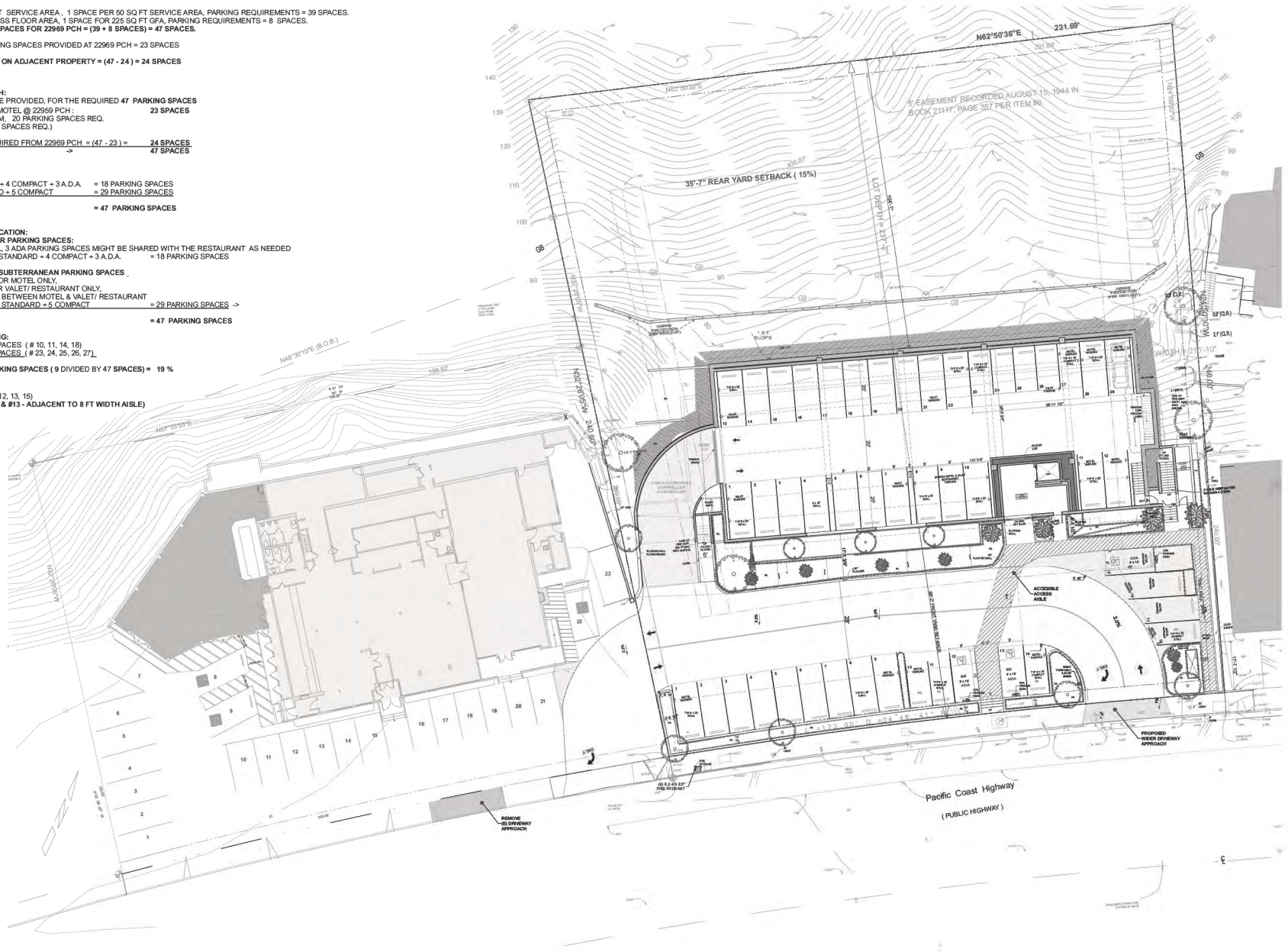
INTERIOR PARKING - > 29 INTERIOR SUBTERRANEAN PARKING SPACES
5 SPACES : (#11, #12, #27, #28, #29) FOR MOTEL ONLY,
21 SPACES: (#1 TO #7, #13 to #26) FOR VALET/ RESTAURANT ONLY,
3 SPACES: (#8 TO #10) FOR SHARING BETWEEN MOTEL & VALET/ RESTAURANT
NUMBERS OF PARKING SPACES = 24 STANDARD + 5 COMPACT = 29 PARKING SPACES ->

TOTAL PROPOSED PARKING = 47 PARKING SPACES

PERCENTAGE OF COMPACT PARKING:
EXTERIOR PARKING: 4 COMPACT SPACES (# 10, 11, 14, 18)
INTERIOR PARKING: 5 COMPACT SPACES (# 23, 24, 25, 26, 27)

TOTAL COMPACT PARKING = 9 PARKING SPACES (9 DIVIDED BY 47 SPACES) = 19 %

ADA ACCESSIBLE PARKING:
EXTERIOR PARKING: 3 SPACES (# 12, 13, 15)
VAN ADA ACCESIBLE 2 SPACES (#12 & #13 - ADJACENT TO 8 FT WIDTH AISLE)



PROPOSED SITE PLAN
SCALE 1/16" = 1'-0" 1

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MARK	DATE	DESCRIPTION

MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY

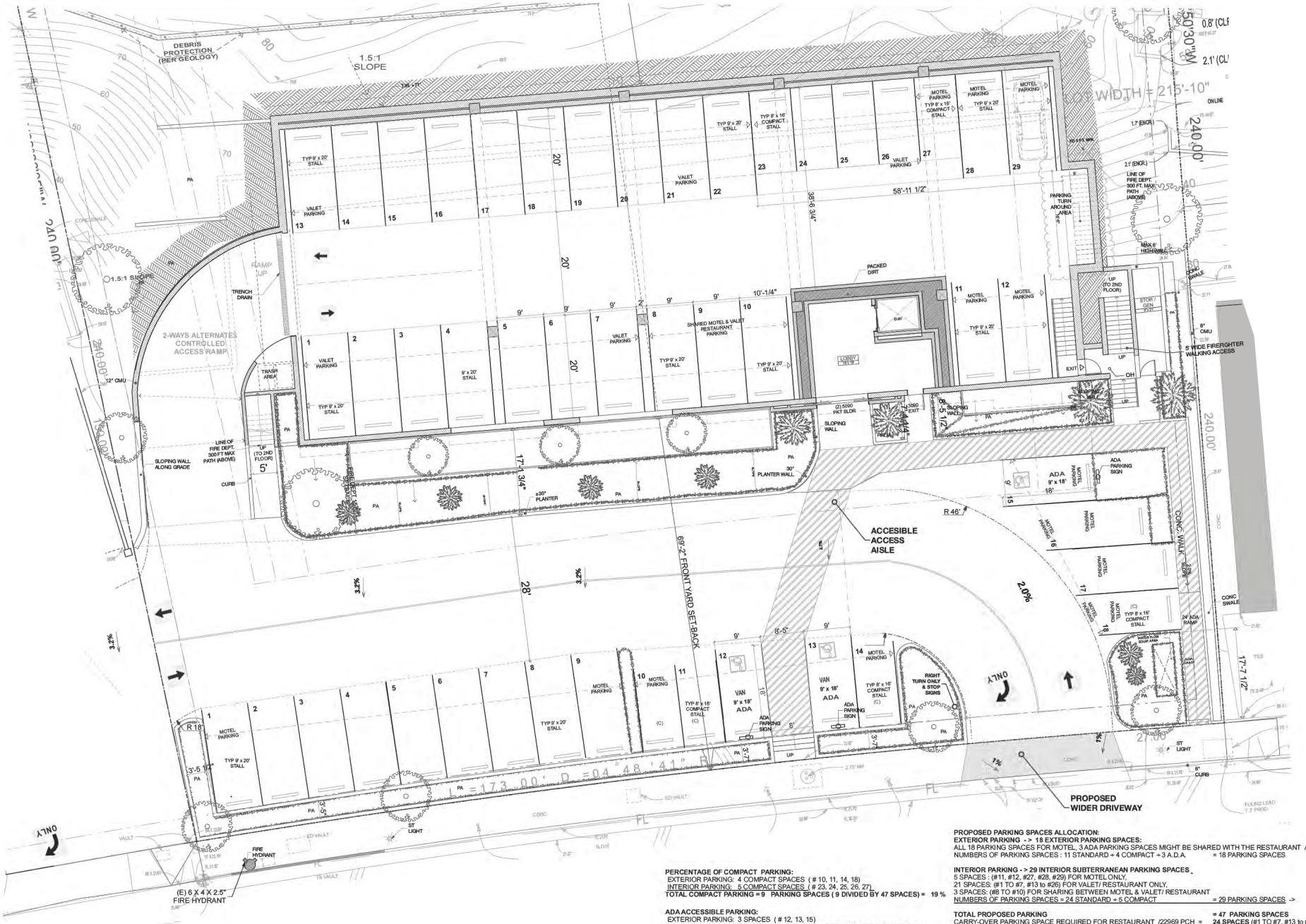
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MALIBU SUN VALLEY
3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-6645906
WWW.BURDGE.COM

SHEET TITLE
PROPOSED SITE PLAN

DRAWING NO.
A-0.1

PLOT DATE	5/2/20
SCALE	1/16" = 1'-0"
DRAWN BY	

22969-PCH-PC-2020-01.dgn



PERCENTAGE OF COMPACT PARKING:
EXTERIOR PARKING: 4 COMPACT SPACES (# 10, 11, 14, 18)
INTERIOR PARKING: 5 COMPACT SPACES (# 23, 24, 25, 26, 27)
TOTAL COMPACT PARKING = 9 PARKING SPACES (9 DIVIDED BY 47 SPACES) = 19 %

ADA ACCESSIBLE PARKING:
EXTERIOR PARKING: 3 SPACES (# 12, 13, 15)
VAN ADA ACCESSIBLE 2 SPACES (#12 & #13 - ADJACENT TO 8 FT WIDTH AISLE)

PROPOSED PARKING SPACES ALLOCATION:
EXTERIOR PARKING - > 18 EXTERIOR PARKING SPACES:
ALL 18 PARKING SPACES FOR MOTEL, 3 ADA PARKING SPACES MIGHT BE SHARED WITH THE RESTAURANT AS NEEDED
NUMBERS OF PARKING SPACES : 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES

INTERIOR PARKING - > 29 INTERIOR SUBTERRANEAN PARKING SPACES .
5 SPACES : (#11, #12, #27, #28, #29) FOR MOTEL ONLY,
21 SPACES: (#1 TO #7, #13 to #26) FOR VALET/ RESTAURANT ONLY,
3 SPACES: (#8 TO #10) FOR SHARING BETWEEN MOTEL & VALET/ RESTAURANT
NUMBERS OF PARKING SPACES = 24 STANDARD + 5 COMPACT = 29 PARKING SPACES ->

TOTAL PROPOSED PARKING = 47 PARKING SPACES
CARRY-OVER PARKING SPACE REQUIRED FOR RESTAURANT /22969 PCH = **24 SPACES** (#1 TO #7, #13 to #26, + SHARED 3 ADA PARKING SPACES + SHARED 3 SPACES SUBTERRANEAN #8 to # 10)

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MARK	DATE	DESCRIPTION

MALIBU INN MOTEL

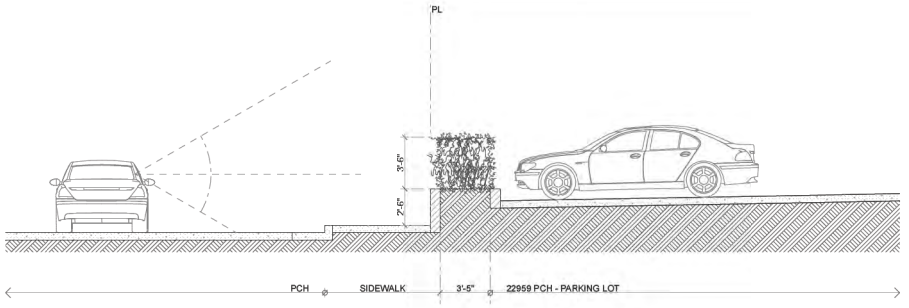
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3001 PCH, STE 205
MALIBU, CA 90265
TEL 310-456-5900
WWW.BURDGE.COM

SHEET TITLE
PARTIAL LOWER LEVEL SITE PLAN

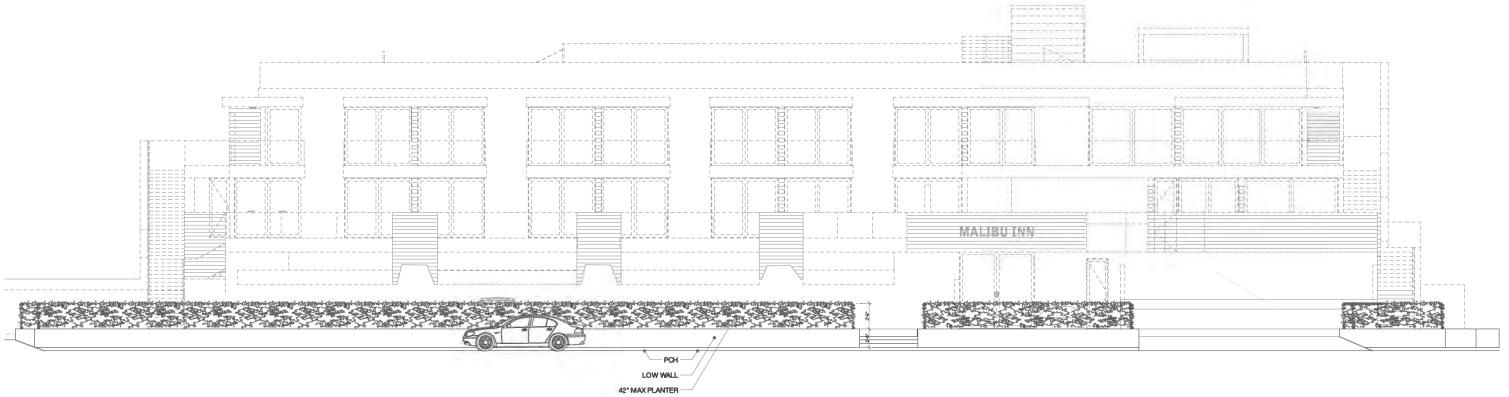
DRAWING NO.
A-0.2

PLOT DATE	5/2/20
SCALE	
DRAWN BY	



SITE SECTION - 1

SCALE: 1/4" = 1'-0"



SITE SECTION - 2

SCALE: 1/8" = 1'-0"

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MARK	DATE	DESCRIPTION

MALIBU INN MOTEL

22959 PACIFIC COAST HIGHWAY

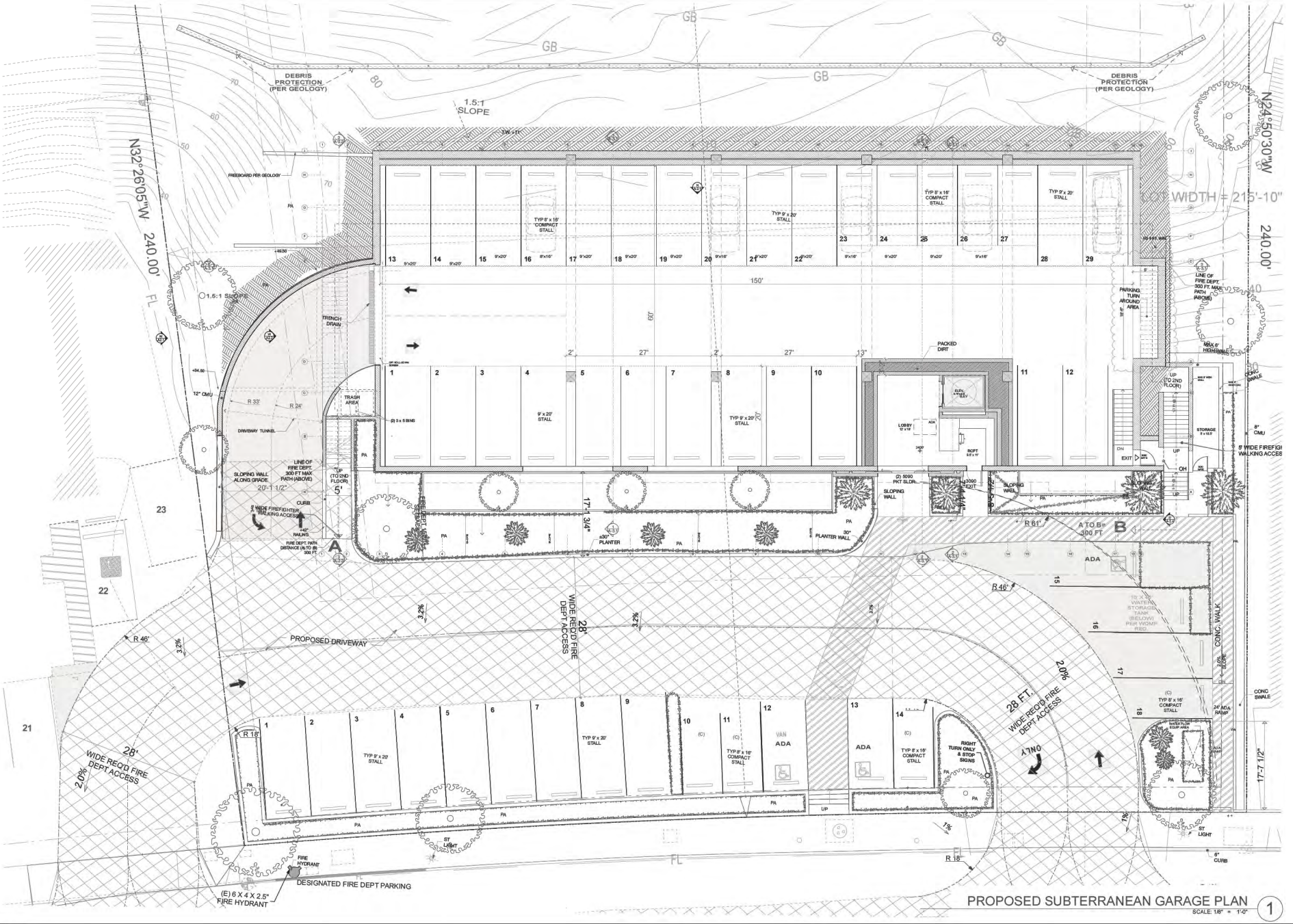
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MALIBU
SUN VALLEY
WWW.BURDGE.COM
3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5900

SHEET TITLE
SITE VIEWS @ PARKING LOT

DRAWING NO.
A-0.3

PLOT DATE	10/10/19
SCALE	AS NOTED
DRAWN BY	

22959 PCH PC 2019-08-19.pln



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MARK	DATE	DESCRIPTION

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SUN VALLEY
3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-664-0380
WWW.BURDGE.COM

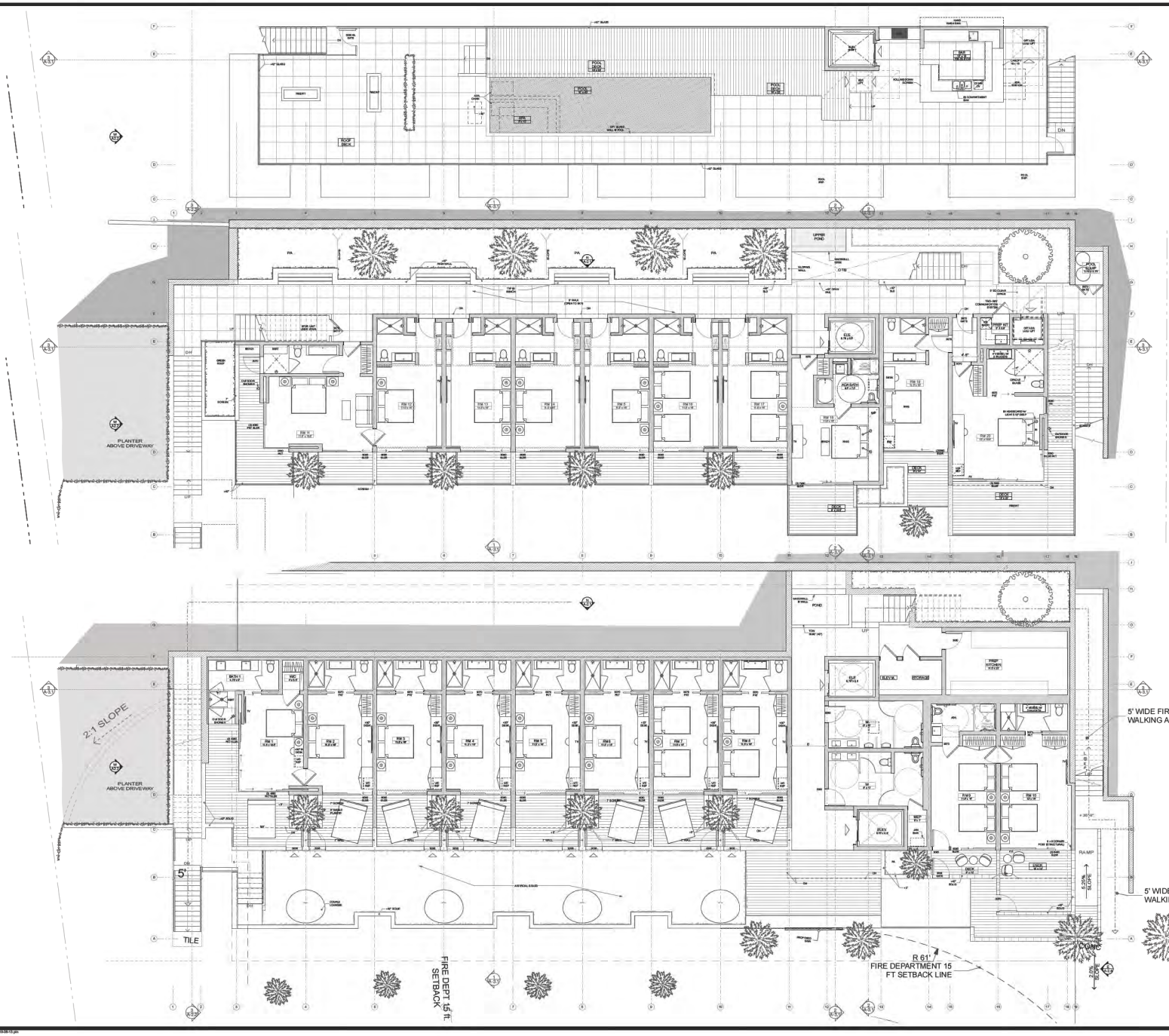
SHEET TITLE: PROPOSED GARAGE

DRAWING NO.: A-1.1

PLOT DATE: 3/5/20

SCALE

DRAWN BY



PROPOSED ROOF LEVEL

SCALE: 1/8" = 1'-0"

PROPOSED UPPER LEVEL

SCALE: 1/8" = 1'-0"

PROPOSED MAIN LEVEL

SCALE: 1/8" = 1'-0"

NOTE:

1. ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (RESIDENTIAL CODE R327.534 AND BUILDING CODE 705A.4)

2. VENTS SHALL RESIST THE INTRUSION OF FLAME AND EMBER AND FLAME THROUGH THE VENTILATION OPENINGS. VENT OPENINGS SHALL BE PROTECTED BY CORROSION-RESISTANT, NONCOMBUSTIBLE WIRE MESH WITH A MINIMUM 1/16TH INCH OPENINGS AND SHALL NOT EXCEED 1/8TH INCH. VENTS SHALL NOT BE INSTALLED IN EAVES OR CORNICES. (RESIDENTIAL CODE R327.6.1 AND BUILDING CODE 706A.1)

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MALIBU
SUN VALLEY
WWW.BURDGE.COM
3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5848

SHEET TITLE: PROPOSED FLOOR PLANS

DRAWING NO.: A-1.2

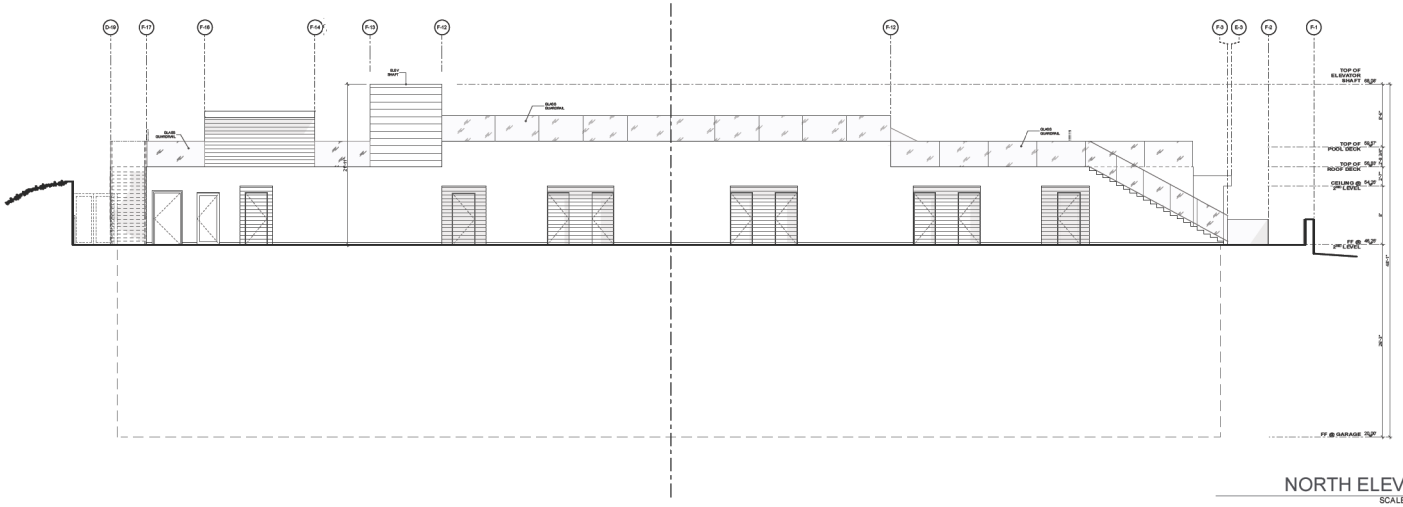
PLOT DATE: 10/10/19

SCALE

DRAWN BY



SOUTH ELEVATION (S)
SCALE: 1/8" = 1'-0"



NORTH ELEVATION (N)
SCALE: 1/8" = 1'-0"

NOTE:
1. USE OF NON-GLARE GLASS WHERE APPLICABLE

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MARK	DATE	DESCRIPTION

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MALIBU
SUN VALLEY
WWW.BURDGE.COM
3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5961

SHEET TITLE
PROPOSED NORTH AND SOUTH ELEVATIONS

DRAWING NO.
A-2.1

PLOT DATE	5/2/20
SCALE	AS NOTED
DRAWN BY	

20959-PC-rvR-2020-05-01 republic.pln



PARTIAL SOUTH ELEVATION (S)
SCALE: 1/4" = 1'-0"



PARTIAL SOUTH ELEVATION (S)
SCALE: 1/4" = 1'-0"

NOTE:
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MARK	DATE	DESCRIPTION

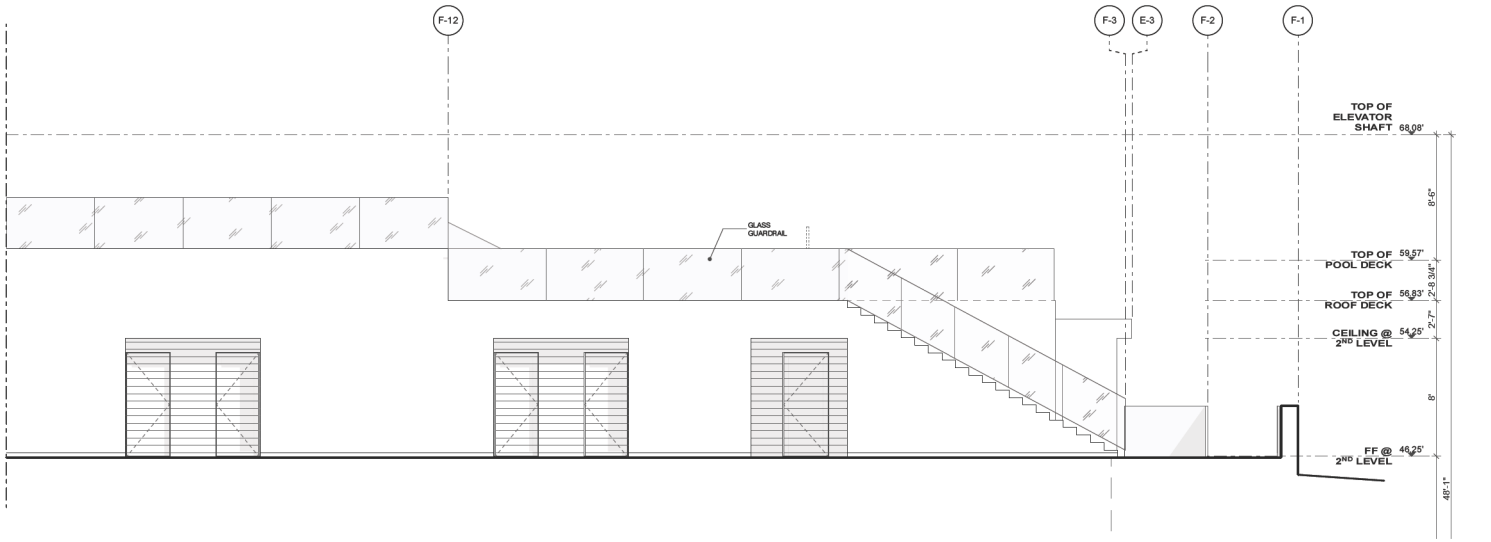
MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY

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SUN VALLEY
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3900 PACIFIC COAST HWY
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TEL 310-456-5848

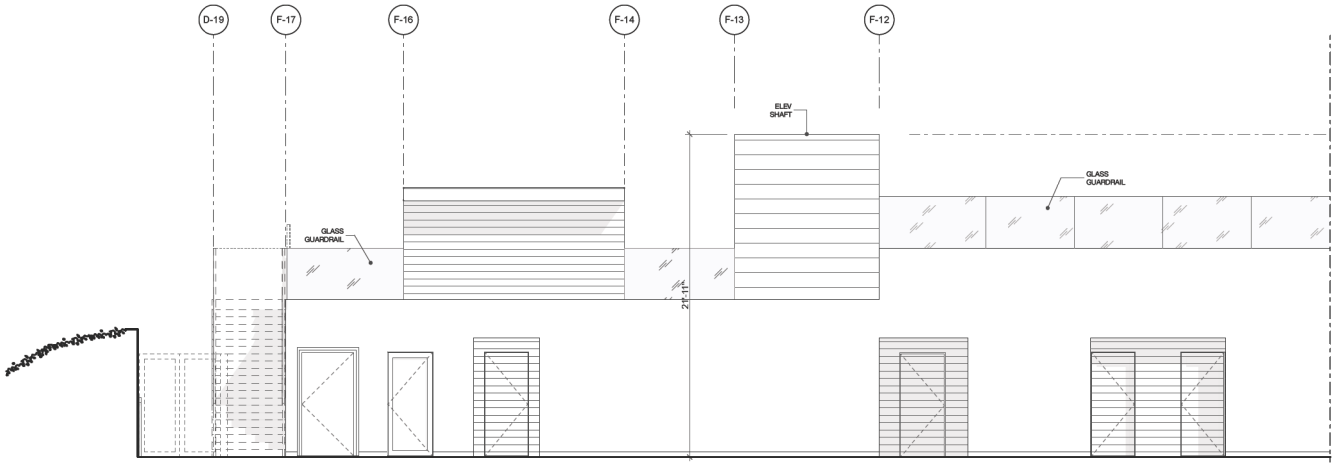
SHEET TITLE
PROPOSED PARTIAL SOUTH ELEVATION

DRAWING NO.
A-2.2

PLOT DATE	5/2/20
SCALE	AS NOTED
DRAWN BY	



PARTIAL NORTH ELEVATION
SCALE: 1/4" = 1'-0"



PARTIAL NORTH ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
1. USE OF NON-GLARE GLASS WHERE APPLICABLE

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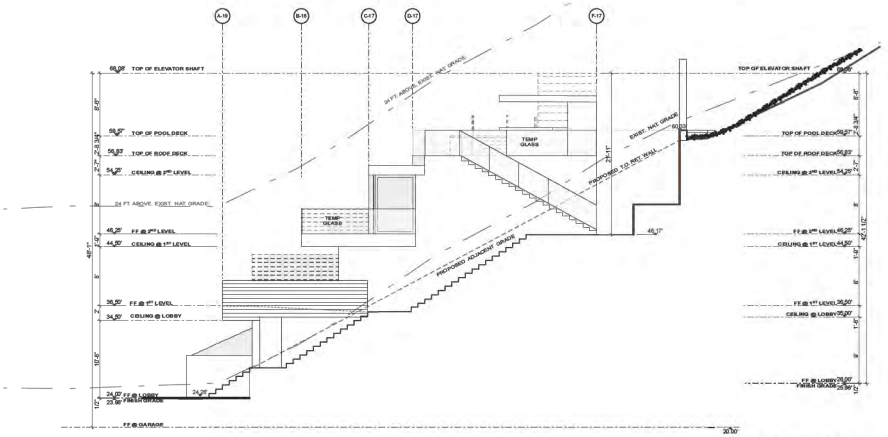
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SUN VALLEY
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MALIBU, CA 90265
TEL. 310-456-5961

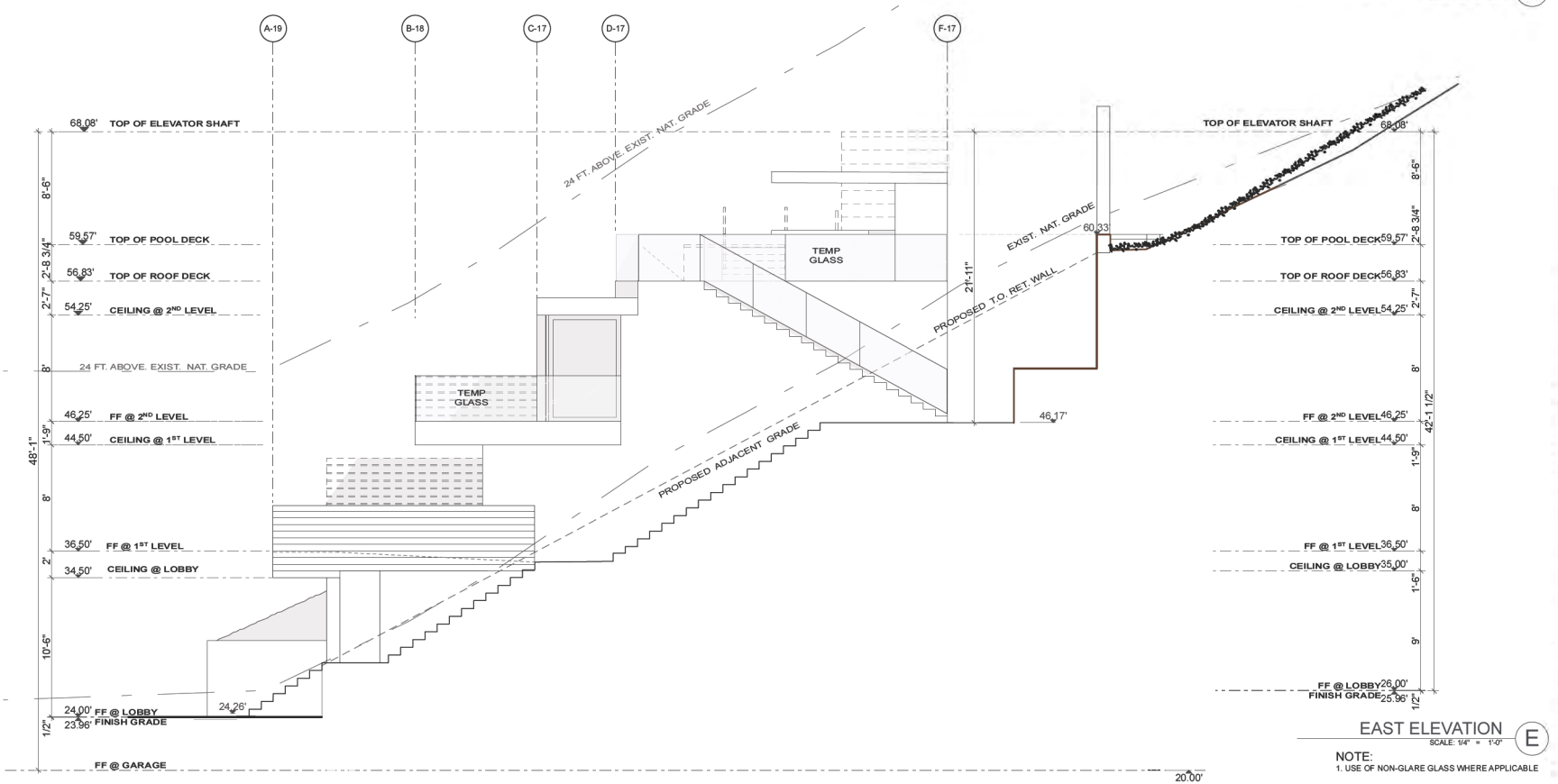
SHEET TITLE
PROPOSED PARTIAL NORTH ELEVATION

DRAWING NO.
A-2.3

PLOT DATE	2/25/20
SCALE	AS NOTED
DRAWN BY	



EAST ELEVATION (E)
SCALE: 1/8" = 1'-0"



EAST ELEVATION (E)
SCALE: 1/4" = 1'-0"

NOTE:
1. USE OF NON-GLARE GLASS WHERE APPLICABLE

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MARK	DATE	DESCRIPTION

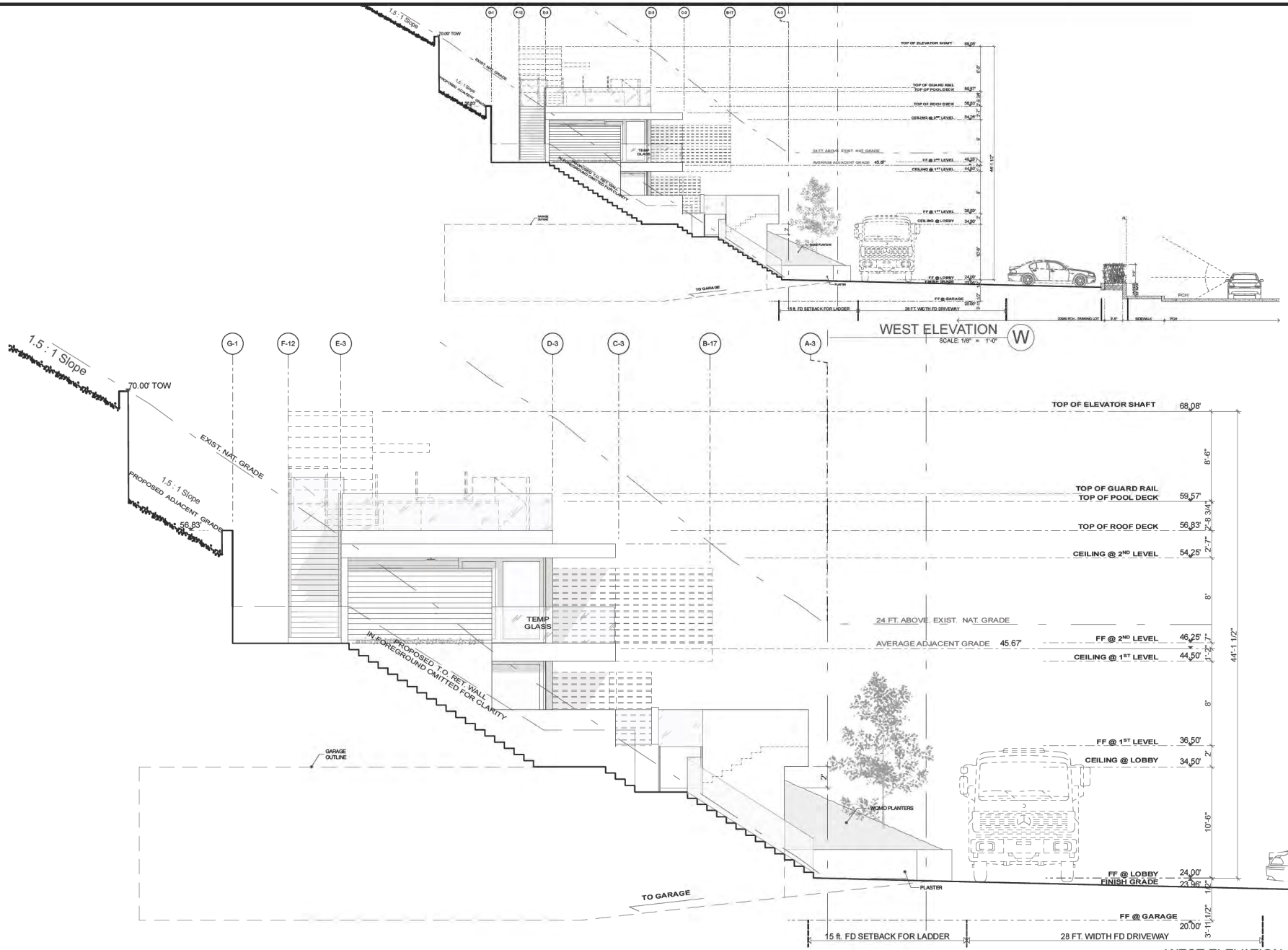
MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY

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ARCHITECTS
MALIBU
SUN VALLEY
WWW.BURDGE.COM
22959 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL: 310.456.2489

SHEET TITLE
PROPOSED EAST ELEVATION

DRAWING NO.
A-2.4

PLOT DATE	2/25/20
SCALE	AS NOTED
DRAWN BY	



WEST ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
1. USE OF NON-GLARE GLASS WHERE APPLICABLE

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MARK	DATE	DESCRIPTION

MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY

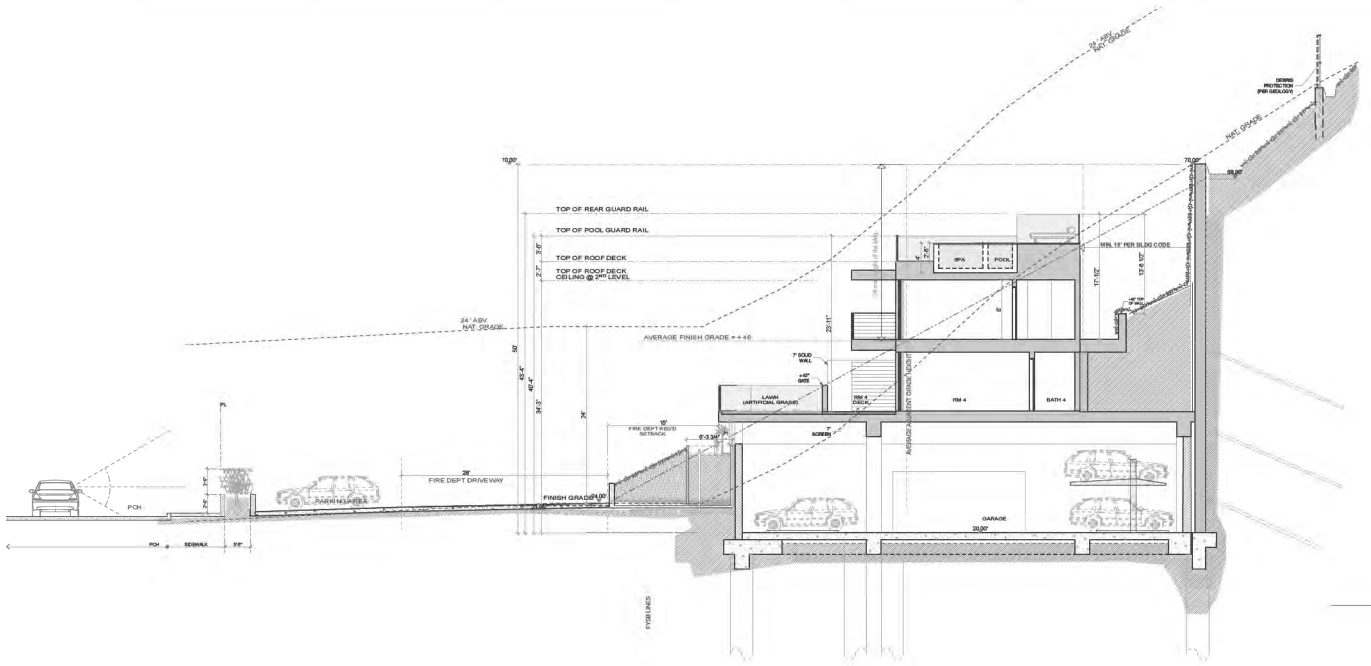
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MALIBU
SUN VALLEY
WWW.BURDGE.COM
3900 PACIFIC COAST HWY
MALIBU, CA 90265
TEL: 310-456-5848

SHEET TITLE
PROPOSED WEST ELEVATION

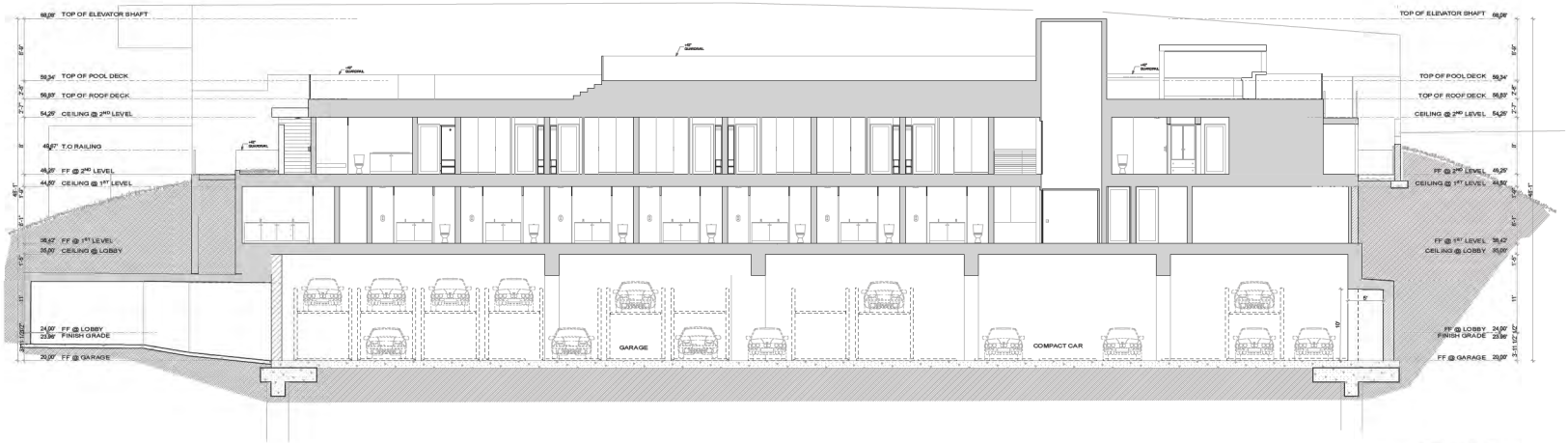
DRAWING NO.
A-2.5

PLOT DATE	5/2/20
SCALE	AS NOTED
DRAWN BY	

22959-PCH-PC-2020-05-01 requisite.pln



SECTION A
SCALE: 1/8" = 1'-0" 1



SECTION
SCALE: 1/8" = 1'-0" 2

NOTE:
1. USE OF NON-GLARE GLASS WHERE APPLICABLE

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WRITTEN DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

MARK	DATE	DESCRIPTION

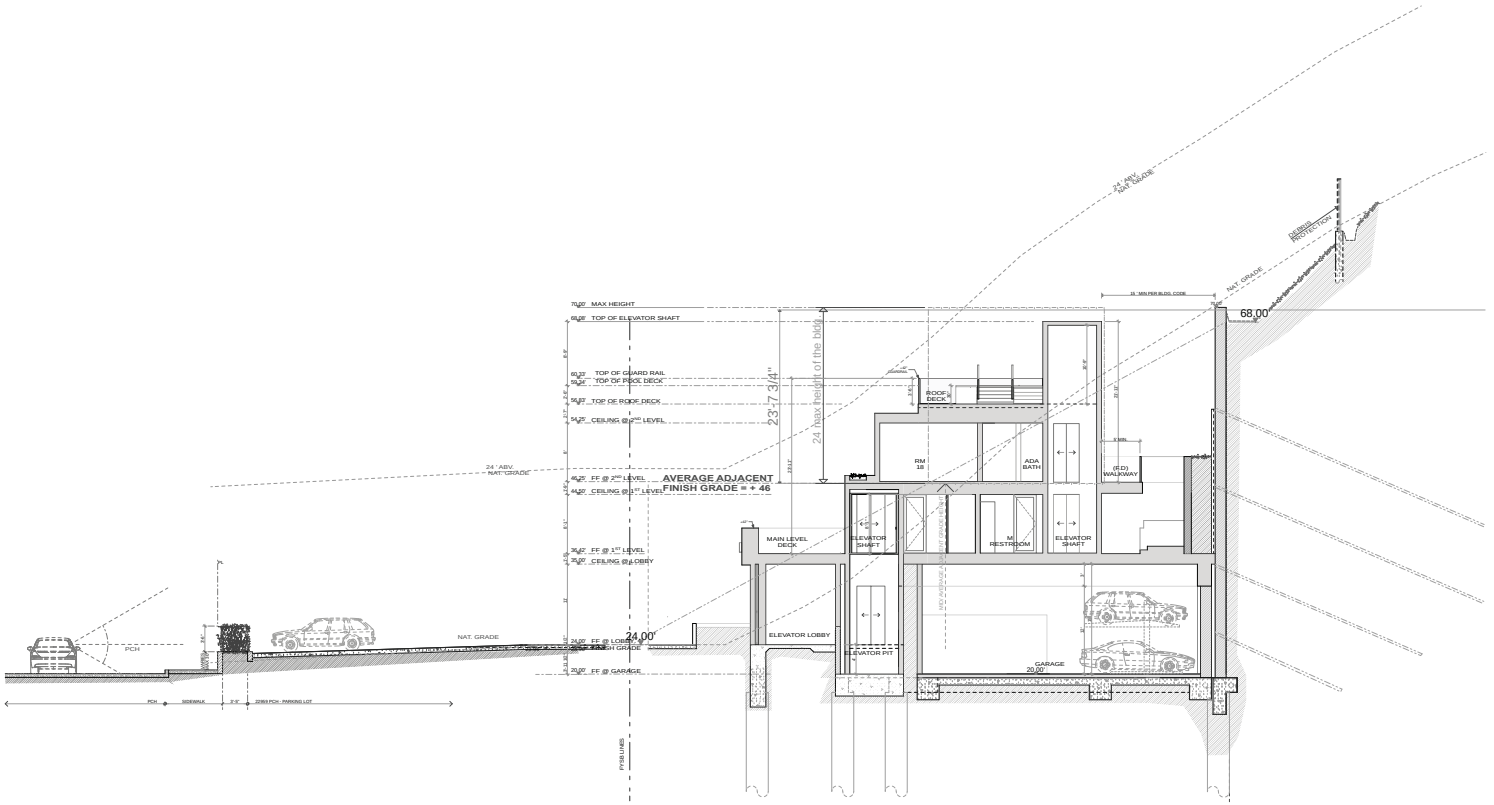
MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY

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SUN VALLEY
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3111 PACIFIC COAST HWY.
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TEL. 310-456-2489

SHEET TITLE
PROPOSED SECTIONS

DRAWING NO.
A-3.1

PLOT DATE 2/25/20
SCALE
DRAWN BY



SECTION B
SCALE: 1/8" = 1'-0"

2

NOTE:
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MARK	DATE	DESCRIPTION

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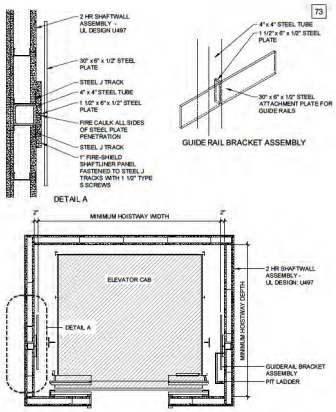
22959 PACIFIC COAST HIGHWAY

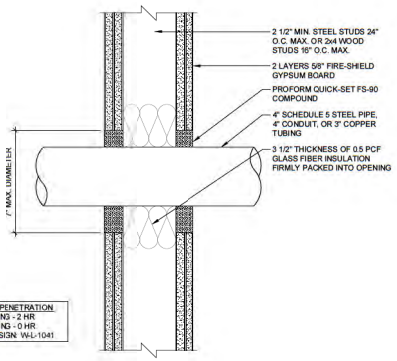
BURDGE & Associates ARCHITECTS
MALIBU
SUN VALLEY
24911 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL. 310-456-5905

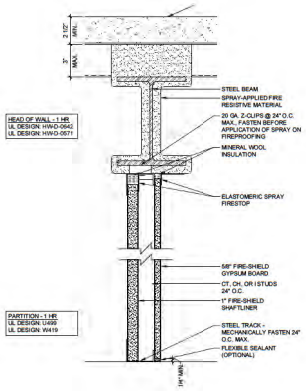
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PROPOSED SECTIONS

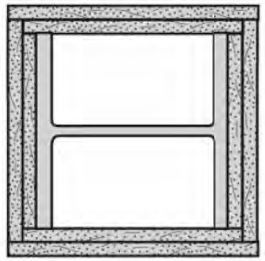
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A-3.2

PLOT DATE: 11/2/21
SCALE
DRAWN BY

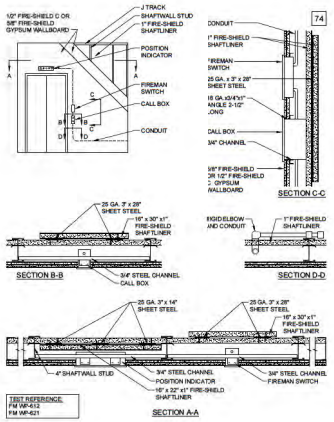


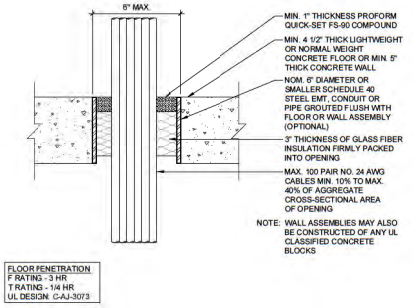


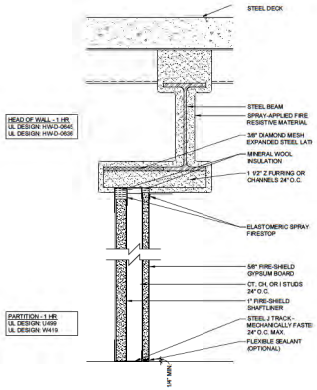


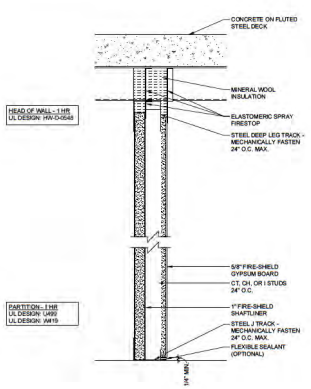


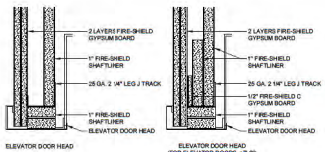
Base Layer: 1/2" (12.7 mm) ToughRock® Fireguard C® gypsum board tied to W13 x 49 (metric W250 x 73) column 1 hr. with 18 gauge (43 mils) wire 15" (381 mm) o.c. Face Layer: 1/2" (12.7 mm) ToughRock Fireguard C gypsum board applied with laminating compound over entire contact surface. Test conducted with generic Type X in December 1952. Contact SP Technical Service Hotline for a copy of the test report.

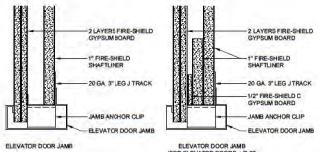


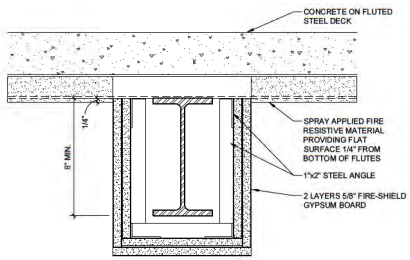


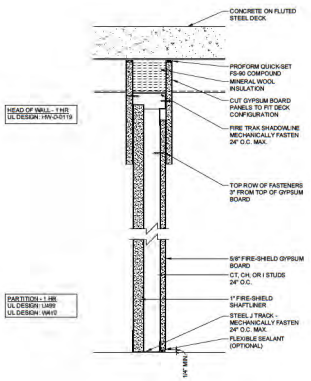












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MARK	DATE	DESCRIPTION

MALIBU INN MOTEL

22959 PACIFIC COAST HIGHWAY

BURDGE & Associates ARCHITECTS
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SUN VALLEY
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TEL 310.456.2489

SHEET TITLE

ARCHITECTURAL DETAILS

DRAWING NO.

A-5.1

PLOT DATE	8/14/19
SCALE	AS NOTED
DRAWN BY	

22959-PCH-PD 2019-08-13 pm

LIGHTING SCHEDULE

WALL LIGHTS IN CAR PARKING AREA	C/24 T1	2.5W LED BRICK LIGHT - CORONA CL-369B-AB LAMP L-EDBA- 2.5W 180° WIDE FLOOD OR
DOWN LIGHTS	E/10 T2	5W LED ADJUSTABLE DOWN LIGHT FX LUMINAIRE QT-2D-1 LED- BZ LAMP 2700K
WALL LIGHTS	D/41 T4	FX LUMINAIRE MO-2D-3 LED- SQ- BZ LAMP 2700K
PATH LIGHTS	H/17 T6	FX LUMINAIRE M-PL -1 LED- BZ
ACCENT LIGHTS	1/2 T7	ROCKSPACE F113B-NAZ W/ STAKE, MR-16 LAMPS, 35 WATT FLOOD
WATER FEATURE LIGHTS	J/4 T8	HINKLEY STEP 1539BS, SOLID BRASS, EXTRA LONG CORD, MR-16 LAMP 20 WATT, 2700K

LIGHTING LEGEND

CONTRACTOR TO UTILIZE MANUFACTURER SUPPLIED CONNECTORS TO CONNECT FIXTURES TO MAINLINE. NO OTHER TYPE OF CONNECTION CAN BE USED WITHOUT APPROVAL OF THE LANDSCAPE ARCHITECT. THE LANDSCAPE DESIGNER TO APPROVE LOCATION OF ALL LIGHTS, TRANSFORMER, CLOCK, ETC., PRIOR TO RUNNING WIRES AND INSTALLING LIGHTS.

T1 **TRANSFORMER**

KICHLER PROFESSIONAL SERIES SS.

TOTAL WATTAGE NEEDED FOR SYSTEM TO BE DETERMINED BY LANDSCAPE LIGHTING CONTRACTOR, WHO WILL PROPERLY SIZE THE TRANSFORMER(S). TRANSFORMER(S) LOCATED OUTDOORS SHALL BE MANUFACTURED FOR THAT TYPE OF ENVIRONMENT, AND SHALL BE IN STAINLESS STEEL CABINETS. TRANSFORMER(S) SHALL HAVE A WATTAGE THAT IS 20% GREATER THAN THE WATTAGE LOAD OF THE FIXTURES ON EACH TRANSFORMER TO ALLOW FOR ADDITION OF EXTRA LIGHT FIXTURES BY OWNER IN FUTURE WITHOUT HAVING WATTAGE LIMIT PROBLEMS.

CLOCK

C SHALL BE INTERMATIC TN311C 24HR TIMER (3 ON/OFFCYCLES) MECHANICAL CLOCK MOUNTED AT EYE LEVEL AT LOCATION PER NOTE 'Z'. THERE WILL BE 2 (TWO) CLOCKS; EACH WITH PHOTOCELL OVERRIDE.

WIRING

SHALL BE 10-2 DIRECT BURIAL LOW VOLTAGE WIRE. ALL WIRING SHALL BE MINIMUM OF 12" BELOW SOIL FINISH SURFACE AND MAY BE INSTALLED IN IRRIGATION SYSTEM TRENCHES. IT IS ASSUMED THAT WIRING SLEEVES WERE INSTALLED UNDER PAVING TO ALLOW WIRES TO TRANSITION UNDER PAVING. SEE NOTE 'Z' BELOW.

T1 — TRANSFORMER #
A / 4 — FIXTURE TYPE / FIXTURE QTY.
WPGFI - DUPLEX GROUND FAULT INTERRUPTER RECEPTACLE FOR LOW VOLTAGE MAGNETIC TRANSFORMER

LIGHTING NOTES :

THE LOCATION OF LIGHTS ARE DIAGRAMMATIC. FINAL LOCATIONS TO BE SET BY ARCHITECT AND / OR LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

WIRING AND TRANSFORMER INSTALLATION TO BE PROVIDED BY ELECTRICIAN.

ALL LIGHTING SHALL BE FULLY SHIELDED AND DIRECTED DOWNWARD

LUMEN COUNT SHALL NOT EXCEED 650 LUMENS

COLOR TEMPERATURE SHALL NOT EXCEED 3000 KELVIN

UNLESS CONTROLLED BY MOTION SENSORS, OUTDOOR LIGHT SHALL BE EXTINGUISHED BY 11:00 PM OR WHEN PEOPLE ARE LONGER PRESENT IN THE EXTERIOR AREA

THE HINKLEY SPOT LIGHT (1539BS) WILL NOT TRESPASS BEYOND THE WATERLINE OR WILL BE DIRECTED DOWNWARD

LIGHT DETAIL:

FX LUMINAIRE
DOWN LIGHT



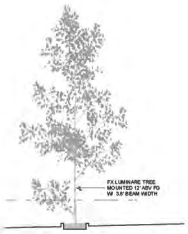
QT 1LED ILLUMIANCE AT A DISTANCE

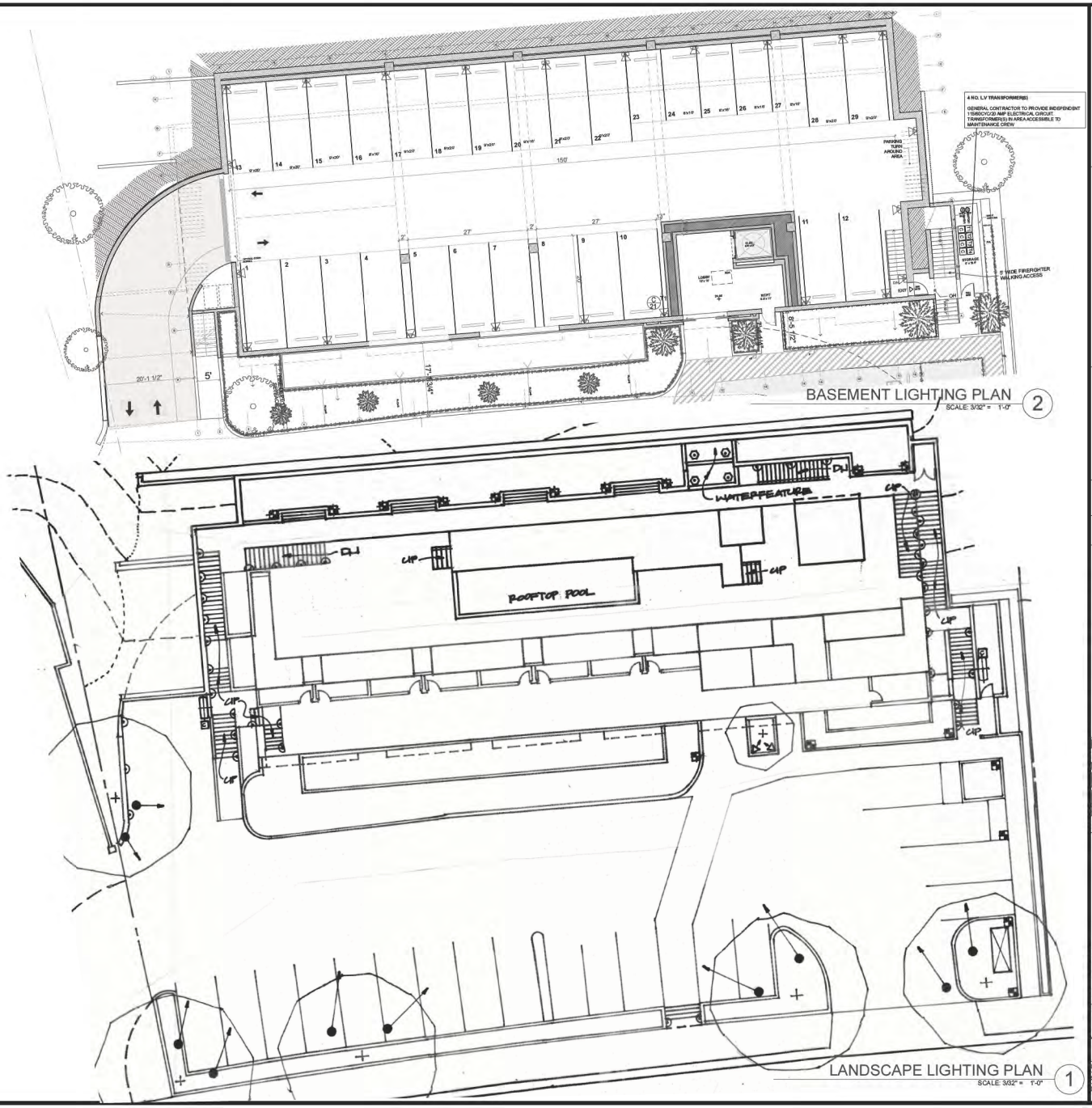
	Center Beam FC	Beam Width
4.0 ft	30.0 ft-c	1.2 ft
8.0 ft	7.50 ft-c	2.5 ft
12.0 ft	3.33 ft-c	3.8 ft
16.0 ft	1.87 ft-c	5.1 ft
20.0 ft	1.20 ft-c	6.4 ft
24.0 ft	0.83 ft-c	7.7 ft

Beam Spread: 152°

TREE MOUNT STRAP







BASEMENT LIGHTING PLAN 2
SCALE: 3/32" = 1'-0"

LANDSCAPE LIGHTING PLAN 1
SCALE: 3/32" = 1'-0"

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MARK	DATE	DESCRIPTION

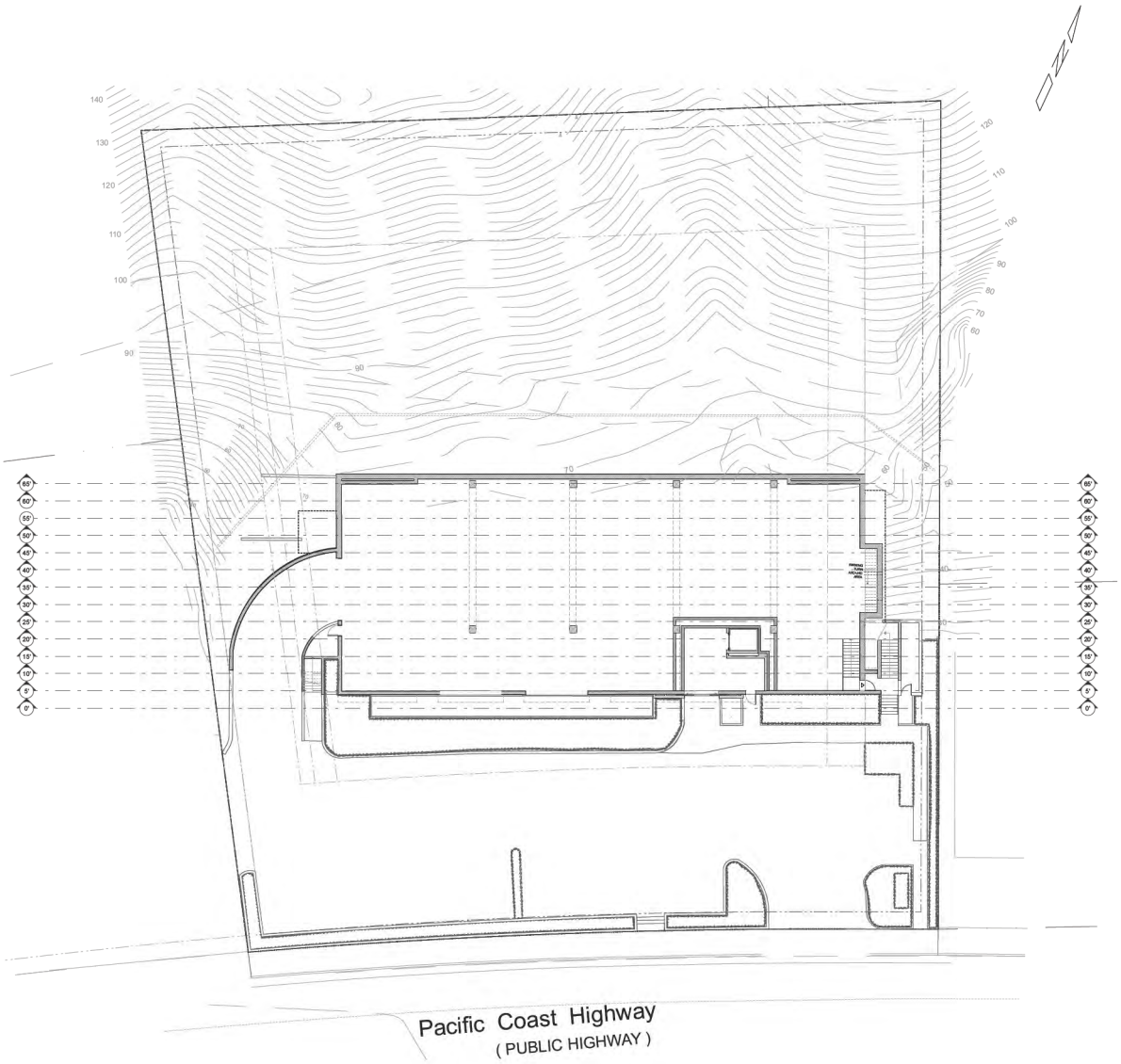
MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY

BURDGE & Associates ARCHITECTS
MAILING: SUN VALLEY
3900 PACIFIC COAST HWY
MALIBU, CA 90265
TEL: 310-456-5848
WWW.BURDGE.COM

SHEET TITLE
LIGHTING PLAN

DRAWING NO.
A-6.1

PLOT DATE: 5/2/20
SCALE:
DRAWN BY:



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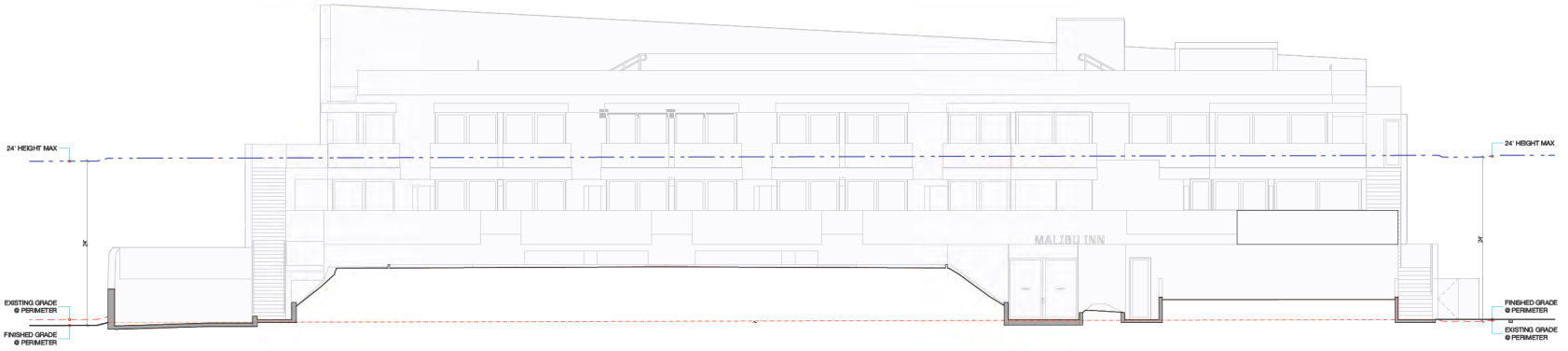
22959 PACIFIC COAST HIGHWAY

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3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5905

SHEET TITLE
HEIGHT EXHIBIT KEYMAP

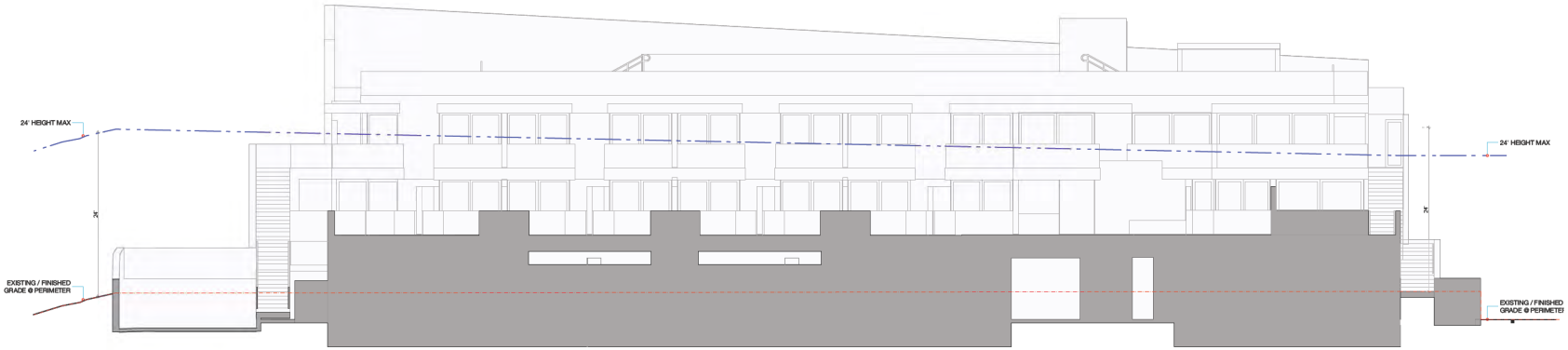
DRAWING NO.
A-8.1

PLOT DATE	3/5/20
SCALE	1/16" = 1'-0"
DRAWN BY	



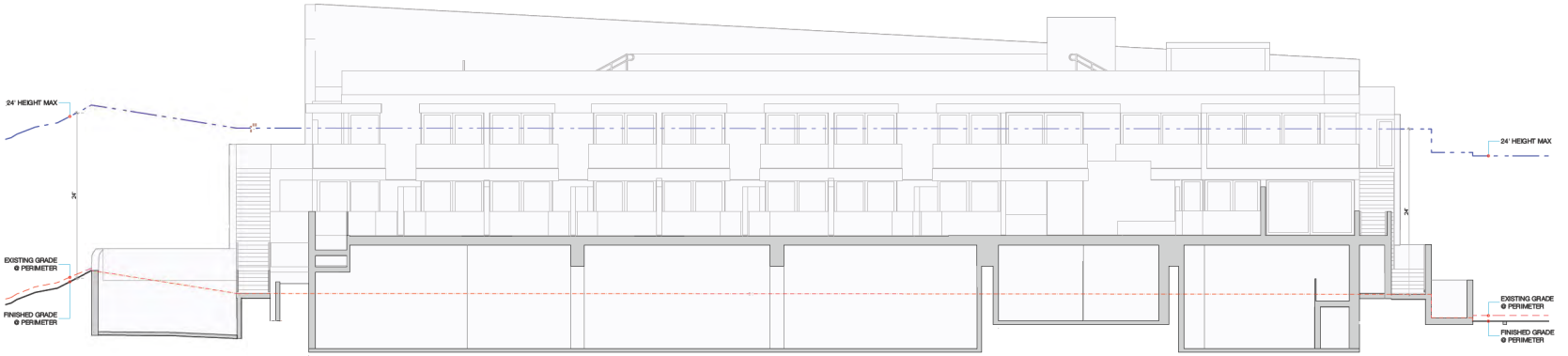
SECTION CUT AT - 0' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 5' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 10' INTERVAL

SCALE: 1/8" = 1'-0"

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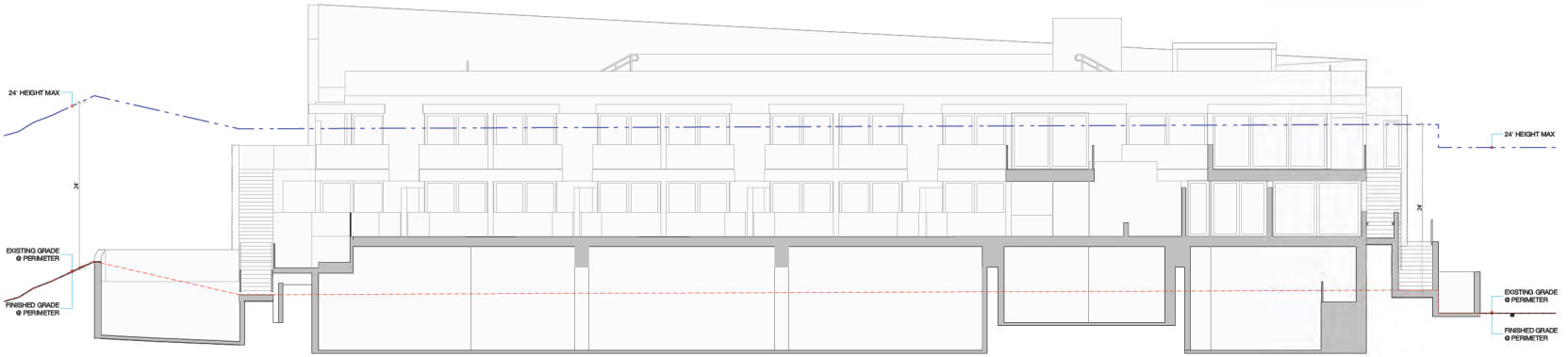
HEIGHT EXHIBIT

DRAWING NO.

A-8.2

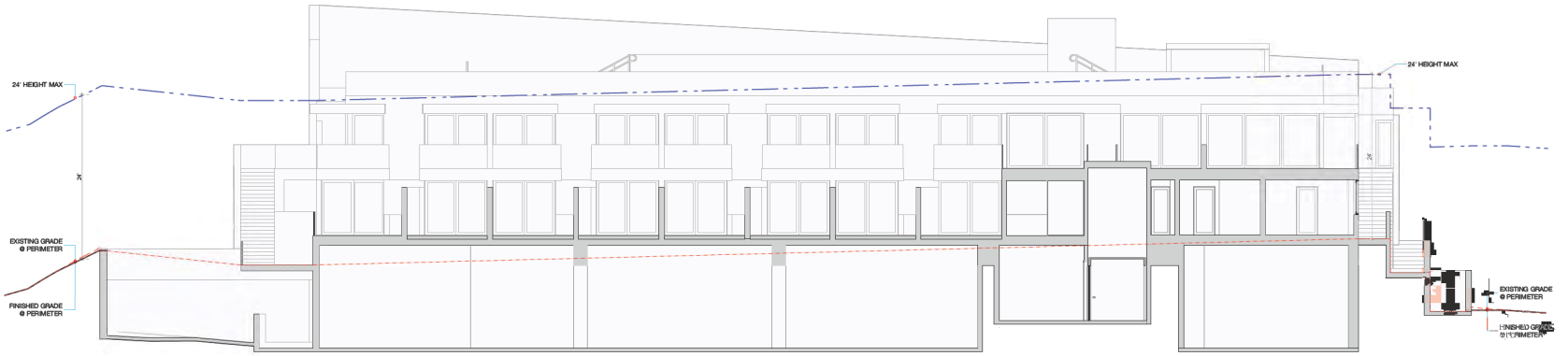
PLOT DATE	3/5/20
SCALE	AS NOTED
DRAWN BY	

22959-PCH-RC-2020-01-07.pln



SECTION CUT AT - 15' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 20' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 25' INTERVAL

SCALE: 1/8" = 1'-0"

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SHEET TITLE

HEIGHT EXHIBIT

DRAWING NO.

A-8.3

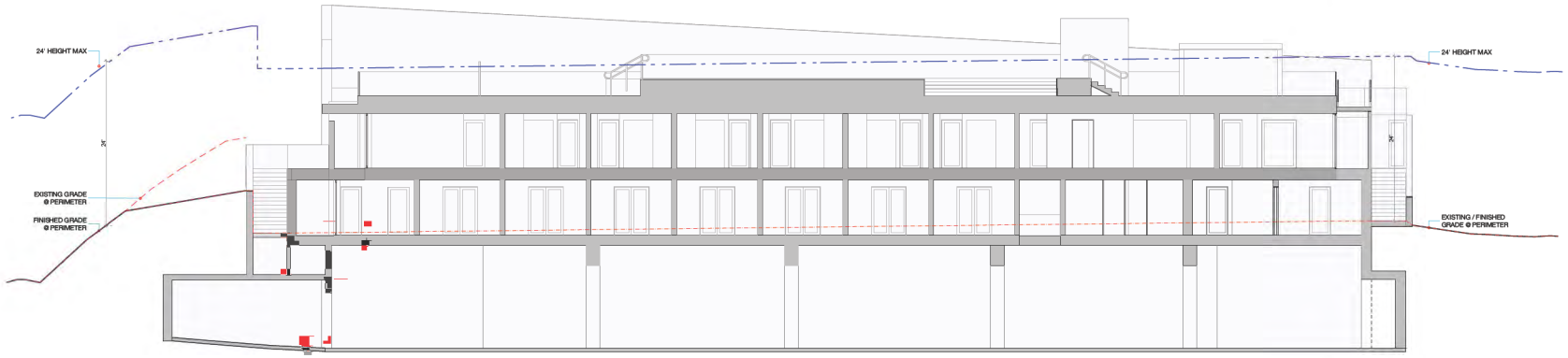
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SCALE	AS NOTED
DRAWN BY	

22959 PCH RC 2020-01.dgn



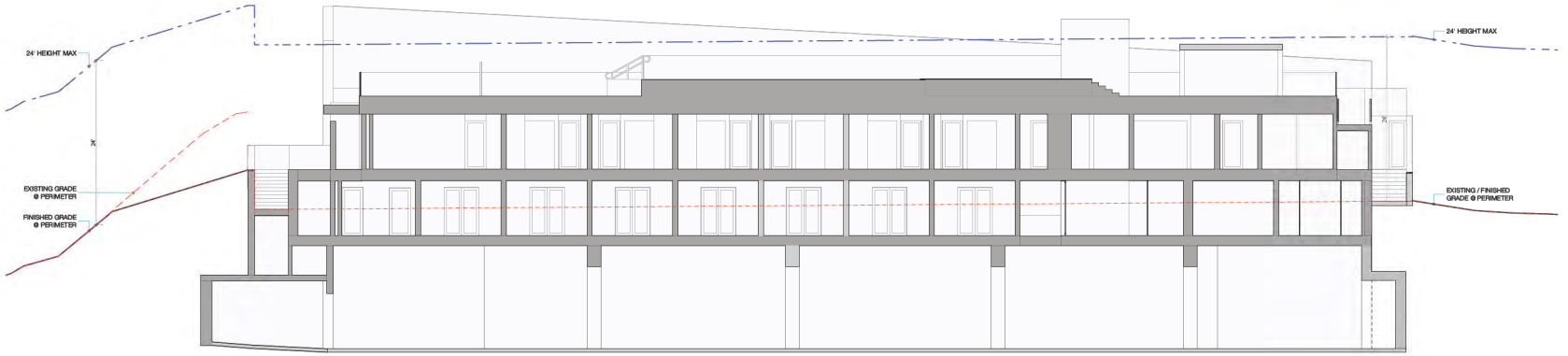
SECTION CUT AT - 30' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 35' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 40' INTERVAL

SCALE: 1/8" = 1'-0"

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22959 PACIFIC COAST HIGHWAY

BURDGE & Associates
ARCHITECTS
MALIBU
SUN VALLEY
WWW.BUAIA.COM
3684 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5998

SHEET TITLE

HEIGHT EXHIBIT

DRAWING NO.

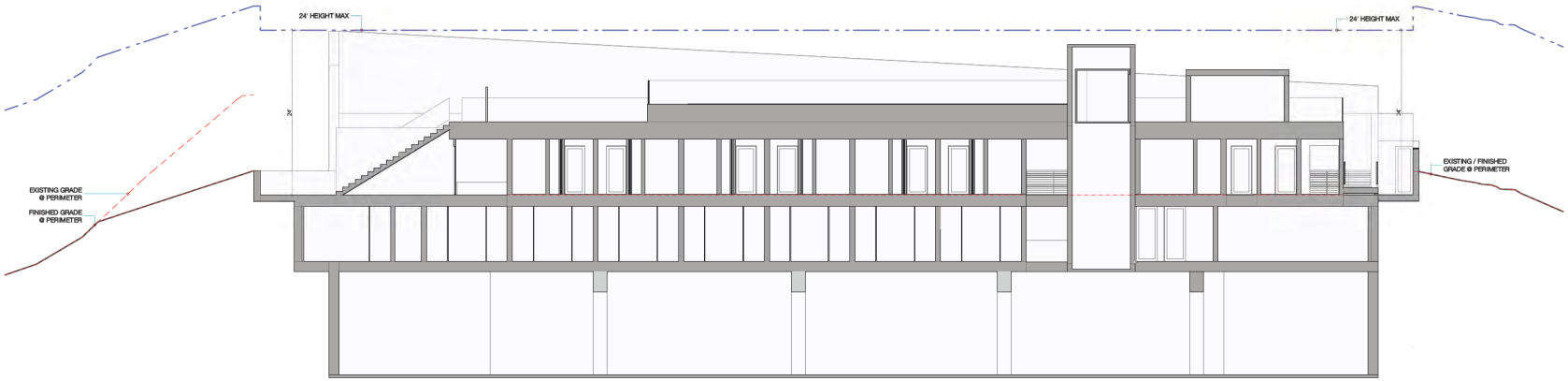
A-8.4

PLOT DATE	3/5/20
SCALE	AS NOTED
DRAWN BY	



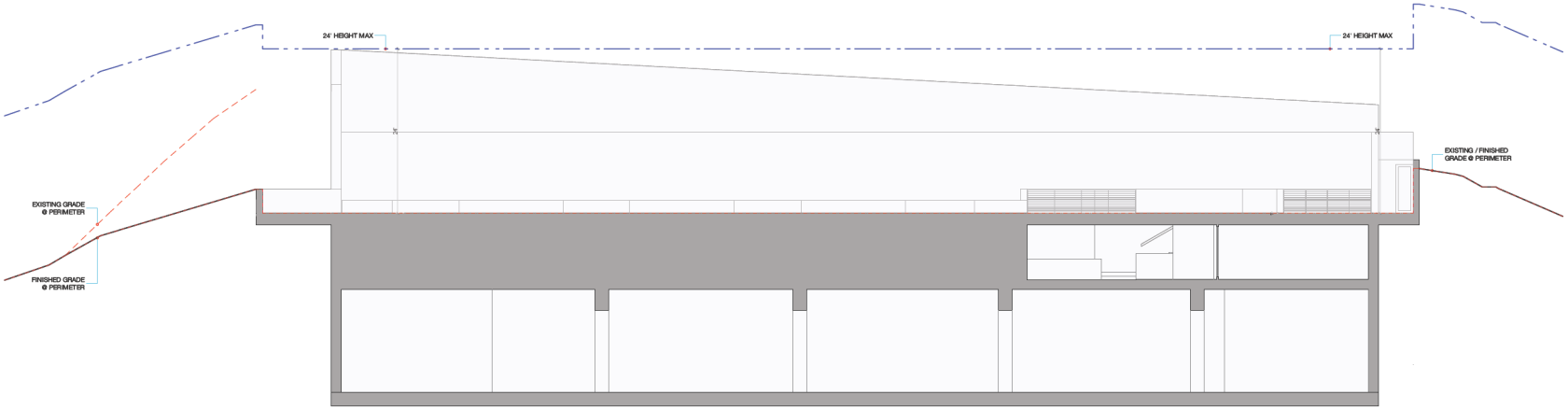
SECTION CUT AT - 45' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 50' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 55' INTERVAL

SCALE: 1/8" = 1'-0"

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MARK	DATE	DESCRIPTION

MALIBU INN MOTEL

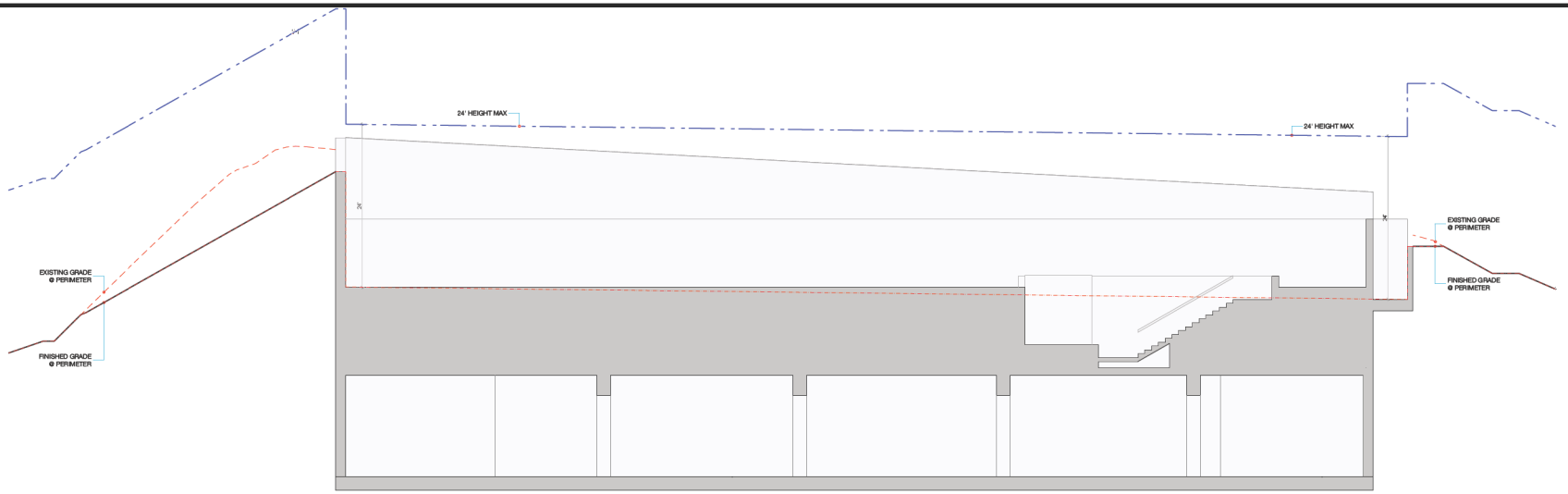
22959 PACIFIC COAST HIGHWAY

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WWW.BUAIA.COM
3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5961

SHEET TITLE: HEIGHT EXHIBIT

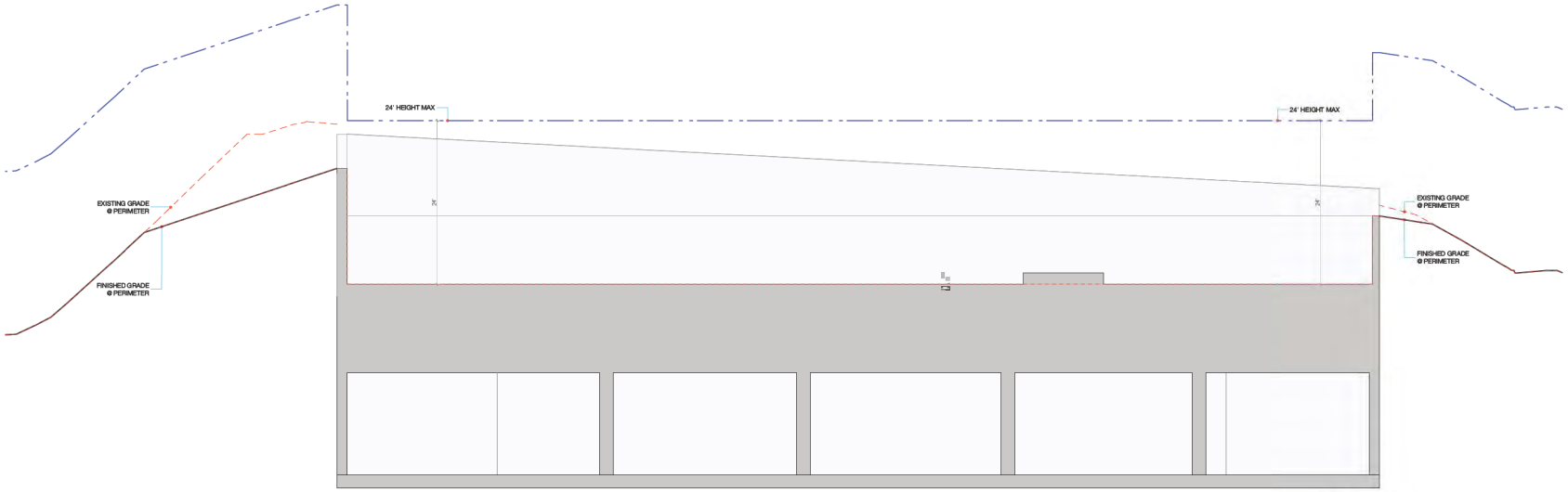
DRAWING NO.: A-8.5

PLOT DATE	3/5/20
SCALE	AS NOTED
DRAWN BY	



SECTION CUT AT - 60' INTERVAL

SCALE: 1/8" = 1'-0"



SECTION CUT AT - 65' INTERVAL

SCALE: 1/8" = 1'-0"

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MARK	DATE	DESCRIPTION

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3001 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5998

SHEET TITLE

HEIGHT EXHIBIT

DRAWING NO.

A-8.6

PLOT DATE	3/5/20
SCALE	AS NOTED
DRAWN BY	

City of Malibu

23815 Stuart Ranch Road • Malibu, California 90265-4861 (310) 456-2489 • fax (310) 317 0950
• www.ci.malibu.ca.us

PUBLIC WORKS DEPARTMENT GENERAL NOTES

1. *All work shown on these plans shall be constructed in accordance with the current edition of the Standard Specifications for Public Works Construction (SSPWC) "Green Book."*
2. *Contractors shall comply with all applicable Division of Industrial Regulations (Cal-OSHA) safety standards. If requested by the Inspector, the Contractor shall provide proof of a permit from said division.*
3. *Contractor shall call the Public Works Inspector at (310) 456-2489, ext. 235 for Pre-Construction Meeting prior to the commencement of any construction or grading operations. Contractor shall notify the City Public Works Inspector 48 hours prior to commencing any construction and 24 hours in advance of specific inspection needs during the course of the work.*
4. *Improvements are proposed within the Public Right-Of-Way.*
5. *Storage of any construction materials, construction trailer, and/or parking and any work within the City public right of way shall require a City Encroachment Permit. Call the Public Works Inspector at (310) 456-2489, ext. 235 to apply for a permit.*
6. *Storage of any construction materials, construction trailer, and/or parking and any work within the Caltrans public right of way shall require a Caltrans Encroachment Permit. Submit a copy of the Caltrans Encroachment Permit to the Public Works Department.*
7. *All work shall be performed during City working hours and in compliance with these plans.*
8. *Contractor shall verify all conditions and dimensions and shall report any discrepancies to the Engineer prior to the commencement of any work.*
9. *Contractor shall locate, protect, and save any and all survey monuments that will be or may be damaged or destroyed by their operations. Once found, the Contractor shall then notify both the developer's supervising Civil Engineer and the Public Works Inspector. The supervising Civil Engineer shall reset all said monuments per he requirements of the Professional Land Surveyor's Act.*
10. *The Contractor shall be responsible for protecting all public and private property insofar as it may be affected by these operations.*
11. *Existing traffic signs are not to be removed without prior notification and approval of the City Engineer. As a minimum, construction work zone traffic signs and striping shall be furnished, installed, and maintained in accordance with the "Work Area Traffic Control Handbook" (the "WATCH Manual"), published by BNI Building News, Inc. A Traffic Control Plan, prepared by the developer, may be required by the City.*
12. *Dust control shall be maintained at all times.*
13. *Erosion Control Plans shall be provided for all projects. Grading and clearing is prohibited from November 1 to March 31 for all developments within or adjacent to ESHA and/or including grading on slopes greater than 4:1.*
14. *All underground utilities and service laterals shall be installed prior to construction of curbs, gutters, sidewalks, and paving unless otherwise permitted by the City Engineer.*
15. *The Developer shall comply with NPDES requirements. The Storm Water Pollution Prevention Plan (SWPPP) shall be available at the construction site at all times and shall be kept updated.*
16. *All recommendations made by the Geotechnical/Soils Engineer (and Engineering Geologist, where employed), and contained in the reports referenced herein, as approved or conditioned by the City, shall be considered a part of the Grading Plan.*
17. *All storm drain pipe within the public right-of-way and easements shall be reinforced concrete pipe (RCP).*
18. *Terrace drains, interceptor drains, and down drains shall be constructes of 3" P.C.C. reinforced with 6"x6" x #10 W.W.M. and shall be either semicircular or triangular cross section. Concrete color shall be "Omaha Tan" or approved equivalent.*
19. *Grading Quantities:*
    Cut: 12,649 cu.yd. Fill: 394 cu.yd.
    Export: 12,255 cu.yd. Import: 0 cu.yd.
20. *Total Disturbed Area acres 0.77 ACRES*
    (including grading, clearing, and landscaping area)
    Total Existing Impervious Surface Area: 0 sq.ft.
    Total Proposed Impervious Surface Area: SEE ARCH PLAN sq.ft.
    Flood Zone on FIRM: _____ Base Flood Elevation: _____ ft.
21. *All slopes on private property adjoining streets, drainage channels, or other public facilities shall be graded not steeper than 2:1 for cut and fill unless specifically approved by the City Engineer on recommendation of the project's geotechnical/soils consultant.*
22. *All catch basins and drainage inlets shall be stenciled with the City of Malibu storm drain logo.*

GRADING GENERAL NOTES:

MALIBU DEVELOPMENT STANDARDS (CUTS and FILLS) [3312, 3313 & Malibu LCP 8.3]:

1. *Cut material may only be exported to an appropriate landfill or a site permitted to accept material.*

GRADING INSPECTION REQUIREMENTS [3317.6]:

1. *Initial Inspection: When the site has been cleared of vegetation and unapproved fill and it has been scarified, benched or otherwise prepared for fill. No fill shall have been placed prior to this inspection.*
2. *Toe Inspection: After the natural ground is exposed and prepared to receive fill and before any fill is placed.*
3. *Excavation Inspection: After the excavation is started and before the depth of excavation exceeds 10 feet.*
4. *Rough Inspection: When approximate final elevations have been established, drainage terrace, swales and other drainage devices necessary for the protection of the building site from flooding are installed, berms installed at the top of slopes. Submit the recommended inspection to the building official to approve.*

   Official has approved Rough Grading.
5. *Final Inspection: When grading has been completed, all drainage devices necessary to drain the building pad are installed, slope planting established and all irrigation systems are in operation. Submit the recommended inspection to the building official to approve. The Soils Engineer shall have approved the construction of the buttressing and certify to the stability of the slope and adjacent structures upon completion.*
6. *Subdrain Installation: Provide continuous inspection during subdrain excavation and installation. Continuous inspection by the Soils Engineer or his responsible representative shall be provided during all subdrain installations. [3313.2]*
7. *Fill Inspection:*

   7.1. After the fill emplacement is started and before the vertical height of the lifts exceeds 10 ft. [3313.2]

   7.2. During preparation of natural ground and placement and compaction of fill.

   7.3. The soils engineer shall be present during the entire fill placement and compaction of fills that will exceed a vertical height or depth of 30 ft. or result in a slope surface steeper than 2horizontal to 1 vertical. [33 ft.7
8. *Drainage Device Inspection: After forms and pipe are in place and before any concrete is poured.*
9. *Rough Grading: When all rough grading has been completed and erosion protection has been installed. The Geotechnical Engineer shall submit the final compaction report prior to the approval of rough grade.*

COMPACTION TESTING REQUIREMENTS:

1. *Fill shall be compacted (as determined by A.S.T.M. Soil Compaction Test D1557- Latest Version) throughout their full extent to [3313.4]:*
2. *A minimum relative compaction of 90% of maximum dry density within 40 ft. below finished grad, and*
3. *93% of maximum dry density deeper than 40 ft. below finished grade*
4. *Field density shall be determined by Sand-Cone Method, A.S.T.M. D1556 - Latest Version. In fine-grained cohesive soils field density may be determined by the Drive-Cylinder Method, A.S.T.M. D-2937- Latest Version, provided not less than 20% of the required density tests, uniformly distributed, are by the Sand-Done Method. The method of determining field density shall be shown in the compaction report. Other methods may be used if recommended by the Soils Engineer and approved in advance by the Building Official. [3313.4]*
5. *Sufficient tests of soil properties, including soil types and shear strength, shall be made during grading operations to verify compliance with design criteria. The results of such testing shall be furnished to the Building Official upon completion of grading operations, or when necessitated by field conditions upon request of the Building Official. [3313.8] One field density test to be made as follows:*

   5.1. One test for each two foot vertical left.

   5.2. One test for each 1,000 cubic yard of material placed.

   5.3. One test will be made at point approximately one foot below the fill slope surface on the basis of one test for each 1,000 square feet of slope surface but not less than one test for each 10 foot of vertical slope height.

GENERAL NOTES:

1. *Any modifications of or changes in approved grading plans must be approved by the Building Official.*
2. *A copy of the grading permit and approved grading plan must be in the possession of a responsible person and available at the site.*
3. *This plan has been checked on the assumption that the fills shown will not be unsuitable for the support of structures. All foundations for future buildings are to be designed by the Soils Engineer and Engineering Geologist. Recommendations shall include correction numbers 94, 95 & 96.*
4. *Engineer must set grade stakes for all drainage devices and the contractor shall obtain inspection before pouring.*
5. *All storm drain work is to be done under continuous inspection by the Field Engineer. Weekly status reports shall be submitted by the Field Engineer to the City Building Department.*
6. *Provisions shall be made for contributory drainage at all times.*
7. *Secure permission from (City Engineer), (State Highway Department) for construction, grading and/or discharge of drainage within street right-of-way.*
8. *Separate plans for temporary drainage and Wet Weather Erosion Control measure to be used during the rainy season must be submitted prior to October 1. The erosion control devices shown on said plans must be installed by not later than November 1 and maintained in operable condition until April 15. [3319.3]*
9. *The Grading Contractor shall submit a written statement verifying that the work done under his direction was performed in accordance with he approved plans and requirements of Chapter 33 of the Malibu Building Code or describing all variances from the approved plans and requirements of the code. [3318.1]*
10. *The Design Engineer verifies that this grading plan was prepared under my supervision in accordance with Section 3318.1 of the Malibu Building Code. All soils engineer and engineering geology recommendations were incorporated in plan. (Must be signed and dated by the Design Engineer.)*
11. *All recommendations included in the consultant's soil and geology reports must be complied with and are a part of the grading specifications.*
12. *Grading operations must be conducted under periodic geologic inspection with monthly inspection reports to be submitted to the City Building Department.*
13. *The consulting geologist must approve rough grading by final report. Final report must include an as-built geologic map.*
14. *Grading shall not be started without first notifying the Grading Inspector. A pre-grading meeting on the site is required before start of grading with the following people present: Owner, Grading Contractor, Design Civil Engineer, Soil Engineer, Geologist, Grading Inspector, and when required, the Archaeologist and Paleontologist. The required inspections for grading will be explained at this meeting.*
15. *Fill shall be benched into competent material per City of Malibu Standard or Soils Engineer's directions.*
16. *All existing fills shall be approved by the Building Official or removed prior to placing additional fills.*

ADDITIONAL GRADING GENERAL NOTES:

1. *The Building Official shall approve stock piling of excess material prior to excavation.*
2. *The Field Engineer, as a condition of rough grade approval, shall provide a blue top with accompanying witness stake, set at the center of each pad reflecting the pad elevation for precise permits and a blue top with witness stake set at the drainage swale high point reflecting the high point elevation for Preliminary Permits.*
3. *All trench backfills shall be tested and approved by the Soil Engineer.*
4. *The Engineering Geologist and Soil Engineer shall, after clearing and prior to the placement of fill in canyons, inspect each canyon for areas of adverse stability and to determine the presence of absence of subsurface water or spring flow. If needed, subdrains will be designed and constructed prior to the placement of fill in each respective canyon.*
5. *Subdrain outlets shall be completed at the beginning of the subdrain construction and survey for location. The as graded plan shall show all subdrain locations and elevations.*
6. *All cut slopes shall be investigated both during and after grading by the Engineering Geologist to determine if any slope stability problem exists. Should excavation disclose any geological hazards or potential geological hazards, the Engineering Geologist shall submit recommended treatment to the building official for approval.*
7. *Where support or buttressing of cut and natural slopes is determined to be necessary by the Engineering Geologist and Soil Engineer, the Soil Engineer shall submit design, locations, and calculations to the Building Official prior to construction. The Engineering Geologist and Soil Engineer shall inspect and approve the construction of the buttressing and certify to the stability of the slope and adjacent structures upon completion.*
8. *When cut pads are brought to near grade, the Engineering Geologist shall determine if the bedrock is extensively fractured or faulted and will readily transmit water. If considered necessary by the Engineering Geologist and Soil Engineer, a compacted fill blanket will be placed.*
9. *The composition report and approval from the Soil Engineer shall indicate the type of field-testing performed. Each test shall be identified with the method of obtaining the in-place density, whether sand cone or nuclear gauge, and shall be so noted for each test.*
10. *Export soil must be transported to a legal dump or to a permitted site shown clearly on approved plans.*
11. *The Engineer shall submit a Letter of Certification to the Building Official stating that the grading was done in compliance with the approved grading plan.*
12. *Preliminary soil and geology reports and all subsequent reports, as approved by the City of Malibu, are considered a part of the approved grading plan. All recommendations contained are to be complied with or revisions submitted for review.*
13. *All existing drainage courses through this site shall remain open until facilities to handle storm water are approved and functional; however, in any case, the permittee shall be held liable for any damage due to obstructing natural drainage patterns.*
14. *Roof gutters shall be installed to prevent roof drainage from falling on manufactured slopes. Gutters shall be connected to non-erosive piping or other other method acceptable to the Building Official.*
15. *Any excavations adjacent to other property or structures are subject to the provisions of California Civil Code, Section 832, and is the responsibility of the permittee and/or owner.*

ADDITIONAL GEOTECHNICAL NOTES:

1. *Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Geotechnical Consultant, as appropriate.*
2. *All foundation excavations must be observed and approved by the Geotechnical Consultant prior to placement of reinforcing steel.*
3. *Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and backdrains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map.*
4. *Prior to final approval of the project, an as-built report documenting the installation of the retaining wall tie-back system shall be prepared by the Project Geotechnical Consultant. The report shall include, as a minimum, the locations and details of the installations such as tieback length, dates of installation, and test results of tension capacities. the report shall include a statement that the retaining walls tie-back systems were installed under the observation of the geologist and geotechnical engineer of record and that the installations conformed to the approved plan and specifications. Any modifications to the plans necessary fo the conditions encountered during construction must be documented in the final report.*
5. *An as-built geotechnical report documenting the installation of the pile and soldier pile foundation elements for the motel and retaining walls.*
   The report shall document total depth, depth into bedrock, depth to groundwater, and include a map with the locations of the piles.

City of Malibu

23815 Stuart Ranch Road • Malibu, California 90265-4861 (310) 456-2489 • fax (310) 317 0950
• www.ci.malibu.ca.us

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE
PLANNING DIVISION REVIEW LEVEL

PLANNING APPLICATION NUMBER: _____
PROJECT ADDRESS: 22959 PACIFIC COAST HWY

All projects proposing land form alteration which involves more than 100 cubic yards of grading shall complete this form. The completed form must be provided at the time of Planning Division application for grading approval. All applicable cubic yardages shall be completed in the table. All calculations utilized to estimate the cubic yardages indicated shall be attached to this form. This form and the required calculations must be prepared by a State of California Licensed Civil Engineer or a Licensed Surveyor. The form and the calculations shal be stamped and wet signed by the preparing party.

	EXEMPT			Non-		
	R&R	Understructure	Safety	Exempt	Remedial	Total
Cut	0	11,695	0	954	0	12,649
Fill	0	0	0	394	0	394
Total	0	11,695	0	1348	0	13,043
Import	0	0	0	0	0	0
Export	0	0	0	0	0	12,255

All quantities indicated shall be in Cubic Yards only.
R&R = Removal and Recompaction
Safety Grading is required grading for L.A. County Fire Depart. access approval beyond the fifteen foot minimum access and may include tuorouts, hammerheads, turnarounds, and access roadway widening. Remedial grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residence structure or access to the lot.

PREPARED BY: JUSTIN D. HOLT
PRINT NAME:
SIGNATURE: 03/09/20
DATE:

REGISTERED PROFESSIONAL ENGINEER JUSTIN DENVER HOLT No.71452 CIVIL STATE OF CALIFORNIA



VICINITY MAP

LIST OF CONSULTANTS:

CIVIL: **GEOWORKS, INC.**
5158 COCHRAN ST.
SIMI VALLEY, CA, 93063
(805) 304-2101

GEOTECHNICAL: **GEOCONCEPTS., INC.**
14428 HAMLIN STREET, UNIT 200
VAN NUYS, CA., 91401
(818) 994-8505
(818) 994-8599 fax

ARCHITECT: **BURDGE & ASSOCIATES ARCHITECTS, INC.**
24911 PACIFIC COAST HIGHWAY
MALIBU, CA., 90265
(310) 456-5905
(310) 456-2467 FAX

REGISTERED PROFESSIONAL ENGINEER JUSTIN DENVER HOLT No.71452 CIVIL STATE OF CALIFORNIA

PREPARED BY:
GeoWorks Engineering Group
5158 Cochran Street
Simi Valley, CA 93063
(805) 515-2100 phone

OWNER INFORMATION:
SKA DEVELOPMENT
1541 OCEAN AVENUE, STE. 200
SANTA MONICA, CA. 90401

DATE	REVISIONS

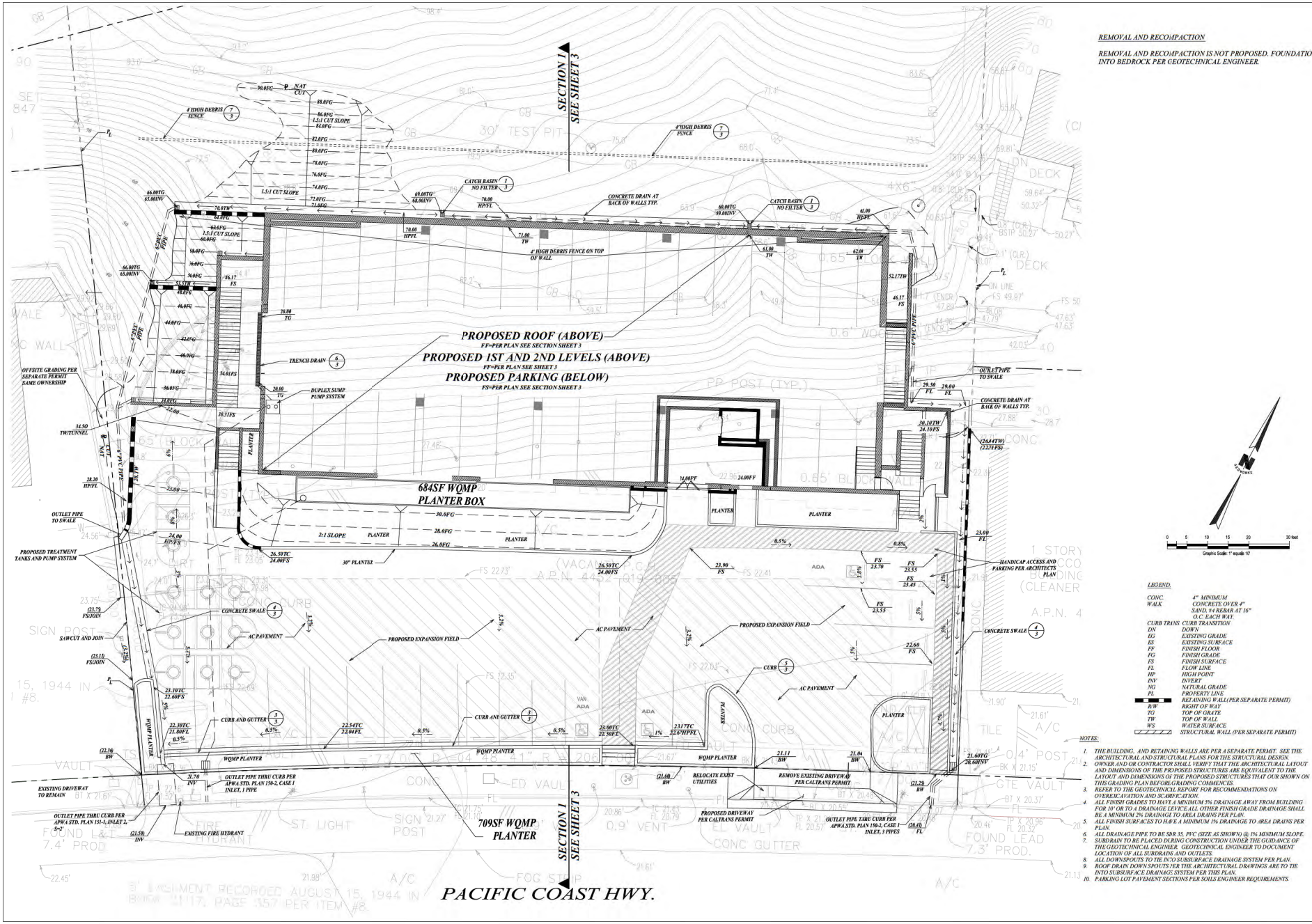
SHEET INDEX

SHT. 1	COVER SHEET
SHT. 2	GRADING AND DRAINAGE PLAN
SHT. 3	SITE AND SECTION

NOTES:

1) ***TESTS SHALL BE PERFORMED PRIOR TO POURING FOOTINGS AND SLABS TO EVALUATE THE EXPANSION INDEX OF THE SUPPORTING SOILS AND FOUNDATION AND SLAB PLANS SHOULD BE REVIEWED BY THE CIVIL OR STRUCTURAL ENGINEER AND REVISED, IF NECESSARY.***
2) ***FOUNDATIONS TO BE PLACED INTO CERTIFIED COMPACTED FILL PER THE GEOTECHNICAL ENGINEER AND GEOLOGIST RECOMMENDATIONS.***

CITY OF MALIBU
COVER SHEET
22959 PACIFIC COAST HWY
SHEET 1 OF 3 | ***JOB No.: GW2662*** | ***DATE: 03/04/20***



REMOVAL AND RECOMPACTION

REMOVAL AND RECOMPACTION IS NOT PROPOSED. FOUNDATIONS INTO BEDROCK PER GEOTECHNICAL ENGINEER.

LEGEND.

CONC		4" MINIMUM CONCRETE OVER 4" SAND, #4 REBAR AT 16" O.C. EACH WAY.
CURB TRANS		CURB TRANSITION
DN		DOWN
EG		EXISTING GRADE
ES		EXISTING SURFACE
FF		FINISH FLOOR
FG		FINISH GRADE
FS		FINISH SURFACE
FL		FLOW LINE
HP		HIGH POINT
INV		INVERT
NG		NATURAL GRADE
PL		PROPERTY LINE
		RETAINING WALL(PER SEPARATE PERMIT)
RW		RIGHT OF WAY
TG		TOP OF GRATE
TW		TOP OF WALL
WS		WATER SURFACE
		STRUCTURAL WALL (PER SEPARATE PERMIT)

NOTES:

1. THE BUILDING, AND RETAINING WALLS ARE PER A SEPARATE PERMIT. SEE THE ARCHITECTURAL AND STRUCTURAL PLANS FOR THE STRUCTURAL DESIGN.
2. OWNER AND OR CONTRACTOR SHALL VERIFY THAT THE ARCHITECTURAL LAYOUT AND DIMENSIONS OF THE PROPOSED STRUCTURES ARE EQUIVALENT TO THE LAYOUT AND DIMENSIONS OF THE PROPOSED STRUCTURES THAT OUR SHOWN ON THIS GRADING PLAN BEFORE GRADING COMMENCES.
3. REFER TO THE GEOTECHNICAL REPORT FOR RECOMMENDATIONS ON OVEREXCAVATION AND SCARIFICATION.
4. ALL FINISH GRADES TO HAVE A MINIMUM 5% DRAINAGE AWAY FROM BUILDING FOR 10' OR TO A DRAINAGE DEVICE. ALL OTHER FINISH GRADE DRAINAGE SHALL BE A MINIMUM 2% DRAINAGE TO AREA DRAINS PER PLAN.
5. ALL FINISH SURFACES TO HAVE A MINIMUM 1% DRAINAGE TO AREA DRAINS PER PLAN.
6. ALL DRAINAGE PIPE TO BE SDR 35, PVC (SIZE AS SHOWN) @ 1% MINIMUM SLOPE.
7. SUBDRAIN TO BE PLACED DURING CONSTRUCTION UNDER THE GUIDANCE OF THE GEOTECHNICAL ENGINEER. GEOTECHNICAL ENGINEER TO DOCUMENT LOCATION OF ALL SUBDRAINS AND OUTLETS.
8. ALL DOWNSPOUTS TO TIE IN TO SUBSURFACE DRAINAGE SYSTEM PER PLAN.
9. ROOF DRAIN DOWN SPOUTS PER THE ARCHITECTURAL DRAWINGS ARE TO TIE INTO SUBSURFACE DRAINAGE SYSTEM PER THIS PLAN.
10. PARKING LOT PAVEMENT SECTIONS PER SOILS ENGINEER REQUIREMENTS.

PREPARED FOR:

SEA DEVELOPMENT
23440 HAWTHORNE BLVD. STE. 200
TORRANCE, CA. 90505

REGISTERED PROFESSIONAL ENGINEER
No.71452
CIVIL
STATE OF CALIFORNIA

PREPARED BY:

GeoWorks
ENGINEERING GROUP
5138 Cochran Street
Simi Valley, CA 93063
(805) 312-3306 phone

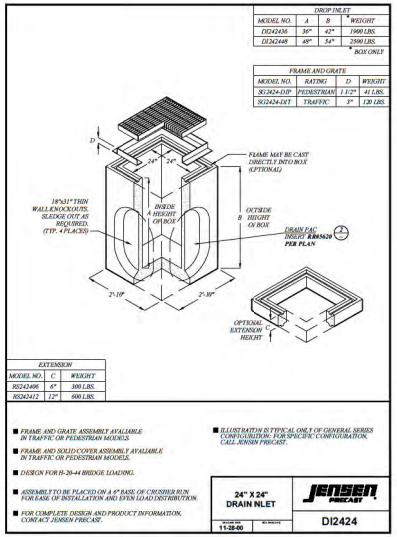
#	REVISIONS	DATE

CITY OF MALIBU

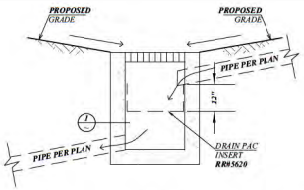
GRADING AND DRAINAGE PLAN

22959 PACIFIC COAST HWY

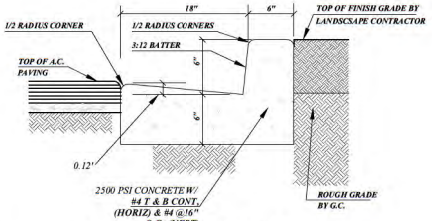
SHEET 2 OF 3 | JOB No.: GW2662 | DATE: 03/04/20



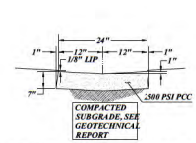
CATCH BASIN - DETAIL 1
NTS



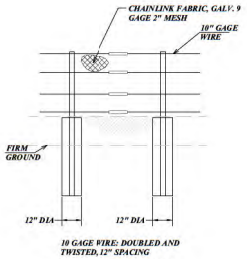
CATCH BASIN/ DRAIN PAC INSERT - DETAIL 2
1" = 2'



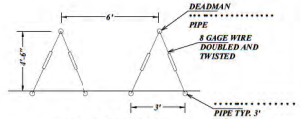
CONCRETE CURB DETAIL-3
NTS



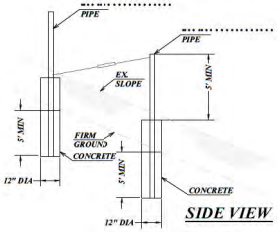
CONCRETE SWALE - DETAIL 4
1" = 1'



FRONT VIEW

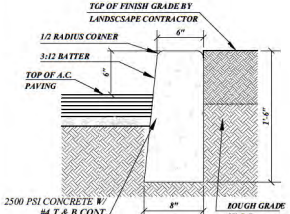


PLAN VIEW

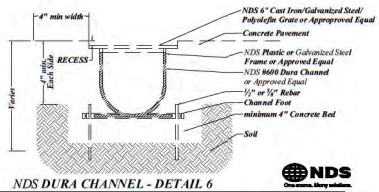


SIDE VIEW

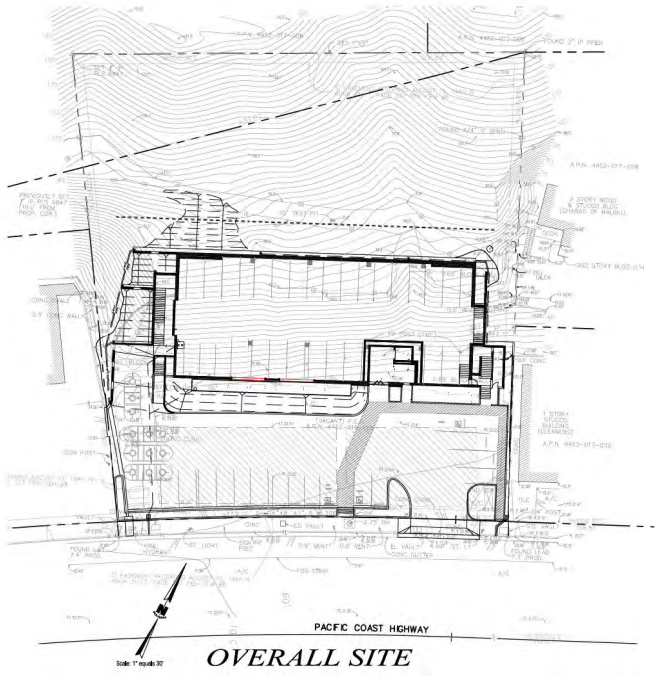
DEBRIS FENCE - DETAIL 7
1" = 2'



CONCRETE CURB - DETAIL 5
NTS



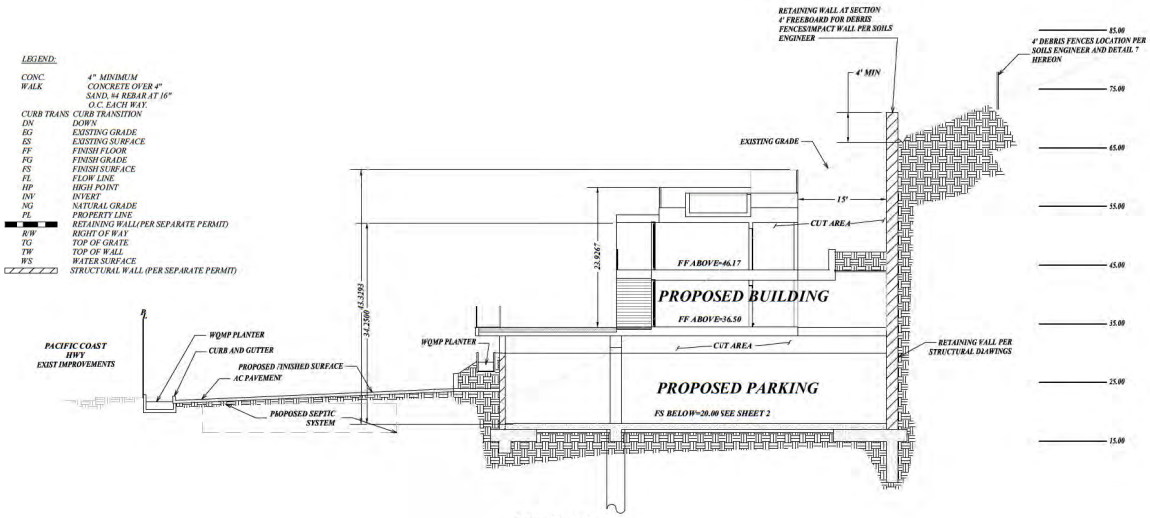
NDS DURA CHANNEL - DETAIL 6
NOT TO SCALE



OVERALL SITE

LEGEND:

CONC.	4" MINIMUM
WALK	CONCRETE OVER 4" SAND, #4 REBAR AT 16" O.C. EACH WAY.
CURB TRANS	CURB TRANSITION
DN	DOWN
EG	EXISTING GRADE
ES	EXISTING SURFACE
FF	FINISH FLOOR
FG	FINISH GRADE
FS	FINISH SURFACE
FL	FLOW LINE
HP	HIGH POINT
INV	INVERT
NG	NATURAL GRADE
PL	PROPERTY LINE
	RETAINING WALL(PER SEPARATE PERMIT)
ROW	RIGHT OF WAY
TG	TOP OF GRATE
TW	TOP OF WALL
WS	WATER SURFACE
	STRUCTURAL WALL (PER SEPARATE PERMIT)



SECTION 1
1"= 10'

PREPARED FOR:
SEA DEVELOPMENT
1545 OCEAN AVENUE, STE. 200
SANTA MONICA, CA. 90401

REGISTERED PROFESSIONAL ENGINEER
No.71452
CIVIL
STATE OF CALIFORNIA

PREPARED BY:
GeoWorks
ENGINEERING GROUP
5138 Cochran Street
Simi Valley, CA 93063
(805) 312-3306 phone

#	REVISIONS	DATE

CITY OF MALIBU
SITE AND SECTION
22959 PACIFIC COAST HWY
JOB No.: GW2662 | DATE: 3/04/20
SHEET 3 OF 3

PLANT KEY:

ARBUTUS MARINA, MULTI., 36" BOX (B)

ARBUTUS UNEDO, MULTI., 24" BOX STRAWBERRY TREE (B)

HETEROMELES ARBUTIFOLIA, MULTI., 15 GALLON TOYON (10)

PLATANUS RACEMOSA, STD., 48" BOX CALIFORNIA SYCAMORE (5)

(C) CEANOTHUS GRISEUS HORIZONTALIS, 1 GALLON 'FARALLON' CEANOTHUS (6' O.C.)

(F) FESTUCA OVINA GLAUCA, 1 GALLON BLUE FESCUE (12" O.C.)

(J) JUNCUS PATENS, 5 GALLON RUSH (2' O.C.)

(L) LIRIOPE MUSCARI, 1 GALLON BIG BLUE LILY TURF (2' O.C.)

(M) MYOPORUM PARVIFOLIUM, FLAT, PROSTRATE MYOPORUM (6' O.C.)

(P) PENNISETUM MESSIACUM, 5 GALLON RED BUNNY TAILS PENNISETUM (2' O.C.)

(S) SEDUM SPATHULIFOLIUM, 1 GALLON SUCCULENTS (12" O.C.)

(V) VERBENA PULCHELLA GRACILIOR, FLAT, MOSS VERBENA (6" O.C.)

STRELITZIA NICOLAI, 24" BOX GIANT BIRD OF PARADISE (16)

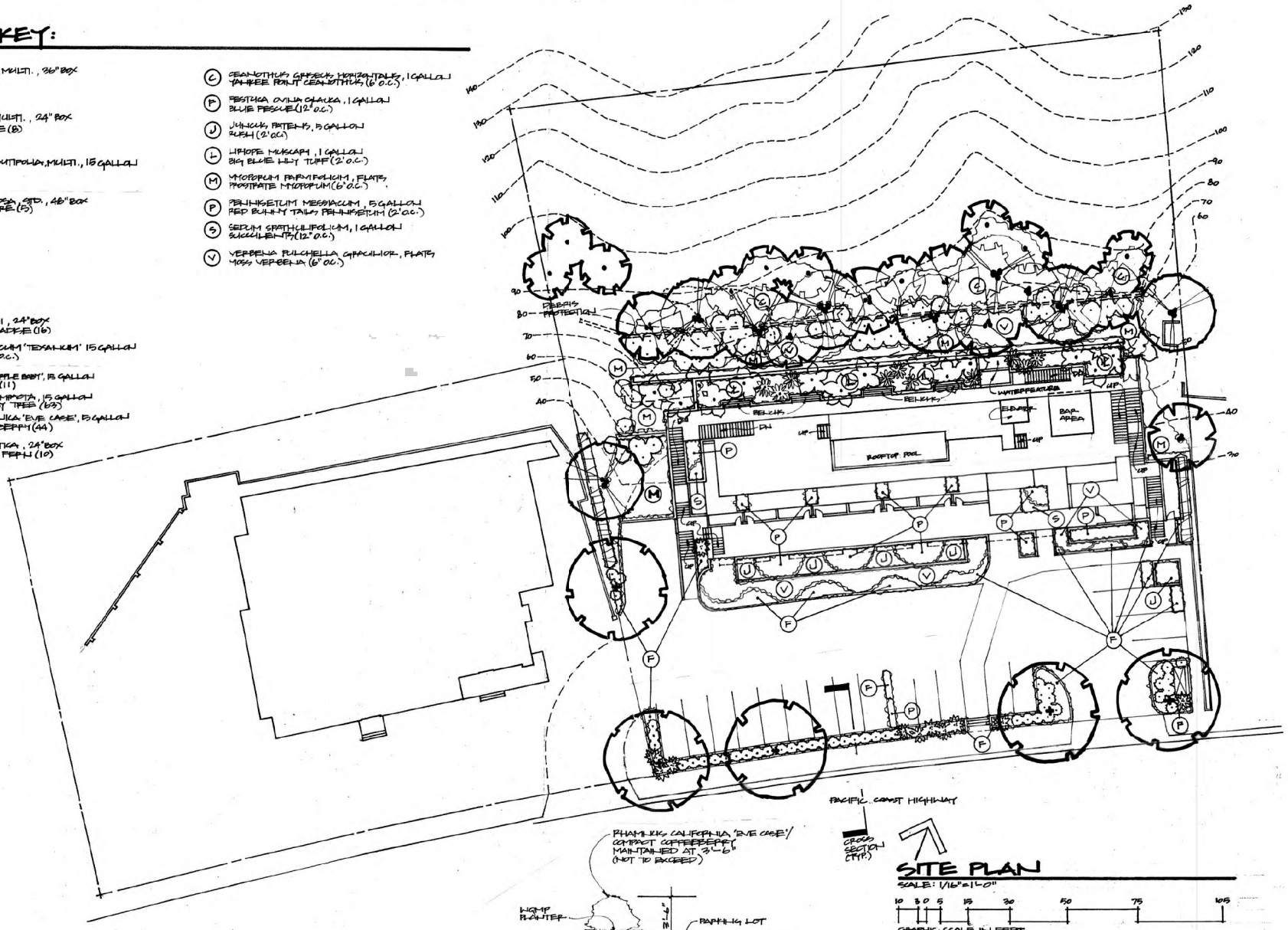
LIGUSTRUM JAPONICUM 'TEXANUM' 15 GALLON PRIVET HEDGE (2' O.C.)

PHORMIUM TENAX 'PURPLE BABY', 15 GALLON DWARF PURPLE FLAX (11)

ARBUTUS UNEDO COMPACTA, 15 GALLON DWARF STRAWBERRY TREE (63)

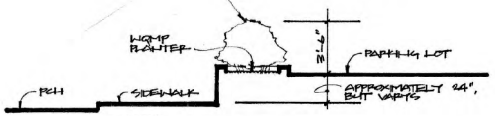
PHAMILIS CALIFORNICA 'EVE CASE', 5 GALLON EVE CASE COFFEEBERRY (44)

DICKSONIA ANTARCTICA, 24" BOX TASMANIAN TREE FERN (10)



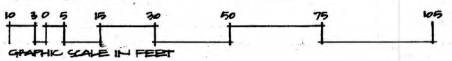
CROSS SECTION (TYP.)

PHAMILIS CALIFORNIA 'EVE CASE'/ COMPACT COFFEEBERRY, MAINTAINED AT 3'-6" (NOT TO EXCEED)



(TYP.)
PARKING LOT SCREENING CROSS SECTION
SCALE: 1/4"=1'-0"

SITE PLAN
SCALE: 1/16"=1'-0"



MALIBU INN MOTEL
22652 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

D. TURNER LANDSCAPE ARCHITECTURE
P.O. BOX 2224
MALIBU, CA.
WWW.DTURNERLA.COM/310.456.3952

PLANTING PLAN

SHEET P.1

MAY 2019
NOV. 2019
APRIL 2020

HYDROZONE KEY: (TOTAL LOT SQ. FOOTAGE - APPROX. 51,685)

ZONE	DESCRIPTION OF ZONE	SQ. FOOTAGE
1	POOL (HIGH WATER USE)	400
2	WATER FEATURE (HIGH WATER USE)	90
3	PLANTED AREA (MEDIUM WATER USE)	1521
4	HEDGE (MEDIUM WATER USE)	276
5	WQMP PLANTER	1618
6	DROUGHT TOLERANT PLANTED AREA (LOW WATER USE)	1493
7	HILLSIDE DROUGHT TOLERANT PLANTED AREA (LOW WATER USE)	6689
8	NATURAL UNDISTURBED HILLSIDE (NO WATER USE) OPEN SPACE	17666

11,507 S.F. TOTAL PLANTED AREA

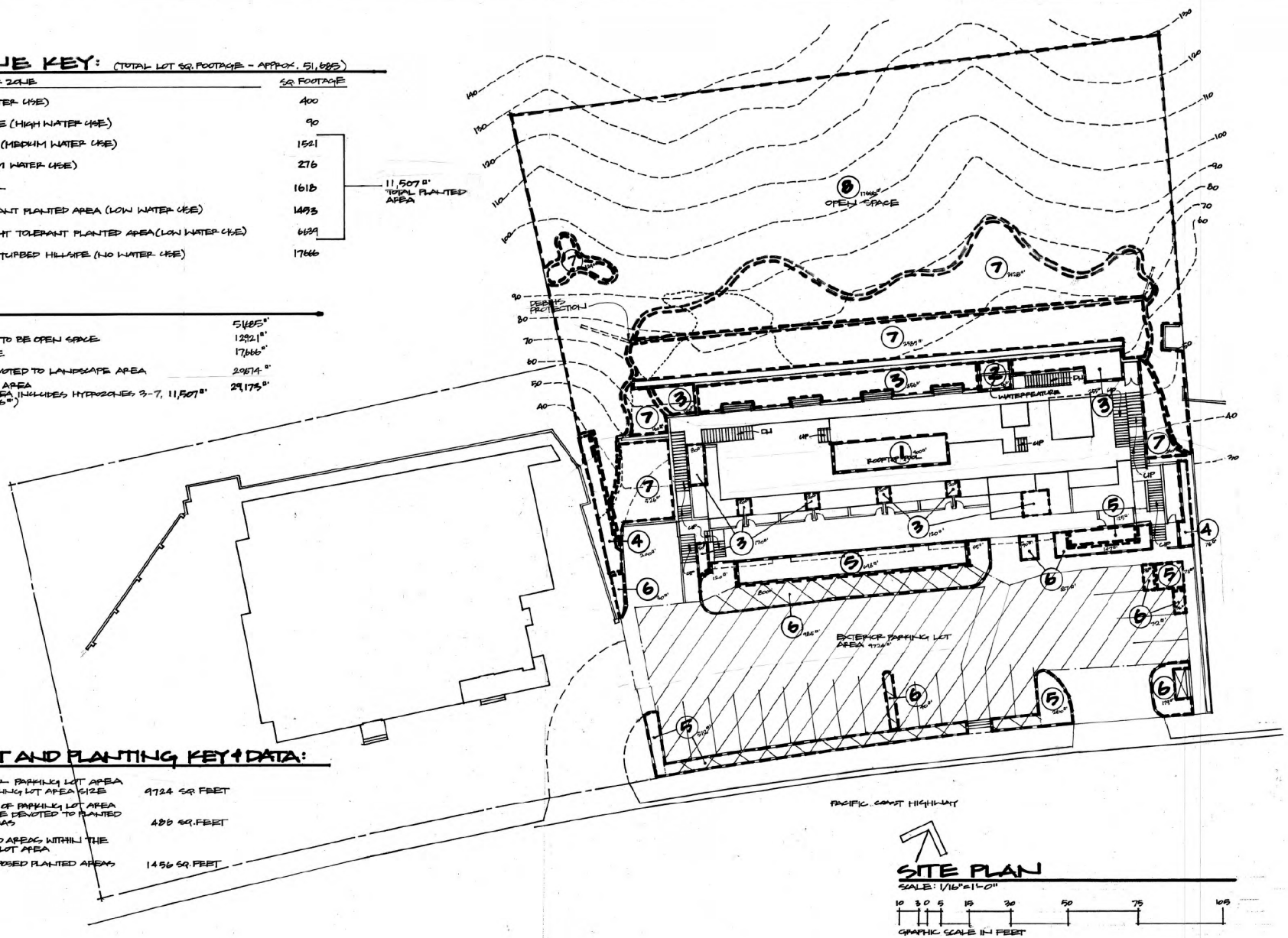
LOT DATA

TOTAL LOT SIZE	51685 S.F.
25% OF LOT REQUIRED TO BE OPEN SPACE	12921 S.F.
PROPOSED OPEN SPACE	17666 S.F.
40% OF LOT TO BE DEVOTED TO LANDSCAPE AREA	20674 S.F.
PROPOSED LANDSCAPE AREA (TOTAL LANDSCAPE AREA INCLUDES HYDROZONES 3-7, 11,507 S.F. AND OPEN SPACE., 17,666 S.F.)	29,173 S.F.

PARKING LOT AND PLANTING KEY & DATA:

EXTERIOR PARKING LOT AREA
PARKING LOT AREA SIZE — 9724 SQ. FEET
5% OF PARKING LOT AREA TO BE DEVOTED TO PLANTED AREAS — 486 SQ. FEET

PLANTED AREAS WITHIN THE PARKING LOT AREA
PROPOSED PLANTED AREAS — 1456 SQ. FEET



SITE PLAN

SCALE: 1/16"=1'-0"

10 3 0 5 15 30 50 75 105

GRAPHIC SCALE IN FEET

MALIBU INN MOTEL
22878 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

D'TARNER LANDSCAPE ARCHITECTURE
P.O. BOX 2224
MALIBU, CA.
WWW.DTURNERLA.COM/310.456.3982

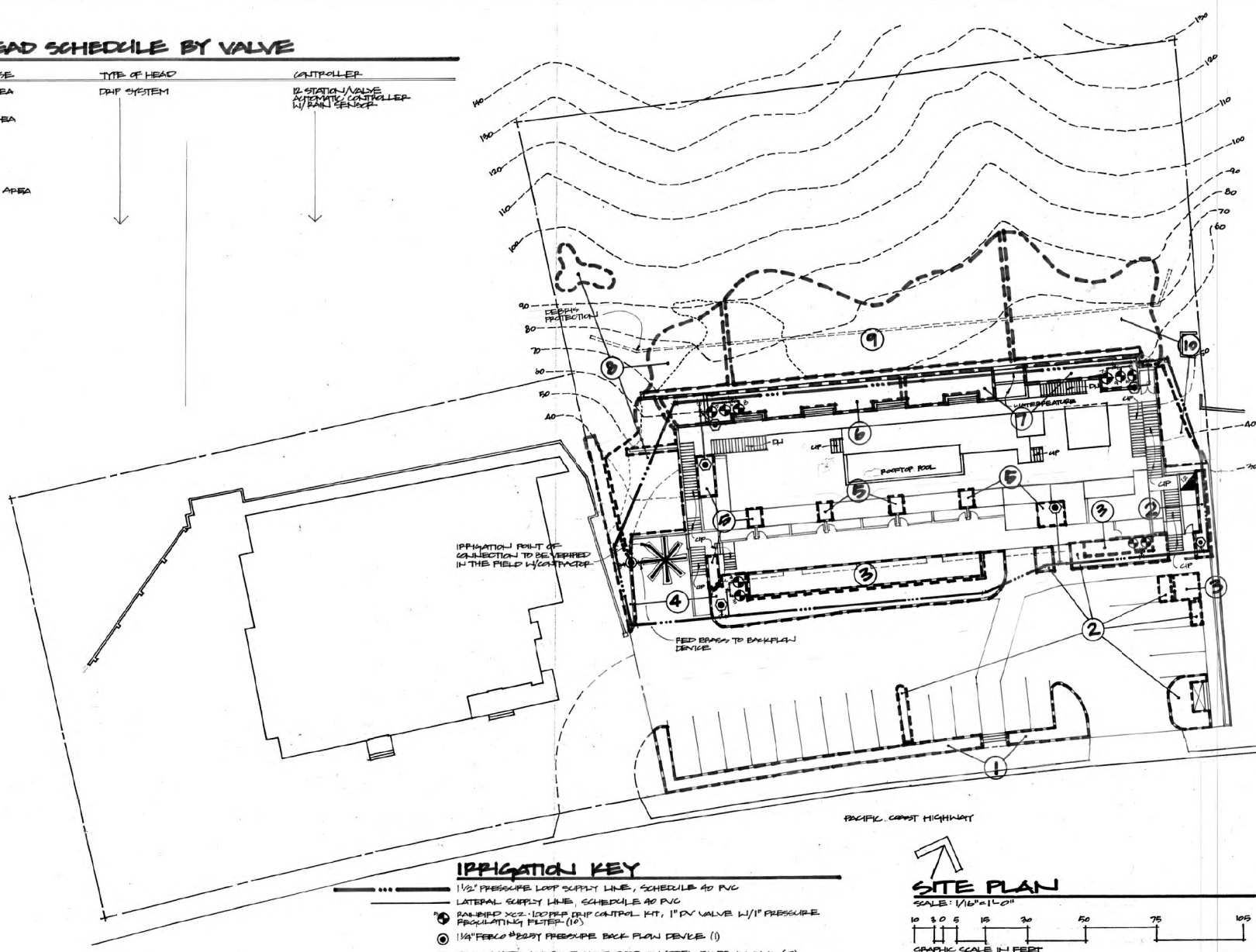
HYDROZONE PLAN
W/LOT AND PARKING LOT AREA DATA

SHEET
HZ.1

MAY 2019
NOV. 2019

IRRIGATION HEAD SCHEDULE BY VALVE

ZONE/ VALVE	DESCRIPTION OF USE	TYPE OF HEAD	CONTROLLER
1	WUMP PLANTED AREA	DRIP SYSTEM	12 STATION/VALVE AUTOMATIC CONTROLLER W/ RAIN SENSOR
2	PLANTED AREA		
3	WUMP PLANTED AREA		
4	PLANTED AREA		
5			
6			
7			
8	HILLSIDE PLANTED AREA		
9			
10			



IRRIGATION KEY

- 1½" PRESSURE LOOP SUPPLY LINE, SCHEDULE 40 PVC
- LATERAL SUPPLY LINE, SCHEDULE 40 PVC
- RAINBIRD XCZ-100-PRB DRIP CONTROL KIT, 1" DV VALVE W/1" PRESSURE REGULATING FILTER (10)
- 1¼" FEBCO #825Y PRESSURE BACK FLOW DEVICE (1)
- BRASS WATER HYDRANT HOSE BIBB ON STEEL PIPE IN CONC. (7)
- 12 STATION/VALVE AUTOMATIC CONTROLLER, IRRITROL OR EQUAL W/ RAIN SENSOR (1)
- AREA OF VALVE (10)

SITE PLAN

SCALE: 1/16"=1'-0"

10 30 5 15 30 50 75 105

GRAPHIC SCALE IN FEET

MALIBU INN MOTEL
22959 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

DITHER LANDSCAPE ARCHITECTURE
P.O. BOX 2224
MALIBU, CA.
WWW.DITHERLA.COM
(310) 456-3982

IRRIGATION PLAN

SHEET L-1

MAY 2019
NOV. 2019

LANDSCAPE LIGHTING KEY:

- CONTROLLER, FX LUMINAIRE LUX-300-SS (2)
- DIRECTIONAL DOWN LIGHT, FX LUMINAIRE QT-2D-1LED-BZ (10)
- WALL LIGHT, FX LUMINAIRE MO-2D-3LED-SQ-BZ (41)
- PATH LIGHT, FX LUMINAIRE M-FL-2D-1LED-BZ (17)
- ACCENT LIGHT, ROCKSCAPE P113B-NAZ W/SDRE, MR-16 LAMPS, 35 WATT FLOOD (2)
- WATER FEATURE LIGHT, HINKLEY 1539BS, SOLID BRASS, EXTRA LONG CORD, MR-16 LAMP 20 WATT (4)
- CLOCK, INTERMATIC TN311C 24 HOUR TIMER (30A/OFF CYCLES) MECHANICAL CLOCK MOUNTED AT EYE LEVEL AT LOCATION PER NOTE. THERE WILL BE 2 CLOCKS, EACH W/ PHOTOCELL OVERRIDE

UNLESS CONTROLLED BY MOTION SENSORS, OUTDOOR LIGHTING SHALL BE EXTINGUISHED BY 11:00PM OR WHEN PEOPLE ARE NO LONGER PRESENT IN EXTERIOR AREAS.

LIGHTING NOTES:

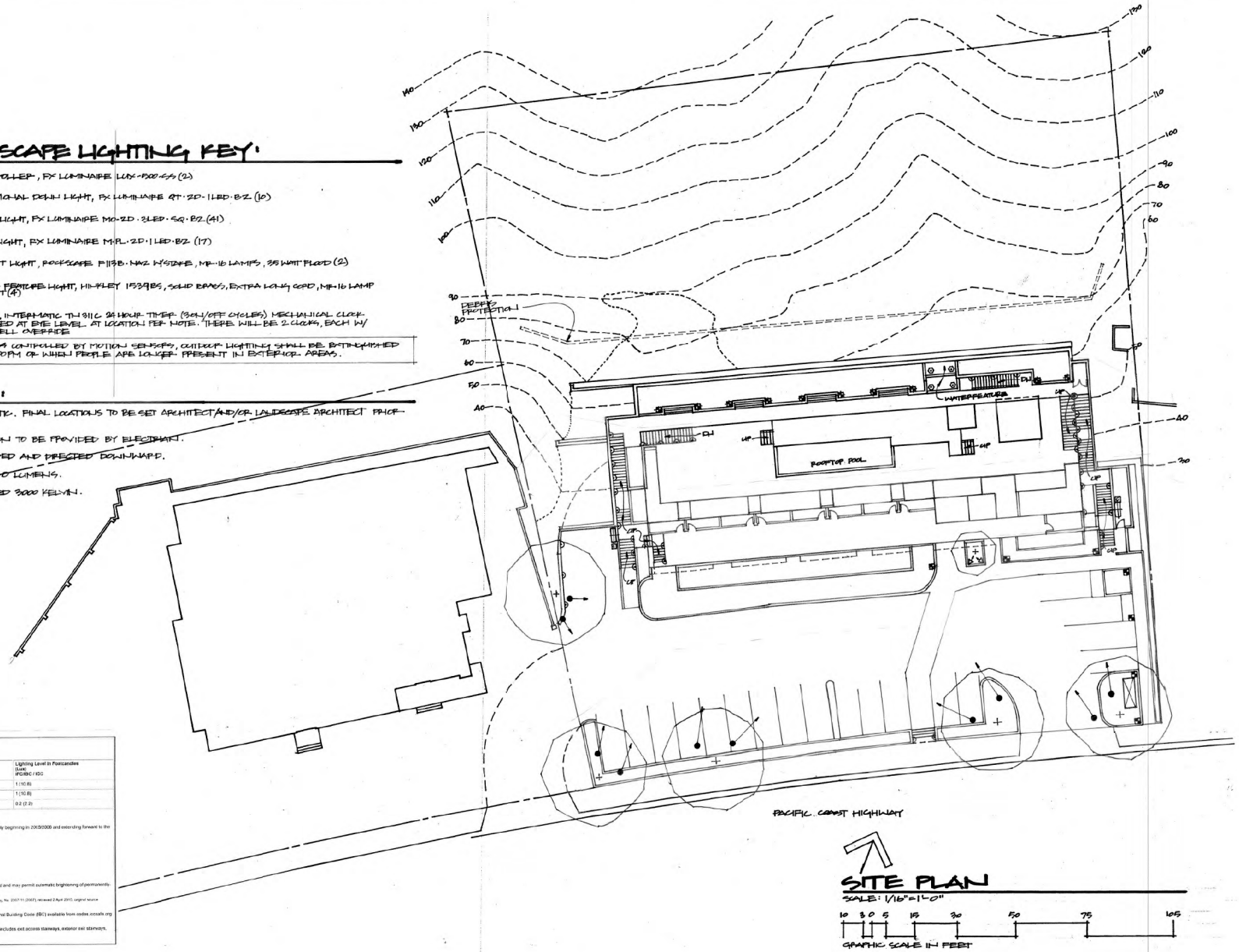
LOCATION OF LIGHTS ARE DIAGRAMMATIC. FINAL LOCATIONS TO BE SET ARCHITECT AND/OR LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

WIRING AND TRANSFORMER INSTALLATION TO BE PROVIDED BY ELECTRICIAN.

ALL LIGHTING SHALL BE FULLY SHIELDED AND DIRECTED DOWNWARD.

LUMEN COUNT SHALL NOT EXCEED 850 LUMENS.

COLOR TEMPERATURE SHALL NOT EXCEED 3000 KELVIN.



Egress Stairway Illumination Requirements per Building & Fire Codes

Walking Surface or Area	Lighting Level in Footcandles [Lux] NFPA 1 & 101	Lighting Level in Footcandles [Lux] IFC/IBC / IGC
New stairways	10 (108)	1 (10.8)
Floors & other walking surfaces (not stairs)	1 (10.8)	1 (10.8)
Assembly areas during performances	0.2 (2.2)	0.2 (2.2)

Notes:

Effective dates: NFPA as of 2003 in the U.S. but adoption by local jurisdictions may vary, typically beginning in 2005/2006 and extending forward to the current IBC 2015

Illumination is measured at the walking surface

Illumination is always-on, 24/7 but can be automatically dimmed

Key NFPA Standards, Codes & Guidelines include:

- NFPA 1, Uniform Fire Code™, Chapter 14
- NFPA 101, Life Safety Code®, Chapter 7

Note that jurisdictions may permit automatic dimming of stairways when the stair is not occupied and may permit automatic brightening of permanently illuminated (dimmed at night) stairways by automatic sensor switches that detect occupancy or motion

Adapted from FEMA, USA. "Means of Egress Illustration." FEMA U.S. Fire Administration (National Fire Academy, Re. 2007-11 (2007). retrieved 2 April 2015. original source: http://www.usfa.fema.gov/downloads/pdf/coffee-break/cb-2007-11.pdf

The most-current International Building Code Egress Lighting Code is the 2015 International Building Code (IBC) available from codes.iccsafe.org at this website: http://codes.iccsafe.org/app/book/toc/2015/I-Codes/2015%20IBC%20HTML/

In that document see *2015 IBC Section 1001, Chapter 10, Means of Egress* whose discussion includes exit access stairways, exterior exit stairways, interior exit stairways, scissor stairways, stairs, stairways, spiral stairs, and winder stairs.

SITE PLAN

SCALE: 1/16"=1'-0"

10 30 5 15 30 50 75 105

GRAPHIC SCALE IN FEET

MALIBU INN MOTEL

22878 PACIFIC COAST HIGHWAY MALIBU, CALIFORNIA 90265

D'TURNER LANDSCAPE ARCHITECTURE
P.O. Box 2224
MALIBU, CA.
WWW.DTURNERLA.COM/310.456.3932

LANDSCAPE LIGHTING PLAN

SHEET
LL-1

MAY 2019
NOV. 2019

City of Malibu

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

RECEIVED
JAN 08 2019
PLANNING DEPT.

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist **DATE:** 6/11/2018

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 09-067
JOB ADDRESS:	22959 PACIFIC COAST HWY
APPLICANT / CONTACT:	Joseph Lezama, Burdge and Associates Architect
APPLICANT ADDRESS:	24911 Pacific Coast Highway Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5905
APPLICANT FAX #:	
APPLICANT EMAIL:	joseph@buaia.com
PLANNER:	Adrian Fernandez
PROJECT DESCRIPTION:	New Motel, Grading, Retaining Walls, NAOWTS. Previously proposed as a new commercial building.

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Dave Crawford

____ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

X The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

____ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Signature

2/11/19
Date

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:
Dave Crawford, City Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277

Rev 05/29/2018

ATTACHMENT 3

City of Malibu

Biology • Planning Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 317-1950 · www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Joseph Lezama joseph@buaia.com	
Project Address:	**22959 Pacific Coast Highway**	
Planning Case No.:	CDP 09-067	
Project Description:	New motel, grading, retaining walls, NAOWTS, Previously proposed as a new commercial building	
Date of Review:	February 11, 2019	
Reviewer:	Dave Crawford	Signature:
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: dcrawford@malibucity.org

SUBMITTAL INFORMATION

Site Plans:	1/8/19
Site Survey:	1/8/19
Planting Plan:	1/8/19
Irrigation/Hydrozone/ water budget Plan:	1/8/19
Grading Plans:	1/8/19
OWTS Plan:	1/8/19
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Other:	
Previous Reviews:	Incomplete 12/14/09, incomplete 5/22/12, incomplete 4/7/15, approved 8/25/15, incomplete 6/26/18

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☐	**DENIED** The project cannot be approved as designed as it is conflict with one or more elements of the LCP and/or City Codes.
	☒	**APPROVED** The proposed project approved with the conditions attached.
Environmental Review Board:	☐	This project has the potential to impact ESHA and may require review by the Environmental Review Board

Recycled Paper

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 131,018 gallons per year. The Estimated Applied Water Use (EAWU) totals 120,472 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

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

   B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

   C. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Chapter 9.22). 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 9.22.

   D. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks District No. 29, please provide landscape water use approval from that department. For approval contact:

      Nima Parsa
      Address: 23533 West Civic Center Way, Malibu, CA 90265-4804
      Email: Nparsa@DPW.LACOUNTY.GOV (preferred)
      Phone: (310) 317-1389

      Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.

   E. **Delete Dragon tree** (*Dracaena draco*) from the planting plan along the PCH frontage. All street frontage trees are limited to species native to the Santa Monica Mountains.

   F. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

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

Recycled Paper

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

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

J. Grading should be scheduled only during the dry season from April 1-October 31st. 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.

K. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas.

L. Up-lighting of landscaping is prohibited.

2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

-o0o-

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file
Planning Department

Recycled Paper

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **REVISED DATE** ~~03/21/2022~~

PROJECT NUMBER:	CDP 09-067
JOB ADDRESS:	22959 PACIFIC COAST HWY
APPLICANT / CONTACT:	John Yaroslaski
APPLICANT ADDRESS:	7475 Carmelita Ave Atascadero, CA 93422
APPLICANT PHONE #:	(805) 772-0150
APPLICANT FAX #:	
APPLICANT EMAIL:	John Yaroslaski <jyaroslaski@ensitu.com>
PROJECT DESCRIPTION:	New motel, grading, retaining walls, new AOWTS

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

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

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

OWTS Plot Plan: ☐ **NOT REQUIRED**

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

Paolo Quinto
Signature

January 20, 2023
Date

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: **City of Malibu Environmental Health Administrator**

FROM: **City of Malibu Planning Department** **REVISED DATE** **03/21/2022**

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

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.

City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	John Yaroslaski Ensitu Engineering, Inc. jyaroslaski@ensitu.com		
Project Address:	**22959 Pacific Coast Hwy** Malibu, CA 90265		
Planning Case No.:	CDP 09-067 Revised		
Project Description:	New motel, grading, retaining walls, new AOWTS		
Date of Review:	January 20, 2023		
Reviewer:	Paolo Quinto	Signature:	Paolo Quinto
Contact Information:	Phone: (310) 456-2489 ext.364	Email:	pquinto@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Burdge & Associates: Dated 6-8-18
Grading Plans:	Grading and Drainage plan by GeoWorks: Dated 5-8-18
OWTS Plan:	Ensitu Engineering Inc.: Revised plan dated 1-11-23
OWTS Report:	Ensitu Engineering Inc.: Revised design report dated 1-11-23
Geology Report:	Geologic Map by GeoConcepts dated May 2018
Miscellaneous:	Reduced setback letter by GeoConcepts dated 1-24-19 Reduced setback letter by Kurt Fischer Structural Engineering Dated 1-28-19
Previous Reviews:	Ensitu Engineering Inc.: Revised plans dated 10-27-22, 6-28-22, 3-17-22; Plans dated 5-30-18, revised plan dated 2-19-19; EH Complete Conformance Review dated 3-8-19 for CDP 09-067, commercial building; EH Complete Conformance Review dated 4-9-16 for CDP 09-067, commercial office building. Revised EH Conformance review dated 6-25-18

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☐	**NOT REQUIRED**
	☒	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants

and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

2) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

   The final OWTS design submittal shall contain the following information (in addition to the items listed above).

   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

   b. Sewage and effluent pump design calculations (as applicable).

   c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

3) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

4) **Traffic-Rated Slab Plan(s):** All project traffic rated slab plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

5) **Notice of Decision:** The final onsite wastewater treatment system plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department.

6) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:**
All proposed reductions in setbacks from the onsite wastewater treatment system to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants. The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All plans must show the location of onsite wastewater treatment system components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- Structures – All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in MMC Section 15.42) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both

engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the setback is reduced.

- Buildings – All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in MMC Section 15.42) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect's certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in the letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check.

7) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.

8) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

9) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. ***Please note only original "wet* signature" documents are acceptable**.

10) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. ***Please submit a certified* copy issued by the City of Malibu Recorder**.

11) **OWTS Monitoring Plan:** A monitoring and maintenance plan must be submitted to the Environmental Health Administrator for approval. The plan must adhere to the recommendations of the OWTS designer and include a monitoring plan, maintenance schedule, sampling program and corrective actions if the OWTS fails to function as designed or meet the prescribed standards outlined in the monitoring plan.

12) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

13) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

14) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

15) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

16) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

17) **Waste Discharge Requirements:** Submit wastewater plans, and all necessary supporting forms and reports, to the Los Angeles Regional Water Quality Control Board (RWQCB), 320 W. 4th St., Los Angeles, CA 90013, (213) 576-6600, to assure compliance with the California Water Quality Control Plan, Los Angeles Region (Basin Plan). RWQCB Waste Discharge Requirements shall be obtained and submitted to the City of Malibu Environmental Health Administrator.

18) **Final plans must include the following:**

a) The flow diagram and final plans shall show recycle flows from the MicroSepTec processor units back to the flow equalization tank.
b) Ensure that sufficient alkalinity and carbon is available in the waste stream to achieve the treatment standard.
c) Integrated provisions for automated return flow to the head of the system.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

SURFRIDER PLAZA
22959 PACIFIC COAST HIGHWAY
MALIBU, CA 90265

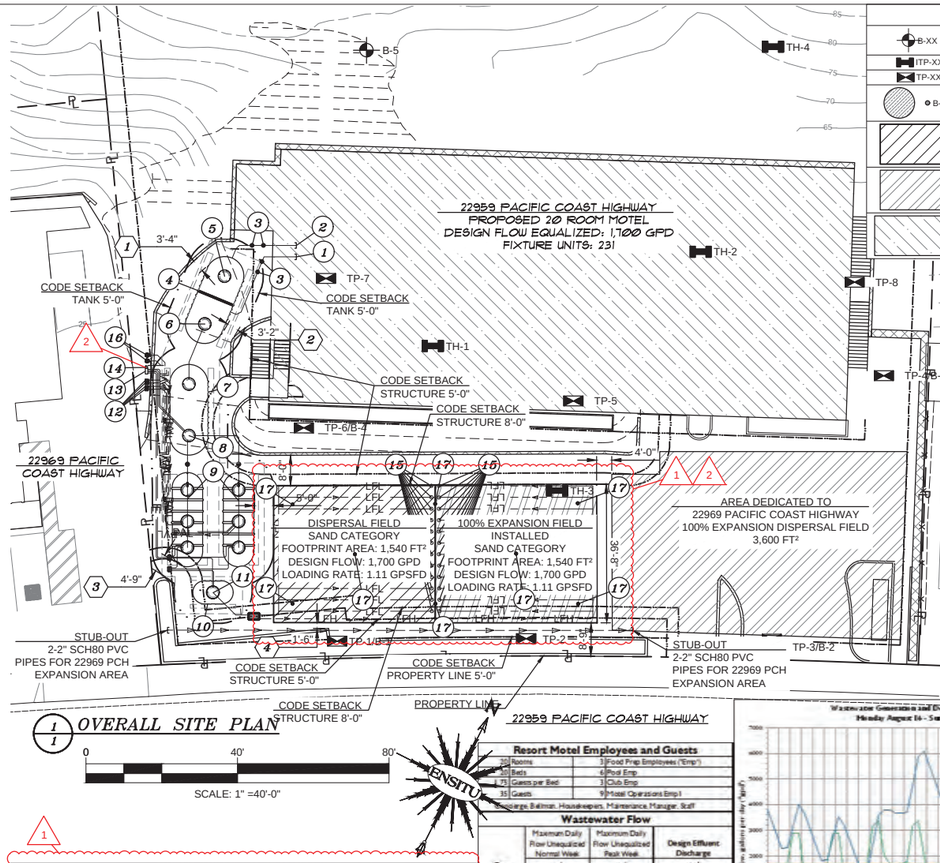
(CDP 09-067) REVISED
SUPERSEDES ALL PREVIOUS
APPROVALS

MOTEL with RESTAURANT:	20 Rooms (N) 231 Fixture Units (N)
DESIGN FLOW:	1,700 gal/d
GREASE INTERCEPTOR EQUILIZATION TANK:	(24,000 Gallon Total) Xerxes 3 compartment tank!(N) 5,470 Gallon – grease compartment 10,500 Gallon – equalization compartment 6,000 Gallon – primary compartment
TREATMENT TANK:	2-7,540 Gallon (total 15,080 Gallon) MicroSepTec ES 25 with UV disinfection (N)
DOSING TANK:	1,500 Gallon 6'Diameter Fiberglass Xerxes (N)
ACTIVE:	1-1,540 sq.ft Drainfield with Orenco air vent (N)
FUTURE:	1-1,540 sq.ft Drainfield with Orenco air vent (F)
PERC RATE:	Sand Category (1.11 gpsfd)
DESIGNER:	John Yaroslaski (RCE 60149)
REFERENCE:	Ensitu Engineering, Inc. – OWTS Design Report dated 9-12-14; 3-3-15; 2-25-16; Revised report dated 7-26-18 GeoConcepts – Geotechnical Report dated 2-27-12; 12-4-14; 6-16-15; Revised report dated 6-20-18, 2-21-19; Revised report dated 3-17-22, 6-28-22, 10-27-22, 1-11-23:

NOTES:

1. This conformance review is for a new motel and new advanced onsite wastewater treatment system (OWTS). The new OWTS shown conforms to the requirements of the City of Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).
2. This conformance review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evalustion of any geological or other potential problems, which may require an alternative method of wastewater treatment.
3. This conformance review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.
4. The OWTS must be maintained in accordance with the Monitoring Plan contained in the OWTS final design report by Ensitu Engineering dated 1-11-23.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW
SIGNATURE: 1/20/23
THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS



1/1 OVERALL SITE PLAN

0 40' 80'

SCALE: 1" =40'-0"

LEGEND	
B-XX	BORING LOCATION
ITP-XX	TEST HOLE LOCATION
TP-XX	TEST PIT LOCATION
B-X	SEEPAGE PIT TEST HOLE
	PROPOSED DISPERSAL FIELD
	AREA DEDICATED TO 22969 PACIFIC COAST HIGHWAY 100% EXPANSION DISPERSAL FIELD
	BUILDINGS AND STRUCTURES

Septic Tank (ST) Calculations		
Total Existing Fixture Units		
Total Proposed Fixture Units	231	
Total Fixture Units	231	
Minimum Septic Tank Size based on FU	6775	gal
Number of Dwelling Units	20	
Number of Bedrooms	20	bedroom
Minimum Septic Tank Size based on Bedrooms	4600	gal
Design Septic Tank Size	24040	gal

MicroSepTec Design		
Design Flow Equalized	1,700	gpd
Design Influent BOD	266	mg/L
Design Effluent BOD	30	mg/L
Design Organic Loading BOD	378	lb-B CD_5
MicroSepTec Model Specified	ES25	
MicroSepTec Tank Volume	7540	gal
MicroSepTec ES25 Base Organic Removal (I)	417	lb-B CD_5
Minimum Number of MicroSepTec ES25 Required	1	units
Design Organic Removal	417	lb-B CD_5
Design Tank Volume	7540	gal
Maximum Effluent Flow Based on Organic loading	2033	gpd
Maximum Effluent Flow Based on Hydraulic Loading	2590	gpd
Maximum Fixtures Based on Design Tank Volume	261	

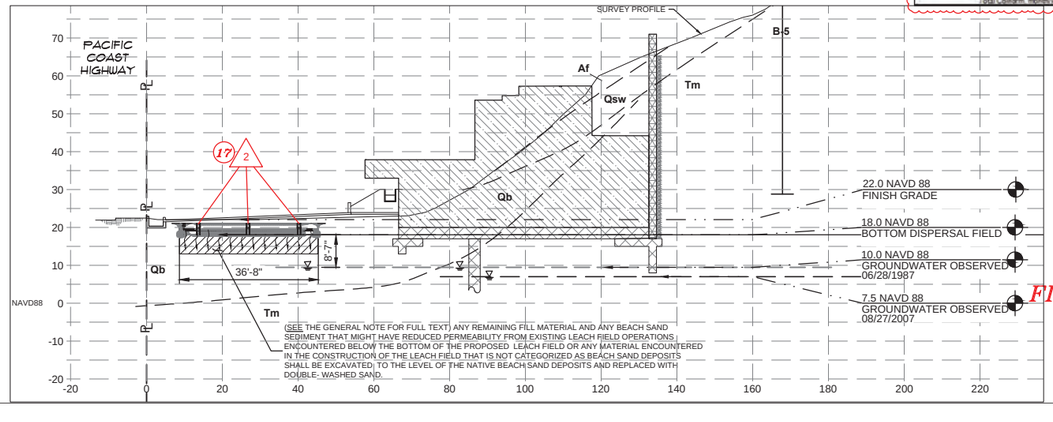
OWTS Capacity (Design and Maximum)				
Component	Description	Size/Capacity	Design Capacity	Max Capacity
Grease Interceptor	Xerxes	5470 gallons	410 gpd	2735 gpd
Primary Tank (Trash Trap)	Xerxes	6000 gallons	2890 gpd	6000 gpd
Equalization Tank	Xerxes	10500 gallons	2890 gpd	
Sand Category Dispersal	Sand Category	1540 square feet at 1.11 gallons per square foot per day	1,700 gpd	1,925 gpd

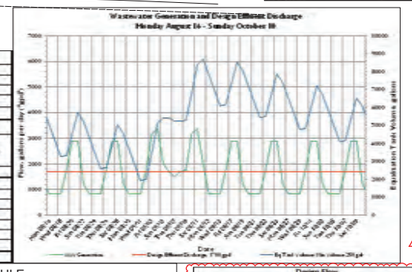
SETBACK REDUCTIONS				
	COMPONENT	SITE ELEMENT	CODE REQUIREMENT	ACTUAL
1	TANK	SITE WALL	5'-0"	3'-4"
2	TANK	SITE WALL	5'-0"	3'-2"
3	TANK	SITE WALL	5'-0"	4'-9"
4	DISPERSAL FIELD	CURB	5'-0"	1'-6"

Resort Motel Employees and Guests			
20	Rooms	3	Food Prep Employees ("Emp")
20	Beds	6	Pool Emp
1.75	Guests per Bed	3	Club Emp
35	Guests	9	Hotel Operations Emp'l
	Concierge, Bellman, Housekeepin, Maintenance, Manager, Staff		

Wastewater Flow			
Day	Maximum Daily Flow Unequalized Normal Week gpd	Maximum Daily Flow Unequalized Peak Week gpd	Design Effluent Discharge gpd
Monday	828	1496	1700
Tuesday	828	1496	1700
Wednesday	828	1496	1700
Thursday	1763	3556	1700
Friday	2890	3170	1700
Saturday	2890	3350	1700
Sunday	1208	2016	1700
Week Total	11234	15980	11900

PIPING SCHEDULE			
	TAG	DESCRIPTION	SPECIFICATION
GSL	GSL	PROPOSED GRAVITY SEWER LINE	4" SCH40 PVC
PEL	PEL	PROPOSED PUMPED EFFLUENT LINE	2" SCH80 PVC
KWL	KWL	PROPOSED KITCHEN WASTE LINE	4" SCH40 PVC
PAL	PAL	PROPOSED AIR COMPRESSOR LINE	1" SCH80 PVC
PVL	PVL	PROPOSED AIR VENT LINE	4" SCH40 PVC
RCRC	RCRC	RECIRCULATION RETURN LINE	1½" SCH80 PVC
LFH	LFH	DISPERSAL FIELD HEADER	1½" SCH80 PVC
LFL	LFL	DISPERSAL FIELD LATERAL	1½" SCH80 PVC
		PROPOSED PUMPED EFFLUENT FOR CONNECTION FROM 22969 OWTS TO DEDICATED 100% EXPANSION AREA FOR 22969 PCH	2 - 2" SCH80 PVC





Design Flows		
Total Peak Flow Before Equalization	2,890	gpd
Design Flow Equalized	1,700	gpd
Kitchen Waste	410	gpd
Influent Characteristics		
Parameter	Units	Value
Guest Beds BOD5	mg/L	220
Restaurant BOD5	mg/L	600
Pool and Club BOD5	mg/L	220
Employee BOD5	mg/L	220
Design Organic Loading, BOD5	mg/L	266.0
	lb/day	3.8
Effluent Characteristics/Limits		
Parameter	Units	Effluent Limit
Effluent Wastewater Flow	gpd	1,700
BOD5 (max)	mg/L	30
TSS (max)	mg/L	30
Total Nitrogen, (N)	mg/L as N	30
Total Coliform, weekly	MPN/100ml	23
Total Coliform, monthly	MPN/100ml	240

GENERAL NOTES:

1. EXISTING OWTS COMPONENTS LOCATION AND ABANDONMENT:
   1.1. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS. THE LOCATIONS ON THE ENGINEERING PLANS ARE INFORMATIONAL AND MAY NOT INCLUDE ALL COMPONENTS OF THE OWTS. MANY ITEMS, SUCH AS TANKS, PIPING, DISTRIBUTION DEVICES, SEEPAGE PITS, DISPERSAL FIELDS, AND OTHER APPURTENANCES ARE BURIED AND NOT LOCATABLE BY THE SURVEYOR OR UTILITIES LOCATOR .
   1.2. PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AN "OWTS ABANDONMENT PERMIT" SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWTS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
   1.3. THE EXISTING OWTS COMPONENTS INCLUDING; SEPTIC TANK(S), PIPING, CLEANOUT(S) SEEPAGE PIT(S), DISPERSAL FIELD(S), AND ALL OTHER APPURTENANCES SHALL BE PROPERLY ABANDONED PURSUANT TO CITY OF MALIBU ORDINANCE 435, SECTION 15.40.170 C, AND SECTION 15.40.170 D, TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES. METHOD OF ABANDONMENT SHALL BE DETERMINED BY THE ENGINEER AND/OR THE OWNER'S REPRESENTATIVE
2. SEWER PIPE SHALL BE BEDDED IN ACCORDANCE WITH SPECIFICATIONS AND TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.
3. SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN-OUTS, VENTS, BACKWATER VALVES, ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.
4. ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA ELECTRICAL CODE, LOCAL ELECTRICAL CODE, AND ORDINANCES.
5. A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. ENSITU ENGINEERING INC., IS NOT A GEOTECHNICAL ENGINEERING FIRM, THEREFORE, WE CAN NOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
6. THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE INSTALLATION OF THE TANK AND DISPERSAL SYSTEM COMPONENTS OF THE AOWTS (INCLUDING BUT NOT LIMITED TO; (A) TANK EXCAVATION, BEDDING, AND BACKFILL (B) SEEPAGE PITS EXCAVATION, CONSTRUCTION, AND BACKFILL (C) SUBSURFACE DISPERSAL SYSTEM BEDDING, FILL MATERIAL, CONSTRUCTION, AND BACKFILL) AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE TANK AND DISPERSAL SYSTEM COMPONENTS WERE INSTALLED PER APPROVED AOWTS PLANS.
7. LEACH FIELDS AND DISPERSAL SYSTEMS DESIGNATED AS SAND CATEGORY: ANY REMAINING FILL MATERIAL AND ANY BEACH SAND SEDIMENT THAT MIGHT HAVE REDUCED PERMEABILITY FROM EXISTING LEACH FIELD OPERATIONS ENCOUNTERED BELOW THE BOTTOM OF THE PROPOSED LEACH FIELD OR ANY MATERIAL ENCOUNTERED IN THE CONSTRUCTION OF THE LEACH FIELD THAT IS NOT CATEGORIZED AS BEACH SAND DEPOSITS SHALL BE EXCAVATED TO THE LEVEL OF THE NATIVE BEACH SAND DEPOSITS AND REPLACED WITH DOUBLE- WASHED SAND. THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE EXCAVATION OF THE LEACH FIELD AND CONFIRM IN WRITING THAT ALL THE DELETERIOUS FILL AND NON-BEACH SAND MATERIALS BELOW THE LEACH FIELD HAVE BEEN REMOVED AND REPLACED WITH CLEAN SAND AND THE LEACH FIELD WAS CONSTRUCTED IN ACCORDANCE WITH THE APPROVED OWTS PLANS.
8. SUBSURFACE DRIP LINE SHALL BE PLACED IN UNCOMPACTED NATIVE SOILS RIPPED AND TILLED A MINIMUM OF 18 INCHES. SOIL SHALL BE AMENDED TO BE 30% SAND, 30% MULCH, 40% NATIVE OR LANDSCAPE DESIGNER SHALL BE CONTACTED TO ADVISE CONTRACTOR ON TYPE OF TOPSOIL TO IMPORT FOR MINIMUM BURIAL DEPTH. DISPERSAL FIELD SHALL BE PLANTED AND ESTABLISHED PRIOR TO OCCUPANCY (ENGINEER TO VERIFY)
9. ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION, BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION
10. CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION, MINIMUM 2% SLOPE FROM STRUCTURE TO CONNECTION POINT.
11. ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.
12. THE OWTS IS SITED AS FAR LANDWARD AS FEASIBLE.

EQUIPMENT SCHEDULE

ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	1	CONNECTION TO BUILDING SANITARY SEWER[1]	
2	1	CONNECTION TO BUILDING KITCHEN WASTE LINE (GREASE LINE)[1]	
3	2	GRAVITY CLEAN-OUT AND BACKWATER VALVE[1]	INDUSTRIAL BACKWATER VALVE (SPEARS MODEL S475P FOR 4") 8" I.D. VALVE BOX (CHRISTY MODEL F08)
4	1	12,000 GALLON 10' DIAMETER FIBERGLASS GREASE AND SEPTIC TANK[1][2]	XERXES
5	1	5,470 GALLON GREASE INTERCEPTOR (FIRST COMPARTMENT OF ITEM 4)	XERXES
6	1	6,000 GALLON SEPTIC TANK (SECOND COMPARTMENT OF ITEM 4)	XERXES
7	1	12,000 GALLON 10' DIAMETER FIBERGLASS EQUALIZATION TANK[1] 10,500 GALLONS WORKING EQUALIZATION VOLUME	XERXES
8	1	DUPLEX PUMP SYSTEM[1][2]	ORENCO BIOTUBE PUMP SYSTEM
9	2	TREATMENT TANK[1][2]	MICROSEPTEC ES25 IN PARALLEL
10	1	1,500 GALLON 6' DIAMETER FIBERGLASS DOSING TANK[2]	XERXES
11	1	DUPLEX PUMP SYSTEM[1][2]	ORENCO BIOTUBE PUMP SYSTEM
12	4	AIR COMPRESSOR[1][2]	MICROSEPTEC
13	1	REMOTE TELEMETRY CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES.[1][2]	MICROSEPTEC
14	1	MANUAL TRANSFER SWITCH MAIN POWER CONNECTION TO TREATMENT SYSTEM AND PORTABLE GENERATOR CONNECTION WITH QUELARC GENERATOR RECEPTACLE. IF BACKUP POWER IS PROVIDED TO FACILITY MAIN FEED SHALL BE CONNECTED TO BACKUP POWER.	QUELARC CONNECTOR PYLE MODEL: JRE-3100 (2-POLE 3-WIRE) JRE-4100 (3-POLE 3 WIRE)
15	24	DISPERSAL FIELD CLEANOUTS	
16	1	VENT ASSEMBLY[1][2]	ORENCO
17	8	6" OBSERVATION PIPE AND AIR/VACUUM RELIEF	6" DIA PERFORATED PIPE WITH 8" I.D. VALVE BOX AND GRATE (CHRISTY MODEL F08)

[1] ALL PLUMBING APPURTENANCES AND WORK SHALL COMPLY WITH CURRENT LOCAL, COUNTY, AND STATE PLUMBING CODES. APPURTENANCES AND WORK INCLUDE, BUT ARE NOT LIMITED TO; CONNECTION TO BUILDING PLUMBING, VENTILATION, ISOLATION, BACKWATER VALVES, CLEANOUTS, AND FITTINGS.

[2] ALL ELECTRICAL APPURTENANCES INCLUDING BUT NOT LIMITED TO; CONDUIT, CONDUCTOR, CONTROL PANELS, CONTACTORS, FLOATS, PUMPS, DISCONNECTS, AND COMMUNICATION DEVICES SHALL COMPLY WITH CURRENT LOCAL, COUNTY, AND STATE ELECTRICAL CODE AND CURRENT NATIONAL ELECTRIC CODE. CONDUIT AND CONDUCTOR RUNS AND SIZING SHOWN ON PLANS ARE FOR EQUIPMENT AND COST ESTIMATION. ELECTRICAL CONTRACTOR SHALL SPECIFY FINAL CONDUIT AND CONDUCTOR SIZES AND APPLIANCES. CONTROL AND POWER CONDUCTORS SHALL BE PLACED IN SEPARATE CONDUIT

FINAL FOR APPROVAL
ISSUED
01/11/2023

JOHN N. YAROSLASKI
PRINCIPAL ENGINEER

ENSITU
ENSITU ENGINEERING, INC.
7473 CAMELITA AVE.
ATASCADERO, CA 93422
Tel: 805.772.0150
Fax: 805.772.0813
ENSITU@ensitu.com

"Dedicated to achieving higher standards in onsite and decentralized wastewater systems."

REVISIONS			
NO.		DATE	BY
1	ADDED 100% INSTALLED EXPANSION DISPERSAL FIELD, EFFLUENT PUMP STATION AND EFFLUENT CHARACTERISTICS LIMITS MANUAL TRANSFER SWITH WITH RECEPTACLE	10/27/2022	JNY
2		01/11/2023	

22959 PACIFIC COAST HIGHWAY AOWTS
CONFORMANCE REVIEW DESIGN PLANS
CR–SITE PLANS AND TABLES 11x17
MALIBU, CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
JOHN N. YAROSLASKI
60149
EXP 06-2024
CIVIL
STATE OF CALIFORNIA

DATE: 01/11/2023
DESIGNED BY: JNY
DRAWN BY: JNY
CHECKED BY: JNY

JOB NO.
498–01

SHEET
1 OF 1

Project Engineer: John N. Yaroslaski PE# 60149
DWG NAME: P:\498-01 Malibu Vista Motel, 22959 Pacific Coast Highway PMCR-07.dwg
CREATION TIME: Wednesday, January 11, 2023 9:48:30 AM
MOD. TIME: Wednesday, January 11, 2023 9:48:30 AM
PLOT TIME: Wednesday, January 11, 2023 9:50:10 AM

22959 Pacific Coast Highway P:\CR\498-01.100 Malibu Motel, 22959 Pacific Coast Highway PMCR-07.dwg

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

RECEIVED
FEB 26 2019
PLANNING DEPT.

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator **DATE:** 6/11/2018

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 09-067
JOB ADDRESS:	22959 PACIFIC COAST HWY
APPLICANT / CONTACT:	Joseph Lezama, Burdge and Associates Architects
APPLICANT ADDRESS:	24911 Pacific Coast Highway Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5905
APPLICANT FAX #:	
APPLICANT EMAIL:	joseph@buaia.com
PROJECT DESCRIPTION:	New Motel, Grading, Retaining Walls, NAOWTS. Previously proposed as a new commercial building.

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

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

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

OWTS Plot Plan: ☐ NOT REQUIRED

☑ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Melinda Talent — 3-8-19

Signature **Date**

City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Joseph Lezama Burdge & Associates joseph@buaia.com		
Project Address:	**22959 Pacific Coast Hwy, Malibu Inn Motel** Malibu, CA 90265		
Planning Case No.:	CDP 09-067 Revised		
Project Description:	New motel, grading, retaining walls, new AOWTS		
Date of Review:	March 8, 2019		
Reviewer:	Melinda Talent	Signature:	Melinda Talent
Contact Information:	Phone: (310) 456-2489 ext.364	Email:	mtalent@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Burdge & Associates dated 6-8-18
Grading Plans:	Grading and Drainage plan by GeoWorks dated 5-8-18
OWTS Plan:	Ensitu Engineering dated 5-30-18, Revised plan dated 2-19-19
OWTS Report:	Ensitu Engineering dated 7-26-18, 2-21-19
Geology Report:	Geologic Map by GeoConcepts dated May 2018
Miscellaneous:	Reduced setback letter by GeoConcepts dated 1-24-19. Reduced setback letter by Kurt Fischer Structural Engineering Dated 1-28-19.
Previous Reviews:	EH Complete Conformance Review dated 4-9-16 for CDP 09-067, commercial office building. Revised EH Conformance review dated 6-25-18.

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☐	**NOT REQUIRED**

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval

of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).

2) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

   The final OWTS design submittal shall contain the following information (in addition to the items listed above).

   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

   b. Sewage and effluent pump design calculations (as applicable).

   c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

   d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any

unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

3) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

4) **Traffic-Rated Slab Plan(s):** All project traffic rated slab plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

5) **Notice of Decision:** The final onsite wastewater treatment system plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department.

6) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:** All proposed reductions in setbacks from the onsite wastewater treatment system to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants. The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All plans must show the location of onsite wastewater treatment system components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- Structures – All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in MMC Section 15.42) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the setback is reduced.

- Buildings – All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in MMC Section 15.42) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect's certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in the letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check.

7) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.

8) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.

9) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. ***Please note only original "wet* signature" documents are acceptable**.

10) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. ***Please submit a certified* copy issued by the City of Malibu Recorder**.

11) **Covenant to Forfeit 100% Expansion Effluent Disposal Area:** A covenant running with the land shall be executed by the property owner and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100% expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)) and (2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department. ***Please submit a certified copy issued by* the City of Malibu Recorder.**

12) **OWTS Monitoring Plan:** A monitoring and maintenance plan must be submitted to the Environmental Health Administrator for approval. The plan must adhere to the recommendations of the OWTS designer and include a monitoring plan, maintenance schedule, sampling program and

corrective actions if the OWTS fails to function as designed or meet the prescribed standards outlined in the monitoring plan.

13) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

14) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

15) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

16) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

17) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

18) **Waste Discharge Requirements:** Submit wastewater plans, and all necessary supporting forms and reports, to the Los Angeles Regional Water Quality Control Board (RWQCB), 320 W. 4th St., Los Angeles, CA 90013, (213) 576-6600, to assure compliance with the California Water Quality Control Plan, Los Angeles Region (Basin Plan). RWQCB Waste Discharge Requirements shall be obtained and submitted to the City of Malibu Environmental Health Administrator.

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department

SURFRIDER PLAZA (CDP 09-067) REVISED

22959 PACIFIC COAST HIGHWAY SUPERSEDES ALL PREVIOUS

MALIBU, CA 90265 APPROVALS

MOTEL with RESTAURANT:	20 Rooms (N) 229 Fixture Units (N)
DESIGN FLOW:	4056 gal/d
GREASE INTERCEPTOR EQUILIZATION TANK:	(15,000 Gallon Total) Xerxes 3 compartment tank: (N) 4,700 Gallon - grease compartment 5,200 Gallon - equalization compartment 4,700 Gallon - denitrification compartment
TREATMENT TANK:	4-7,540 Gallon (total 30,160 Gallon) MicroSepTec ES 25 with UV disinfection (N)
DOSING TANK:	5,000 Gallon Xerxes (N)
ACTIVE:	1-2600 sq.ft Drainfield with Orenco air vent (N)
FUTURE:	None
PERC RATE:	Sand Category (1.56 gpsfd)
DESIGNER:	John Yaroslaski (RCE 60149)
REFERENCE:	Ensitu Engineering, Inc. - OWTS Design Report dated 9-12-14; 3-3-15; 2-25-16; Revised report dated 7-26-18 GeoConcepts - Geotechnical Report dated 2-27-12; 12-4-14; 6-16-15; Revised report dated 6-20-18, 2-21-19

NOTES:

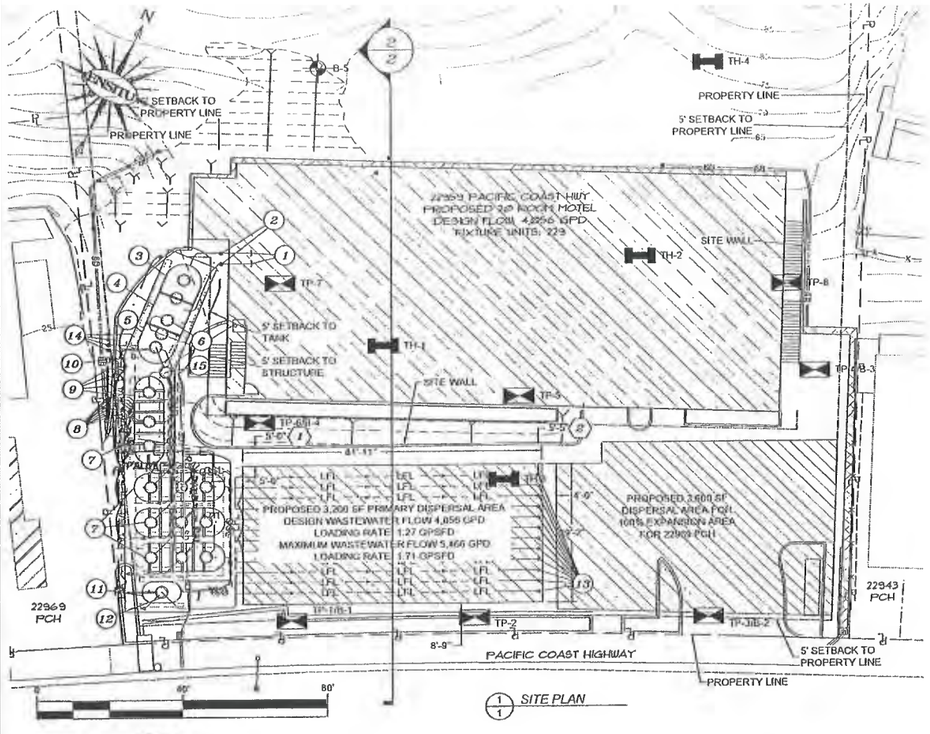
1. This conformance review is for a new motel and new advanced onsite wastewater treatment system (OWTS). The new OWTS shown conforms to the requirements of the City of Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).
2. This conformance review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.
3. This conformance review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.
4. The OWTS must be maintained in accordance with the Monitoring Plan contained in the OWTS final design report by Ensitu Engineering dated 2-21-19.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: Melinda Talent DATE: 3-8-19

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS



Design Assumptions	
[1] City of Malibu "Plumbing Code of the City of Malibu," City of Malibu, Malibu 2011.	20 rooms
	1.5 beds/room
	30 beds
	1.75 Guests per Bed
	53 Guests

Commercial Uses Wastewater Flow and Strength Calculations

Use	Description	Type	Per Capita Flow	Rational For Per Capita Flow	Number	Flow Per Use gal/day	mg/L BOD_5	lb/day BOD_5
1	Bed and Breakfast Room	Motel no Kitchen Waste	50 gal/bed space	[1]	30 bed spaces	1,500	220	2.76
2	Cooking for Hotel	Food Prep	10 gal/person	[1] Difference Between Motel With and Without Kitchen Waste	53 People	530	600	2.66
			20 gal/employee	[1]	3 Employee	60	300	0.16
3	Pool Use	Pool	10 gal/person	[1]	53 People	530	300	1.33
			20 gal/employee	[1]	6 Employee	120	300	0.31
4	Gym, Spa, and Mini-Bar	Club Use	22 gal/person	[2] Assume County Club	53 People	1,166	300	2.92
			20 gal/employee		3 Employee	60	300	0.16
5	Hotel Operations	Concierge, Bellmen, Housekeepers, Maintenance, Manager, Staff	10 gal/employee	[1]	9 Employee	90	300	0.23
Total Peak and Design Flow						4,056.00	Weighted Average mg/L BOD_5	lb/day BOD_5
							310	10.59
Expected Average Flow			Peaking Factor 1.5			2,704.00	310	6.99

SETBACK REDUCTIONS

	COMPONENT	SITE ELEMENT	REQUIRED	ACTUAL
1	DISPERSAL FIELD	SITE WALL	8'	5'-0"
2	DISPERSAL FIELD	SITE WALL	8'	5'-5"

OWTS Capacity (Design and Maximum)

Component	Description	Size/Capacity	Design Capacity	Max Capacity
Grease Interceptor	Xerxes 15,000 gallon tank 1st compartment	4,700 gallons	530 gpd	2,356 gpd
Equalization Tank	Xerxes 15,000 gallon tank 2nd compartment	5,200 gallons	1,200 gpd one day peak	2,500 gpd one day peak
Anoxic Tank	Xerxes 15,000 gallon tank 3rd compartment	4,700 gallons	3-4 times daily flow	3-4 times daily flow
Fatpage	4-MicroSepTec ES25 in Parallel	30,160 gallons	229 fixture units	1,200 fixture units
Treatment	4-MicroSepTec ES25 in Parallel	16 6ft to BOD_5	4,056 gpd at 310 mg/L BOD_5 (9.82 lb BOD_5)	6,892 gpd at 310 mg/L BOD_5 (16.68 lb BOD_5)
Dechlorination	4-MicroSepTec ES25 in Parallel	16,000 gpd	4,056 gpd	16,000 gpd
Dispersal	2,600 ft2 pressure dispersal field Hard Classroom	2,582 gpd	4056 gpd at 1.56 gpsfd	5200 gpd at 2 gpsfd

Septic Tank (ST) Calculations

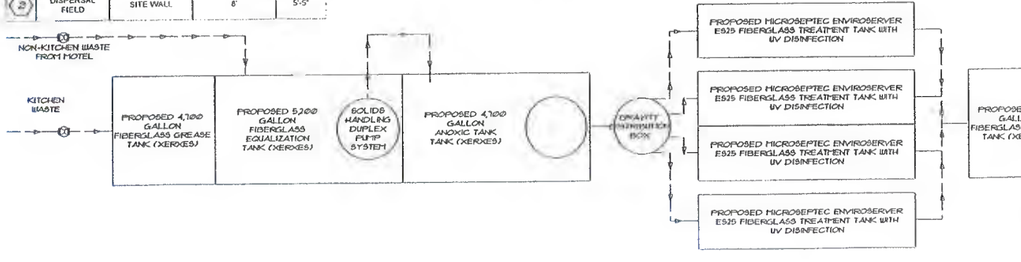
Peak Flow	4,056.00	gpd	
Septic Tank Volume	4167	gal	
Leaching Field Calculations			
Max Sand Category Loading Rate, L_R	2.00	gpsfd	
Preferred Sand Category Loading Rate (LCP Chapter 18.7.C), L_R	1.79	gpsfd	
Minimum Square Feet of Leaching Area Required, A_R	2028	ft^2	
Preferred Square Feet of Leaching Area Required, A_R	2316	ft^2	
Actual Calculated Leaching Area, A_A	2600	ft^2	
Actual Loading Rate, L_A	1.56	gpsfd	
Maximum Wastewater Calculations Leaching			
Max Sand Category Loading Rate, L_R	2.00	gpsfd	
Design Leaching Area Required, A_R	2600	ft^2	
Max Flow, Q_{max}	5200.0	gpd	

Commercial MicroSepTec Design

Design Flow	4,056.00	gpd
Design Influent BOD	310	mg/L
Design Effluent BOD	20	mg/L
Design Organic Loading BOD	9.82	lb BOD^5
MicroSepTec ES25 Rate Organic Removal	4.87	lb BOD^5
Minimum Number of MicroSepTec ES25 Required	3.00	units
Design Number of MicroSepTec ES25 Required	4.00	units
Design Organic Removal	19.48	lb BOD^5
Maximum Effluent Flow	6892	gpd

[1] MST Organic Removal Rate

Model	Waste Flow (gpd)	Waste Strength (mg/L BOD^5) influent	Effluent	Organic Removal (lb BOD^5)
MicroSepTec ES4	600	220	20	1.66
MicroSepTec ES12	1800	220	20	2.60
MicroSepTec ES25	2500	220	20	4.17



PROCESS SCHEMATIC
NO SCALE

GENERAL NOTES:

1. PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AN "OWTS ABANDONMENT PERMIT" SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED BY THE OWTS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
2. EXISTING OWTS COMPONENTS SHALL BE ABANDONED THE EXISTING SEPTIC TANK, AND SEEPAGE PIT SHALL BE PROPERLY ABANDONED PURSUANT TO CITY OF MALIBU ORDINANCE 435, SECTION 15.40.170 C, AND SECTION 15.40.170 D, TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES. METHOD OF ABANDONMENT SHALL BE DETERMINED BY THE ENGINEER AND/OR THE OWNER'S REPRESENTATIVE
3. SEWER PIPE SHALL BE BEDDED IN ACCORDANCE WITH SPECIFICATIONS AND TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.
4. SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN-OUTS, VENTS, BACKWATER VALVES, ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.
5. ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA ELECTRICAL CODE, LOCAL ELECTRICAL CODE, AND ORDINANCES.
6. A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. ENSITU ENGINEERING INC., IS NOT A GEOTECHNICAL ENGINEERING FIRM, THEREFORE, WE CAN NOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
7. THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE INSTALLATION OF THE TANK AND DISPERSAL SYSTEM COMPONENTS OF THE AOWTS (INCLUDING BUT NOT LIMITED TO: (A) TANK EXCAVATION, BEDDING, AND BACKFILL (B) SEEPAGE PITS EXCAVATION, CONSTRUCTION, AND BACKFILL (C) SUBSURFACE DISPERSAL SYSTEM BEDDING, FILL MATERIAL, CONSTRUCTION, AND BACKFILL) AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE TANK AND DISPERSAL SYSTEM WAS INSTALLED PER APPROVED AOWTS PLANS.
8. LEACH FIELDS AND DISPERSAL SYSTEMS DESIGNATED AS SAND CATEGORY: ANY REMAINING FILL MATERIAL AND ANY BEACH SAND SEDIMENT THAT MIGHT HAVE REDUCED PERMEABILITY FROM EXISTING LEACH FIELD OPERATIONS, ENCOUNTERED BELOW THE BOTTOM OF THE PROPOSED LEACH FIELD OR ANY MATERIAL ENCOUNTERED IN THE CONSTRUCTION OF THE LEACH FIELD THAT IS NOT CATEGORIZED AS BEACH SAND DEPOSITS SHALL BE EXCAVATED TO THE LEVEL OF THE NATIVE BEACH SAND DEPOSITS AND REPLACED WITH DOUBLE- WASHED SAND. THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE EXCAVATION OF THE LEACH FIELD AND CONFIRM IN WRITING THAT ALL THE DELETERIOUS FILL AND NON-BEACH SAND MATERIALS BELOW THE LEACH FIELD HAVE BEEN REMOVED AND REPLACED WITH CLEAN SAND AND THE LEACH FIELD WAS CONSTRUCTED IN ACCORDANCE WITH THE APPROVED OWTS PLANS.
9. SUBSURFACE DRIP LINE SHALL BE PLACED IN UNCOMPACTED NATIVE SOILS RIPPED AND TILLED A MINIMUM OF 18 INCHES, SOIL SHALL BE AMENDED TO BE 30% SAND, 30% MULCH, 40% NATIVE OR LANDSCAPE DESIGNER SHALL BE CONTACTED TO ADVISE CONTRACTOR ON TYPE OF TOPSOIL TO IMPORT FOR MINIMUM BURIAL DEPTH. DISPERSAL FIELD SHALL BE PLANTED AND ESTABLISHED PRIOR TO OCCUPANCY (ENGINEER TO VERIFY)
10. ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION, BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION
11. CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION, MINIMUM 2% SLOPE FROM STRUCTURE TO CONNECTION POINT.
12. ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.
13. THE OWTS IS SITED AS FAR LANDWARD AS FEASIBLE.

EQUIPMENT SCHEDULE

ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	2	CONNECTION TO EXISTING GRAVITY SEWER LINES[1]	
2	2	GRAVITY CLEAN-OUT[1]	
3	1	GREASE INTERCEPTOR 4,700 GALLON FIRST COMPARTMENT OF 15,000 GALLON XERXES TANK	XERXES
4	1	EQUALIZATION TANK 5,240 GALLON SECOND COMPARTMENT OF 15,000 GALLON XERXES TANK*	XERXES
5	1	ANOXIC TANK 4,700 GALLON THIRD COMPARTMENT OF 15,000 GALLON XERXES TANK	XERXES
6	1	SOLIDS HANDLING DUPLEX PUMP SYSTEM[1][2]	TSURUMI
7	4	TREATMENT TANK[1][2]	MICROSEPTEC ES25
8	4	AIR COMPRESSOR[1][2]	MICROSEPTEC
9	2	REMOTE TELEMETRY CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES.[1][2]	MICROSEPTEC
10	1	CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES.[1][2]	GEOFLOW
11	1	DOSING TANK (5,000 GALLON, FIBERGLASS)*	XERXES
12	1	DUPLEX PUMP SYSTEM[1][2]	ORENCO
13	12	DISPERSAL FIELD CLEANOUTS	
14	2	VENT ASSEMBLY[1][2]	ORENCO
[1]		ALL PLUMBING APPURTENANCES AND WORK SHALL COMPLY WITH CURRENT LOCAL, COUNTY, AND STATE PLUMBING CODES. APPURTENANCES AND WORK INCLUDE, BUT ARE NOT LIMITED TO; CONNECTION TO BUILDING PLUMBING, VENTILATION, ISOLATION, BACKWATER VALVES, CLEANOUTS, AND FITTINGS.	
[2]		ALL ELECTRICAL APPURTENANCES INCLUDING BUT NOT LIMITED TO; CONDUIT, CONDUCTOR, CONTROL PANELS, CONTACTORS, FLOATS, PUMPS, DISCONNECTS, AND COMMUNICATION DEVICES SHALL COMPLY WITH CURRENT LOCAL, COUNTY, AND STATE ELECTRICAL CODE AND CURRENT NATIONAL ELECTRIC CODE. CONDUIT AND CONDUCTOR RUNS AND SIZING SHOWN ON PLAN ARE FOR ALIGNMENT AND COST ESTIMATION. ELECTRICAL CONTRACTOR SHALL SPECIFY ALL ELECTRICAL APPURTENANCES, CONTROL AND POWER CONDUCTORS SHALL BE PLACED IN SEPARATE CONDUIT	

PIPING SCHEDULE

TAG	DESCRIPTION	SPECIFICATION
GSL	PROPOSED GRAVITY SEWER LINE	4" SCH40 PVC
PEL	PROPOSED PUMPED EFFLUENT LINE	2" SCH80 PVC
PVL	PROPOSED AIR VENT LINE	4" SCH40 PVC
PAL	PROPOSED AIR COMPRESSOR LINE	1" SCH80 PVC
SDF	PROPOSED SUBSURFACE FLUSH	1½" SCH80 PVC

FINAL FOR APPROVAL
ISSUED
2/19/2019

JOHN N. YAROSLASKI
PRINCIPAL ENGINEER

REGISTERED PROFESSIONAL ENGINEER JOHN N YAROSLASKI No. 60149 CIVIL STATE OF CALIFORNIA

DATE: 2/19/2019
DESIGNED BY: JNY
DRAWN BY: JNY
CHECKED BY: JNY

JOB NO. 498-01

SHEET 1 OF 2

ENSITU ENGINEERING, INC. 790 MONTEREY AVE., STE. B Morro Bay, CA 93446 Phone: 805.772.0615 Fax: 805.772.0619 ENSITU@sbcglobal.com

"Dedicated to achieving higher standards in onsite and decentralized wastewater systems."

REVISIONS

NO.	DATE	BY

22959 PACIFIC COAST HIGHWAY AOWTS
CONFORMANCE REVIEW PLANS
PW-SITE PLAN AND TABLES 11X17
MALIBU, CALIFORNIA

Project Engineer: John N Yaroslaski PE# 60149
Drawn By: JNY Date: 2/19/2019 Time: 8:52:32 PM
Check By: JNY Date: 2/19/2019 Time: 8:52:32 PM
Orig. Date: Thursday, February 21, 2019 2:56:44 PM
Last Date: Tuesday, February 26, 2019 2:39:12 PM
Mod. Date: Tuesday, February 26, 2019 2:39:12 PM
Plot Date: Tuesday, February 26, 2019 2:39:12 PM

C:\Users\John\Desktop\Ensitu Engineering\Cad Designs\498-01.100 Malibu Hotel, 22959 Pacific Coast Highway PWCR-04.dwg

City of Malibu

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

RECEIVED
DEC 11 2019
PLANNING DEPT

FIRE DEPARTMENT REVIEW
REFERRAL SHEET

TO: Los Angeles County Fire Department **DATE:** 6/11/2018

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 09-067
JOB ADDRESS:	22959 PACIFIC COAST HWY
APPLICANT / CONTACT:	Joseph Lezama, Burdge and Associates Architect
APPLICANT ADDRESS:	24911 Pacific Coast Highway Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5905
APPLICANT FAX #:	
PROJECT DESCRIPTION:	New Motel, Grading, Retaining Walls, NAOWTS. Previously proposed as a new commercial building.

TO: Malibu Planning Department and/or Applicant
FROM: Fire Prevention Engineering Assistant

Compliance with the conditions checked below is required prior to Fire Department approval.

The project DOES require Fire Department Plan Review and Developer Fee payment	✓
The project DOES NOT require Fire Department Plan Review	
The required fire flow for this project is 2,000 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)	✓
The project is required to have an interior automatic fire sprinkler system.	✓
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	✓

Conditions below marked "not approved" shall be corrected on the site plan and resubmitted for Fire Department approval.

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	✓	
Required and/or proposed Fire Department Vehicular Turnaround	✓	
Required 5 foot wide Fire Department Walking Access (including grade %)	✓	
Width of proposed driveway/access roadway gates	✓	

*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.

**Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.

C. KENNELLY — 12.10.19

SIGNATURE — DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341or at the Fire Department Counter:
26600 Agoura Road, Suite 110, Calabasas, CA 91302; Hours: Monday – Thursday between 7:00 AM and 11:00 AM

City of Malibu

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

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	March 22, 2019	**Review Log #:**	**3701**
Site Address:	22959 Pacific Coast Highway		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 09-067**
Applicant/Contact:	Joseph Lezama, joseph@buaia	**BPC/GPC #:**	
Contact Phone #:	310-456-5905 **Fax#:**	**Planner:**	**Adrian Fernandez**
Project Type:	Revised project: New three-level Malibu Inn Motel, grading, retaining walls with soldier piles and tie-backs, subterranean parking, new onsite wastewater treatment system (OWTS)		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	GeoConcepts, Inc. (Barrett, CEG 2088; Walter, RGE 2476): 10-16-18, 6-20-18, 4-28-16, 9-21-15, 5-29-15, 2-26-15, 12-4-14 GeoConcepts, Inc. (Barrett, CEG 2088): 6-16-15 GeoConcepts, Inc. (Lee, CEG 2545; Haddad, RCE 69169): 6-27-12 GeoConcepts, Inc. (Sousa, CEG 1315; Walter, RGE 2476): 4-27-12, 2-27-12, 6-4-03 GeoConcepts, Inc. (Sousa, CEG 1315): 11-3-09 EnSitu Engineering, Inc. (Yaroslaski, RCE 60149): **2-21-19**, 2-25-16, 3-3-15, 9-12-14 Building Plans prepared by Burdge & Associates Architects dated June 8, 2018. Grading plans prepared by GeoWorks, Inc. dated May 8, 2018. **Final OWTS plans prepared by EnSitu Engineering, Inc. dated February 19, 2019.**
Previous Reviews:	11-8-18; Ref: Environmental Health Review Sheets dated 3-8-19 and 6-25-18; Ref: 5-31-16 (for new commercial development), Environmental Health Review Sheet dated April 19, 2016, 4-8-16, 7-24-15, Environmental Health Review Sheet dated April 3, 2015, 4-1-15, 1-28-15, 7-24-12, 6-4-12, 12-2-09, Geology Review Referral Sheet dated 11-5-09

Review Findings

Coastal Development Permit Review

☒ The motel development project is **APPROVED** from a geotechnical perspective.

☐ The motel development project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building/Grading Plan-Check Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The referenced OWTS design report and OWTS plans were reviewed by the City from a geotechnical perspective. The revised project includes constructing a 7,703 square foot three-level motel with 20 lodging units, 46 parking spaces with 24 extra with stacked parking system, grading (11,752 yards of cut under structure: 837 yards of cut and 319 yards of fill non-exempt; and 12,270 yards of export), rear yard retaining walls with tie-back stabilization/soldier piles, terraces and landscaping on the rear-yard ascending slope, and a new onsite wastewater treatment system (OWTS) in the front parking area consisting of a treatment tank system and a new 2,600 square foot leach field with a design peak flow of 4,056 GPD and a design loading rate of 1.56 GPSFD with 100% expansion. A 3,600 square foot expansion dispersal field serving the Malibu Inn property at 22969 Pacific Coast Highway is proposed in the front parking area immediately east of the leach field for the proposed project.

The Consultant asserted that the proposed 20' high 1.5:1 cut slope above the western portion of the rear-yard retaining wall consists of a trim of the thin layer of fill and colluvium on the slope, and that the surficial stability would not be reduced by the cut slope. In addition, the Consultant has recommended 4' of freeboard on the top of the rear-yard retaining wall as well as a debris fence on the slope to protect the development from surficial instabilities, should they occur. The recommendations by the Consultant in this regard appear to be reasonable.

Building/Grading Plan-Check Stage Review Comments:

1. As per the plans, access to the site is from the adjacent property. Granting access from the adjacent property owner (recording of an easement) is a pre-requisite to establish the feasibility of the project.
2. The freeboard on the rear yard retaining wall will designed to provide the Code-required setbacks from ascending slopes. The freeboard should be designed as an impact wall with a minimum equivalent fluid pressure of 125 pcf, based on the Consultant's recommendations.
3. The proposed location and extent (vertical and horizontal) of the impact fence should be depicted on the grading plans and cross-sections. Specifications for the installation of the fence should be provided by the manufacturer and incorporated, as appropriate, with the project documents. Details of the fence installation at the eastern and western property lines should be designed and outlined to prevent debris deflecting into adjacent properties.
4. Based on assumptions by the Consultant in calculating the lateral spreading resistance, pile spacing should not exceed two times the diameter of piles.
5. *Please provide to the City an as-built geotechnical report documenting the installation of the pile and soldier pile foundation elements for the motel and retaining walls. The report should document total depth, depth into bedrock, depth to groundwater, and include a map with the final locations of the piles.* Please include this comment as a note on the Building plans.
6. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier be a minimum thickness of 15 mils and conform to ASTM E1745 Class A requirements. Building plans shall reflect the Consultant's recommendation.
7. The following note must appear on the foundation plans: "*Tests shall be performed prior to pouring foundations to evaluate corrosivity of the supporting soils. Foundation plans should be reviewed by the*

Civil or Structural Engineer and revised, if necessary."

8. It appears from the cross sections that the soldier pile walls may be integral to the proposed structure(s). The Consultant should work with the structural engineer to ensure that pile deflections do not induce catastrophic failure or induce other negative impacts to the structure(s).
9. The grading plans need to include specific details for tiebacks including unbonded, bonded, and minimum lengths, bar type and size, and procedures for proof and performance testing. The proof and performance testing should be under the observation of the project geotechnical consultant, who must document the results and submit the observations to the City for review and state that the tiebacks were installed per the approved plans and specifications.
10. Prior to final approval of the project, an as-built report documenting the installation of the retaining wall tie-back systems shall be prepared by the Project Geotechnical Consultant. The report shall include, as a minimum, the locations and details of the installations such as tieback lengths, dates of installation, and test results of tension capacities. The report shall include a statement that the retaining walls and tie-back systems were installed under the observation of the geologist and geotechnical engineer of record and that the installations conformed to the approved plan and specifications. Any modifications to the plans necessary for the conditions encountered during the construction must be documented in the final report. Please include this comment as a note on the plans.
11. A letter should be provided by the Project Structural Engineer indicating that they are aware of the anticipated displacements associated with the installation of the soil nail walls and, given the potential for some slope displacement, the proposed design is adequate to provide slope support required by the CBC (e.g., safeguard against major structural failures and loss of life).
12. Two sets of final grading, retaining wall, soldier pile, tie-back, and motel plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall.

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

Engineering Geology Review by: 3/22/19

Christopher Dean, C.E.G. #1751, Exp. 9-30-20 Date
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS

GeoDynamics, Inc.
Applied Earth Sciences
Geotechnical Engineering & Engineering Geology Consultants

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading, retaining wall, OWTS, soldier pile, and office building plans, incorporating the Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Geotechnical Consultant(s) on the cover sheet of the Building and grading Plans.
3. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Geotechnical Consultant prior to placement of reinforcing steel.*"
4. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Geotechnical Consultant, as appropriate.*"
5. The Foundation Plans for the proposed structures shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the grading and building plans.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

Grading Plans (as Applicable)

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.
2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

City of Malibu

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

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department **REVISED DATE** 06/22/2020

PROJECT NUMBER:	CDP 09-067
JOB ADDRESS:	22959 PACIFIC COAST HWY
APPLICANT / CONTACT:	Joseph Lezama, Burdge and Associates Architects
APPLICANT ADDRESS:	24911 Pacific Coast Highway Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5905
APPLICANT FAX #:	
APPLICANT EMAIL:	joseph@buaia.com
PROJECT DESCRIPTION:	New Motel, Grading, Retaining Walls, NAOWTS. Previously proposed as a new commercial building.

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

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

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

Nicole Bryson — SIGNATURE

7/16/20 — DATE

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Nicole Benyamin, Assistant Civil Engineer NB

Date: July 16, 2020

Re: Proposed Conditions of Approval for 22959 Pacific Coast Hwy CDP 09-067

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

STREET IMPROVEMENTS

1. This project proposes to construct a new driveway and drain outlet within Caltrans' right-of-way. Prior to the Public Works Department approval of the grading or building permit, the applicant shall obtain encroachment permits from Caltrans for the proposed work.

GRADING AND DRAINAGE

2. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
    - Is located within or adjacent to ESHA, or
    - Includes grading on slopes greater than 4:1
    - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 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

Recycled Paper

3. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**

4. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
    - Public Works Department General Notes
    - 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).
    - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the 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.
    - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
    - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
    - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
    - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
    - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

5. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's 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, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

STORMWATER

6. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls	Scheduling
	Preservation of Existing

Recycled Paper

	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

All Best Management Practices (BMP) shall be in accordance to 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.

7. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP 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 of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.

8. A Water Quality Mitigation Plan (WQMP) is required for this project. 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 of the site. The WQMP 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:
    - Site Design Best Management Practices (BMP's)
    - Source Control BMP's
    - Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
    - Drainage Improvements
    - A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.

- 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 measures installed during construction prior to the issuance of grading or building permits.
- The WQMP shall be submitted to Public Works Department and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to 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 County Recorder. A copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANOUS

9. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

10. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

    - The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    - There are sufficient BMPs in place to prevent soil erosion; and
    - The discharge does not reach into the MS4 or to the ASBS (including tributaries)

    Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

    The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating **"It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)."** The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

11. The applicant shall prepare a Traffic Impact Analysis (TIA) per the City of Malibu TIA Guidelines. The TIA shall be reviewed and approved by the Public Works Department prior to the issuance of the grading and or building permits. The applicant shall also be

required to construct the applicable mitigation measures recommended in the TIA. The traffic mitigation measures shall be constructed prior to occupancy of the first building.

COMMERCIAL DEVELOPMENT

12. All commercial developments shall be designed to control the runoff of pollutants from structures, parking and loading docks. The following minimum measures shall be implemented to minimize the impacts of commercial developments on water quality:

- Proper design of loading and unloading docks.
  i. Cover loading/unloading dock areas or design drainage to minimize run-on and runoff of storm water
  ii. Direct connections to storm drains from depressed loading/unloading docks are prohibited.

- Properly design Repair/Maintenance Bays
  i. Repair/maintenance bays must be indoors or designed to prohibit storm water runoff or contact with storm water runoff.
  ii. Repair/maintenance bays shall be designed to capture all wash water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain is prohibited. Obtain an Industrial waste discharge permit if required.

- Properly Design Vehicle/Equipment Wash Areas
  i. Self-contained and/or covered wash areas shall be equipped with a clarifier or other pretreatment facility and properly connected to a sanitary sewer.

- Properly designed Parking lots (5,000 square feet of impervious surface or 25 parking spaces.)
  i. Minimize impervious surfacing for parking area.
  ii. Infiltrate runoff before it reaches a storm drain system.
  iii. Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used.
  iv. Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal and system fouling and plugging prevention control.

- RESTAURANTS – Properly design Equipment/accessory wash areas
  i. Install self-contained wash area, equipped with grease trap, and properly connected to Sanitary Sewer.
  ii. If the Wash area is located outdoors, it must be covered, paved, have secondary containment and shall be connected to the sanitary sewer.

- TRASH STORAGE AREAS

i. Trash container areas must have drainage from adjoining roofs and pavement diverted around the area.
ii. Trash container areas must be screened or walled to prevent off-site transport of trash.

- OUTDOOR MATERIAL STORAGE
  i. Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes or curbs.
  ii. The storage areas must be paved and sufficiently impervious to contain leaks and spills.
  iii. The storage area must have a root or awning to minimize collection of storm water within the secondary containment area.

13. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.

14. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

City of Malibu

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

PUBLIC WORKS REVIEW FOR TRAFFIC
REFERRAL SHEET

TO: Public Works Department

FROM: Planning Division **REVISED DATE** 06/08/2020

PROJECT NUMBER:	CDP 09-067
JOB ADDRESS:	22959 PACIFIC COAST HWY
APPLICANT / CONTACT:	Joseph Lezama, Burdge and Associates Architect
APPLICANT ADDRESS:	24911 Pacific Coast Highway Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-5905
APPLICANT FAX #:	
PROJECT DESCRIPTION:	New Motel, Grading, Retaining Walls, NAOWTS. Previously proposed as a new commercial building.

TO: Planning Division and/or Applicant

FROM: Public Works Department Traffic Engineering

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

✓ The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the planning process

_____ The project does require a parking study.

_____ The project does not require a parking study.

_____ The project requires a traffic impact analysis.

_____ A site circulation plan is required.

_____ A parking plan is required.

Nicole Benjamin
SIGNATURE

6/16/20
DATE

Planning review outstanding for project plans (conditions of approval). Please submit a copy of the latest project plans. Make sure to include the Civil sheets.

City of Malibu

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

CONDITIONAL USE PERMIT
REFERRAL SHEET

REVISED 8/26/2021

TO: Los Angeles County Sheriff - Malibu Lost Hills Station

FROM: City of Malibu Planning Department **DATE:** 6/11/2018

PROJECT NUMBER: CDP 09-067

JOB ADDRESS: 22959 PACIFIC COAST HWY

APPLICANT / CONTACT: UPADI YULIATMO ~~Joseph Lezama;~~ Burdge and Associates Architect

APPLICANT ADDRESS: 24911 Pacific Coast Highway ~~Malibu, CA 90265~~

APPLICANT PHONE #: (310) 456-5905

APPLICANT FAX #:

PROJECT DESCRIPTION: New Motel, Grading, Retaining Walls, NAOWTS. Previously proposed as a new commercial building " (Malibu Inn Motel) and sale of alcohol to guests only

---

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

Deputy ~~John Peek~~ B KNOTT
27050 Agoura Road, Calabasas, CA 91302
(818) 878-1808 Fax (818) 880-5209
Hours: Monday – Thursday 9:00 a.m. – 5:00 p.m.

Planning Staff to send review packet to ~~mrwoodar@lasd.org~~ BM KNOTT.

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

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

Deputy KNOTT, B #487215 8/31/21
NAME DATE

B K DSB
SIGNATURE TITLE

Rev 110707 sld

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804

LOS ANGELES COUNTY WATERWORKS DISTRICTS REVIEW

REFERRAL SHEET

FROM: City of Malibu Planning Department **DATE 6/11/2018**

PROJECT NUMBER:	CDP 09-067
JOB ADDRESS:	22959 PACIFIC COAST HWY
APPLICANT / CONTACT:	Joseph Lezama, Burdge and Associates Architec
APPLICANT EMAIL:	joseph@buaia.com
APPLICANT PHONE #	(310) 456-5905
PLANNER:	Adrian Fernandez
PROJECT DESCRIPTION	New Motel, Grading, Retaining Walls, NAOWTS. Previously proposed as a new commercial building.

TO: Malibu Planning Department and/or Applicant

FROM: LACWD No. 29, Malibu

Compliance with the conditions checked below is required prior to Waterworks District approval

The project DOES NOT require any system improvements for domestic and/or fire flow conditions ____

The project DOES NOT require capital improvement fees and/or participation fees ____

The project DOES require a Will Serve Letter ***(Final Waterworks Districts approval)*** X

The project DOES require capital improvement fees and/or participation fees X

The project DOES require the owner to execute an agreement and participate financially in the design and construction of a future water system to increase local storage and conveyance capacity in the event of an interruption of the primary water supply ____

The project DOES require private contract water system improvements for domestic and/or fire flow conditions X

The required fire flow for this project set by the Fire Department is 2,000 gallons per minute at 20 pounds per square inch for a 2 hour duration

Scope of water system improvements required:

REPLACEMENT OF A 20" DIAMETER CHECK VALVE IN THE VAULT LOCATED WITHIN THE NORTHBOUND LANE OF TOPANGA CANYON BLVD, ABOUT 600' NORTH OF PACIFIC COAST HWY.

Note: Los Angeles County Waterworks District No. 29, Malibu approval expires upon the earliest of the following: 1) Two years from the date of this form; 2) Expiration date of the City Planning permit(s), or 3) Date County adopts changes to the county of Los Angeles Fire Code and/or makes revisions to applicable Fire Department regulations and standards.

SIGNATURE

4/7/2020
DATE

ADDITIONAL REQUIREMENTS/CONDITIONS MAY BE IMPOSED UPON REVIEW OF COMPLETE ARCHITECTURAL PLANS



ATTACHMENT 4


MALIBU INN


MALIBU INN

Attachment 5

Initial Study/Mitigated Negative Declaration

Available at:

https://www.malibucity.org/810/Malibu-Inn-Motel

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Serious Drought.
Making Conservation
a California Way of Life.

April 14, 2021

Ms. Adrian Fernandez, Principle Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RE: Malibu Inn Motel
Vic. LA-1 PM 46.14
SCH # 2021020396
GTS # LA-2021-03506AL-MND

Dear Ms. Fernandez:

This letter supersedes our letter dated March 17, 2021 as OPR website provided incorrect project document. Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed Project is to construct a new 7,693 square foot motel above a new subterranean parking garage, surface parking lot, grading, retaining walls, landscaping and a new onsite wastewater treatment system.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has been codified into CEQA law. It mandates that CEQA review of transportation impacts of proposed developments be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts. As a reminder, Vehicle Miles Traveled (VMT) is the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date. You may reference The Governor's Office of Planning and Research (OPR) website for more information.

http://opr.ca.gov/ceqa/updates/guidelines/

This development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

Also, Caltrans has published the VMT-focused Transportation Impact Study Guide (TISG), dated May 20, 2020 and Caltrans Interim Land Development and Intergovernmental Review (LD-IGR) Safety Review Practitioners Guidance, prepared dated December 18, 2020.

https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/sb-743

Overall, the environmental report should include a Transportation Impact Study (TIS) to ensure all modes are well served by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

The study has evaluated a few alternatives regarding on-site circulation associated with internal access to the adjacent site from the Pacific Coast Highway. Alternative 3 is recommended by Caltrans since it will always maintain the internal access with no access restriction between two adjacent sites. The new access or driveway to the proposed site will be restricted to right turn only movements (egress). "Right Turn Only" signs (R3- 5R) and pavement arrow markings will be installed to prohibit left-turn egress at project driveway as well as the restaurant driveway adjacent to the property line. Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit including a construction management plan from Caltrans when the driveway construction is at State Right-of-way. Any modifications to State facilities must meet all mandatory design standard and specifications.

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities (SR 1) without a storm water management plan.

For this project, transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods and idle time not to exceed 10 minutes.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2021-03506AL-MND.

Sincerely,

Anthony Higgins for

MIYA EDMONSON
IGR/CEQA Branch Chief

email: State Clearinghouse

MALIBU OPEN SPACE ALLIANCE

Received
4/27/2021
Planning Dept.

TO: Adrian Hernandez, Principal Planner
FROM: Malibu Open Space Alliance by Charlotte Frieze
RE: Malibu Inn Motel Mitigated Negative Declaration
DATE: April 22, 2021

"The CV-1 District is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents that are designed to be consistent with the rural character and natural environmental setting."

It is not clear how this project benefits the residents of Malibu. Nor how it is designed to be consistent with the rural character and natural environment. A project that requires this number of variances is not one that is respectful of Malibu's residents, its rural character and natural environmental setting and its Malibu Building Codes.

Malibu has building codes and guidelines for the purpose of steering the development within the City. The City Planning Department should be working to benefit Malibu residents and insist that developers design to meet these codes.

Malibu's Mission and Vision Statements have been ignored by the Planning Department in their review of this project. This project is far from residential in scale. It accelerates urbanization in the center of Malibu.

If City staff were working to prevent the urbanization of Malibu, they would have recognized that the proposed project is out of scale with central Malibu. Malibu instated codes to prevent super sized structures to over shadow the low, beach community type buildings for which Malibu is known. For instance the neighboring Chabad building and the Casa Escobar are both under 18 feet high. The Municipal Code and MLCP were enacted to prevent the repeat of the overpowering County approved clock tower.

The total effect of the Malibu Inn Motel when combined with the clock tower building is to create a concrete canyon where before there was a naturally sloping coastal bluff. This is appropriate for a large city not a coastal destination that attracts tourists for its ***rural character and natural environmental setting.***

How could the City staff not recognize that not only does the FAR exceed the allowable FAR, but the height has been miscalculated as well? The height should have been calculated from grade making this structure 46 feet to the top

of the elevator shaft not the allowable 28 feet. In actuality this project is a two-story motel with a one-story garage and a 4th floor pool deck that is serviced by an elevator and surrounded by a 36-42" high guardrail. The so-called subterranean parking is only 4 feet below grade with most of the parking above grade.

The property currently meets the adjacent properties at grade. The renderings illustrate the walls required to retain the slope on the sides as well as behind the structure. Whereas the sidewalk currently meets the grade flush, the outdoor parking is a car height above and requires a sloped driveway for entry. This does not demonstrate a project that is trying to fit into the community as required by CV-1: "***designed to be consistent with the rural character and natural environmental setting***." This project is instead a dominating presence especially when combined with the overpowering retaining wall built into the hillside.

It is also more difficult for a car or delivery vehicle to make the turn off PCH up a slope. This could cause back ups on PCH in an already congested area. In addition the slope could become a skateboarders dream.

Malibu has a distinctive character dominated by its mountains and bluffs that descend to PCH. The developer seemingly ignores the site's existing geological restraints by proposing to construct a 56.5-foot high retaining wall that cuts off the toe of the sloping natural coastal bluff.

The coastal bluffs give Malibu its character. How can the City permit cutting into the face of a coastal bluff in the center of town? This is **not** "***consistent with the rural character and natural environmental setting****".*

This is an unstable bluff in a seismically active area. Malibu is known for its heavy rains and mudslides. What studies have been made to confirm the continued stability of the hillside once the project cuts into the existing slope to construct the retaining wall? What studies have been made to ensure the stability of the residential structure perched above this site?

The Malibu code allows for 1000 cu yds. of grading. The resulting cut and fill should be balanced and remain on site and not be exported. Grading into the bluff is not exempt. The Malibu Inn Motel project proposes 12,649 cu yds. of cut into a natural bluff. This is an amount they cannot reuse on the limited site. Hauling this amount of cut would require over a thousand truckloads each containing 10 cu yds. To say this would disrupt traffic and business in a key tourist area across from the renowned Malibu pier would be an understatement.

By code retaining walls in Malibu cannot exceed 6 feet. To fit this hotel into the site requires not only the rear 56.5-foot massive retaining wall but also high side retaining walls. The proposed hotel is embraced by retaining walls on three

sides to make its elevated construction possible. Consequently the hotel's ground level in effect sits one story above the adjacent properties dominating the streetscape. This not only requires excessive excavation but also would create an uncomfortable condition on the adjacent properties. Instead of a continuous flow both visually and actively from property to property on grade, this project bumps the grade up using terracing.

It is necessary to review more carefully the Traffic numbers provided by the developer. The traffic and congestion in the Pier Area and the number of accidents and deaths increase annually. Since the Woolsey Fire and the beginning of the Covid Pandemic, there has been a change in traffic flow. There is more construction in Malibu at a time when more people have chosen to work from home. Others have more flexible working hours that has led to an increase in tourism especially to Malibu's beaches and hiking trails. What used to be summer time weekend traffic has become year-round traffic. In pre-summer traffic it regularly takes 45 minutes on a weekend to travel from Big Rock to Trancas.

Emergency vehicles already are challenged by the weekend gridlock.

Parking is a critical challenge in the area due to the demands for employees as well as visitors. Cars waiting on the street to pull into parking lots block an entire lane on weekends reducing the traffic flow to a crawl.

It is time for the City to address the totality of the parking and circulation in this key tourist zone including the proposed Sea View Hotel and Malibu Inn Motel, the Malibu Beach Inn, Nobu, Soho House, the Malibu Pier and up to and including the Surfrider Beach Parking lot. Let's learn from Orange County where the beachside communities are now parking lots and major highways have been constructed to circumvent them.

Now is the time for Master Planning that takes into consideration the Vision and Mission statement that respects Malibu's rural character and natural setting, the continuous urbanization of Malibu, increased tourism traffic, parking challenges, increased pressure on groundwater, and most importantly SAFE EVACUATION. Residents of Western Malibu can attest to the fear created by congestion as they tried to flee the Woolsey Fire. PCH was moving at a snail's pace. Many drove through fire on both sides of PCH to reach safety.

In this time of Climate Change, it is necessary to rethink Malibu's development goals. **Recycle, Reuse, Reduce** should be foremost in developing a Master Plan for Malibu.

Malibu residents come first. Let's plan to preserve our community not make money for the developers. The money made by developers after all leaves

Malibu. We should encourage projects that respect Malibu and support small businesses.

Malibu is a sliver of paradise tucked in between the Santa Monica Mountains and the Pacific Ocean. Let's work together to keep it that way.

Thank you,

Charlotte M. Frieze
Founding Member
Malibu Open Space Alliance

From: cynthia randall
To: Adrian Fernandez
Subject: Re: Hotel Project
Date: Sunday, March 7, 2021 1:27:57 PM

Mr. Hernandez:

As a Malibu resident, I oppose the new hotel proposed to be built across from the pier. During summer and weekends, that area is already way too congested with people looking for parking and making dangerous u-turns.

Instead, we desperately need a PARKING lot (preferably multi-story) there!!! Other towns make sure to have public parking. Why doesn't Malibu???

Thank you,
Cynthia Randall Hutchison
[redacted]
--

Peace and blessings,

Cynthia Randall
[redacted]

From: DL King
To: Adrian Fernandez
Subject: Proposed Malibu Inn
Date: Sunday, March 7, 2021 3:13:20 PM

To Whom it my concern

I object to the propose construction. I have live in Malibu since 1976. It is necessary to maintain a infrastructure to support residents and tourists. Turning one of the few available parking areas in that area into a motel is ridiculous. That area has a major amount of congestion on it's good days. Adding to it makes no sense with such a limited payback for the overall community.

Sincerely,

David L. King

From: christine kauffman
To: Adrian Fernandez
Subject: Motel
Date: Monday, March 8, 2021 3:13:54 PM

I have lived in Malibu for over 20 years. I stopped driving 7 years ago because I found the traffic to be too unpredictable for someone in their 60s. Between weekend traffic, summer traffic, blissed out surfers, bicycles and pedestrians the confusion and aggression of other drivers this driver threw up her hands and said no more! I value life and limb of myself and others.

Putting a"motel" up is a recipe for disaster and death. These 24 miles of PCH already exceed the death rate of other roads in similar small towns. The road and residents cannot be expected to deal with an increase in traffic, parking and accidents.

Sent from my iPad

From: Inez McGee
To: Adrian Fernandez
Subject: Malibu Inn Motel
Date: Monday, March 8, 2021 5:01:36 PM

Good afternoon,

I would like to voice my opposition to a new motel at the Malibu Inn site. That is one of the most congested and dangerous sections of PCH and adding a motel would make it more so. On a weekend, or for that matter any sunny beach going day, it is like running the gauntlet thru that stretch of highway. With the pier traffic, pedestrians, Nobu and beachgoers all looking for parking and pulling out into traffic or making illegal u-turns, it is already an insane driving situation. Enough already. Please do not let this project go forward.

Thank you and be well,

Inez McGee
[redacted]

From:	daniel calderon
To:	Adrian Fernandez
Subject:	New motel
Date:	Monday, March 8, 2021 1:42:48 PM

Hello there.

I am writing to voice my concern over the proposed new motel plans opposite Malibu Pier.....

I moved from Silverlake LA, to Malibu for a particular lifestyle, one that had less population density, less commercial real estate and more open space..... If I had wanted to live in a 'beach city' I would have moved to Manhattan Beach, LongBeach, or San Pedro.

I am very concerned that certain members of Malibu council and other powers-that-be seem to want to turn Malibu into a shopping-by-the-sea-hotel destination.
We already have the massive development, next to the large Wholefoods development being built.... More empty storefronts serving no-one in the community, and depriving humans and wildlife of beautiful nature.....

PCH is a nightmare drive on weekends (ask the majority of residents and you will find most do not leave their houses on these days).
Reckless drivers, including car clubs, descend in vast numbers with little police oversight (no local force of our own) and no local tow truck company!!!(because they were forced out due to commercial real estate development).

The particular stretch by the pier where the new motel wants to build is particularly problematic due to high traffic density (much of which is caused by NOBU and Soho House, that still can't seem to abide by the rules that they agreed to abide by when planning permission was granted).
Parking is already limited at best..... (I know, the motel will have its own parking lot, but the reality will be more cars and less parking for all)!

I can't begin to stress enough that PCH and the surrounding infrastructure cannot take this never ending commercialization.

We, the residents, the people that live here, should have our voices heard.
We don't want another massive shopping center. We don't want a Tesla car showroom. We don't want a motel. If we have to have commercial development, we want businesses that serve our community ie; a local tow truck company.
Otherwise we just would rather have wild open space for all of us humans and non-humans alike to enjoy.

Thank you for your time.

Katarina Vinegrad/Calderon.

"What the caterpillar calls the end, the rest of the world calls a butterfly."
Lao Tsu

"What the caterpillar calls the end, the rest of the world calls a butterfly."
Lao Tsu

From: Patricia Salazar
To: Adrian Fernandez; Lilly Rudolph
Subject: FW: hotels on the pch
Date: Thursday, March 11, 2021 1:08:14 PM

Public comment. Please have this uploaded to onbase for each project.

From: [redacted]
Date: March 9, 2021 at 12:52:11 PM PST
To: Karen Farrer <kfarrer@malibucity.org>, Mikke Pierson <mpierson@malibucity.org>, Bruce Silverstein <bsilverstein@malibucity.org>, Steve Uhring <suhring@malibucity.org>, Kathleen Stecko <kstecko@malibucity.org>
Cc: res02igz@verizon.net, Jeffrey D Jennings <jdjenningslaw@gmail.com>, Patricia Salazar <psalazar@malibucity.org>, Richard Mollica <rmollica@malibucity.org>, Fred Roberts <[redacted]
Subject: hotels on the pch
Reply-To: [redacted]

the number one job of the city counsel is safety

now 2 new hotels are proposed for the pch. people on sell phones not knowing malibu
looking to turn in and out on the pch. the pch in the carbon beach area has an already
high number of accidents and now you want to consider approving 2 new hotels

in case of fire. most fires come over the mountains from the valley on santa ana winds
how are you proposing to evacuate malibu residents down the pacific coast highway.
the citys failure was quite evident in the last fire on November 2018.

the city has done nothing to mitigate the traffic and several new buildings have already
been approved in the civic center commercial area adding to congestion on the highway.

For the sake of safety please do not approve either of the proposed hotels

BEST REGARDS
TERRY LUCOFF

From: [redacted]
To: Adrian Fernandez
Subject: New Malibu Inn Hotel Project
Date: Sunday, March 14, 2021 4:59:08 PM

I and all members of my family are very much against the new Malibu Inn Hotel project. As we all know PCH is already gridlocked most of the time. We have Norm Hainey's hotel going up very close by and of course our favorite, La Paz (don't remember the new name) in the Civic Center. Do we want complete gridlock on PCH? We definitely need a traffic study. The height of this is a blight on PCH. Why does it need to be so high. Of course Malibu will get more revenue. Seems to be the only thing our city cares about. We've forgotten about the quality of life for people that live here. Please deny this project.

Carla McCloskey

From: Lester Tobias
To: Adrian Fernandez
Subject: Malibu Inn Motel Negative Declaration: opposition comments
Date: Sunday, March 14, 2021 3:34:10 PM

I am writing in opposition to the proposed hotel on the site adjacent to the Malibu Inn.

My first point of opposition is that there is no relief in our LIP for a retaining wall that is fifty feet tall (the dimensioning of their figure 3 is incorrect), with thirteen feet exposed, and a secondary retaining wall behind it.

The spirit of our retaining wall limitations is rooted in “landform alteration” as well as visual appearance. When our code goes to great length to talk about working with existing topography, and limiting grading to a mere one thousand cubic yards, this is done to minimize the impacts of construction on the “natural" topography (or at least the topography that exists when a project is proposed).

The findings for the variance for the grading and the retaining wall simply can not be met.

My second point of opposition is that the existing JUPA and parking space analysis is significantly under counted, and since a JUPA is not a right, but a granted privilege, I think the city would be making a mistake in approving any transfer of rights or a new JUPA without significant increases to the required parking numbers.

I am a proponent of a comprehensive study and possible new zoning designation for the landward side of the Pacific Coast Highway between, say Carbon Mesa and the Civic Center to something along the lines of a “Hospitality Zone” with the types of setbacks, landform alterations, and other amenities like shuttle services and pedestrian bridges to allow for safe, reasonable commercial development of small hotels and restaurants while safely moving through-traffic along that corridor.

Until we have this new zoning, I oppose all of these slap-dash, multi-variance submittals that do nothing for Malibu, and everything for the property developer.

Thanks.

LT

--
Lester Tobias, Principal
[redacted]

From: Jamie Ottilie
To: Adrian Fernandez
Subject: malibu beach inn hearing
Date: Monday, March 15, 2021 11:19:22 AM

I understand that the proposal for the Malibu Beach Inn is coming before the planning commission. I have the following questions and comments:

- Has a traffic study for the area been completed that takes into account all of the driveways, left turns, pedestrians jay walking to the beach, people making illegal u turns etc in the area?

- How can additional development be considered for this area when Nobu and Little Beach House continue to create traffic nightmares every warm weekend? There needs to be resolution.

- In looking at the design – I do not understand how the property will be built without substantial variances for height – size of the retaining walls – and parking for both employees and guests. I am not in favor of malibu granting ANY variances in this area that increases development density.

- What will happen to the Malibu Inn building if they lose the overflow parking lot? It appears that neither of these properties will have enough parking once complete.

- Since most of our traffic comes from Santa Monica – what are the plans for people making left turns out of the hotel? Just making them illegal will not work – as we see from McDonalds, the former KFC location, V's etc.

- How will traffic enter the hotel? There is no room for a right hand turn lane without taking away public parking – is the hotel going to offer up FREE public parking to replace these spots?

I do not see how this project can be made traffic neutral nor how they will be able to pass an environmental impact study given the amount of grading required. I would urge the planning commission to view this project as skeptically as those of us who have lived in Malibu and watched our traffic and quality of life slowly get degraded. Without a longterm solution to congestion and traffic on this section of PCH – I believe that ALL development should be halted in the area until solutions can be found.

Sincerely,

Jamie Ottilie

From: Jamie Ottilie
To: Justine Kendall; Adrian Fernandez
Subject: RE: malibu beach inn hearing
Date: Monday, March 15, 2021 3:57:01 PM

Malibu Inn Motel – 22959 Pacific Coast Highway

I would add that I am adamantly against offsite parking for the Malibu Beach Inn – this is against the building code and should not be allowed.

Jamie

From: Justine Kendall <jkendall@malibucity.org>
Sent: Monday, March 15, 2021 1:26 PM
To: Adrian Fernandez <afernandez@malibucity.org>
Cc: Jamie Ottilie [redacted]
Subject: RE: malibu beach inn hearing

Hi Jamie,

We are working on responses to your questions – may I confirm the project you are inquiring about?

Is it the Malibu Beach Inn, an existing hotel at 22878 PCH which is proposing a new pool and offsite parking (an appeal to be discussed at the City Council meeting next Monday), or is it regarding one or both of the hotels listed here: https://www.malibucity.org/1048/Hotels.

Thank you for clarifying,
Justine

Justine Kendall | Associate Planner | City of Malibu
She/Her

NOTE: The City's priority is protecting public health and safety. To avoid community spread of coronavirus COVID-19, City Hall is closed. However, in order to provide the public with continuity of service, staff is working remotely Monday through Friday 8 AM to 5 PM. **For more information, visit //malibucity.org/coronavirus and sign up for emergency alerts at:** https://www.malibucity.org/alerts.

From: Justine Kendall
Sent: Monday, March 15, 2021 11:41 AM
To: Adrian Fernandez <afernandez@malibucity.org>
Cc: Jamie Ottilie [redacted]
Subject: RE: malibu beach inn hearing

Thank you!

Justine Kendall | Associate Planner | City of Malibu
She/Her

NOTE: The City's priority is protecting public health and safety. To avoid community spread of coronavirus COVID-19, City Hall is closed. However, in order to provide the public with continuity of service, staff is working remotely Monday through Friday 8 AM to 5 PM. **For more information, visit //malibucity.org/coronavirus and sign up for emergency alerts at:** https://www.malibucity.org/alerts.

From: Adrian Fernandez
Sent: Monday, March 15, 2021 11:29 AM
To: Justine Kendall <jkendall@malibucity.org>
Cc: Jamie Ottilie [redacted]
Subject: FW: malibu beach inn hearing

FYR

Adrian Fernandez
Principal Planner
(424) 422-8319

From: Jamie Ottilie [redacted]
Sent: Monday, March 15, 2021 11:19 AM
To: Adrian Fernandez <afernandez@malibucity.org>
Subject: malibu beach inn hearing

I understand that the proposal for the Malibu Beach Inn is coming before the planning commission. I have the following questions and comments:

- Has a traffic study for the area been completed that takes into account all of the driveways, left turns, pedestrians jay walking to the beach, people making illegal u turns etc in the area?
- How can additional development be considered for this area when Nobu and Little Beach House continue to create traffic nightmares every warm weekend? There needs to be resolution.
- In looking at the design – I do not understand how the property will be built without substantial variances for height – size of the retaining walls – and parking for both employees

and guests. I am not in favor of malibu granting ANY variances in this area that increases development density.

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- Since most of our traffic comes from Santa Monica – what are the plans for people making left turns out of the hotel? Just making them illegal will not work – as we see from McDonalds, the former KFC location, V's etc.

- How will traffic enter the hotel? There is no room for a right hand turn lane without taking away public parking – is the hotel going to offer up FREE public parking to replace these spots?

I do not see how this project can be made traffic neutral nor how they will be able to pass an environmental impact study given the amount of grading required. I would urge the planning commission to view this project as skeptically as those of us who have lived in Malibu and watched our traffic and quality of life slowly get degraded. Without a longterm solution to congestion and traffic on this section of PCH – I believe that ALL development should be halted in the area until solutions can be found.

Sincerely,

Jamie Ottilie

From: [redacted]
To: Adrian Fernandez
Subject: Malibu Inn Hotel
Date: Monday, March 15, 2021 2:56:07 PM

Dear Planning Dept,
Please do not consider building a hotel at the most congested area of PCH in Malibu. It is unbearable trying to commute regularly in and out of Malibu and I think building this hotel right at the bottleneck will hugely exacerbate the existing problem.
Kind regards,

Lisa McKean (Owner)
[redacted]

From: Suzanne Titus
To: Adrian Fernandez
Subject: New Plan for the Malibu Beach Inn
Date: Monday, March 15, 2021 1:06:07 PM

Hello,

I understand there is a planning meeting upcoming and I would like to submit my questions and request for a noise survey for this potential plan.

This will definitely draw a crowd and so to also see a survey for occupancy, daily attendance and parking availability provided for the property only is important and that there are reasonable rates extended, as it will impact other retailers in the area.

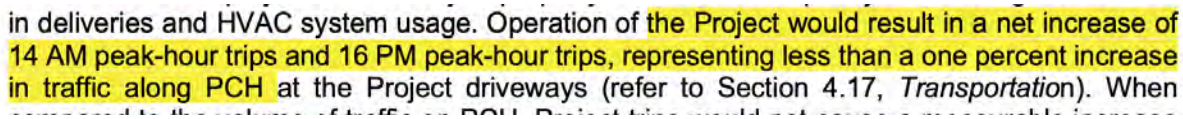
I will watch to see the acknowledgment and plans to provide a response.

Thank you,

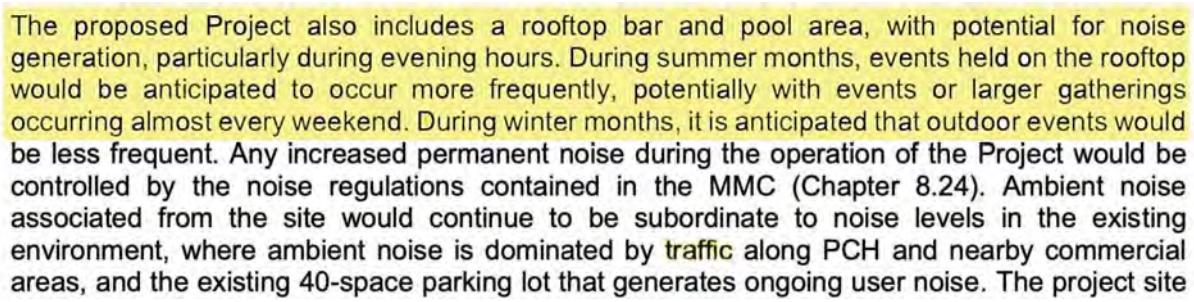
Suzanne

From: [redacted]
To: Adrian Fernandez
Subject: Malibu Inn Hotel
Date: Wednesday, March 17, 2021 10:09:57 AM
Attachments: Screen Shot 2021-03-16 at 8.51.20 PM.png

This is a follow up to my original email as I have read other disturbing details. How can they predict that there will only be 14/16 additional trips daily? This is absurd. Events always generate more traffic than what they are predicting. I'm also concerned when they say they will only have 3 employees--that doesn't make sense. And the noise that will be generated from a roof top event center? There are many questions that need to be answered and this report seems about as factual as the one a few years ago that said malibu traffic hadn't increased in 25 years. We need an accurate factual study that doesn't presume malibu residents aren't aware of what the actual truth is.
Thank you. Carla McCloskey


in deliveries and HVAC system usage. Operation of the Project would result in a net increase of 14 AM peak-hour trips and 16 PM peak-hour trips, representing less than a one percent increase in traffic along PCH at the Project driveways (refer to Section 4.17, *Transportation*). When

Here they claim that they anticipate large events every weekend - more in the summer and YET - predict only 14 more cars during the day and 16 at night. Large events, even medium events such as the one most likely to be held there, weddings, will bring hundreds of cars per each event.


The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site

From: [redacted]
To: Adrian Fernandez
Subject: COMMENT MND - Malibu Inn Hotel
Date: Wednesday, March 17, 2021 1:24:56 PM
Attachments: Screen Shot 2021-03-17 at 11.33.23 AM.png

Please add this to Malibu Inn Hotel EIR Comments.

COMMENT ON MALIBU INN HOTEL.

Unfortunately, once again, our city has been presented with a staff report dismissing and understating the impacts of new development on Malibu. This project needs an EIR to study noise, traffic, and the impact of a combination of two venues next to each other. A nightclub next to a potential new hotel.

The Malibu Inn Hotel project is proposed at one of the busiest and most dangerous sections of PCH in Malibu. Across from the heavily populated pier, filled Surfrider Beach, the only fast-food spots in Malibu, close proximity to crowded Nobu, Soho House, Malibu Beach Inn, and busy public parking lots. The staff report states that this hotel will hold large events every weekend at the new rooftop bar. These will undoubtedly include weddings, parties, conventions which will bring in hundreds of new cars and yet - staff states only 14 AM and 16 PM new additional daily car trips. This claim flies in the face of the most basic logic and accuracy.

The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site

Heavy haul trucks will need to run at least 600 - 875 loads to evacuate mounds of dirt on an already overrun PCH.

Approximately 394 cy of the excavated soil would be used as fill material onsite, while the remaining material (approximately 12,255 cy) would be exported from the project site via roughly 600 to 875 heavy haul trucks, depending on the size of trucks utilized (see Section J, below). The total area of ground disturbance would be 0.77 acre, or approximately 33,541 sf. As detailed in

While scaled-down hotels can have advantages, this project at this intersection could not possibly be proposed at a more disruptive location. There is no possible way that this new hotel, in this area, will not greatly impact and cause more disturbance on PCH for visitors and residents. And yet this staff claims this project "***would not result in any cumulative impacts"***. This is a clear example of truth being understated and buried to serve developers, rather than data that protects the city and visitors on PCH.

Please unbury the truth and conduct a proper EIR. Protect this fragile city and Malibu's already overloaded infrastructure. Malibu must demand that a full and accurate traffic study is conducted that includes ingress and egress **of all uses** within a mile of this location including traffic from the pier, Nobu, Malibu Beach Inn, public parking lot, Surfrider Beach, Jack In The Box, Serra entrance, etc.

Thank you for listening, please do the job of planning correctly.

Thank you,
Jae Flora-Katz

From: John Stockwell
To: Adrian Fernandez
Subject: 22959 PCH HOTEL PROJECT
Date: Wednesday, March 17, 2021 8:05:51 PM

Hi Adrian, it's John Stockwell the owner of [redacted] on the Malibu pier as well as a Pt Dume resident.

I wanted to just quickly weigh in on the potential hotel project across the street from the pier. As everyone in Malibu knows parking is already a huge issue in that area and I don't understand how the parking for the current Aviator Nation expansion to food and entertainment will be handled if they no longer have the joint use agreement for the lot next to them.

So many of us have always felt that this location would be perfect for a well designed and well landscape parking garage to accommodate all the visitor serving parking that this area is overwhelmed with and give PCH back to the residents for their parking. The current parking lot next to aviator nation where this potential motel would go is full by 10 AM in the summer with people paying $45 a car so where will all those people go if there is no parking option there anymore?

There are obviously a host of additional issues such as the amount of excavation and retaining walls necessary as well as the impact of the construction on PCH but my bigger issue is this is an incredible opportunity to create parking in the center of the commercial district of Malibu.

Aaron Gribben

Subject: FW: Malibu Inn Motel - An Ambitious Proposal

From: Karen Farrer <kfarrer@malibucity.org>
Sent: Wednesday, March 17, 2021 7:24 AM
To: Heather Glaser <hglaser@malibucity.org>
Subject: Fwd: Malibu Inn Motel - An Ambitious Proposal

Begin forwarded message:

From: LSGLA [redacted]
Date: March 17, 2021 at 3:59:21 AM PDT
To: Mikke Pierson <mpierson@malibucity.org>, Bruce Silverstein <bsilverstein@malibucity.org>, Karen Farrer <kfarrer@malibucity.org>, pgrisanti@malibucity.com, suhring@malibucity.com
Cc: planning@malibucity.org
Subject: Malibu Inn Motel - An Ambitious Proposal

Dear Malibu City Council:

It is inadvisable for the City of Malibu to approve the project known as the 'Malibu Inn Motel' as proposed by Burdge & Associates Architects and Surfrider Plaza LLC.

Furthermore, the excavation and removal of 12,255 cubic yards of soil, the sinking of caissons, the 'carving out' of a substantial portion of the hillside necessitating the construction of a massive retaining wall, needs extensive due diligence for the feasibility and safety of family homes located above said excavation and build-out.

This project should be evaluated by legal counsel for extensive liability issues; reference the building of a mega mansion
in Beverly Hills on a hillside and the potential jeopardy to surrounding residences.

Additionally, just think - an estimated 600
to 875 heavy haul truck trips to remove approximately 12,225 cubic yards of soil. This vehicle count does not include regular construction - just the excavation...

"Hot time in the summertime" seriously? "Minimally affect roadways" - please who drew this conclusion? This project is located in the most heavily congested stretch of Pacific Coast Highway. It is already populated with hospitality service businesses with totally inadequate parking. The City of Malibu has approved these projects, knowing full-well they were not in compliance. The end result - pandemonium; no parking, traffic accidents, congestion lasting hours and residents being trapped at home.

The residents of Malibu suffered the unimaginable trauma of the Woolsey fires.
Many still harbor resentment about the perceived failures of our city government. Many know precisely the roar of heavy haul trucks removing debris from burned-out family homes. Now imagine 600 to 875 heavy haul trucks, filled with dirt and debris, 6 days a week, on the main thoroughfare, in and out of Malibu...to excavate for the Malibu Inn Motel.

A year of isolation, the result of a global pandemic and 'you all' decided to give final approval and allow construction to begin on a mega project known as Cross Creek Ranch. Smart developer, with impeccable timing, to push this 2008 project through in January 2021 when Malibuites were quarantined.

Please consider the following notations when considering the Malibu Inn Motel:

- 1 cubic yard of topsoil weighs 2,200lbs.
- 1 cubic yard of loose dirt weighs 2,800lbs.
- Minimally affect roadways - nonsense.
- 12,225 cubic yards of excavated soil.
- 600 to 875 HEAVY HAUL TRUCK TRIPS.
- Construction to begin SUMMER 2021

b. **Less than Significant with Mitigation.** It is not anticipated that the Project when vi connection with the effects of past projects, the effects of other current projects, and the of probable future projects, would have a significant effect on the environment. While the and cumulative development are anticipated to minimally affect roadways in the project the Project would have less than significant impacts to area traffic both on a Proj cumulative level. Also, as previously discussed in the Section 4.13, *Noise*, cumulative were analyzed and with implementation of mitigation measures the Project is not exp result in significant adverse impacts either individually or cumulatively. Although excavatio subterranean garage could potentially uncover previously undisturbed cultural paleontological resources, and standard conditions would ensure the proper steps are avoid impacts. Therefore, the Project in combination with recommended mitigation m would not result in any cumulative impacts.

architectural finishing.

Site preparation, grading and excavation of the lower half of the existing slope would require of excavators, backhoes, bulldozers and heavy haul trucks. Export of approximately 12,255 cu yards of excavated soil would require use of approximately 600 to 875 heavy haul truck tr assuming 14 to 20 cubic yard haul trucks. Traffic control for trucks entering and leaving the along PCH would be implemented through use of flaggers.

A number of us have been friends for years. We've raised our children together and we love our little town. Let's remember; we all want what's best and most of us have very good intentions.

Thank you for your time and consideration. And most importantly, thank you for your service and dedication to our community.

Be kind whenever possible. It's always possible. ~ Dalai Lama

Best regards,

Lynn Saunders Guilburt

[redacted]

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From:	Matt Goodwin
To:	Adrian Fernandez
Subject:	22959 Pacific Coast Public Comment
Date:	Wednesday, March 17, 2021 7:33:41 PM
Attachments:	Screen Shot 2021-03-16 at 11.26.39 AM.png

Hello Adrian,

I'm writing in regards to the Staff Report and Draft Mitigated Negative Declaration for 22959 Pacific Coast Highway Malibu, CA.

Below is an outline of key items I would like to flag. This project will require significant disruption to the existing mountainside, thereby creating earth movement in an earthquake zone, significant construction noise, major PCH shutdowns and traffic throughout construction for utilities and will set precedents that Malibu hasn't seen before like 55ft retaining walls and subterranean parking in beachfront environments.

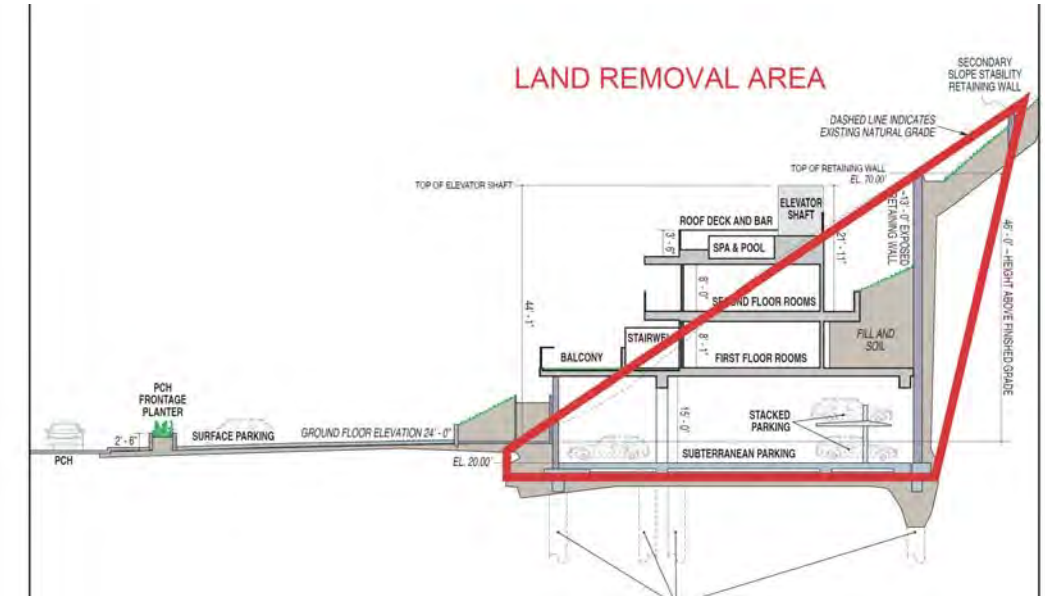
In addition, the City has indicated in this report that the project does not propose an Environmental Issue, and is suggesting a Negative Mitigated Declaration, as opposed to requiring a full Environmental Impact Report (EIR). I think there are plenty of environmental issues/risks that\ would trigger an EIR.

Issues

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously be an EIR requirement.
- **EIR Risks Not Listed** - On page 20 you only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking.
- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and create a new precedent for Malibu. I am also concerned for the stability of his hillside as it also relates to our property just two lots to the west. I can imagine during construction that significant vibration from pile driving and foundation / shoring work will create similar vibrations further west and put our hillside at risk. Have they considered vibration monitors so they do not affect the neighbors properties and cause landslides? Additionally, subterranean parking seems like a stretch for such a close proximity to the beachfront.
- **Retaining Wall, Construction on Slope, Non Exempt Grading Variances** - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues.This project is requesting major variances and should be considered within the more suitable flat land, versus carving into the mountainside.
- **Height of Elevator Bulkhead -** In Malibu, a maximum building height can be 24' or 28'

with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and we would've been at 28'-6" due to the nature of the elevator shaft, but also lower than our existing roof line. We were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be reviewed in equal detail.

It seems also the loss of public parking will only create further parking issues for the Malibu Pier / Surfrider Beach area. Perhaps it could be a nice parking structure?



Thank you,
Matthew Goodwin

[redacted]

Malibu, CA 90265

To : Adrian Fernandez
From: Malibu Coalition for Slow Growth by Patt Healy
Re: Malibu Inn Motel Mitigated Negative Declaration
Date: 3-17-21

Malibu Inn Motel Mitigated Negative Declaration

Project Description

The Malibu Inn Motel, proposed to be located at 22959 Pacific Coast Highway, is for the construction of a new 7,693 square foot motel above a new subterranean parking garage, surface parking lot, grading, retaining walls, landscaping and a new onsite wastewater treatment system; including variances for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development, construction on slopes steeper than 2.5 to 1, surface parking within the required front yard setback, and retaining walls in excess of six feet in height, a site plan review for a building height in excess of 18 feet, not to exceed 28 feet for a pitched roof, a conditional use permit for a new commercial development over 500 square feet and a motel in the CV-1 zoning district, and for a Joint Use Parking Agreement to share parking spaces with the adjacent lot.

Benefit to Residents

How does this project benefit the residents of Malibu?

How does this project enhance residents quality of life ?

Why were residents not notified and allowed input prior to the preparation of the this Negative Declaration ("ND")?

Development Criteria Ignored

With so many major variances required, how did this project get to the point of the city proposing a mitigated negative declaration?

Why didn't the city ask the owner to develop within the code, instead of allowing the developer to ignore the development standards put in place to protect the small town rural feeling of Malibu?

The General Plan states that Commercial Development has to be residential in size. Why was this ignored?

Why isn't the city insisting its development criteria be met to protect Malibu from urbanization?

Why is city staff justifying this project by stating it is the same height as the oversized county approved clock building when the Municipal Code and MLCP were enacted to prevent the continuation of this county allowed type of construction ?

<u>FAR</u>

The code allows for commercial development at a maximum FAR of .15.

According to Slow Growth's calculations the actual FAR is .15.37 If we are correct this exceeds the allowable FAR.

What is the actual FAR of this project? The ND states the slope is greater than 2 ½ to1. What percentage of the slope is 1:1 or steeper?

Has the portion of the slope which is 1:1 or greater been deducted when calculating the properties square footage ? If not, how much has to be deducted? And how much smaller does the project have to be to meet the required .15 FAR after the deduction of the 1:1 or great slopes ?

<u>Height</u>

The ND states the structure is 28 ft in height. Height is measured from grade and this structure is 46 ft.in height from finished grade to the top of the roof's elevator shaft. Elevator's are not excluded when calculating height.

This is in reality a 3 or 4 story structure. There is the 2 story motel and the third story is the actual above ground parking under the motel. The 4th story is the rooftop space containing the pool and the produding 10ft high elevator and a 3 ft. high guard rail .

Although described as subterranean parking, to say the parking structure is subterranean is misleading since only about 4 ft is actually underground. This parking structure is not subterranean since the majority of the parking is above ground level. (See figure 3 ND.)

Was the above ground portion of the parking structure counted in calculating the FAR ?

The NG states: "The proposed new motel would be similar in size, bulk and scale to existing structures to the east and west ..." This is an inaccurate statement This building is massive in relation to the Malibu Inn which is directly to the west and the Chabad building directly to the east which are both one story and under 18 ft. in height (see rendering)
https://www.malibucity.org/DocumentCenter/View/27710/Malibu-Inn-Motel_Renderings

Why is city staff justifying this project by stating it is the same height bulk and scale as a oversized county approved clock building when the Municipal Code and MLCP were enacted to prevent the continuation of this non- human scale type of urban construction?

Geology

Why wasn't the fact that the project is in a tsunami zone analyzed ?

The ND states: "As the project site is located within the seismically active Southern California region, there is the potential for regional seismic events to cause strong ground shaking at the project site. There is also a possibility that there could be trace of previously unidentified faults somewhere onsite. The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall".

The Geology study confirms this is an unstable bluff. What is to prevent the portion of the bluff above the retaining wall from sliding in a heavy rain or a major earthquake?

Did the owner do anything to determine that there were no faults running through the property ? Is so, what kind of investigation did they do and what did they find ?

The ND states that even following the codes loss of life could occur, and the loss of life and property would have a less than a significant impact. Please explain how can loss of life ever be considered a less than a significant impact

Coastal Bluff/Grading

The ND states: ''The Project is proposed on a site that was likely on or immediately adjacent to a beach prior to development and was subject to coastal processes (e.g., wave action, beach scour), and has experienced substantial erosion from the northern bluff into the project site (Appendix B).''This description meets the definition of a Coastal Bluff''

Elsewhere in the ND it states ''the Project would only alter the lower approximately 50 feet of the slope, while the upper 130 feet remain unaltered.''

This would be accomplished by cutting into/ excavating a massive amount of the coastal bluff. This excavated soil will have to be exported off site.

'Where does the code allow cutting into a coastal bluff ? If the city denies it is a coastal bluff, where in the code does it allow cutting into a bluff face allowable?

What is the length and depth of the cuts into bluff ?

The code allows for 1000 cu yds of grading and the cut and fill should be balanced remain on site and not be exported.

Grading Into the slope is not exempt. The only exempt grading is the approximately 4ft. underground portion of the parking structure.

12,649 cu yds of cut into this bluff is an enormous amount of grading into an admittedly unstable hillside. What is to prevent the hillside from sliding during the grading 50 ft high into slope ?

Is the 11,693 understory grading for the approximately 4 ft of the subterrain parking Lot?

Why was the removal al of the cut dirt off site estimated to be only 600-800 cu. yds when a normal dump truck carries 10 cu.yds. of dirt ? A more realistic calculation is 1,269 truck loads have to hauled off site.

Over how may days will PCH traffic be disrupted as the dirt is being hauled off site?

Why isn't a traffic management plan required now so the impact of this project is known to the decision makers and the public ?

Retaining Wall

Under the code retaining walls are to be no higher than 6 feet in height. The proposed retaining wall height is 46 ft above finished grade but in reality is 56.5 ft high measured in its entirety.

What is the length of the retaining wall?

Just because the retaining wall will be camouflaged and hence supposedly looks ok from PCH doesn't mean such a high deviation of what is allowed under the code should be granted.

What is the visual impact of this retaining wall from the end and middle of the Malibu Pier?

How far will west bound traffic be backed up because of the construction of this project during Saturdays and in the summer?

Cultural Resources

Where did the preparer of the ND get information regarding the lack of the possibility of cultural resources on site dismissing the potential for their existence due to possible past wave action? Recent 20th century evidence proves otherwise.

According to a supporter of Slow Growth when the clock tower building 2 properties to the east was under construction a Chumash burial site was found and excavated. All along this area east of the Malibu Creek at various times Chumash artifacts and burials have been found. It is therefore likely that this site could harbor a Chumash burial ground or in the very least Chumash artifacts.

It appears that this section of the ND was written based on supposition rather than researching the actual situation. We suspect if the research was done there are probably several recorded Chumash sites in the vicinity .

The MLCP gives instruction as to how to the city is to deal with potential Chumash sites both pre construction site and during construction Why isn't the LUP being ignored instead of being followed ?

Wastewater

It appears that the OWTS is being allowed only because there is an expectation that this part of town will be required to hookup to the Civic Center Treatment in phase 3 which is expected to occur in 2028.

Is Phase 3 guaranteed? Can this OWTS perform for the life of the project if phase 3 doesn't happen? What is the expected life of this system ?

How far above the groundwater table is the OWTS ? Is there a chance that groundwater brackish or fresh can enter the system ?

What kind of problems can be caused because the leach field is not large enough to hold the effluent from this project and the Malibu Inn?

The ND states:''The fact the property owner has to record a covenant notifying new owners of the following: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair''.

The uncertainties of the workability of the OWTS and its leach fields should result in project denial or in the very least require an EIR since the possibility of it not working is significant.

<u>Public Access</u>

The denial/loss of public parking for visitors to the Malibu Pier will be significant and is not mitigable. Why isn't this loss of parking acknowledged in the ND?

What percentage of the motel rooms will be low income accommodations?

<u>Parking</u>

The joint use parking agreement with the Malibu Inn is not sufficient when the restaurant dining area is full, the outdoor tent is in use and/or they have bands and other entertainment on site. Since this is the case why isn't the actual required parking being increased ?

What motel personnel will occupy the 3 employee parking spaces?

How many employees will be employed by the Malibu Inn and The Aviation Nation shop when the Malibu Inn is at full capacity ? Where will these employees park?

Will the motel and Inn parking be valet parking or self serve?

Why isn't stacked parking being required now as a part of the project?

Stacked parking will have to be installed now or installed later since the Malibu Inn is under parked for the amount of cars that will using the site? How will the after the fact installation of stacked disrupt needed project parking and for how long?

In an emergency, stacked parking is not a good idea because of the time needed to get cars out of the lot and on to the driveway how long a delay will there be if the stacked cars and their drivers have to be evacuated?

Even if there is no stacked parking in an evacuation situation it will take an enormous amount of time to get all the cars and their occupants off site. A EIR needs to analyze this situation because in an emergency a very dangerous situation is being created.

If there is valet parking and /or stacked parking have these employees been counted in the 3 employee parking space allotment? If not, how many more parking spaces will be needed for these employees?

Will the handicap parking stalls reduce the needed/required parking if they are not being used ?

At one point the ND says only 3 additional parking spaces are needed for employees. Later on it says there will be 20 employees onsite at peak times. If this is the case why aren't more spaces being provided?

Why does the ND not analyze the impact of loss of needed Malibu Pier parking which is needed on weekends and summer days . This needs to be analyzed in an EIR.

Since it is rare, if not impossible, to find parking along PCH and the pier parking lot is full in the summer and often in winter weekends there certainly will a loss of needed pier/ beach parking. How is the current property's parking spaces used by residents and visitors alike being replaced?

<u>Traffic</u>

The traffic study doesn't reflect the reality of the traffic backup and gridlock on this strip of PCH. It talks around it. In actuality, there is a traffic movement problem on a regular basis during rush hour and in the summer and it is significant and not mitigable.

Why are we allowing a minimum 20 more visitor cars going in and out of the motel more than once a day add to the already unmitigable traffic problems?

<u>Emergency</u>

PCH is a major evacuation route and the ND states the incremental increase in traffic is not an evacuation problem and the impact is not significant. Obviously, the preparer of the emergency impacts has never been on PCH in an emergency situation or when an ambulance is trying to get to Santa Monica on a summer day when traffic is gridlocked. Even an incremental increase if traffic can be and is significant.

These so called incremental impacts have to be studied along with the incremental impacts of all of the earlier projects mentioned below in the cumulative an EIR.

There is no real analysis in the ND. Statement are simplistically made and expected to be accepted as true. The expectation in the ND is the evacuation will go perfectly without real consideration of an overcrowded after dark smoke filled gridlocked highway, with non functioning traffic lights ,and unpredictable human behavior to name just a few of the many safe evacuation impediments. The worst case situation has to beanalyzed in an EIR.

The ND naively states that with implementation of the required fuel modification plan on the project site, wind driven wildfire impacts would be less than significant. This statement doesn't take into account that wildfire embers travel for miles.

<u>Cumulative Impacts</u>

As required by CEQA why doesn't this ND take into account the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct?

Why aren't the cumulative impacts of this project being studied in light of all the created traffic congestion and parking impacts from recently approved development which residents are constantly upset about.

The project needs be studied in conjunction with the traffic circulation and off site parking impacts created by the Sea View Hotel , the Malibu Beach Inn, Avis lot parking , Nobu , Soho House , Malibu Pier and Malibu Inn as well as Surfrider beach parking east of the Adamson house and west of the Malibu. Pier. The traffic and the PCH parking impacts of all of these projects should be factored in when considering the impact of this project. This is a major reason why an EIR is needed.

It is well known to residents that there is not enough parking in the vicinity for the users of these facilities and their employees.

And despite what individual traffic studies state, this area of PCH is highly congested. During rush hour westbound traffic often backed up all the way to Carbon Canyon. On a good day traffic is backed up during rush hour from the Malibu Beach Inn to Cross Creek Rd.

On summer weekends and even during summer weekdays traffic doesn't move in this area. It is gridlocked. The city's traffic studies do not reflect reality.

This project as well as the many others in this vicinity have/are being piecemealed through with no thought given to the cumulative traffic , parking and other environmental impacts such as aesthetics , increased groundwater, urbanization of Malibu , safe evacuation and the failure to construct projects

that meet the development criteria/standards set forth in the Municipal Code and MLCP.

Since the cumulative impacts are not being studied in relation to recently past piecemealed projects and potential future projects, this ND is fatally flawed.

<u>EIR Required</u>

Under CEQA, If there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

The ND failed to indicate any potentially significant impacts but there are some that are significant not mitigable such as traffic. An EIR needs to be done and if the city council desires this project, it would have to make a finding of overriding consideration.

The very fact that this project is a significant departure from the code requirements makes an EIR necessary. In the EIR more environmentally protective alternatives have to be analyzed such as "no project "and a smaller one story commercial project which is residential in scale that doesn't need all these monumental variances have to be analyzed.

In this instance the parking impacts are significant and they are glossed over in the ND. The current site during the day provided parking for visitors to the pier and the Farm restaurants on the pier. This needed parking is being lost.

Cuts and excavation into the toe and then excessive excavation of the slope 50 foot high to a unknown depth is destabilizing the slope without an enormous 56.6 ft retaining wall.

Furthermore it is questionable if these cuts are allowable since it is cutting into a bluff face and the cuts and retaining wall are of a magnitude that is unimaginable in Malibu.

From: Suzannah Owens
To: Adrian Fernandez
Subject: Malibu Inn Project Comment
Date: Wednesday, March 17, 2021 10:52:19 AM

To Whom it May Concern,

I am emailing regarding the current Malibu Inn project. The city is in dire need of more hotel rooms and I believe this will be a great improvement to the empty parking lot that is currently there.

I think this project will be a great asset to the city and I look forward to referring family members from out of town.

Best,
Suzannah

From: Judy Ettinger
To: Adrian Fernandez
Subject: Proposed Malibu Inn Motel, 22959 PCH., Malibu
Date: Thursday, March 18, 2021 3:22:35 PM

Dear Adrian:

After reading about the new proposed hotel for Malibu, called The Malibu Inn Motel, I would like to bring up the point that a 20 room motel would be a great fit for Malibu, since it would be considered more of a boutique hotel. I really liked the design, with the use of the exterior wood, it looks like it would blend nicely into the current landscaping.

I do agree that we need a new hotel and new growth in Malibu, it has been long over due. I have a lot of relatives that come from out of town that would really enjoy a pool with a restaurant, especially in that location with the view of Malibu and the Ocean. I look forward to having a new hotel for my friends and family to come visit Southern California.

From:	Mark Dempster
To:	Adrian Fernandez
Cc:	Kim Dempster
Subject:	Opposition to Proposed Project at 22959 Pacific Coast Highway
Date:	Thursday, March 18, 2021 3:07:58 PM
Attachments:	Screen Shot 2021-03-16 at 11.26.39 AM.png MalibuInnMotel_PublicDraft_20210217154727145O.pdf

Hello Ms. Fernandez,

We are residential owners at [redacted] (across the street, approximately in between Jack-in-the-Box and Aviator Nation and directly next door to the Malibu Pier).

Let me start by saying that a new hotel would be a net positive to Malibu generally and this neighborhood specifically. However, as proposed, we are diametrically opposed to any aspect of this project. In fact, we oppose a project that's even half this scale and impact. What we do support is a project that is not a square inch larger than the Surfrider Hotel and one that follows every single letter of the code without a single variance, just as the Surfrider abided by with their renovation.

Our view is that the owner and the architect of 22959 PCH actually don't want this project, as proposed. We believe they are doing nothing more than playing a game with the City of Malibu. That game is to submit a set of basic drawings that reflects a maximum footprint, per the square footage of the lot, and ask for every variance under the sun to make that proposal achievable from an engineering and construction standpoint. But, our suspicion is that the owner and the architect know full well that there's zero chance of approval of this proposal, are expecting to get pushed back to a more achievable and desirable project, but one that still got a number of variances granted by the city.

The owner and architect could have followed a more neighborly and measured process in drafting their first proposal. But, for their conscious game playing, we ask that the city put this project through the gauntlet of following proper protocol.

Specifically, we ask that the city not grant this project

the requested variances:

1. Non-Exempt grading in excess of 1,000 cubic yards per acre of commercial development (asking to export 12,255 cubic yards as reference)
2. Construction on slopes steeper than 2.5 to 1
3. Surface parking beyond the required front yard setback
4. Retaining walls in excess of six feet in height (asking for a 52.5ft all wall above the subterranean parking garage as reference)

Furthermore, we ask the city insist that this project not deviate from the following:

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously. Refer to Pg3 to get an understanding on the EIR requirement vs NMD requirement.
- **EIR Risks Not Listed** - On page 20 they only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking
- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and creating a new precedent for Malibu.
- **Retaining Wall, Construction on Slope, Non**

Exempt Grading Variances - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues.This project is requesting major variances and should be considered within the more suitable flat land, versus carving into the mountainside.

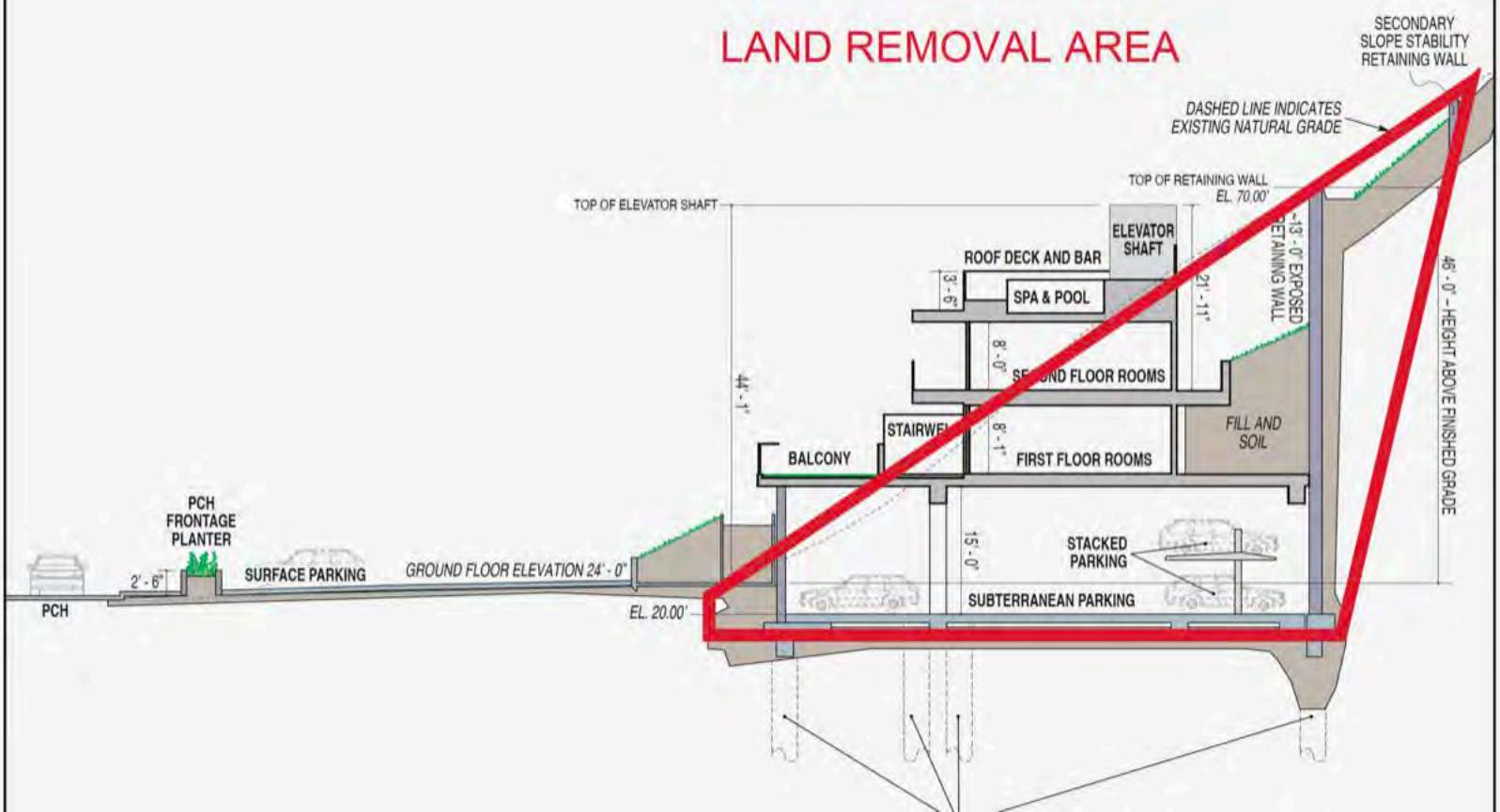
- **Height of Elevator Bulkhead -** In Malibu, a maximum building height can be 24' or 28' with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and wee would've been at 29' due to the nature of the elevator shaft, but also lower than our existing roof line. Wee were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be scrutinized.

My contact information is below should you have the need for any follow-up.

Thank you for your consideration.

Mark & Kim Dempster

Mark Dempster
[redacted]


LAND REMOVAL AREA
SECONDARY SLOPE STABILITY RETAINING WALL
DASHED LINE INDICATES EXISTING NATURAL GRADE
TOP OF RETAINING WALL EL. 70.00'
TOP OF ELEVATOR SHAFT
ELEVATOR SHAFT
ROOF DECK AND BAR
SPA & POOL
13' - 6"
21' - 11"
13' - 0" EXPOSED RETAINING WALL
46' - 0" - HEIGHT ABOVE FINISHED GRADE
8' - 0"
SECOND FLOOR ROOMS
44' - 1"
STAIRWELL
8' - 1"
FIRST FLOOR ROOMS
FILL AND SOIL
BALCONY
PCH FRONTAGE PLANTER
2' - 6"
SURFACE PARKING
GROUND FLOOR ELEVATION 24' - 0"
PCH
EL. 20.00'
15' - 0"
STACKED PARKING
SUBTERRANEAN PARKING

From: nicholas eliopoulos
To: Adrian Fernandez
Subject: proposed motel for 22959 PCH
Date: Thursday, March 18, 2021 4:44:59 PM

Dear Mr. Fernandez,

I would like to express my support for the proposed motel across form the Malibu pier at 22959 PCH.
The motel would be a welcome addition to Malibu. I am a native Angeleno and have lived in Malibu.
When friends and family visit they always comment on the lack of nice lodging in Malibu.
It is such a beautiful place and Malibu very much needs more quality lodging.
The rendering shows a design that is beautiful and fits in so nicely with Malibu.
The motel is perfectly located across from the pier and beach.
There is a traffic light across from the motel which makes crossing to the pier and beach easily accessible.
The project seems to be extremely well planned and includes subterranean and grade level parking.
Having more lodging in Malibu will help alleviate the often-unwelcomed airbnb use.
I would enjoy patronizing a motel like this for myself and my visiting friends and family and to enjoy another dining
choice in Malibu. I was very excited to see this proposed motel and very much support the project.

Sincerely,

Nick Eliopoulos

From:	Paul Astin
To:	Adrian Fernandez
Cc:	Mark Dempster; Alexander Astin; [redacted]
Subject:	Initial Study No. 20-003, Mitigated Negative Declaration No. 20-003, Coastal Development Permit No. 09-067, Variance Nos. 18-029, 18-030 and 18-031, Site Plan Review No. 18-025, Conditional Use Permit No. 18-002, and Joint Use Parking Agreement No. 18-001
Date:	Thursday, March 18, 2021 10:53:54 PM

Dear Mr. Fernandez,

I, Paul Astin, Trustee of the Astin Family Trust, the owner of [redacted] hereby join in and adopt in full the objections made by Mark Dempster at [redacted] regarding the proposed developments across the street from our home.

We are extremely concerned on the impact this development as proposed will have on our home and community.

Please do not hesitate to contact me with any questions.

Please also confirm you have received my email at your earliest convenience.

Sincerely,

Paul Astin
[redacted]

From:	[redacted]
To:	Adrian Fernandez
Cc:	Mark Dempster; Kim Dempster ICE
Subject:	Initial Study No. 20-003, Mitigated Negative Declaration No. 20-003, Coastal Development Permit No. 09-067, Variance Nos. 18-029, 18-030 and 18-031, Site Plan Review No. 18-025, Conditional Use Permit No. 18-002, and Joint Use Parking Agreement No. 18...
Date:	Thursday, March 18, 2021 10:21:00 PM

Dear Mr. Fernandez,

I Robert J. Allan, Trustee of the Malibu Property Trust U/D/T 12/14/00, the owner of 23018 PCH hereby hereby join in and adopt in full the objections made by Mark Dempster at 23006 PCH, Malibu, CA.

We are extremely concerned on the impact this development as proposed will have on our home and community.

Please do not hesitate to contact me with any questions.

Please also confirm you have received my email at your earliest convenience.

Regards,

Robert J. Allan

From: Roni Serrato
To: Adrian Fernandez
Subject: Opposition to Proposed Project at 22959 Pacific Coast Hwy
Date: Thursday, March 18, 2021 5:05:29 PM

Hello Ms. Fernandez,

I am the residential owner at [redacted] (across the street and one of the six houses next door to the Malibu Pier).

I am opposed to any aspect of this project. In fact, I oppose a project that's even half this scale and impact. What I do support is a project that is not a square inch larger than the Surfrider Hotel and one that follows every single letter of the code without a single variance, just as the Surfrider abided by with their renovation.

MY view is that the owner and the architect of 22959 PCH actually don't want this project, as proposed. We believe they are doing nothing more than playing a game with the City of Malibu. That game is to submit a set of basic drawings that reflects a maximum footprint, per the square footage of the lot, and ask for every variance under the sun to make that proposal achievable from an engineering and construction standpoint. But, our suspicion is that the owner and the architect know full well that there's zero chance of approval of this proposal, are expecting to get pushed back to a more achievable and desirable project, but one that still got a number of variances granted by the city.

The owner and architect could have followed a more neighborly and measured process in drafting their first proposal. But, for their conscious game playing, we ask that the city put this project through the gauntlet of following proper protocol.

Specifically, we ask that the city not grant this project the requested variances:

1. Non-Exempt grading in excess of 1,000 cubic yards per acre of commercial development (asking to export 12,255 cubic yards as reference)

2. Construction on slopes steeper than 2.5 to 1
3. Surface parking beyond the required front yard setback
4. Retaining walls in excess of six feet in height (asking for a 52.5ft all wall above the subterranean parking garage as reference)

Furthermore, we ask the city insist that this project not deviate from the following:

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously. Refer to Pg3 to get an understanding on the EIR requirement vs NMD requirement.
- **EIR Risks Not Listed** - On page 20 they only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking
- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and creating a new precedent for Malibu.
- **Retaining Wall, Construction on Slope, Non Exempt Grading Variances** - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues.This project is requesting major variances and should be considered within the more suitable

flat land, versus carving into the mountainside.

- **Height of Elevator Bulkhead -** In Malibu, a maximum building height can be 24' or 28' with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and wee would've been at 29' due to the nature of the elevator shaft, but also lower than our existing roof line. Wee were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be scrutinized.

If you need to contact me [redacted]

Sincerely,
Roni Serrato

Aaron Gribben

Subject: FW: Malibu Inn and Seaview Hotel on PCH

From: [redacted]
Sent: Saturday, March 13, 2021 8:08 AM
To: malibu planning <mplanning@malibucity.org>
Subject: Malibu Inn and Seaview Hotel on PCH

Good morning,

I think this is a horrible mistake on the City's part to allow these hotels. This part of PCH is already horribly impacted by traffic. At times, it is a 2 hour wait to drive from Sunset to Kanan. I grew up in the area, and we have recently purchased a home on Cavalleri. And in all the years of living in the area, traffic has just gets worse and worse and worse!! If you choose to move forward with these plans, HOW ARE YOU DEALING WITH THE ADDITIONAL TRAFFIC? How does someone exit the hotel and not get hit!?

Until you can control the number of vehicles in this area, the noise and car pollution it creates, the road rage, and multiple accidents, this area SHOULD NOT be developed any further. If you want more hotels, then they should be near an egress point off of PCH - at Topanga Cyn Blvd, or Malibu Canyon or Kanan. Putting more and more in the Carbon Beach area is a nightmare! Let alone the further impact of to the existing soils for septic systems!

I am saddened that the City is looking to just generate revenue off of bed-tax, and are not looking to protect the City's residents. Instead of a hotel, put in a multi-story parking lot where the city could generate much needed parking revenue, or add metered parking on PCH, or limit the number of vehicles allowed in the area at any one time, or ask all the shopping centers to add metered parking!

As it sits now, the City is strangling the inhabitants with more and more unwanted hotels and "shopping" centers, creating more traffic and pollution, and doing NOTHING to mitigate the danger. Add more police, add traffic cameras for speeding, add a stop light at Puerco canyon so ANOTHER PERSON DOESN'T DIE...for Goodness sakes, the City is responsible to the residents, first and foremost, not the developers.

Regards,

Ninon Tantet
The Bill and Marian Cook Foundation &
Arizona Asset Management, Inc.
[redacted]

Responses to Comments on the Draft Initial Study Mitigated Negative Declaration

This section includes comments received during circulation of the Draft Initial Study Mitigated Negative Declaration (IS-MND) prepared for the Malibu Inn Motel Project (Project).

The Draft IS-MND was circulated for a 30-day public review period that began on February 19, 2021, 2021 and ended on March 22, 2021, 2021. The Draft IS-MND was circulated again for another 30-day review period, directed towards agencies due to a file discrepancy, that began on March 29, 2021 and ended on April 28, 2021. The City of Malibu (City) received 27 comment letters on the Draft IS-MND. The commenters and each commenter's identifying letter or number are listed below.

Letter No. and Commenter

Comment Set/ Number of Comments		Name of Commenter	Date Received
Agency Letters			
A	A.1 – A.2	California Department of Transportation (Caltrans)	April 14, 2021
B	B.1 – B.16	Malibu Open Space Alliance	April 27, 2021
Individual Letters			
1	1.1 – 1.2	Cynthia Randall	March 7, 2021
2	2.1 – 2.2	David King	March 7, 2021
3	3.1	Christine Kauffman	March 8, 2021
4	4.1	Inez McGee	March 8, 2021
5	5.1	Katarina Vinegrad Calderon	March 8, 2021
6	6.1	Terry Lucoff	March 9, 2021
7	7.1 – 7.3	Carla McCloskey (1)	March 14, 2021
8	8.1 – 8.3	Lester Tobias	March 14, 2021
9	9.1 – 9.7	Jamie Ottilie (1)	March 15, 2021
10	10.1	Jamie Ottilie (2)	March 15, 2021
11	11.1	Lisa McKean	March 15, 2021
12	12.1 – 12.2	Susanne Titus	March 15, 2021
13	13.1 – 13.4	Carla McCloskey (2)	March 17, 2021
14	14.1 – 1 4.3	Jae FloraKatz	March 17,2021
15	15.1 – 15.3	John Stockwell	March 17, 2021
16	16.1 – 16.3	Lynn Saunders Guilburt	March 17, 2021
17	17.1 – 17.7	Matt Goodwin	March 17, 2021

Comment Set/ Number of Comments		Name of Commenter	Date Received
18	18.1 – 18.57	Patt Healy	March 17, 2021
19	19.1	Suzannah Owens	March 17, 2021
20	20.1	Judy Ettinger	March 18, 2021
21	21.1 – 21.7	Mark and Kim Dempster	March 18, 2021
22	22.1	Nick Eliopoulos	March 18, 2021
23	23.1	Paul Astin	March 18, 2021
24	24.1	Robert Allan	March 18, 2021
25	25.1 – 25.6	Roni Serrato	March 18, 2021

The comment letters and responses are organized as follows. The comment letters have been lettered first by agency, and then individuals' letters numbered by date received and then by first name, alphabetically. Each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the letter or number of the comment letter, and then the number assigned to each issue (Response A.1, for example, indicates that the response is for the first issue raised in comment Letter A, and Response 1.1 indicates that the response is for the first issue raised in comment Letter 1). Edits made to the IS-MND between the Draft and Final Draft manifest in a ~~strikeout~~ and <u>underline</u> format to identify removed and added text, respectively.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Serious Drought.
Making Conservation
a California Way of Life.

April 14, 2021

Ms. Adrian Fernandez, Principle Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RE: Malibu Inn Motel
Vic. LA-1 PM 46.14
SCH # 2021020396
GTS # LA-2021-03506AL-MND

Dear Ms. Fernandez:

This letter supersedes our letter dated March 17, 2021 as OPR website provided incorrect project document. Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed Project is to construct a new 7,693 square foot motel above a new subterranean parking garage, surface parking lot, grading, retaining walls, landscaping and a new onsite wastewater treatment system.

A.1 The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has been codified into CEQA law. It mandates that CEQA review of transportation impacts of proposed developments be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts. As a reminder, Vehicle Miles Traveled (VMT) is the standard transportation analysis metric in CEQA for land use projects after the July 1, 2020 statewide implementation date. You may reference The Governor's Office of Planning and Research (OPR) website for more information.

http://opr.ca.gov/ceqa/updates/guidelines/

A.2 This development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

A.3 Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

A.4 Also, Caltrans has published the VMT-focused Transportation Impact Study Guide (TISG), dated May 20, 2020 and Caltrans Interim Land Development and Intergovernmental Review (LD-IGR) Safety Review Practitioners Guidance, prepared dated December 18, 2020.

https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/sb-743

Overall, the environmental report should include a Transportation Impact Study (TIS) to ensure all modes are well served by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

A.5 The study has evaluated a few alternatives regarding on-site circulation associated with internal access to the adjacent site from the Pacific Coast Highway. Alternative 3 is recommended by Caltrans since it will always maintain the internal access with no access restriction between two adjacent sites. The new access or driveway to the proposed site will be restricted to right turn only movements (egress). "Right Turn Only" signs (R3- 5R) and pavement arrow markings will be installed to prohibit left-turn egress at project driveway as well as the restaurant driveway adjacent to the property line. Please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit including a construction management plan from Caltrans when the driveway construction is at State Right-of-way. Any modifications to State facilities must meet all mandatory design standard and specifications.

A.6 Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities (SR 1) without a storm water management plan.

A.7 For this project, transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods and idle time not to exceed 10 minutes.

A.7 cont.

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # LA-2021-03506AL-MND.

Sincerely,

Anthony Higgins for

MIYA EDMONSON
IGR/CEQA Branch Chief

email: State Clearinghouse

Letter A

Commenter: Miya Edmonson, IGR/CEQA Branch Chief, California Department of Transportation (Caltrans)

Date: April 14, 2021

Response A.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The comment states this letter supersedes the letter dated March 17,2021 as the Office of Planning and Research (OPR) provided incorrect project documentation. The commenter correctly identifies the proposed Project's general specifications and acknowledges vehicle miles traveled (VMT) is the standard transportation analysis for the California Environmental Quality Act (CEQA) as of July 1, 2020.

Comments regarding feedback of the IS-MND and associated Traffic Study will be included within the public record and made available to decision-makers for planning and policy consideration. Detailed responses to the discrete comments made by Caltrans regarding the Project are provided below.

Response A.2

The comment states the Project should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. The commenter states the Project should prioritize and allocate space for efficient modes of travel, which would allow streets to transport more people in a designated right-of-way.

However, the Project is located along Pacific Coast Highway (PCH) which serves heavy through commuter and tourist traffic in a low density semi-rural area with minimal transit service, and is therefore not amendable to urban area alternative transportation solutions. In addition, PCH lies under the control of Caltrans, which has sole authority to implement changes to PCH. In the project vicinity, PCH provides limited pedestrian accommodation and no bicycle lanes. However, the project site would have pedestrian access provided via the sidewalk along PCH adjacent to the site where Malibu Pier connects to PCH as well as associated walkways entering the site. Landscaped planter strips would be installed along the pedestrian walkways and roadways throughout the project site. The project site would be a pedestrian-oriented landscape frontage. As described in Section 4.17.2, *Transportation-Impact Discussion*, under Impact A, "development of the Project would not interfere with public transit, bicycle, and/or pedestrian facilities, and would facilitate Americans with Disabilities Act (ADA) site access." Therefore, the Project is consistent with Caltrans's prioritization of multi-modal transportation along right-of-ways to the extent feasible from the roadway design of PCH in the City.

Response A.3

The comment states Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets (a reduction of lanes that a pedestrian needs to cross, thus reducing their exposure to traffic) and other traffic calming measures.

The Project and IS-MND do not include a road diet or traffic calming features, as PCH is under the authority of Caltrans which has the sole authority to implement such measures. Further, PCH serves heavy through commuter and tourist traffic in a low density semi-rural area with minimal transit service, and is therefore not amendable to urban area alternative transportation solutions such as road diets or traffic calming. However, the City would consider supporting any such changes implemented by Caltrans. Further, as stated in Section 4.17, *Transportation- Impact A,* "per the OPR December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. Per the Institute of Transportation Engineers (ITE) Trip Generation 10th Edition trip generation rates, the total daily Project trips are estimated as 68. As such, impacts to transportation would be less than significant." Therefore, no road diet or other traffic calming measures are required for the Project due to its less than significant traffic impact. Nevertheless, the comment will be included within the public record and made available to decision-makers for planning and policy consideration.

Response A.4

The comment states Caltrans has published VMT-focused Transportation Impact Study Guide dated May 20, 2020 and Caltrans Interim Land Development and Intergovernmental Review Safety Review Practitioners Guidance dated December 18, 2020.

The IS-MND provides analysis consistent with Caltrans adopted standards, including both VMT analysis as well as documented safety issues along PCH. The IS-MND relies on VMT-based analysis for roadway capacity assessment pursuant to Senate Bill (SB) 743 as the CEQA metric for impact analysis. As described in Section 4.17, *Transportation*, the City is in the process of creating local transportation assessment guidelines consistent with SB 743 and OPR's guidance, but these guidelines are not yet available and trip length estimates for hotel/motel uses in the City have not been established. However, Caltrans has chosen to use VMT as the CEQA transportation metric for projects on the State Highway System. As the Project is located on the State Highway System, VMT was used for impact analysis purposes and is consistent with Caltrans comment.

Response A.5

The comment asserts that Alternative 3 is recommended by Caltrans since it will always maintain the internal access with no access restriction between two adjacent areas. The comment also notes that any work performed within the State right-of-way will require an Encroachment Permit including a construction management plan from Caltrans when the driveway construction is in the State right-of-way.

Appendix C, *Transportation Studies*, of the IS-MND provides a detailed description of Alternative 3, and ultimately recommends this as the preferred alternative as the pros outweigh the cons in roadway access and circulation. Additionally, the IS-MND in Section 4.15, Public Services, states the "modified driveways would require review and approval of an Encroachment Permit by Caltrans." If approved, the Project and Applicant would coordinate with Caltrans further for all necessary permitting. Therefore, the comment directly aligns with the IS-MND and associated Appendix C.

Response A.6

The comment states the Project should be designed to discharge clean water, and that discharge of stormwater runoff is not permitted onto State Highway facilities without a stormwater management plan.

As described in Section 4.10, *Hydrology and Water Quality*, of the IS-MND, the Project would comply with State requirements for stormwater discharge. The Project would not have the potential to exceed drainage flows during design year storms, which has the potential to continue to outlet to PCH and may contain contaminants associated with urban areas (e.g., oil and grease). To minimize and avoid contamination runoff onto PCH and ultimately the Pacific Ocean, the Project would implement specific Best Management Practices (BMPs) to retain and treat stormwater on-site. BMPs include catch basins at varying levels of the proposed structure leading up to the retaining wall in addition to locations in the surface parking areas. The Applicant would be responsible for routine maintenance of the catch basins, filter inserts, and water store tank. Additionally, implementation of the approved water quality plans for the Project would ensure pollutants do not runoff and enter PCH and the Pacific Ocean. Therefore, the Project is consistent with Caltrans comment.

Response A.7

The comment states the Project is required to have a transportation permit from Caltrans for transportation of heavy construction equipment and/or materials that require the use of oversized transport vehicles on State highways. Caltrans recommends large size truck trips be limited to off-peak commute periods and idle times to not exceed 10 minutes.

As described in Section 1.4, *Project Approvals*, the Project is required to obtain permit approval for hauling on Caltrans right-of-way, such as along PCH, which may include additional construction-related requirements to obtain approval as mentioned above. Further, as described in Section 4.17, *Transportation*, of the IS-MND, the City applies Local Coastal Plan standard conditions to all applicable projects to minimize impacts to transportation and traffic including but not limited to: "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 Caltrans." Comments regarding recommendations for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and will be available to decision-makers for planning and policy consideration.

MALIBU OPEN SPACE ALLIANCE

Received
4/27/2021
Planning Dept.

TO: Adrian Hernandez, Principal Planner
FROM: Malibu Open Space Alliance by Charlotte Frieze
RE: Malibu Inn Motel Mitigated Negative Declaration
DATE: April 22, 2021

B.1 ***"The CV-1 District is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents that are designed to be consistent with the rural character and natural environmental setting."***

It is not clear how this project benefits the residents of Malibu. Nor how it is designed to be consistent with the rural character and natural environment. A project that requires this number of variances is not one that is respectful of Malibu's residents, its rural character and natural environmental setting and its Malibu Building Codes.

B.2

Malibu has building codes and guidelines for the purpose of steering the development within the City. The City Planning Department should be working to benefit Malibu residents and insist that developers design to meet these codes.

Malibu's Mission and Vision Statements have been ignored by the Planning Department in their review of this project. This project is far from residential in scale. It accelerates urbanization in the center of Malibu.

B.3

If City staff were working to prevent the urbanization of Malibu, they would have recognized that the proposed project is out of scale with central Malibu. Malibu instated codes to prevent super sized structures to over shadow the low, beach community type buildings for which Malibu is known. For instance the neighboring Chabad building and the Casa Escobar are both under 18 feet high. The Municipal Code and MLCP were enacted to prevent the repeat of the overpowering County approved clock tower.

The total effect of the Malibu Inn Motel when combined with the clock tower building is to create a concrete canyon where before there was a naturally sloping coastal bluff. This is appropriate for a large city not a coastal destination that attracts tourists for its ***rural character and natural environmental setting.***

B.4

How could the City staff not recognize that not only does the FAR exceed the allowable FAR, but the height has been miscalculated as well? The height should have been calculated from grade making this structure 46 feet to the top

B.4 of the elevator shaft not the allowable 28 feet. In actuality this project is a two-story motel with a one-story garage and a 4th floor pool deck that is serviced by an elevator and surrounded by a 36-42" high guardrail. The so-called subterranean parking is only 4 feet below grade with most of the parking above grade.

B.5 The property currently meets the adjacent properties at grade. The renderings illustrate the walls required to retain the slope on the sides as well as behind the structure. Whereas the sidewalk currently meets the grade flush, the outdoor parking is a car height above and requires a sloped driveway for entry. This does not demonstrate a project that is trying to fit into the community as required by CV-1: "***designed to be consistent with the rural character and natural environmental setting***." This project is instead a dominating presence especially when combined with the overpowering retaining wall built into the hillside.

B.6 It is also more difficult for a car or delivery vehicle to make the turn off PCH up a slope. This could cause back ups on PCH in an already congested area. In addition the slope could become a skateboarders dream.

B.7 Malibu has a distinctive character dominated by its mountains and bluffs that descend to PCH. The developer seemingly ignores the site's existing geological restraints by proposing to construct a 56.5-foot high retaining wall that cuts off the toe of the sloping natural coastal bluff.

B.8 The coastal bluffs give Malibu its character. How can the City permit cutting into the face of a coastal bluff in the center of town? This is **not** "***consistent with the rural character and natural environmental setting***".

B.9 This is an unstable bluff in a seismically active area. Malibu is known for its heavy rains and mudslides. What studies have been made to confirm the continued stability of the hillside once the project cuts into the existing slope to construct the retaining wall? What studies have been made to ensure the stability of the residential structure perched above this site?

B.10 The Malibu code allows for 1000 cu yds. of grading. The resulting cut and fill should be balanced and remain on site and not be exported. Grading into the bluff is not exempt. The Malibu Inn Motel project proposes 12,649 cu yds. of cut into a natural bluff. This is an amount they cannot reuse on the limited site. Hauling this amount of cut would require over a thousand truckloads each containing 10 cu yds. To say this would disrupt traffic and business in a key tourist area across from the renowned Malibu pier would be an understatement.

B.11 By code retaining walls in Malibu cannot exceed 6 feet. To fit this hotel into the site requires not only the rear 56.5-foot massive retaining wall but also high side retaining walls. The proposed hotel is embraced by retaining walls on three

B.11 sides to make its elevated construction possible. Consequently the hotel's ground level in effect sits one story above the adjacent properties dominating the streetscape. This not only requires excessive excavation but also would create an uncomfortable condition on the adjacent properties. Instead of a continuous flow both visually and actively from property to property on grade, this project bumps the grade up using terracing.

B.12 It is necessary to review more carefully the Traffic numbers provided by the developer. The traffic and congestion in the Pier Area and the number of accidents and deaths increase annually. Since the Woolsey Fire and the beginning of the Covid Pandemic, there has been a change in traffic flow. There is more construction in Malibu at a time when more people have chosen to work from home. Others have more flexible working hours that has led to an increase in tourism especially to Malibu's beaches and hiking trails. What used to be summer time weekend traffic has become year-round traffic. In pre-summer traffic it regularly takes 45 minutes on a weekend to travel from Big Rock to Trancas.

B.13 Emergency vehicles already are challenged by the weekend gridlock.

Parking is a critical challenge in the area due to the demands for employees as well as visitors. Cars waiting on the street to pull into parking lots block an entire lane on weekends reducing the traffic flow to a crawl.

B.14 It is time for the City to address the totality of the parking and circulation in this key tourist zone including the proposed Sea View Hotel and Malibu Inn Motel, the Malibu Beach Inn, Nobu, Soho House, the Malibu Pier and up to and including the Surfrider Beach Parking lot. Let's learn from Orange County where the beachside communities are now parking lots and major highways have been constructed to circumvent them.

B.15 Now is the time for Master Planning that takes into consideration the Vision and Mission statement that respects Malibu's rural character and natural setting, the continuous urbanization of Malibu, increased tourism traffic, parking challenges, increased pressure on groundwater, and most importantly SAFE EVACUATION. Residents of Western Malibu can attest to the fear created by congestion as they tried to flee the Woolsey Fire. PCH was moving at a snail's pace. Many drove through fire on both sides of PCH to reach safety.

In this time of Climate Change, it is necessary to rethink Malibu's development goals. **Recycle, Reuse, Reduce** should be foremost in developing a Master Plan for Malibu.

B.16 Malibu residents come first. Let's plan to preserve our community not make money for the developers. The money made by developers after all leaves

B.16 Malibu. We should encourage projects that respect Malibu and support small businesses.

Malibu is a sliver of paradise tucked in between the Santa Monica Mountains and the Pacific Ocean. Let's work together to keep it that way.

Thank you,

Charlotte M. Frieze
Founding Member
Malibu Open Space Alliance

Letter B

Commenter: Charlotte M. Frieze, Malibu Open Space Alliance

Date: April 22, 2021

Response B.1

The commenter states the visitor serving commercial (CV-1) zone district is intended to provide visitor serving users and be consistent with the rural character and natural environmental setting.

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. As described in Section 4.11, *Land Use and Planning*, the Project's proposed motel use would be consistent with the CV-1 zone district. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response B.2

The comment states it is unclear how the Project would benefit residents of Malibu and be consistent with the rural character and natural environment. Further, the comment states that a project with many variances is not respectful of City Code.

The Project would expand overnight accommodation access in the City, which would provide additional transient occupancy tax (TOT) revenue for the City to provide services and City improvements to residents, as well as benefiting local businesses such as restaurants and retail uses through increased visitation. Additionally, the Project would support resident's capacity to have overnight accommodation access for visiting family and friends. With regards to consistency with the rural character and natural environment of the area, the project site lies along PCH, a busy 4-lane arterial generally lined with existing 2- to 3-story commercial structures and only very limited natural habitats bordering or in the immediate vicinity of the site. Therefore, while many areas of the City are decidedly rural, the project site and vicinity are less so, and proposed development would generally be consistent with surrounding uses. Comments regarding the usefulness of the Project to City residents do not directly pertain to the analysis within the IS-MND.

With regards to variances, as described in Section 1.4, *Project Approvals*, of the IS-MND, the Project would require four variance approvals for grading, slope construction, retaining wall height, and surface parking setback. As described in the IS-MND, extensive technical studies particularly in regards to geology and soil impacts (refer to Section 4.7, *Geology and Soils*) have been completed for the Project. Technical expertise and the IS-MND conclude the Project would be safe to the public and environment with inclusion of the proposed variances. Approval of the Project and associated variances will be determined by the City. Therefore, the IS-MND provides analysis of impacts and required mitigation measures which directly address issues associated with the proposed variances. Nevertheless, comments regarding concern of the required extent of variances will be included within the public record and made available to decision-makers for planning and policy consideration.

Response B.3

The commenter states the Project is inconsistent with Malibu's Mission and Vision Statements, and would increase urbanization including through the height of the building. The commenter adds the Project when combined with the clock tower creates a concrete canyon and would not be consistent with the rural character and natural environmental setting.

The Project is consistent with the City's mission and vision statements and would not accelerate urbanization, nor create inconsistency with the character of the City. The project site is located along PCH, a busy 4-lane arterial generally lined with existing 2-story commercial structures in the City's CV-1 zone district, which allows for motel development. Given surrounding uses, the Project would not create a "concrete canyon". As stated in Section 1.4, *Project Approvals,* the Project would require a height variance for development of the retaining walls in excess of six feet in height (Approval of Variance NO. 18-031), and Project approvals and approvals of variances are required by the City's Planning Commission.

Response B.4

The commenter states the City did not recognize that the Project's floor-area ratio (FAR) exceeds the allowable FAR as well as that the building's height was miscalculated. The commenter feels the correct height is 46 feet (including the elevator shaft) not the allowable 28 feet. The commenter also disagrees that the structure is 2-stories and instead should be described as 4 stories to include the parking garage and rooftop deck.

The Project's FAR is correctly calculated at 0.15, which is consistent with City code. As described in Section 4.11, *Land Use and Planning- Impact B*, the Project proposes 7,693 square feet (sf) of commercial floor area on a 51,352 sf (1.18 acre) parcel, the resulting FAR would be 0.15, consistent with the maximum FAR permitted. The Project would require approval of Coastal Development Permit (CDP) No. 09-067, ensuring adherence to local and regional policies and goals throughout implementation of the Project. Therefore, the commenter's statement in regards to FAR exceedance is not accurate. Consistent with the Malibu Municipal Code (MMC), the Project does not include the subterranean parking lot as a floor in the building as it is located below ground and consists of interior parking spaces. Additionally, the rooftop deck is not a floor as defined under the MMC, but instead an additional use area located on a rooftop, which are not typically designated as a floor in commercial development in the City under adopted codes. Comments regarding concern of the details of the height of the Project as defined under the MMC that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration. It should be noted that the IS-MND discusses potential impacts to visual resource and aesthetics, as well as potential consistency with adopted City policy; impacts were found to be less than significant.

Response B.5

The commenter states the required sloping of the driveway for entry to the subterranean parking structure would not be consistent with the rural character and natural environmental setting required in CV-1 district. The commenter feels the Project is a dominating presence when combined with the retaining wall.

Subterranean parking lots are permitted within the CV-1 district in the City, which require sloped driveways to enter. The commenter states that the Project's driveway design is inconsistent with policies

related to the rural character and natural environmental setting. However, as described above, the Project is located along PCH, a busy 4-lane arterial generally lined with existing 2-story commercial structures, similar in size, bulk and scale to development nearby to the east and west of the site, including the Surfrider Inn. Please refer to Section 3.1, *Aesthetics,* for further discussion of driveway design and the limited visibility of the retaining wall.

Response B.6

The commenter states the sloped driveway would make vehicle entrance of PCH more difficult and increase congestion. The commenter states that the driveway slope would be a skateboarder's dream.

The driveway to PCH does not have any steep slopes, and the design of the subterranean parking lot's driveway would not increase traffic congestion from the existing level at the current surface parking lot. A through traffic study prepared by a licensed traffic engineer was prepared for the Project as described in Section 4.17, *Transportation*, which determined the Project would generate no more than 8 trips during the AM peak hour and 10 trips during the PM peak hour that would utilize this driveway. The proposed driveway alteration was reviewed by the City Public Works which ensured the driveway was properly designed so as not to substantially increase traffic hazards along PCH and would have excellent line-of-sight in both directions. With this review, the driveways would not pose any more safety effects than the existing driveway and would be similar to others entering PCH in the vicinity. Further, the Traffic Study concluded the proposed driveway system would improve onsite circulation and the sites connection with PCH and would not significantly impact operational efficiency of PCH's intersections. Therefore, the Project's driveway would not significantly impact traffic flows, turning movements, safety or congestion along PCH. Comments regarding concern of skateboard use of the driveway that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response B.7

The commenter notes that the mountains and bluffs in Malibu form a key part of the City's rural and natural environmental character, and states the developer ignores the site's geological restraints by placement of a retaining wall in the toe of a coastal bluff.

The Project would not reduce mountain or coastal bluff views and the building's roofline would remain well below the top of the slope and would not obstruct or alter any mountain views. Please refer to Section 4.1, *Aesthetics,* for analysis of the Project's design in consideration to view protection and potential impacts. The Project would not increase risks to the environment or public associated with potential geologic hazards of landslide or slope collapse by placement of the Project along the toe of the slope. The Project's geotechnical report thoroughly assesses these potential hazards and the adequacy of the site's proposed retaining wall and grading to avoid hazards. The geotechnical reports prepared for this Project's safety and stability include recommendations and approaches that address rainfall and earthquake hazards. For instance, Project design includes an additional freeboard on the rear yard retaining wall to provide added stability and tie backs for soil stability and fluid pressure accommodation.

Response B.8

The comment states the coastal bluffs give Malibu its character, and cutting into the coastal bluff would be inconsistent with the rural character and natural environmental setting.

The IS-MND addresses the potential changes in visual character of the site and slope and notes that views of the upper slope would not be impeded. Further, the Project would be generally visually consistent with existing buildings such as the existing Surfrider Inn to the west and Malibu Plaza to the east, both of which partially block views of the slope. Thus, the Project would not constitute a noticeable change from existing visual conditions along PCH. The City's code does not restrict development from obstructing a portion of the slope in the CV-1 zone district. The commenter asserts with evidence or citation of precedent that placement of a 2-story building, which is similar in size and height to other previously approved buildings along PCH within the CV-1 zone district to the east and west would be inconsistent with the rural character and natural environmental setting. However, as noted above, this segment of PCH is already relatively intensively developed, and while scenic, is not one of the City's more natural or rural areas and the Project would effectively constitute infill between the large scale Malibu Plaza to the east and the Surfrider Inn to the west.

Response B.9

The commenter states the Project is located adjacent to an unstable bluff in a seismically active area that is known for heavy rains and mudslides. The comment asks what studies have been done to confirm the continued stability of the hillside after placement of the retaining wall as well as to residential structures above the site.

While the City may be seismically active and support areas prone to mudslides, the bluff at the project site has been subject to extensive study by qualified geotechnical experts and has not been found to be particularly unstable (see Appendix B). These studies have set forth a detailed set of *required* recommendations to address slope stability, provide adequate design of the retaining wall and ensure protection of structures upslope from the Project. The City's code does not require all cut and fill to remain onsite for construction projects. As described in Section 4.7, *Geology and Soils-City Standard Conditions of Approval*, the Project would comply with City Standard Conditions of Approval. Additionally, all recommendations of consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff related to grading will be incorporated into the final design. Further, the Project would be required to follow design provisions through the International Building Code (IBC) and California Building Code (CBC) (as adopted by the City of Malibu and codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life, including standards related to material composition and hillside tie-backs. Therefore, as described in the IS-MND, the Project would be required to incorporate adequate design measures to reduce impacts from seismic activity risk from slope development. Finally, the IS-MND does not state grading on a slope is an exempt activity, and as stated above would comply with all required approvals and design methods.

Response B.10

The comment states the Malibu code allows for 1,000 cubic yards (cy) of grading, and cut and fill should be balanced onsite. The comment also states grading on a bluff is not exempt and that the Project would require thousands of truckloads of graded materials containing 10 cy, which would disrupt traffic.

The IS-MND acknowledges the Project's exceedance of the City code's 1,000 cy per commercial acres of non-exempt grading would require a variance approval (Variance No. 18-029), as stated in Section 1.4, *Project Approvals*. However, the City's code does not require all cut and fill to remain onsite for

construction projects. The IS-MND identifies the required projected number of heavy haul truck trips for export of materials during project construction and addresses associated potential impacts to transportation, air quality and other issues. As described in Section 1.3, *Project Description,* export of approximately 12,255 cy of excavated soil would require use of approximately 613 to 875 heavy haul truck trips, assuming use of 14 to 20 cy haul trucks, though notes the average amount varies. As described in Section 4.17, *Transportation*, traffic control measures would be required, such as through use of flaggers for trucks entering and leaving the site along PCH.

Response B.11

The comment states City code does not allow retaining walls to exceed 6 feet. The comment states the proposed 56.5 foot retaining wall touches the hotel on 3 sides, which would elevate the Project's ground level to be one story above adjacent properties resulting in an uncomfortable condition and visual impacts.

The IS-MND acknowledges the Project's retaining walls would not be exempt from approval and that the Project is required to apply for approval of a variance for this retaining wall, as stated in Section 1.4, *Project Approvals.* The commenter incorrectly states the retaining wall would be 56.5 feet; as stated in Section 1.3, *Project Description*, the retaining wall would be installed at the north side of the motel structure along to retain the graded slope and would extend up to 46 feet in height above the elevation of the first floor, constructed to secure the slope following excavation. The proposed structure and proposed trees would obscure the vast majority of the retaining wall, resulting in less than significant impacts, as further discussed in Section 4.1, *Aesthetics*.

Response B.12

The commenter asserts the Project's traffic numbers need to be more carefully considered due to existing traffic and the number of accidents annually. The commenter adds since the Woolsey Fire and beginning of COVID-19 pandemic, more construction has occurred in the City and tourism has increased.

The IS-MND and associated traffic study carefully document and support project increases in traffic volumes as well as accident patterns and frequency along PCH. The COVID-19 pandemic is anticipated to have included abnormal traffic volumes in the City. Therefore, the IS-MND, as stated in Section 4.17, *Transportation*, uses traffic counts collected in 2019 to provide a more representative typical long-term level of traffic "pre-pandemic". As described in Section 4.17, *Transportation-Impact A,* of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges that PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. Based upon the traffic study contained in Appendix C, the Project is projected to generate a net increase of approximately 68 average daily trips (ADT), which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation.*

Response B.13

The comment states emergency vehicles already experience challenges from weekend traffic congestion.

The Project would not result in a significant impact to emergency vehicle access to PCH or resident evacuation during disasters including wildfires. As stated in Section 4.9, *Hazards and Hazardous Materials*, the Project's incremental increase in traffic would not substantially increase congestion during disasters and would have less than significant impacts as it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Caltran's review of the Project's Encroachment Permit would ensure circulation modifications to the driveways (e.g., removing one western driveway and inserting one eastern driveway) would not impact emergency operations on PCH. Additionally, options available to emergency vehicles such as using sirens to clear a path of travel or driving in opposite traffic lanes would ensure the effect of any incremental increases in traffic remain less than significant. Please refer to Section 4.9, *Hazards and Hazardous Materials*, for further discussion of emergency vehicle access to the site and PCH.

Response B.14

The comment states the City needs to address the parking and circulation issues in the key tourist zone around the Malibu Inn Motel and other major businesses.

The IS-MND thoroughly addresses potential parking and circulation impacts associated with the Project, including cumulative impacts and finds all impacts are less than significant, with mitigation. Finding a parking solution for this area is not in the purview of this IS-MND and the comment will be made available to decision-makers for planning and policy consideration.

Response B.15

The comment states master planning must take into consideration Malibu's rural character and natural setting, continuous urbanization of Malibu, increased tourism traffic, parking, groundwater, and most importantly safe evacuation. The commenter states traffic along PCH caused a safety concern during the Woolsey Fire due to the slow speed on both sides of PCH.

The IS-MND considers all aspects considered by the commenter, including biological resources, aesthetic considerations, traffic, parking, groundwater, evacuation, and safety. Additionally, all comments will be included in decision-maker considerations on Project approval. The IS-MND considers the City's natural setting within Section 4.4, *Biological Resources*, which considers species and natural habitats, rural character within Section 4.1, *Aesthetics*, which considers the area's topography and existing development, and groundwater within Section 4.10, *Hydrology and Water Quality*, which considers the Project's potential impacts on surface and subterranean water quality. Traffic and safety considerations are included within Section 4.17, *Transportation*, including congestion, vehicle miles traveled, and geometric hazards from site ingress and egress, and safety and evacuations – particularly those from wildfire. Further, Sections 4.20, *Wildfire*, 4.17, *Transportation*, and 4.9, *Hazards and Hazardous Materials*, note that the Project would not exacerbate existing wildfire threat nor impede potential evacuation efforts.

Response B.16

The comment states the City should rethink development to consider recycle, reuse, and reduce. The comment asserts Malibu residents should come first and the community should be preserved above making money for developers.

The IS-MND provides detailed analysis of all potential Project impacts and requires mitigation measures to address such where required. Comments regarding opposition to the proposed Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: cynthia randall
To: Adrian Fernandez
Subject: Re: Hotel Project
Date: Sunday, March 7, 2021 1:27:57 PM

Mr. Hernandez:

1.1 As a Malibu resident, I oppose the new hotel proposed to be built across from the pier. During summer and weekends, that area is already way too congested with people looking for parking and making dangerous u-turns.

1.2 Instead, we desperately need a PARKING lot (preferably multi-story) there!!! Other towns make sure to have public parking. Why doesn't Malibu???

Thank you,
Cynthia Randall Hutchison
[redacted]
--

Peace and blessings,

Cynthia Randall
[redacted]

Letter 1

Commenter: Cynthia Randall, Malibu resident

Date: March 7, 2021

Response 1.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter states that they oppose the Project to be built across from the pier due to the area's existing traffic congestion and associated safety concerns for parking and U-turns by the public.

However, the proposed Project would provide safe and legal vehicular access and would not substantially increase traffic on PCH. As described in Section 4.17, *Transportation-Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation and access to PCH and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation.* Please refer to Section 4.17, *Transportation,* for further discussion of transportation related issues. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 1.2

The commenter suggests the site should be a parking lot to address existing public parking challenges in the City.

The Project would not substantially affect parking demand in the area, would provide adequate parking and would include a total of 24 parking spaces for Malibu Inn under a Joint Use Parking Agreement (JUPA). Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description of* the IS-MND.

> *"The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant floor area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – one parking space for each lodging unit (keyed room) is required, totaling 20 spaces, in addition to one space for the average, per-shift number of employees, totaling 3 spaces. As a result, the Project is required to provide a minimum of 47 parking spaces to be consistent with MMC requirements."*

In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity, and similar to existing

conditions, the property owners are contemplating the installation of car lifts in excess of the minimum required parking spaces, which they would make available for paid public parking during periods of lower occupancy.

Nevertheless, comments regarding opposition to the Project that do not directly pertain to the adequacy of analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: [redacted]
To: Adrian Fernandez
Subject: Proposed Malibu Inn
Date: Sunday, March 7, 2021 3:13:20 PM

To Whom it my concern

2.1 I object to the propose construction. I have live in Malibu since 1976. It is necessary to maintain a infrastructure to support residents and tourists. Turning one of the few available parking areas in that area into a motel is ridiculous.

2.2 That area has a major amount of congestion on it's good days. Adding to it makes no sense with such a limited payback for the overall community.

Sincerely,

David L. King

Letter 2

Commenter: David King, Malibu resident

Date: March 7, 2021

Response 2.1

The commenter states that they oppose the Project due to the conversion of a public parking lot to motel use.

The project site is currently operated as a private parking lot where the public is allowed to park for a fee. The Project would include a total of 24 parking spaces for Malibu Inn under a JUPA. Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description of* the IS-MND.

The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required on the project site from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the project site. In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity and similar to existing conditions, and some stacked parking spaces may be made available for paid public parking during periods of lower occupancy.

Nevertheless, comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 2.2

The commenter states the area experiences a major amount of congestion typically, so an additional source of traffic would have limited payback for the community.

The Project would not add a significant number of trips to the area. As described in Section 4.17, *Transportation-Impact A,* of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation.* Please refer to Section 4.17, *Transportation,* for further discussion of transportation

related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: christine kauffman
To: Adrian Fernandez
Subject: Motel
Date: Monday, March 8, 2021 3:13:54 PM

3.1 I have lived in Malibu for over 20 years. I stopped driving 7 years ago because I found the traffic to be too unpredictable for someone in their 60s. Between weekend traffic, summer traffic, blissed out surfers, bicycles and pedestrians the confusion and aggression of other drivers this driver threw up her hands and said no more! I value life and limb of myself and others.

Putting a"motel" up is a recipe for disaster and death. These 24 miles of PCH already exceed the death rate of other roads in similar small towns. The road and residents cannot be expected to deal with an increase in traffic, parking and accidents.

Sent from my iPad

Letter 3

Commenter: Christine Kauffman, Malibu resident

Date: March 8, 2021

Response 3.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project IS-MND. The commenter opposes the Project due to the existing congestion along PCH in the City, particularly during weekend and summer traffic. The commenter asserts the 24 mile stretch of PCH in Malibu exceeds the death rate of other roads in small towns, so the City should not cause an increase in traffic through development of the Project.

The Project would result in a minimal increase in traffic and would be designed to safely accommodate moderate amounts of new traffic onto PCH. As described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. Additionally, the IS-MND acknowledges the importance of traffic safety to residents and the public along PCH in the City, and addresses the risk of U-turns and pedestrians stops during busy times in Section 4.17, *Transportation*, and addressed within *Impact C*, which addresses hazards and geometric design features. The Project would not increase the number of driveways that could increase vehicle congestion, and Appendix C, *Transportation Studies*, includes further assessment of the Project's safety and finds no exacerbation of safety associated with U-turns or pedestrian use. The Project would comply with the City's Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.). The IS-MND further acknowledges PCH in the City experiences peak periods of visitor traffic on weekends, particularly in the summer months, and coinciding with weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation- Impact B.* Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND, will be included within the public record, and made available to decision-makers for planning and policy consideration.

From: Inez McGee
To: Adrian Fernandez
Subject: Malibu Inn Motel
Date: Monday, March 8, 2021 5:01:36 PM

Good afternoon,

4.1 I would like to voice my opposition to a new motel at the Malibu Inn site. That is one of the most congested and dangerous sections of PCH and adding a motel would make it more so. On a weekend, or for that matter any sunny beach going day, it is like running the gauntlet thru that stretch of highway. With the pier traffic, pedestrians, Nobu and beachgoers all looking for parking and pulling out into traffic or making illegal u-turns, it is already an insane driving situation. Enough already. Please do not let this project go forward.

Thank you and be well,

Inez McGee
Pt. Dume resident since 1993

Letter 4

Commenter: Inez McGee, Point Dume resident

Date: March 8, 2021

Response 4.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project due to its location on a dangerous and congested portion of PCH, which the Project would exacerbate. The commenter feels existing parking and traffic conditions make safe driving in the area a challenge.

The project site has adequate line of site along PCH and the limited increase in traffic associated with project development would not cause a substantial increase in congestion or traffic safety hazards. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. Section 4.17, *Transportation- Existing Setting,* further acknowledges the importance of traffic safety to residents and the public along PCH in the City. As noted by the IS-MND and Appendix C, the City completed a PCH Safety Study including review of collision data from 2012, 2013, and 2014, and PCH Safety Study found that there were 20 collisions along the segment of PCH between Serra Road and Sweetwater Canyon Drive during the study period. The most common types of collisions in this segment of PCH were rear-end collisions associated with excessive vehicle speed and sudden stops for mid-block pedestrian crossings or vehicles making left-or U-turns, as described in Section 4.17, *Transportation-Existing Setting.* Therefore, the surrounding Project area along PCH has underlying collision rates based on pedestrians, unsignalized left turns, and U-turns. To avoid exacerbating this condition,

> *"Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site's southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site."*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would also comply with the City's Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.) to the greatest extent feasible.

The IS-MND also acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic Section 4.17, *Transportation- Impact B.* Please refer to Section 4.17, *Transportation,*

for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: daniel calderon
To: Adrian Fernandez
Subject: New motel
Date: Monday, March 8, 2021 1:42:48 PM

Hello there.

I am writing to voice my concern over the proposed new motel plans opposite Malibu Pier.....

I moved from Silverlake LA, to Malibu for a particular lifestyle, one that had less population density, less commercial real estate and more open space..... If I had wanted to live in a 'beach city' I would have moved to Manhattan Beach, LongBeach, or San Pedro.

5.1 I am very concerned that certain members of Malibu council and other powers-that-be seem to want to turn Malibu into a shopping-by-the-sea-hotel destination.
We already have the massive development, next to the large Wholefoods development being built.... More empty storefronts serving no-one in the community, and depriving humans and wildlife of beautiful nature.....

PCH is a nightmare drive on weekends (ask the majority of residents and you will find most do not leave their houses on these days).
Reckless drivers, including car clubs, descend in vast numbers with little police oversight (no local force of our own) and no local tow truck company!!!(because they were forced out due to commercial real estate development).

The particular stretch by the pier where the new motel wants to build is particularly problematic due to high traffic density (much of which is caused by NOBU and Soho House, that still can't seem to abide by the rules that they agreed to abide by when planning permission was granted).
Parking is already limited at best..... (I know, the motel will have its own parking lot, but the reality will be more cars and less parking for all)!

I can't begin to stress enough that PCH and the surrounding infrastructure cannot take this never ending commercialization.

We, the residents, the people that live here, should have our voices heard.
We don't want another massive shopping center. We don't want a Tesla car showroom. We don't want a motel. If we have to have commercial development, we want businesses that serve our community ie; a local tow truck company.
Otherwise we just would rather have wild open space for all of us humans and non-humans alike to enjoy.

Thank you for your time.

Katarina Vinegrad/Calderon.

"What the caterpillar calls the end, the rest of the world calls a butterfly."
Lao Tsu

"What the caterpillar calls the end, the rest of the world calls a butterfly."
Lao Tsu

Letter 5

Commenter: Katarina Vinegrad Calderon, Malibu resident

Date: March 8, 2021

Response 5.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter voices concern of the Project due to existing conditions on PCH in the City. The commenter is concerned some of the Malibu City Council-members and other powers want to turn Malibu into a shopping by the sea hotel destination. The commenter cites existing problems of weekend roadway congestion, traffic safety challenges, and particular congestion across from the proposed site associated with the pier.

The project site has adequate line of site along PCH and the limited increase in traffic associated with project development would not cause a substantial increase in congestion or traffic safety hazards. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. Section 4.17, *Transportation- Existing Setting,* acknowledges the importance of traffic safety to residents and the public along PCH in the City. The City completed a PCH Safety Study including review of collision data from 2012, 2013, and 2014, and PCH Safety Study found that there were 20 collisions along the segment of PCH between Serra Road and Sweetwater Canyon Drive during the study period (Appendix C). The most common types of collisions in this segment of PCH were rear-end collisions associated with excessive vehicle speed and sudden stops for mid-block pedestrian crossings or vehicles making left-or U-turns, as described in Section 4.17, *Transportation-Existing Setting.* Therefore, the surrounding Project area along PCH has underlying collision rates based on pedestrians, unsignalized left turns, and U-turns. To avoid exacerbating this condition,

> *"Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site's southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site."*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would also comply with the City's Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.) to the greatest extent feasible.

The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well

below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic. Please refer to Section 4.17, *Transportation,* for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: Patricia Salazar
To: Adrian Fernandez; Lilly Rudolph
Subject: FW: hotels on the pch
Date: Thursday, March 11, 2021 1:08:14 PM

Public comment. Please have this uploaded to onbase for each project.

From: [redacted]
Date: March 9, 2021 at 12:52:11 PM PST
To: Karen Farrer <kfarrer@malibucity.org>, Mikke Pierson <mpierson@malibucity.org>, Bruce Silverstein <bsilverstein@malibucity.org>, Steve Uhring <suhring@malibucity.org>, Kathleen Stecko <kstecko@malibucity.org>
Cc: res02igz@verizon.net, Jeffrey D Jennings <jdjenningslaw@gmail.com>, Patricia Salazar <psalazar@malibucity.org>, Richard Mollica <rmollica@malibucity.org>, Fred Roberts [redacted]
Subject: hotels on the pch
Reply-To: [redacted]

6.1 the number one job of the city counsel is safety

now 2 new hotels are proposed for the pch. people on sell phones not knowing malibu
looking to turn in and out on the pch. the pch in the carbon beach area has an already
high number of accidents and now you want to consider approving 2 new hotels

6.2 in case of fire. most fires come over the mountains from the valley on santa ana winds
how are you proposing to evacuate malibu residents down the pacific coast highway.
the citys failure was quite evident in the last fire on November 2018.

6.3 the city has done nothing to mitigate the traffic and several new buildings have already
been approved in the civic center commercial area adding to congestion on the highway.

For the sake of safety please do not approve either of the proposed hotels

BEST REGARDS
TERRY LUCOFF

Letter 6

Commenter: Terry Lucoff

Date: March 9, 2021

Response 6.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter states PCH has a high number of accidents and opposes the development of the two currently proposed hotels in the City. To note, this Project and IS-MND pertain to solely the Malibu Inn Motel Project.

The project site has adequate line of site along PCH and the limited increase in traffic associated with project development would not cause a substantial increase in congestion or traffic safety hazards. Section 4.17, *Transportation- Existing Setting,* acknowledges the importance of traffic safety to residents and the public along PCH in the City. The City completed a PCH Safety Study including review of collision data from 2012, 2013, and 2014, and PCH Safety Study found that there were 20 collisions along the segment of PCH between Serra Road and Sweetwater Canyon Drive during the study period (Appendix C). The most common types of collisions in this segment of PCH were rear-end collisions associated with excessive vehicle speed and sudden stops for mid-block pedestrian crossings or vehicles making left-or U-turns, as described in Section 4.17, *Transportation-Existing Setting.* Therefore, the surrounding project area along PCH has underlying collision rates based on pedestrians, unsignalized left turns, and U-turns. To avoid exacerbating this condition,

> *"Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site's southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site."*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would also comply with the City's Local Coastal Plan standard conditions to minimize impacts to transportation and traffic (e.g., completion of a construction staging plan, transportation permit from Caltrans, etc.) to the greatest extent feasible.

Please refer to Section 4.17, *Transportation,* for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 6.2

The commenter states most wildfires come over the mountains from the valley due to the Santa Ana winds and requests information on how the Project would evacuate Malibu residents down PCH.

The Project would contribute in a minor incremental way to wildfire evacuation related congestion and would be subject to any City adopted emergency evacuations plans. The commenter identifies the Santa

Monica Mountains along the southern edge of the City that is known for the chaparral-urban interface of dry vegetation and urban development, which during dry weather conditions, seasonal Santa Ana winds, and high temperatures contribute to a risk of wildfire, as described in Section 4.20, *Wildfire- Existing Setting,* of the IS-MND. As described in Section 4.20, *Wildfires- Impact A*, the Project would be located in a designated Fire Hazard Severity Area. However, the Project is required to comply with existing County of Los Angeles and City of Malibu Emergency Response Plans. The City of Malibu's 2018 emergency Operations Plan provides an operational approach to response and recovery from potential hazards. The site is directly accessible to a regional transportation resource, PCH, and no new areas of service would be required for emergency personnel. Additionally, the site is designed for throughput access from PCH to the Malibu Inn parking area, which would improve adequate fire department access with the Project's driveway modification on the eastern end. As such, the Project would be in compliance with the City's Emergency Response Plans and would not exacerbate wildfire risk to the public.

Please refer to Section 4.20, *Wildfires*, for further discussion and analysis of wildfire setting and impacts. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 6.3

The commenter states the City has not adequately mitigated traffic from new development and is adding congestion to PCH.

As noted within the IS-MND, Caltrans has responsibility for managing traffic flows along PCH and implementing required improvements. The City can only condition individual development projects to provide frontage and other improvements as has been done in this case. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as further described in Section 4.17, *Transportation.* Please refer to Section 4.17, *Transportation,* for additional discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: [redacted]
To: Adrian Fernandez
Subject: New Malibu Inn Hotel Project
Date: Sunday, March 14, 2021 4:59:08 PM

7.1 I and all members of my family are very much against the new Malibu Inn Hotel project. As we all know PCH is already gridlocked most of the time. We have Norm Hainey's hotel going up very close by and of course our favorite, La Paz (don't remember the new name) in the Civic Center. Do we want complete gridlock on PCH? We definitely need a

7.2 traffic study. The height of this is a blight on PCH. Why does it need to be so high. Of course Malibu will get more revenue. Seems to be the only thing our city cares about. We've forgotten about the quality of life

7.3 for people that live here. Please deny this project.

Carla McCloskey

Letter 7

Commenter: Carla McCloskey (1), Malibu resident

Date: March 14, 2021

Response 7.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project due to the existing traffic congestion on PCH in the City, which will be exacerbated by additional proposed hotel development (e.g., Norm Hainey's hotel).

The Project would result in a minor incremental increase in traffic and proposed driveway improvement would be designed to ensure safe access and avoid disruption of existing traffic flows. As described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation.* Please refer to Section 4.17, *Transportation,* for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 7.2

The commenter feels the proposed Project height would be a blight on PCH, and requests additional information on why the structure is so high.

The Project would be similar in size, bulk and scale to other surrounding developments. The Project would be a height of two stories or nearly 24 feet above finished or existing grade for plat roofs and 28 feet above finished or existing grade for sloped roofs, with the elevator shaft protruding the highest. The remaining 36 percent of the site would remain undeveloped open space. The Project's design has limited height to not exceed nearby building height, and earth tone color walls to match the surrounding environment. While the Project would be of greater height than the existing site's surface parking lot and requires approval of Site Plan Review (SPR) No. 18-025 for a building height over 18 feet, the site height is aesthetically consistent with surrounding development's height. Therefore, aesthetic impacts associated with the Project's height would be less than significant. Please refer to section 4.1, *Aesthetics* for further discussion and analysis of building height and design features.

Response 7.3

The commenter states the Project is revenue driven, feels this is the City's top priority, and expresses the City has forgotten about quality of life for residents.

The Project is providing visitor serving uses consistent with underlying Visitor Serving 1 zone and the State Coastal Act priorities. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: Lester Tobias
To: Adrian Fernandez
Subject: Malibu Inn Motel Negative Declaration: opposition comments
Date: Sunday, March 14, 2021 3:34:10 PM

I am writing in opposition to the proposed hotel on the site adjacent to the Malibu Inn.

8.1 My first point of opposition is that there is no relief in our LIP for a retaining wall that is fifty feet tall (the dimensioning of their figure 3 is incorrect), with thirteen feet exposed, and a secondary retaining wall behind it.

The spirit of our retaining wall limitations is rooted in “landform alteration” as well as visual appearance. When our code goes to great length to talk about working with existing topography, and limiting grading to a mere one thousand cubic yards, this is done to minimize the impacts of construction on the “natural" topography (or at least the topography that exists when a project is proposed).

The findings for the variance for the grading and the retaining wall simply can not be met.

8.2 My second point of opposition is that the existing JUPA and parking space analysis is significantly under counted, and since a JUPA is not a right, but a granted privilege, I think the city would be making a mistake in approving any transfer of rights or a new JUPA without significant increases to the required parking numbers.

8.3 I am a proponent of a comprehensive study and possible new zoning designation for the landward side of the Pacific Coast Highway between, say Carbon Mesa and the Civic Center to something along the lines of a “Hospitality Zone” with the types of setbacks, landform alterations, and other amenities like shuttle services and pedestrian bridges to allow for safe, reasonable commercial development of small hotels and restaurants while safely moving through-traffic along that corridor.

Until we have this new zoning, I oppose all of these slap-dash, multi-variance submittals that do nothing for Malibu, and everything for the property developer.

Thanks.

LT

--
Lester Tobias, Principal
Tobias Architecture, Incorporated
29160 Heathercliff, Suite 400
Malibu, California 90265
(310) 317-0507

Letter 8

Commenter: Lester Tobias, Tobias Architecture, Inc.

Date: March 14, 2021

Response 8.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project partially because the City's Local Coastal Program Local Implementation Plan has no relief for a retaining wall that is fifty feet tall (states the Figure 3 dimensions are incorrect) with thirteen feet exposed. The commenter asserts the findings for variance for the Project's grading and the retaining wall cannot be met effectively.

The comment notes that the proposed retaining wall could impact the visual character of the area, although the wall would not be visible to passersby on PCH. The comment incorrectly states Figure 3 is inaccurate in regards to Figure 3's retaining wall height. As described in Section 1.3, *Project Description*, of the IS-MND, the back support wall would be a height of 46 feet above finished grade and approximately 52.5 feet above the finished floor elevation of the subterranean parking level. Therefore, Figure 3 is accurate in its depiction of the retaining wall. Further, a variance would be required for the proposed installation of a retaining wall taller than 6 feet and on a slope steeper than 2.5 (horizontal) to 1 (vertical) slopes.

Section 4.7, *Geology and Soils-Impact A*, provides discussion and analysis of required building compliances and recommendations of Appendix B to ensure the Project's retaining wall sufficiently meets building development standards for public safety including during earthquakes and landslides. The following excerpt from Impact A for earthquake related impacts provides an example of how the Project will ensure geotechnical safety.

> *"The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall. However, the Project would be designed to not impact the structure above, as it has undergone extensive geotechnical review to ensure stability, incorporates stabilizing and wing retaining walls for heightened slope stability, and would be required to follow design provisions through the International Building Code (IBC) and California Building Code (CBC) (as adopted by the City of Malibu and codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life. With adherence to applicable building codes and the recommendations of the Project-specific geotechnical report, direct and indirect impacts associated with the exposure of people or structures to potential substantial adverse effects, including the risk of loss of life, injury, or death involving rupture of a known earthquake fault would be less than significant."*

Nevertheless, comments regarding opposition to the Project will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 8.2

The commenter's additional point of opposition is the existing JUPA and parking space analysis is that parking demand is significantly undercounted. The commenter adds a JUPA is a granted privilege and not a right, so asserts that the City is making a mistake in approving any transfer of rights of a new JUPA without significant require parking increases.

The IS-MND fully assesses potential parking impacts and there is no evidentiary basis to assert otherwise. The Project would continue to be subject to the existing JUPA with Malibu Inn under which the project site is required to provide sufficient parking to support land uses on both properties. A JUPA was previously approved by the City for the Malibu Inn to use 31 parking spaces on the adjacent surface parking lot. The JUPA will continue to be honored except the total number of offsite parking spaces will be reduced to 24, given a change in restaurant service area to retail, which has a lower parking demand. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required on the project site for the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the project site property. Please refer to Section 1.3 *Project Description,* for full description of the JUPA. Comments pertaining to the City's rights to approve a JUPA are noted as well as the comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to the decision-makers for planning and policy consideration.

Response 8.3

The commenter is a proponent of a comprehensive study and possible new zoning designation for the landwards side of PCH as a "Hospitality Zone." However, until this new zoning would be in place the commenter opposes variance submittals for the City.

The Project is consistent with existing zoning and the long-term concept of a new hospitality zone. Comments pertaining to a recommended new zoning designation named "Hospitality Zone" are noted, and the IS-MND otherwise considers land use impacts, of which the IS-MND's Section 4.11, *Land Use and Planning*, did not identify a potentially significant impact. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: Jamie Ottilie
To: Adrian Fernandez
Subject: malibu beach inn hearing
Date: Monday, March 15, 2021 11:19:22 AM

9.1 I understand that the proposal for the Malibu Beach Inn is coming before the planning commission. I have the following questions and comments:

- Has a traffic study for the area been completed that takes into account all of the driveways, left turns, pedestrians jay walking to the beach, people making illegal u turns etc in the area?

9.2
- How can additional development be considered for this area when Nobu and Little Beach House continue to create traffic nightmares every warm weekend? There needs to be resolution.

9.3
- In looking at the design – I do not understand how the property will be built without substantial variances for height – size of the retaining walls – and parking for both employees and guests. I am not in favor of malibu granting ANY variances in this area that increases development density.

9.4
- What will happen to the Malibu Inn building if they lose the overflow parking lot? It appears that neither of these properties will have enough parking once complete.

9.5
- Since most of our traffic comes from Santa Monica – what are the plans for people making left turns out of the hotel? Just making them illegal will not work – as we see from McDonalds, the former KFC location, V's etc.

9.6
- How will traffic enter the hotel? There is no room for a right hand turn lane without taking away public parking – is the hotel going to offer up FREE public parking to replace these spots?

9.7 I do not see how this project can be made traffic neutral nor how they will be able to pass an environmental impact study given the amount of grading required. I would urge the planning commission to view this project as skeptically as those of us who have lived in Malibu and watched our traffic and quality of life slowly get degraded. Without a longterm solution to congestion and traffic on this section of PCH – I believe that ALL development should be halted in the area until solutions can be found.

Sincerely,
Jamie Ottilie

Letter 9

Commenter: Jamie Ottilie (1), Malibu resident

Date: March 15, 2021

Response 9.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter asks if a traffic study has been completed for the area that takes into account all driveways, left turns, pedestrians jay walking to the beach, and people making illegal U-turns in the area.

The draft IS-MND fully accounts for and addresses existing and potential future access. As described in Section 4,17, *Transportation*, and Appendix C, *Transportation Studies*, K2 Traffic Engineering, Inc. provided a comprehensive transportation study for the Project. Additionally, the City commissioned a PCH Safety Study based on a review of collision data from 2012, 2013, and 2014 for the City's section of PCH. The transportation study and analysis takes into account all project driveways as well as adjacent driveways, unsignalized and signalized pedestrian walkways, left hand turns, and U-turns. The Project's transportation studies and analysis do not take into account illegal pedestrian or car actions as illegal actions are not included under CEQA. Please also refer to Section 4.17, *Transportation*, and/or Appendix C for further transportation impact discussion and analysis.

Response 9.2

The commenter asks how additional development can be considered in their area due to the current traffic congestion from Nobu and Little Beach House.

The IS-MND fully accounts for and addresses existing and potential future access. As described in Section 4.17, *Transportation-Impact A,* of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation.* Please refer to Section 4.17, *Transportation,* for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 9.3

The commenter requests clarification on how the property will be built without substantial variances for height, size of retaining walls, and parking. The commenter does not support any variances that increase development density.

Although the Project will require approval of variances, its location at the base of a slope would minimize visual changes and the proposed project would be largely visually consistent with nearby uses. As described in Section 1.4, *Project Approvals* of the IS-MND, the Project would require approval of Variances from the City for project development including but not limited to retaining wall height (No. 18-031) and for surface parking in front yard setback (No. 20-035). With approval of SPR No. 18-025 for building height, the building would be found in compliance with City code. Please refer to Section 1.4, *Project Approvals* for further discussion of variances.

Response 9.4

The commenter asks what will happen to Malibu Inn if they lose their overflow parking lot. The commenter expresses concern that Malibu Inn or the Project will not have sufficient parking.

The Project would include adequate parking to ensure that typical operation of both Malibu Inn and the Project would not result in parking spillover into adjacent neighborhoods. The Project would include a total of 24 parking spaces for Malibu Inn under a JUPA. Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description of* the IS-MND. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 offsite spaces that are required from the adjacent Malibu Inn. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the Project. In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity and similar to existing conditions. Additionally, stacked parking within the subterranean garage may be installed by the property owner, which would provide overflow parking spaces, as necessary for the property. In summary, Malibu Inn will not lose parking space allocation at the project site.

Response 9.5

The commenter asks what the plans are for property guests making left turns out of the hotel. The commenter feels making them illegal will be ineffective.

The Project would include adequate access via two driveways with good line of sight along PCH. As described in Section 1.3, *Project Description*,

> *"Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site's southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also*

> *continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site."*

The commenters opinion making left-hand exits illegal will be ineffective will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 9.6

The commenter asks how traffic will enter the hotel as there is no room for a right-hand turn lane without taking public parking. The commenter requests the Project provide free public parking to replace any spots that are taken away by a right-hand turn lane.

The Project will provide safe access via two driveways which would accommodate hotel guests. As described above, project site access will be available from an unsignalized right- in and right-out driveway at the eastern edge of the Project's southern boundary. No signaled right-hand turn lane is proposed under the Project and no net loss in street parking along PCH would be lost. The Project would not be required to provide free public parking as none will be removed.

Response 9.7

The commenter does not feel the Project can be made traffic neutral nor how an EIR was not required for grading. The commenter urges the Planning Commission to oppose this project.

The IS-MND provides detailed analysis of potential project impacts and no impacts were identified that could require preparation of an EIR. As described above, the IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation- Impact B.* Further, the Project would apply for a variance approval for grading in excess of 1,000 cy per lot area acreage, and with approval of the variance, Caltrans approval of the road encroachment permit, and adherence to mitigation measures included within the IS-MND, impacts would be considered less than significant, not warranting the issuance of an EIR analysis under CEQA. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: Jamie Ottilie
To: Justine Kendall; Adrian Fernandez
Subject: RE: malibu beach inn hearing
Date: Monday, March 15, 2021 3:57:01 PM

Malibu Inn Motel – 22959 Pacific Coast Highway

10.1 I would add that I am adamantly against offsite parking for the Malibu Beach Inn – this is against the building code and should not be allowed.

Jamie

Letter 10

Commenter: Jamie Ottilie (2), Malibu resident

Date: March 15, 2021

Response 10.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter asserts the project site contains parking that supports the Malibu Beach Inn. However, historically, there has been no JUPA for the project site with the Malibu Beach Inn. Please refer to Section 3.17, *Transportation,* to see an overview of the Project's proposed JUPA with the Malibu Inn (retail and restaurant building). Nevertheless, comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: [redacted]
To: Adrian Fernandez
Subject: Malibu Inn Hotel
Date: Monday, March 15, 2021 2:56:07 PM

Dear Planning Dept,

11.1 Please do not consider building a hotel at the most congested area of PCH in Malibu. It is unbearable trying to commute regularly in and out of Malibu and I think building this hotel right at the bottleneck will hugely exacerbate the existing problem.

Kind regards,

Lisa McKean (Owner)

[redacted]

Letter 11

Commenter: Lisa McKean, Malibu Fountains

Date: March 15, 2021

Response 11.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter opposes the Project due to the existing congestion on the City's stretch of PCH and existing traffic impacts to commuters.

The Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system, as described in Section 4.17, *Transportation* of the IS-MND. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The IS-MND acknowledges PCH in the City experiences peak periods of visitor traffic on weekends particularly in the summer months, and coincidental with the weekday afternoon commuter peak period. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation-Impact B.* Please refer to Section 4.17, *Transportation,* for further discussion of transportation related discussion and analysis. Comments regarding opposition to the Project will be included within the public record and made available to decision-makers for planning and policy consideration.

From: Suzanne Titus
To: Adrian Fernandez
Subject: New Plan for the Malibu Beach Inn
Date: Monday, March 15, 2021 1:06:07 PM

Hello,

12.1 I understand there is a planning meeting upcoming and I would like to submit my questions and request for a noise survey for this potential plan.

12.2 This will definitely draw a crowd and so to also see a survey for occupancy, daily attendance and parking availability provided for the property only is important and that there are reasonable rates extended, as it will impact other retailers in the area.

I will watch to see the acknowledgment and plans to provide a response.

Thank you,

Suzanne

Letter 12

Commenter: Suzanne Titus

Date: March 15, 2021

Response 12.1

Thank you for the comment regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter expresses a concern with potential noise impacts from the Project through a request for a noise survey for the Project.

The IS-MND includes a detailed noise analysis that revealed no potential for significant impacts. Please refer to Section 3.13, *Noise*, which identifies potential for noise during construction and operation of the Project and provides two mitigation measures to reduce noise related effects. NOI-1 which reduces construction noise through construction machinery and truck noise reduction accessories, staging area location, temporary sound barriers, and public noticing. Additionally, the Project would be required to designate a noise control coordinator. NOI-2 prohibits amplified sound from the Project. If amplified sound is later proposed outdoors, the Applicant must prepare a noise study and must submit an amendment to the proposed conditional use permit.

Response 12.2

The commenter expresses concern of parking availability upon implementation of the Project.

The Project would provide adequate parking. The Project would include a total of 24 parking spaces for Malibu Inn under a JUPA to continue to support the required parking spaces for the Malibu Inn, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description of* the IS-MND. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant service area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – 23 spaces are required of the project site for the proposed motel use. In addition, as described in Section 4.17, *Transportation- Impact A*, of the IS-MND, the Project would increase the amount of onsite parking by 7 spaces from existing capacity. Additionally, stacked parking within the subterranean garage may be provided for overflow parking spaces, as necessary for the property.

From: carlamccloskey@aol.com
To: Adrian Fernandez
Subject: Malibu Inn Hotel
Date: Wednesday, March 17, 2021 10:09:57 AM
Attachments: Screen Shot 2021-03-16 at 8.51.20 PM.png

13.1 This is a follow up to my original email as I have read other disturbing details. How can they predict that there will only be 14/16 additional trips daily? This is absurd. Events always generate more traffic than what they are predicting. I'm also concerned when they say they will 13.2 only have 3 employees--that doesn't make sense. And the noise that 13.3 will be generated from a roof top event center? There are many 13.4 questions that need to be answered and this report seems about as factual as the one a few years ago that said malibu traffic hadn't increased in 25 years. We need an accurate factual study that doesn't presume malibu residents aren't aware of what the actual truth is.

Thank you. Carla McCloskey

13.1 cont.

in deliveries and HVAC system usage. Operation of the Project would result in a net increase of 14 AM peak-hour trips and 16 PM peak-hour trips, representing less than a one percent increase in traffic along PCH at the Project driveways (refer to Section 4.17, *Transportation*). When

Here they claim that they anticipate large events every weekend - more in the summer and YET - predict only 14 more cars during the day and 16 at night. Large events, even medium events such as the one most likely to be held there, weddings, will bring hundreds of cars per each event.

13.3 cont.

The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site

Letter 13

Commenter: Carla McCloskey (2), Malibu resident

Date: March 15, 2021

Response 13.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter expresses concern over the general Project transportation and traffic details. The commenter states events generate more traffic than what the IS-MND predicts (14 to 16 additional trips daily). However, the IS-MND fully describes potential project traffic impacts, including special events.

The Project and IS-MND's transportation and traffic analysis, as described in Section 4.17, *Transportation-Existing Setting*, on a Traffic Study prepared for the project site (Appendix C). The Traffic Study assesses and describes estimated trip generation, potential congestion impacts, and site access. The following excerpt from Section 4.17, *Transportation-Impact A* identifies transportation impacts to be less than significant as the Project trip generation would be below TIA Guideline thresholds and OPR guidelines.

> *"According to the Traffic Study and detailed in Table 13, Project Trip Generation, the Project is estimated to generate 14 trips occurring during the AM peak period (6 inbound, 8 outbound) and 16 trips occurring during the PM peak period (6 inbound, 10 outbound) (see Appendix C). These net Project trips are below the City TIA Guidelines thresholds (30 or more peak-hour trips), which require a preparation of a formal transportation impact analysis. Additionally, per the OPR December 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. Per Institute of Transportation Engineers (ITE) Trip Generation 10th Edition trip generation rates, the total daily project trips are estimated as 68. As such, impacts to transportation would be less than significant."*

Please refer to Appendix C for further details and discussion of the traffic and transportation analysis for the IS-MND. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 13.2

The commenter expresses concern that the IS-MND only accounts for three employees under the Project.

While it is acknowledged that employment may vary, with consideration for the size of the motel, the number of projected employees would be insignificant in terms or traffic or parking demand. Given the nature of the Project as a boutique hotel with 20-rooms, per-shift operational employees is estimated as three as estimated by the Project's site plans and technical analysis. Please also refer to Section 4.14, *Population and Housing*, for further discussion and analysis of temporary and long-term employment for the proposed Project. If additional employees are at the property, the owner would be in violation of their permit. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 13.3

The commenter expresses concern over noise levels from the outdoor rooftop.

Noise levels are assessed by the IS-MND and the Project would not allow for amplified music that may affect nearby properties. Please see Comment Response 12.1 for additional information on this topic.

Response 13.4

The commenter expresses concern that the IS-MND is not factual in its account of City traffic.

The IS-MND fully describes both existing and project future traffic levels. As described above, the Project's transportation and traffic analysis is provided in Appendix C, which were prepared by an accredited traffic engineering firm with local knowledge (K2 Traffic Engineering, Inc.). The traffic analysis includes PCH Traffic Study from 2012 to 2014, and the most recent traffic approvals conducted in 2019 and 2020 during IS-MND preparation with consideration of pre-Covid traffic. Therefore, the Project utilizes Project-specific traffic analysis as well as existing studies of PCH in the City. Please refer to Appendix C for further discussion and analysis of methodology and approach of transportation analysis in the IS-MND. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: [redacted]
To: Adrian Fernandez
Subject: COMMENT MND - Malibu Inn Hotel
Date: Wednesday, March 17, 2021 1:24:56 PM
Attachments: Screen Shot 2021-03-17 at 11.33.23 AM.png

Please add this to Malibu Inn Hotel EIR Comments.

COMMENT ON MALIBU INN HOTEL.

Unfortunately, once again, our city has been presented with a staff report dismissing and understating the impacts of new development on Malibu. This project needs an EIR to study noise, traffic, and the impact of a combination of two venues next to each other. A nightclub next to a potential new hotel.

14.1

The Malibu Inn Hotel project is proposed at one of the busiest and most dangerous sections of PCH in Malibu. Across from the heavily populated pier, filled Surfrider Beach, the only fast-food spots in Malibu, close proximity to crowded Nobu, Soho House, Malibu Beach Inn, and busy public parking lots. The staff report states that this hotel will hold large events every weekend at the new rooftop bar. These will undoubtedly include weddings, parties, conventions which will bring in hundreds of new cars and yet - staff states only 14 AM and 16 PM new additional daily car trips. This claim flies in the face of the most basic logic and accuracy.

> The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site

Heavy haul trucks will need to run at least 600 - 875 loads to evacuate mounds of dirt on an already overrun PCH.

14.2

> Approximately 394 cy of the excavated soil would be used as fill material onsite, while the remaining material (approximately 12,255 cy) would be exported from the project site via roughly 600 to 875 heavy haul trucks, depending on the size of trucks utilized (see Section J, below). The total area of ground disturbance would be 0.77 acre, or approximately 33,541 sf. As detailed in

While scaled-down hotels can have advantages, this project at this intersection could not possibly be proposed at a more disruptive location. There is no possible way that this new hotel, in this area, will not greatly impact and cause more disturbance on PCH for visitors and residents. And yet this staff claims this project "***would not result in any cumulative impacts"***. This is a clear example of truth being understated and buried to serve developers, rather than data that protects the city and visitors on PCH.

14.3

Please unbury the truth and conduct a proper EIR. Protect this fragile city and Malibu's already overloaded infrastructure. Malibu must demand that a full and accurate traffic study is conducted that includes ingress and egress **of all uses** within a mile of this location including traffic from the pier, Nobu, Malibu Beach Inn, public parking lot, Surfrider Beach, Jack In The Box, Serra entrance, etc.

14.4

Thank you for listening, please do the job of planning correctly.

Thank you,
Jae Flora-Katz

Letter 14

Commenter: Jae FloraKatz

Date: March 17, 2021

Response 14.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter asserts that the project would result in a nightclub next to a new hotel, large events every weekend, and hundreds of new cars. The commenter quotes an excerpt from the IS-MND of potential impacts before further analysis and mitigation is introduced.

The proposed Project would not include a nightclub and would be subject to strict City regulation and enforcement. The IS-MND confirms the commenter's statement that larger gatherings may occur during summer month weekends, noting that it is a hotel. However, the use of the term "event" in the IS-MND does not align with the commenter's perception of what may occur – or would be allowed – at the property, nor what is proposed in the project description. The IS-MND and Project does not allow for, anticipate, nor require analysis of the potential for large events, hundreds of cars, or nightclubs. In the case that the property would have an "event" that exceeds the property capacity, a City permit is required. Additionally, the IS-MND notes that the project site is buffered from surrounding residential areas by open space and the incorporation of landscaping. Finally, amplified sound is not proposed and the Project will be conditioned as such. It is also noted that the adjacent noise of PCH would exceed the noise of typical use that may occur on the rooftop. Finally, the commenter's recommendations will be forwarded to the decision-makers for consideration.

Response 14.2

The commenter expresses a concern with potential impacts from the Project from haul trucks that may be required during dirt excavation.

The IS-MND includes a thorough discussion of the impacts of haul trucks. As described in Section 1.4, *Project Approvals*, the project is required to obtain permit approval for hauling on Caltrans right-of-way, such as along PCH, which may include additional construction-related requirements to obtain approval as mentioned above. Further, as described in Section 4.17, Transportation, of the IS-MND, the City applies Local Coastal Plan standard conditions to all applicable projects to minimize impacts to transportation and traffic including but not limited to: "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 Caltrans." Regarding further traffic considerations, please also refer to Appendix C for a detailed analysis of construction impacts. In the case of noise concerns, please also refer to Section 3.13, *Noise*, which identifies potential for noise during construction and operation of the Project and provides two mitigation measures to reduce noise related effects. NOI-1 which reduces construction noise through construction machinery and truck noise reduction accessories, staging area location, temporary sound barriers, and public noticing. Additionally, the Project would be required to designate a noise control coordinator. If an amplified sound is proposed outdoors, the Applicant must prepare a noise study and must submit an amendment to the proposed

conditional use permit. Ultimately, potential traffic and noise concerns will be included in decision maker considerations in project approval deliberations.

Response 14.3

The commenter asserts the project will result in cumulatively considerable impacts, and suggests the Project would result in traffic impacts at the intersection for visitors and residents.

The Project would not result in cumulative considerable impacts, including those associated with increased traffic. As described in Section 4.17, *Transportation-Impact A*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as described in Section 4.17, *Transportation.* Please refer to Section 4.17, *Transportation,* for further discussion of transportation related discussion and analysis. Additionally, the IS-MND acknowledges the importance of traffic safety to residents and the public along PCH in the City, and addresses the risk of U-turns and pedestrians stops during busy times in Section 4.17, *Transportation*, and addressed within *Impact C*, which addresses hazards and geometric design features. To avoid exacerbating this condition,

> *"Direct vehicle access from PCH would be implemented through the installation of an unsignalized right-in and right-out driveway at the eastern edge of the project site's southern boundary. The existing driveways at the adjacent Malibu Inn, including one signalized driveway, would also continue to provide vehicle access to the project site from the west. Pedestrian access would be provided via the sidewalk along PCH and associated walkways entering the site."*

Therefore, the Project would not increase unsignalized pedestrian crossings, unsignalized left-turns, or U-turns. The Project would not increase the number of driveways that could increase vehicle congestion, and Appendix C, *Transportation Studies*, includes further assessment of the Project's safety and finds no exacerbation of safety associated with U-turns or pedestrian use. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: John Stockwell
To: Adrian Fernandez
Subject: 22959 PCH HOTEL PROJECT
Date: Wednesday, March 17, 2021 8:05:51 PM

Hi Adrian, it's John Stockwell the owner of Malibu Farm on the Malibu pier as well as a Pt Dume resident.

15.1 I wanted to just quickly weigh in on the potential hotel project across the street from the pier. As everyone in Malibu knows parking is already a huge issue in that area and I don't understand how the parking for the current Aviator Nation expansion to food and entertainment will be handled if they no longer have the joint use agreement for the lot next to them.

15.2 So many of us have always felt that this location would be perfect for a well designed and well landscape parking garage to accommodate all the visitor serving parking that this area is overwhelmed with and give PCH back to the residents for their parking. The current parking lot next to aviator nation where this potential motel would go is full by 10 AM in the summer with people paying $45 a car so where will all those people go if there is no parking option there anymore?

15.3 There are obviously a host of additional issues such as the amount of excavation and retaining walls necessary as well as the impact of the construction on PCH but my bigger issue is this is an incredible opportunity to create parking in the center of the commercial district of Malibu.

Letter 15

Commenter: John Stockwell, Malibu Farm Owner

Date: March 8, 2021

Response 15.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter expresses concern on how parking for Aviator Nation's expansion to food and entertainment will be handled if they do not have a JUPA with the Project's property.

Parking under the site's JUPA is addressed and explained within the IS-MND. As described in Section 1.1, *Project Site and Existing Uses,* the Aviator Nation of the Malibu Inn building is subject to a JUPA with the project site. Aviator Nation resides in the adjacent Malibu Inn property, and following an update of land use and site approval associated with onsite land uses and the Project, as described in Section 4.17, *Transportation,* the Project would continue to be subject to a JUPA with Malibu Inn that would require the project site to provide 24 spaces to the Malibu Inn property. As the Project would provide 24 spaces to the Malibu Inn under the JUPA for the Project, as described in Section 1.3, *Project Description*, the Project would be compliant with MMC requirements and the JUPA. Therefore, the Aviator Nation property will be accommodated under the Project's new JUPA and accounts for operational changes planned at the Malibu Inn.

> *"Per MMC requirements and the JUPA, one parking space is required for every 50 sf of restaurant floor area for the restaurant that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property."*

Response 15.2

The commenter suggests this property should be a well landscaped parking garage to accommodate visitor-serving parking, particularly in summer.

As described in Section 1.3, *Project Description,* of the IS-MND, the Project would continue to provide onsite parking for property and adjacent property visitors year-round, as under existing conditions. The Project would provide 47 parking spaces through surface and subterranean parking spaces including 35 regular parking spaces, 3 ADA parking spaces, and 9 compact spaces. Stacked parking spaces may be included in the overall design, which would be additive to the minimum of 47 parking spaces required for the site. Please refer to Section 4.17, *Transportation*, for further discussion and analysis of parking in the IS-MND. Comments regarding suggestion of the property for parking that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 15.3

The commenter states he feels there are other general concerns with the project associated with excavation, retaining walls, and construction impacts on PCH but reiterates this site should be used for parking.

A high priority for land use under the State Coastal Act is visitor-serving uses, which the Project would provide. Site alteration and grading are fully addressed in the IS-MND. Please refer to Section 4.7, *Geology and Soils,* for discussion and analysis of the proposed excavation quantity, retaining wall construction and materials, and overall construction effects. Comments regarding suggestion of the property for parking that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: LSGLA
To: Adrian Fernandez
Subject: Fwd: Malibu Inn Motel - An Ambitious Proposal
Date: Wednesday, March 17, 2021 11:21:06 AM

FYI

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Begin forwarded message:

From: LSGLA <lynnsaunders@mac.com>
Date: March 17, 2021 at 4:52:04 AM PDT
To: suhring@malibucity.org
Subject: Fwd: Malibu Inn Motel - An Ambitious Proposal

FYI

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Begin forwarded message:

From: LSGLA <lynnsaunders@mac.com>
Date: March 17, 2021 at 3:59:14 AM PDT
To: Mikke Pierson <mpierson@malibucity.org>, BSilverstein@malibucity.org, kfarrer@malibucity.org, pgrisanti@malibucity.com, suhring@malibucity.com
Cc: planning@malibucity.org
Subject: Malibu Inn Motel - An Ambitious Proposal

Dear Malibu City Council:

16.1 It is inadvisable for the City of Malibu to approve the project known as the 'Malibu Inn Motel' as proposed by Burdge & Associates Architects and Surfrider Plaza LLC.

Furthermore, the excavation and removal of 12,255 cubic yards of soil, the sinking of caissons, the 'carving out' of a substantial portion of the hillside necessitating the construction of a massive retaining wall, needs extensive due diligence for the feasibility and safety of family homes located above said excavation and build-out.

16.2 This project should be evaluated by legal counsel for extensive liability issues; reference the building of a mega mansion
in Beverly Hills on a hillside and the potential jeopardy to surrounding residences.

16.3 Additionally, just think - an estimated 600
to 875 heavy haul truck trips to remove approximately 12,225 cubic yards of soil. This vehicle count does not include regular construction - just the excavation...

"Hot time in the summertime" seriously? "Minimally affect roadways" - please who drew this conclusion? This project is located in the most heavily congested stretch of Pacific Coast Highway. It

16.4 is already populated with hospitality service businesses with totally inadequate parking. The City of Malibu has approved these projects, knowing full-well they were not in compliance. The end result - pandemonium; no parking, traffic accidents, congestion lasting hours and residents being trapped at home.

16.5 The residents of Malibu suffered the unimaginable trauma of the Woolsey fires.
Many still harbor resentment about the perceived failures of our city government. Many know

16.5 Cont.

precisely the roar of heavy haul trucks removing debris from burned-out family homes. Now imagine 600 to 875 heavy haul trucks, filled with dirt and debris, 6 days a week, on the main thoroughfare, in and out of Malibu...to excavate for the Malibu Inn Motel.

16.6

A year of isolation, the result of a global pandemic and 'you all' decided to give final approval and allow construction to begin on a mega project known as Cross Creek Ranch. Smart developer, with impeccable timing, to push this 2008 project through in January 2021 when Malibuites were quarantined.

16.7

Please consider the following notations when considering the Malibu Inn Motel:
1 cubic yard of topsoil weighs 2,200lbs.
1 cubic yard of loose dirt weighs 2,800lbs.
Minimally affect roadways - nonsense.
12,225 cubic yards of excavated soil.
600 to 875 HEAVY HAUL TRUCK TRIPS.
Construction to begin SUMMER 2021

> b. **Less than Significant with Mitigation.** It is not anticipated that the Project when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, would have a significant effect on the environment. While the Project and cumulative development are anticipated to minimally affect roadways in the project vicinity, the Project would have less than significant impacts to area traffic both on a Project and cumulative level. Also, as previously discussed in the Section 4.13, *Noise*, cumulative impacts were analyzed and with implementation of mitigation measures the Project is not expected to result in significant adverse impacts either individually or cumulatively. Although excavation of the subterranean garage could potentially uncover previously undisturbed cultural and/or paleontological resources, and standard conditions would ensure the proper steps are taken to avoid impacts. Therefore, the Project in combination with recommended mitigation measures would not result in any cumulative impacts.

> architectural finishing.
>
> Site preparation, grading and excavation of the lower half of the existing slope would require use of excavators, backhoes, bulldozers and heavy haul trucks. Export of approximately 12,255 cubic yards of excavated soil would require use of approximately 600 to 875 heavy haul truck trips, assuming 14 to 20 cubic yard haul trucks. Traffic control for trucks entering and leaving the site along PCH would be implemented through use of flaggers.

16.8

A number of us have been friends for years. We've raised our children together and we love our little town. Let's remember; we all want what's best and most of us have very good intentions.

Thank you for your time and consideration. And most importantly, thank you for your service and dedication to our community.

Be kind whenever possible. It's always possible. ~ Dalai Lama

Best regards,

Lynn Saunders Guilburt

30707 Manzano Drive
Malibu CA 90265
310.892.9808

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Letter 16

Commenter: Lynn Saunders Guilburt, Malibu resident

Date: March 17, 2021

Response 16.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter notes the excavation of soil for the project, sinking of caissons, and concern for the feasibility and safety of property surrounding the project site, including the need for extensive due diligence.

The proposed Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods. As noted in IS-MND Section 1.4, *Project Approvals*, the Project requires approval of Variance Nos. 18-029, 18-030, 18-031 associated with approvals for slope stability, retaining walls, and soil excavation. Additionally, as noted in Appendix B, *Geotechnical Reports*, a series of explorations, studies, and approvals of geotechnical review for the project site are referenced, with the most recent versions attached within the Appendix. The reports for the Project include successive review and final approval from a geotechnical perspective. The Project includes a series of protections for the hillside, including reduced exposed face, stabilization wings, and secondary slope barriers. Please also see Section 4.7, *Geology and Soils*, for additional information on stability, review, and soil analysis.

Response 16.2

The commenter expresses a concern with potential impacts from the Project from haul trucks that may be required during dirt excavation.

The Project would be subject to both City and State regulations regarding haul truck trips and public safety. As described in Section 1.4, *Project Approvals*, the Project is required to obtain permit approval for oversized transport vehicles on Caltrans right-of-way, such as along PCH, which may include additional construction-related requirements to obtain approval as mentioned above. Further, as described in Section 4.17, *Transportation*, of the IS-MND, the City applies Local Coastal Plan standard conditions to all applicable projects to minimize impacts to transportation and traffic including but not limited to: "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 Caltrans." Regarding further traffic considerations, please also refer to Appendix C for a detailed analysis of construction impacts. In the case of noise concerns, please also refer to Section 3.13, *Noise*, which identifies potential for noise during construction and operation of the Project and provides two mitigation measures to reduce noise related effects. NOI-1 which reduces construction noise through construction machinery and truck noise reduction accessories, staging area location, temporary sound barriers, and public noticing. Additionally, the Project would be required to designate a noise control coordinator. If an amplified sound is proposed outdoors, the Applicant must prepare a noise study and must submit an amendment to the proposed conditional use permit. Ultimately, potential traffic and noise concerns will be included in decision maker considerations in project approval deliberations.

Response 16.3

The commenter notes an issue of no parking, traffic accidents, congestion lasting for hours, haul truck traffic, and trauma from the Woolsey Fire and the failures of City government.

The proposed Project would be subject to both City and State regulations regarding haul truck trips and public safety. The Project is required to comply with existing County of Los Angeles and City Emergency Response Plans. The City's 2018 Emergency Operations Plan provides an operational approach to response and recovery from potential hazards. The site is directly accessible to a regional transportation resource, PCH, and no new areas of service would be required for emergency personnel. Additionally, the site is designed for throughput access from PCH to the Malibu Inn parking area, which would improve adequate fire department access with the Project's driveway modification on the eastern end. Additionally, as described in Section 4.17, *Transportation*, of the IS-MND, the Project would not conflict with any ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The Project would improve driveway circulation efficacy at the site and would not significantly impact or alter the operational efficiency of nearby signalized intersections. The Project would result in a limited increase in the number of trips from existing use as a parking lot given the proposed motel use. The Project anticipates generating approximately 68 ADT, which is well below Caltrans' threshold of 110 trips per day; therefore, the IS-MND describes impacts as less than significant to traffic, as further described in Section 4.17, *Transportation.* Please refer to Section 4.17, *Transportation,* for additional discussion of transportation related discussion and analysis. Comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From:	Matt Goodwin
To:	Adrian Fernandez
Subject:	22959 Pacific Coast Public Comment
Date:	Wednesday, March 17, 2021 7:33:41 PM
Attachments:	Screen Shot 2021-03-16 at 11.26.39 AM.png

Hello Adrian,

I'm writing in regards to the Staff Report and Draft Mitigated Negative Declaration for 22959 Pacific Coast Highway Malibu, CA.

17.1

Below is an outline of key items I would like to flag. This project will require significant disruption to the existing mountainside, thereby creating earth movement in an earthquake zone, significant construction noise, major PCH shutdowns and traffic throughout construction for utilities and will set precedents that Malibu hasn't seen before like 55ft retaining walls and subterranean parking in beachfront environments.

In addition, the City has indicated in this report that the project does not propose an Environmental Issue, and is suggesting a Negative Mitigated Declaration, as opposed to requiring a full Environmental Impact Report (EIR). I think there are plenty of environmental issues/risks that\ would trigger an EIR.

17.2

Issues

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously be an EIR requirement.
- **EIR Risks Not Listed** - On page 20 you only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking.

17.3

- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and create a new precedent for Malibu. I am also concerned for the stability of his hillside as it also relates to our property just two lots to the west. I can imagine during construction that significant vibration from pile driving and foundation / shoring work will create similar vibrations further west and put our hillside at risk. Have they considered vibration monitors so they do not affect the neighbors properties and cause landslides? Additionally, subterranean parking seems like a stretch for such a close proximity to the beachfront.

17.4

- **Retaining Wall, Construction on Slope, Non Exempt Grading Variances** - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues.This project is requesting major variances and should be considered within the more suitable flat land, versus carving into the mountainside.

17.5

- **Height of Elevator Bulkhead** - In Malibu, a maximum building height can be 24' or 28'

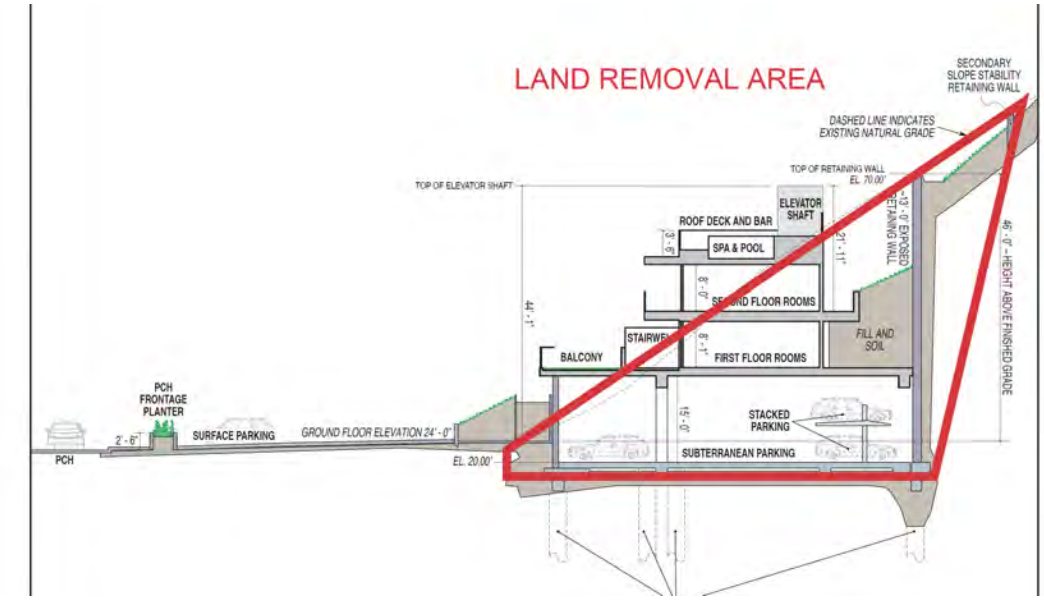
17.6

17.6 Cont

with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and we would've been at 28'-6" due to the nature of the elevator shaft, but also lower than our existing roof line. We were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be reviewed in equal detail.

17.7

It seems also the loss of public parking will only create further parking issues for the Malibu Pier / Surfrider Beach area. Perhaps it could be a nice parking structure?



Thank you,
Matthew Goodwin
23033 Pacific Coast Highway
Malibu, CA 90265

Letter 17

Commenter: Matt Goodwin, Malibu resident

Date: March 17, 2021

Response 17.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. The commenter includes general concerns about potential earth movement at the site in the event of an earthquake, construction noise, PCH shutdowns, and beachfront aesthetics.

The Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods and the Project would be generally visually consistent with surrounding uses. Please see Section 4.7, *Geology and Soils*, Section 4.13, *Noise*, Section 4.17, *Transportation*, and Section 4.1, *Aesthetics*, for assessments of each of these concerns. The Geotechnical analysis, as summarized in Section 4.7, *Geology and Soils*, and detailed further within Appendix B, note that geotechnical recommendations (conditioned within the Project), would be required to mitigate the potential impact of surficial instabilities from impacting the proposed structure, including debris fences installed on the ascending slope above the project site to protect the structure from surface instabilities. Section 4.17, *Transportation*, 4.20, *Wildfire*, and 4.9, *Hazards and Hazardous Materials*, note that the Project would not introduce a significant new number of visitors to the area, would not interfere with any adopted evacuation routes, and would not significantly exacerbate existing regional traffic conditions with implementation of the Project. Finally, Section 4.1, *Aesthetics*, notes that the Project would follow the existing topography, would minimize views of the vast majority of the proposed retaining wall, and would allow for a structure that is generally consistent with the surrounding development along PCH. All analyses found less than significant impacts, and general comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 17.2

The commenter asserts that the IS-MND is insufficient and that an Environmental Impact Report is warranted due to natural environment disruption, risks, and construction hurdles.

The Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods. As noted in IS-MND Section 2, *Evaluation of Environmental Impacts*, subsection 3, an EIR would be required in the case that an IS-MND identifies potentially significant impacts that cannot be mitigated to a less than significant level. In the case of the Project, no impacts were identified as potentially significant without mitigation, indicating that all potential impacts would either be less than significant or could be reduced to a less than significant level with the implementation of Project-specific mitigation, and all impacts would be maintained lower than those thresholds established by CEQA. Therefore, with consideration for the conducted IS-MND analysis, an EIR was not determined necessary to address environmental review.

Response 17.3

The commenter asserts that, in addition to "Noise" and "Geology/Soils" marked as potentially affected in IS-MND Section 3, *Environmental Factors Potentially Affected*, the resource sections "Aesthetics", "Air Quality", "Biological Resources", "Land Use and Planning", and "Hydrology/Water Quality" should also be marked as potentially significant.

The Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods. Marked resources in Subsection 3 are reserved for those resource areas that are identified as potentially significant, with or without mitigation. Resource areas identified as less than significant, due to project features, City or State regulation, or other reasons, are not marked within this subsection. As such, it would not be appropriate to mark "Aesthetics", "Air Quality", "Biological Resources", "Land Use and Planning", or "Hydrology/Water Quality" within this section. It should be noted that the resource areas with identified mitigation measures that were subject to public review (Cultural Resources, Geology and Soils, Noise, and Tribal Cultural Resources) have been comprehensively addressed throughout the document.

Response 17.4

The commenter raises concern associated with the construction of the Project's proposed subterranean parking and retaining wall, including earth vibration, earth stability, and requests vibration monitors, and expresses concern for subterranean parking in close proximity to the beachfront.

The Project would be subject to both City and state regulations regarding public safety, slope stability and construction methods. As noted in Appendix B, *Geotechnical Reports*, a series of explorations, studies, and approvals of geotechnical review for the project site are referenced, with the most recent versions attached within the Appendix. The reports for the Project include successive review and final approval from a geotechnical perspective. The Project includes a series of protections for the hillside, including reduced exposed face, stabilization wings, and secondary slope barriers. Please also see Section 4.7, *Geology and Soils*, for additional information on stability, review, and soil analysis. Regarding potential vibration impacts, please see Section 4.13, *Noise*, Impacts A and B, which note that pile drivers are not proposed for construction, and notes that any use of a pile driver would require City approval and conditioning prior to use, reiterated though NOI-1. Regarding hydrologic impacts onsite that may occur from subterranean features and proximity, please also refer to Section 4.7, *Geology and Soils*, which notes that the Project has undergone extensive geotechnical review to ensure stability, incorporates stabilizing and wing retaining walls for heightened slope stability, and would be required to follow design provisions through the IBC and CBC (as adopted by the City and codified in MMC Section 15.04.010) to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life.

Response 17.5

The commenter raises concerns regarding the Project's proposed retaining wall, construction on slopes, and associated variances.

The Project would be subject to both City and state regulations regarding public safety, slope stability, and construction methods. As noted in IS-MND Section 1.4, *Project Approvals*, the Project requires approval of Variance Nos. 18-029, 18-030, 18-031 associated with approvals for retaining walls, height, non-exempt grading in excess of 1,000 cy per lot area acreage, and the location of parking spaces within the front yard setback. Additionally, Appendix B, *Geotechnical Reports*, a series of explorations, studies, and approvals of geotechnical review for the project site are referenced, with the most recent versions attached within the Appendix. The reports for the Project include successive review and final approval from a geotechnical perspective. The Project includes a series of protections for the hillside, including reduced exposed face, stabilization wings, and secondary slope barriers. Please also see Section 4.7, *Geology and Soils*, for additional information on stability, review, and soil analysis, and consider the geotechnical report findings included in Appendix B, *Geotechnical Reports*.

Response 17.6

The commenter states that the building height would exceed that of the City's requirements, specifically that the City allows buildings up to 28 feet with a pitched roof, and that the IS-MND cross section indicates an elevator height of 44 feet and 1 inch.

The Project would be in compliance with the City's requirements, with approval of SPR No. 18-025. As noted in Section 1.4, *Project Approvals*, the Project would require approval of SPR No. 18-025 for a building height in excess of 18 feet and not to exceed 28 feet for a pitched roof. The 44 feet and 1 inch measurement indicated by the commenter includes the subterranean feature. In the City, subterranean features and elevator features are not included in the calculation of total building height under SPR 18-025. As noted in Section 4.11, *Land Use and Planning*, the Project requires the approval of discretionary requests in line with City code to be deemed consistent with land use policy. With those approvals, impacts are found to be less than significant. As such, with review and approval of SPR No. 18-025, the Project would be confirmed in compliance with City for the purposes of environmental review. Comments regarding suggestions on heightened Project review will be included within the public record and available to decision-makers for planning and policy consideration.

Response 17.7

The commenter raises a concern about the loss of public parking and associated area issues.

The IS-MND assesses the impacts to parking onsite and for adjacent uses. Please refer to Comment Responses 12.2 and 15.2 for further parking related discussion.

To : Adrian Fernandez
From: Malibu Coalition for Slow Growth by Patt Healy
Re: Malibu Inn Motel Mitigated Negative Declaration
Date: 3-17-21

Malibu Inn Motel Mitigated Negative Declaration

Project Description

18.1 The Malibu Inn Motel, proposed to be located at 22959 Pacific Coast Highway, is for the construction of a new 7,693 square foot motel above a new subterranean parking garage, surface parking lot, grading, retaining walls, landscaping and a new onsite wastewater treatment system; including variances for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development, construction on slopes steeper than 2.5 to 1, surface parking within the required front yard setback, and retaining walls in excess of six feet in height, a site plan review for a building height in excess of 18 feet, not to exceed 28 feet for a pitched roof, a conditional use permit for a new commercial development over 500 square feet and a motel in the CV-1 zoning district, and for a Joint Use Parking Agreement to share parking spaces with the adjacent lot.

Benefit to Residents

18.2 **How does this project benefit the residents of Malibu?**

How does this project enhance residents quality of life ?

18.3 **Why were residents not notified and allowed input prior to the preparation of the this Negative Declaration ("ND")?**

Development Criteria Ignored

18.4 **With so many major variances required, how did this project get to the point of the city proposing a mitigated negative declaration?**

18.5 **Why didn't the city ask the owner to develop within the code, instead of allowing the developer to ignore the development standards put in place to protect the small town rural feeling of Malibu?**

18.6 **The General Plan states that Commercial Development has to be residential in size. Why was this ignored?**

18.7 **Why isn't the city insisting its development criteria be met to protect Malibu from urbanization?**

18.8 **Why is city staff justifying this project by stating it is the same height as the oversized county approved clock building when the Municipal Code and MLCP were enacted to prevent the continuation of this county allowed type of construction ?**

FAR

18.9 **The code allows for commercial development at a maximum FAR of .15.**

According to Slow Growth's calculations the actual FAR is .15.37 If we are correct this exceeds the allowable FAR.

18.10 **What is the actual FAR of this project? The ND states the slope is greater than 2 ½ to1. What percentage of the slope is 1:1 or steeper?**

18.11 **Has the portion of the slope which is 1:1 or greater been deducted when calculating the properties square footage ? If not, how much has to be deducted? And how much smaller does the project have to be to meet the required .15 FAR after the deduction of the 1:1 or great slopes ?**

Height

18.12 **The ND states the structure is 28 ft in height. Height is measured from grade and this structure is 46 ft.in height from finished grade to the top of the roof's elevator shaft. Elevator's are not excluded when calculating height.**

This is in reality a 3 or 4 story structure. There is the 2 story motel and the third story is the actual above ground parking under the motel. The 4th story is the rooftop space containing the pool and the produding 10ft high elevator and a 3 ft. high guard rail .

18.13 **Although described as subterranean parking, to say the parking structure is subterranean is misleading since only about 4 ft is actually underground. This parking structure is not subterranean since the majority of the parking is above ground level. (See figure 3 ND.)**

18.14 **Was the above ground portion of the parking structure counted in calculating the FAR ?**

18.15 **The NG states: "The proposed new motel would be similar in size, bulk and scale to existing structures to the east and west ..." This is an inaccurate statement This building is massive in relation to the Malibu Inn which is directly to the west and the Chabad building directly to the east which are both one story and under 18 ft. in height (see rendering) https://www.malibucity.org/DocumentCenter/View/27710/Malibu-Inn-Motel_Renderings**

18.16 **Why is city staff justifying this project by stating it is the same height bulk and scale as a oversized county approved clock building when the Municipal Code and MLCP were enacted to prevent the continuation of this non- human scale type of urban construction?**

Geology

Why wasn't the fact that the project is in a tsunami zone analyzed ?

18.17 **The ND states: "As the project site is located within the seismically active Southern California region, there is the potential for regional seismic events to cause strong ground shaking at the project site. There is also a possibility that there could be trace of previously unidentified faults somewhere onsite. The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall".**

18.18 **The Geology study confirms this is an unstable bluff. What is to prevent the portion of the bluff above the retaining wall from sliding in a heavy rain or a major earthquake?**

18.19 **Did the owner do anything to determine that there were no faults running through the property ? Is so, what kind of investigation did they do and what did they find ?**

18.20 **The ND states that even following the codes loss of life could occur, and the loss of life and property would have a less than a significant impact. Please explain how can loss of life ever be considered a less than a significant impact**

Coastal Bluff/Grading

18.21 **The ND states: ''The Project is proposed on a site that was likely on or immediately adjacent to a beach prior to development and was subject to coastal processes (e.g., wave action, beach scour), and has experienced substantial erosion from the northern bluff into the project site (Appendix B).''This description meets the definition of a Coastal Bluff''**

Elsewhere in the ND it states ''the Project would only alter the lower approximately 50 feet of the slope, while the upper 130 feet remain unaltered.''

This would be accomplished by cutting into/ excavating a massive amount of the coastal bluff. This excavated soil will have to be exported off site.

'Where does the code allow cutting into a coastal bluff ? If the city denies it is a coastal bluff, where in the code does it allow cutting into a bluff face allowable?

18.22 **What is the length and depth of the cuts into bluff ?**

The code allows for 1000 cu yds of grading and the cut and fill should be balanced remain on site and not be exported.

18.23 **Grading Into the slope is not exempt. The only exempt grading is the approximately 4ft. underground portion of the parking structure.**

12,649 cu yds of cut into this bluff is an enormous amount of grading into an admittedly unstable hillside. What is to prevent the hillside from sliding during the grading 50 ft high into slope ?

18.24 **Is the 11,693 understory grading for the approximately 4 ft of the subterrain parking Lot?**

18.25 **Why was the removal al of the cut dirt off site estimated to be only 600-800 cu. yds when a normal dump truck carries 10 cu.yds. of dirt ? A more realistic calculation is 1,269 truck loads have to hauled off site.**

18.26 **Over how may days will PCH traffic be disrupted as the dirt is being hauled off site?**

18.27 **Why isn't a traffic management plan required now so the impact of this project is known to the decision makers and the public ?**

Retaining Wall

18.28 **Under the code retaining walls are to be no higher than 6 feet in height. The proposed retaining wall height is 46 ft above finished grade but in reality is 56.5 ft high measured in its entirety.**

What is the length of the retaining wall?

18.29 **Just because the retaining wall will be camouflaged and hence supposedly looks ok from PCH doesn't mean such a high deviation of what is allowed under the code should be granted.**

18.30 **What is the visual impact of this retaining wall from the end and middle of the Malibu Pier?**

18.31 **How far will west bound traffic be backed up because of the construction of this project during Saturdays and in the summer?**

Cultural Resources

18.32 **Where did the preparer of the ND get information regarding the lack of the possibility of cultural resources on site dismissing the potential for their existence due to possible past wave action? Recent 20th century evidence proves otherwise.**

According to a supporter of Slow Growth when the clock tower building 2 properties to the east was under construction a Chumash burial site was found and excavated. All along this area east of the Malibu Creek at various times Chumash artifacts and burials have been found. It is therefore likely that this site could harbor a Chumash burial ground or in the very least Chumash artifacts.

18.33 **It appears that this section of the ND was written based on supposition rather than researching the actual situation. We suspect if the research was done there are probably several recorded Chumash sites in the vicinity .**

The MLCP gives instruction as to how to the city is to deal with potential Chumash sites both pre construction site and during construction Why isn't the LUP being ignored instead of being followed ?

Wastewater

18.34 **It appears that the OWTS is being allowed only because there is an expectation that this part of town will be required to hookup to the Civic Center Treatment in phase 3 which is expected to occur in 2028.**

Is Phase 3 guaranteed? Can this OWTS perform for the life of the project if phase 3 doesn't happen? What is the expected life of this system ?

18.35 **How far above the groundwater table is the OWTS ? Is there a chance that groundwater brackish or fresh can enter the system ?**

18.36 **What kind of problems can be caused because the leach field is not large enough to hold the effluent from this project and the Malibu Inn?**

18.37 **The ND states:''The fact the property owner has to record a covenant notifying new owners of the following: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair''.**

The uncertainties of the workability of the OWTS and its leach fields should result in project denial or in the very least require an EIR since the possibility of it not working is significant.

<u>Public Access</u>

18.38 **The denial/loss of public parking for visitors to the Malibu Pier will be significant and is not mitigable. Why isn't this loss of parking acknowledged in the ND?**

18.39 **What percentage of the motel rooms will be low income accommodations?**

<u>Parking</u>

The joint use parking agreement with the Malibu Inn is not sufficient when the restaurant dining area is full, the outdoor tent is in use and/or they have bands and other entertainment on site. Since this is the case why isn't the actual required parking being increased ?

18.40 **What motel personnel will occupy the 3 employee parking spaces?**

How many employees will be employed by the Malibu Inn and The Aviation Nation shop when the Malibu Inn is at full capacity ? Where will these employees park?

18.41 **Will the motel and Inn parking be valet parking or self serve?**

Why isn't stacked parking being required now as a part of the project?

18.42 **Stacked parking will have to be installed now or installed later since the Malibu Inn is under parked for the amount of cars that will using the site? How will the after the fact installation of stacked disrupt needed project parking and for how long?**

In an emergency, stacked parking is not a good idea because of the time needed to get cars out of the lot and on to the driveway how long a delay will there be

18.43 **if the stacked cars and their drivers have to be evacuated?**

Even if there is no stacked parking in an evacuation situation it will take an enormous amount of time to get all the cars and their occupants off site. A EIR needs to analyze this situation because in an emergency a very dangerous situation is being created.

18.44 **If there is valet parking and /or stacked parking have these employees been counted in the 3 employee parking space allotment? If not, how many more parking spaces will be needed for these employees?**

18.45 **Will the handicap parking stalls reduce the needed/required parking if they are not being used ?**

18.46 **At one point the ND says only 3 additional parking spaces are needed for employees. Later on it says there will be 20 employees onsite at peak times. If this is the case why aren't more spaces being provided?**

Why does the ND not analyze the impact of loss of needed Malibu Pier parking which is needed on weekends and summer days . This needs to be analyzed in an EIR.

18.47

Since it is rare, if not impossible, to find parking along PCH and the pier parking lot is full in the summer and often in winter weekends there certainly will a loss of needed pier/ beach parking. How is the current property's parking spaces used by residents and visitors alike being replaced?

<u>Traffic</u>

The traffic study doesn't reflect the reality of the traffic backup and gridlock on this strip of PCH. It talks around it. In actuality, there is a traffic movement problem on a regular basis during rush hour and in the summer and it is significant and not mitigable.

Why are we allowing a minimum 20 more visitor cars going in and out of the motel more than once a day add to the already unmitigable traffic problems?

<u>Emergency</u>

PCH is a major evacuation route and the ND states the incremental increase in traffic is not an evacuation problem and the impact is not significant. Obviously, the preparer of the emergency impacts has never been on PCH in an emergency situation or when an ambulance is trying to get to Santa Monica on a summer day when traffic is gridlocked. Even an incremental increase if traffic can be and is significant.

18.48

These so called incremental impacts have to be studied along with the incremental impacts of all of the earlier projects mentioned below in the cumulative an EIR.

There is no real analysis in the ND. Statement are simplistically made and expected to be accepted as true. The expectation in the ND is the evacuation will go perfectly without real consideration of an overcrowded after dark smoke filled gridlocked highway, with non functioning traffic lights ,and unpredictable human behavior to name just a few of the many safe evacuation impediments. The worst case situation has to beanalyzed in an EIR.

18.49 **The ND naively states that with implementation of the required fuel modification plan on the project site, wind driven wildfire impacts would be less than significant. This statement doesn't take into account that wildfire embers travel for miles.**

Cumulative Impacts

As required by CEQA why doesn't this ND take into account the whole action involved, including off-site as well as onsite, cumulative as well as project-level, indirect as well as direct?

Why aren't the cumulative impacts of this project being studied in light of all the created traffic congestion and parking impacts from recently approved development which residents are constantly upset about.

18.50

The project needs be studied in conjunction with the traffic circulation and off site parking impacts created by the Sea View Hotel , the Malibu Beach Inn, Avis lot parking , Nobu , Soho House , Malibu Pier and Malibu Inn as well as Surfrider beach parking east of the Adamson house and west of the Malibu. Pier. The traffic and the PCH parking impacts of all of these projects should be factored in when considering the impact of this project. This is a major reason why an EIR is needed.

18.51 **It is well known to residents that there is not enough parking in the vicinity for the users of these facilities and their employees.**

And despite what individual traffic studies state, this area of PCH is highly congested. During rush hour westbound traffic often backed up all the way to Carbon Canyon. On a good day traffic is backed up during rush hour from the Malibu Beach Inn to Cross Creek Rd.

18.52

On summer weekends and even during summer weekdays traffic doesn't move in this area. It is gridlocked. The city's traffic studies do not reflect reality.

18.53 **This project as well as the many others in this vicinity have/are being piecemealed through with no thought given to the cumulative traffic , parking and other environmental impacts such as aesthetics , increased groundwater, urbanization of Malibu , safe evacuation and the failure to construct projects**

18.53 cont.

that meet the development criteria/standards set forth in the Municipal Code and MLCP.

Since the cumulative impacts are not being studied in relation to recently past piecemealed projects and potential future projects, this ND is fatally flawed.

EIR Required

18.54

Under CEQA, If there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

The ND failed to indicate any potentially significant impacts but there are some that are significant not mitigable such as traffic. An EIR needs to be done and if the city council desires this project, it would have to make a finding of overriding consideration.

18.55

The very fact that this project is a significant departure from the code requirements makes an EIR necessary. In the EIR more environmentally protective alternatives have to be analyzed such as "no project "and a smaller one story commercial project which is residential in scale that doesn't need all these monumental variances have to be analyzed.

18.56

In this instance the parking impacts are significant and they are glossed over in the ND. The current site during the day provided parking for visitors to the pier and the Farm restaurants on the pier. This needed parking is being lost.

18.57

Cuts and excavation into the toe and then excessive excavation of the slope 50 foot high to a unknown depth is destabilizing the slope without an enormous 56.6 ft retaining wall.

Furthermore it is questionable if these cuts are allowable since it is cutting into a bluff face and the cuts and retaining wall are of a magnitude that is unimaginable in Malibu.

Letter 18

Commenter: Patt Healy

Date: March 17, 2021

Response 18.1

The commenter correctly describes elements of the proposed Project's location, square footage, and variances.

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft IS-MND. Comments regarding the specifics of the Project do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 18.2

The commenter asks how the Project benefits Malibu residents and improve quality of life.

The Project would expand overnight accommodation access in the City, which would provide additional TOT revenue to the City to provide services and City improvements to residents as well as benefiting local businesses such as restaurants and retail uses through increased visitation. Additionally, the Project would support resident's capacity to have overnight accommodation access for visiting family and friends. Comments regarding the usefulness of the Project to Malibu residents do not directly pertain to the analysis within the IS-MND. Nevertheless, comments will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 18.3

The commenter asks why Malibu residents were not notified and allowed to provide input prior to the preparation of the Project's Negative Declaration.

In compliance with CEQA and adopted City procedures, the public draft IS-MND was provided to the public for the required 30-day comment period, and all public comments received have been responded to. Under CEQA, MNDs do not provide an opportunity for the public to comment until the public draft review period. CEQA Statute 15375 describes only EIRs shall provide a Notice of Preparation period prior to drafting of the EIR for public comment. Therefore, the Project and IS-MND complied with CEQA requirements for public noticing and comment periods. Additional opportunities to provide comment to decision-makers will occur during public hearings with time to voice opposition to the Project. Further, it should be noted that the Project's CEQA review is not a Negative Declaration, but rather a MND due to required mitigations to noise, geology and soils, and cultural resources.

Response 18.4

The commenter asks why with major variances required for Project approval the Project has gotten to the stage that the City has prepared a Negative Declaration.

The IS-MND thoroughly addresses all potential impacts associated with required variances. In addition, as stated in Response 18.3, the City actually prepared an IS-MND. As described in Section 1.4, *Project Approvals*, of the IS-MND, the Project would require four variance approvals for grading, slope construction, retaining wall height, and surface parking setback. As described in the IS-MND, extensive technical studies particularly in regards to geology and soil impacts (refer to Section 4.7, *Geology and Soils*) have been completed for the Project, several of which directly address potential impacts associated with requested variances. The technical studies support the finding of the IS-MND that the Project would not create significant safety hazards associated with slope stability or seismic hazards and that both public safety and the environment would be protected with inclusion of proposed mitigation measures and the City's standard conditions of approval. Approval of the Project and associated variances will be consider by the City Planning Commission and associated conditions of approval will be imposed to protect the City and environment as determined necessary, Therefore, the City has required preparation of a IS-MND to ensure complete review and analysis of potential project impacts and any required mitigations, including those associated with proposed variances. Nevertheless, comments regarding concern of the required extent of variances that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 18.5

The commenter asks why the City did not ask the owner to develop within the City's code instead of allowing the developer to ignore development standards in the City to protect the small town rural feeling.

The IS-MND addresses the Project as proposed by the develop as required under the law. The City Planning Commission and City Council retain full discretion to impose additional measures as warranted and to consider whether to approve or reject the requested variances based upon the evidence before them, including the IS-MND. As described in Section 1.1, *Project Site and Existing Uses* of the IS-MND, the Project would be consistent with the City's General Plan and all applicable development standards, with the inclusion of requested variances. Therefore, the Project would be consistent with City code related to preservation of the rural character of the City. The Project would require approval of requested variances; however, the City maintains the right to approve or deny variances on a project-by-project basis. Comments regarding concern of the Project's consistency with City code that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 18.6

The commenter asserts the City's General Plan requires commercial development by residential size and asks why this was ignored.

The City's 2010 Land Use and Circulation Element does not have a policy or standard requiring commercial development to be of residential size. Please refer to Response 18.5 for discussion of the Project's compliance with City Code and the General Plan. The Project is consistent with the code for required FAR and height; the proposed motel use is conditionally permitted in the CV-1 zone district. Comments regarding concern that the Project would not be of residential size and compliant with the City's General Plan that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 18.7

The commenter asks why the City is not insisting the development criteria be met for the Project to protect Malibu from urbanization.

Please refer to Response 18.4.

Response 18.8

The commenter asks why the City is justifying the Project by asserting the Project would be the same height as the oversized County approved clock building when Municipal Code and Local Coastal Plan were enacted to prevent the County from further similar construction.

The IS-MND does not attempt to justify the Project by comparison of the Project's proposed height or size to the County approved clock building, rather the IS-MND provides a detailed analysis of potential project impacts compared to the existing physical environmental setting. As stated in Section 1.4, *Project Approvals,* the Project would require a height variance for development of the retaining walls in excess of six feet in height (Approval of Variance NO. 18-031). As described in Response 18.3, Project approvals and approvals of variances are required by the City Council prior to adoption of the IS-MND. Comments regarding concern of the height of the proposed Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 18.9

The commenter states the Project's FAR should be .1537 based on Slow Growth calculations, which exceeds the commercial development maximum of .15 FAR for the City.

Following the MMC, which provides guidance on FAR calculation, FAR on the site is not exceeded. As described in Section 4.11, *Land Use and Planning-Impact B*, "the Project proposes 7,693 sf of commercial floor area on a 51,352 sf (1.18 acre) parcel, the resulting FAR would be 0.15, consistent with the maximum FAR permitted. The Project would require approval of CDP No. 09-067, ensuring adherence to local and regional policies and goals throughout implementation of the Project." The IS-MND calculated the FAR using the Project's square footage (7,693 sf) based on a 51,352 sf lot area.

Response 18.10

The commenter asks what is the actual FAR of the Project as the IS-MND states the slope is greater than 2.5 to 1. The commenter additionally asks what percentage of the slope is greater than 1:1.

Based upon the provisions of the MMC, the FAR of the Project is 0.15 as described above. The square footage of the site relies upon the total area of the site parcel (APN 4452-019-005). As shown in Figure 2, the parcel boundary includes the slope; therefore, it must be included in the FAR calculations. The slope grades indicated within Appendix B, *Geotechnical Reports*, do not indicate any portion of the slope exceeding 1:1, and instead indicate 1:1.5 and 1:2.0 grades within the site.

Response 18.11

The commenter asks if the portion of the slope that is 1:1 or greater has been deduced when calculating the properties square footage. If not, the commenter asks what percentage has been deduced and how much smaller the Project would need to be to meet the required 0.15 FAR after a deduction of the 1:1 or greater slopes.

The IS-MND nor Appendices indicate any portion of the slope exceeds a 1:1 slope. Additionally, as described in Section 1.4, *Project Approvals,* the Project is only required to apply for a variance for development of slopes at or greater than 2.5:1. The Project does not consider what portion of the slope is 1:1 or greater nor is that sum reduced when calculating the FAR as no required City or state policy recommends or requires such action for commercial development. Therefore, the Project is in compliance with City FAR standards for commercial development and does not require reduction of the Project footprint to meet 0.15 FAR.

Response 18.12

The commenter states that the proposed Project structure of 28 feet in height is incorrect, as the commenter asserts the height measured from grade to the roof's elevator shaft is 46 feet, and that elevators should not be excluded when calculating a structure's height. The commenter also asserts the Project is a 3 to 4 story structure not 2 stories.

Regarding building height calculations within the City, the standards limit the structure from finished grade, and the proposed structure is in compliance with measurements of the building height from finished grade, of which the calculations do not include subterranean features. The 36- and 44-foot heights previously indicated in Section 1.4, *Project Approvals*, more accurately refer to the height of the structure above the structure's ground floor elevation, while the structure is actually built into the slope and does not exceed 28 feet above finished or natural grade at any location. This number clarification has been included within Section 1.3, *Project Description*, and appropriately characterized in Figure 3. The remaining 34 percent of the project site closest to the top of the slope would be maintained as undeveloped open space.

Response 18.13

The commenter states the IS-MND's description of parking as subterranean is inaccurate as only approximately 4 feet of the structure would be underground. Also, the commenter feels the parking structure is not subterranean since the majority of the parking is above ground level.

The commenter identifies approximately 4 feet of the subterranean parking garage would be below grade, however no portion of subterranean garage daylights more than 3 feet from finished grade, except for a vehicle opening and building required emergency egress. The IS-MND correctly identifies the 29 subterranean parking spaces as subterranean, and underground access via a driveway would be required. The Project would additionally provide 18 at grade surface parking spaces as shown in Table 1 of the IS-MND. Nevertheless, comments regarding assertion that the subterranean parking should be described as at grade that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 18.14

The commenter asks if the above ground portion of the Project's parking structure was included in calculating the FAR.

All necessary components of FAR are included within the document and calculated per City requirements. As noted in Note 1 of Table 1, the occupied space of the motel is the only feature that is to be included in calculations of the structure's FAR. Occupied Space, or the gross floor area, comprises the structure's Total Floor Area, which includes the square footage that is used to calculate estimated water use, sewer rates, trip generation, FAR, and associated considerations. Considering the site's 7,693 sf of occupied space, and the lot area of 51,352 sf (1.18 acres), the total FAR is approximately 14.98 percent, which is lower than the 0.15 FAR lot limit. Please refer to Section 1.3, *Project Description*, for more detail on the site's calculations.

Response 18.15

The commenter states the MND's assertion that "the proposed new motel would be similar in size, bulk and scale to existing structures to the east and west" is inaccurate given the Project's structure is massive compared to the Malibu Inn and Chabad building which are both under 18 feet in height.

While the Malibu Inn and Chabad building, which lie immediately adjacent to the site are single story, to the west and east, as stated in the IS-MND are multiple two-story or greater structures with similar size, bulk and scale, including the much larger Malibu Plaza within 185 feet of the eastern project boundary and the Surfrider Inn approximately 300 feet from the western boundary. Multiple other large structure also lie along both sides of PCH east of the project site.

Response 18.16

The commenter asks why the City is justifying this project by stating it is the same height, bulk, and scale, as the County approved clock building.

Please refer to Response 18.8.

Response 18.17

The commenter asks why the Project's location in a tsunami zone was not analyzed.

The IS-MND does address potential Tsunami hazards. As stated in Section 4.10, *Hydrology and Water Quality*, the California Department of Conservation Tsunami Inundation Maps for southern California indicate the project site would be outside any potential tsunami inundation area. However, the project site is within 200 feet of the upper limit of the potential inundation area, located on the opposite (southern) edge of PCH. Given the Project is outside of mapped tsunami inundation zones for southern California, the IS-MND describes impacts as less than significant and no mitigation is required.

Response 18.18

The commenter states the IS-MND describes the Project is located within seismically active southern California and has potential for impacts from regional seismic events, and the residential structures on the north of and above the slopes are on potentially unstable soil, and raises the concern that Project

excavation activities could cause slope failure. The commenter requests clarification on if the bluff is unstable what would prevent the bluff above the retaining wall from sliding in a heavy rain event or major earthquake.

The IS-MND includes adequate assessment of potential geologic impacts and consideration for the project's geotechnical review, and refers to additional detail that can be found within Appendix B. In Section 4.7, *Geology and Soils*, the IS-MND notes that the Project would be located in the seismically active southern California region. Please see Comment Response 18.4 for additional discussion on the geotechnical reports. Design requirements include the freeboard on the rear yard retaining wall will be designed to provide code-require setbacks from ascending slopes. The freeboard would be designed as an impact wall with a minimum equivalent fluid pressure of 125 pcf, based on the geotechnical recommendations by the Consultant. Therefore, the Project's retaining wall design would adequately protect life and property from unstable slopes during an earthquake and/or rainfall event.

Response 18.19

The commenter asks if the property owner worked to determine if there were faults underlying the property and if so what kind of investigation was done and the following results.

The Proposed Project has been subject to extensive geotechnical analysis, including the potential for damage from seismic events. As described in Section 4.7, *Geology and Soils*, the project site is located between two mapped splays of the Malibu Coast Fault Zone. However, the project site is not located in a designated Alquist-Priolo Earthquake Fault Zone, nor was there positive evidence of active faulting during geologic mapping and subsurface explorations conducted at the project site as part of the site-specific Geotechnical Report (Appendix B). Therefore, the potential for surface rupture during a seismic event is considered remote and less than significant. No further evaluation of fault locations is required by CEQA, and the Project would comply with IBC and CBC to employ design standards that consider seismically active areas to safeguard against major structural failures or loss of life.

Response 18.20

The commenter states the IS-MND identifies that, even with full compliance to City code, the loss of life and property could occur. The commenter requests that the IS-MND explain how a loss of life can be described as less than significant, or how an IS-MND can conclude less than significant impacts when stating a potential for loss of life.

The IS-MND thoroughly analyzes potential impacts associated with geology and soils and other hazards which are described in great detail. As discussed in the IS-MND, the Project will not exacerbate the risk of an earthquake or liquefaction. Loss of life is always a crucial element to consider under CEQA; however, the IS-MND found the Project would not exacerbate the risk to the public in the event of an earthquake in southern California. The Project cannot alter existing conditions of earthquake risk to the southern California region, which are addressed in the CBC, as well as City policy. Please refer to Response 18.19 for discussion of the Project's building code compliance for earthquake events.

Response 18.21

The commenter states the IS-MND identifies the site as located on a "coastal bluff" and states the Project would only alter the lower approximately 50 feet of the slope with the remaining upper 130 feet unaltered.

The commenter asks where the City code allows cutting into a coastal bluff, and if the City denies the site is a coastal bluff, where does the code allow cutting into a general bluff face.

The IS-MND notes the Project's location at the base of a slope, and assesses all relevant City policies regarding slope development. The City of Malibu's Local Coastal Plan/Land Use Plan item 3.50 requires "cut and fill slopes and other areas disturbed by construction activities (including areas disturbed by fuel modification or brush clearance) shall be landscaped or revegetated at the completion of grading." As stated in the IS-MND, *Project Description*, the cut and fill slopes will be stabilized with landscaping. Further the Malibu Local Coastal Plan/Land Use Plan line item 6.9. h requires all new development to be sited and designed to minimize height and length of cut and fill slopes; however, such activities remain allowed with City approval. Therefore, as noted within the IS-MND, through adherence to City code, geotechnical specifications, and approval of project variances, the Project is consistent with all existing City policy related to cut and fill on slopes.

Response 18.22

The commenter asks what length and depth the coastal bluff cuts would be for the proposed Project.

The IS-MND and supporting geotechnical reports thoroughly describe changes to the base of the slope as well as any potential hazards. The 13,043 cubic yards of excavation would be conducted within the approximate 160 foot length and 50 foot height, with variations in height or length to accommodate geologic stability and re-added fill and soil, calculated within Appendix B and summarized within the IS-MND.

Response 18.23

The commenter states the City's code allows for 1,000 cy of grading, and cut and fill should be remain onsite with no offsite transport. The commenter further asserts grading in a slope is not an exempt activity, and 12,649 cy of cut into a bluff is an enormous among of grading on an unstable hillside. The commenter asks what would prevent the hillside from sliding during grading.

The IS-MND thoroughly addresses grading and impacts associated with alternation of the slope and acknowledges the Project's exceedance of the City Code, as further detailed in Comment Response B.10 and noted in IS-MND Section 1.4, *Project Approvals*. The City's Code does not require all cut and fill to remain onsite for construction projects. As described in Section 4.7, *Geology and Soils-City Standard Conditions of Approval*, the Project would comply with City Standard Conditions of Approval including: Grading should be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct grading activities from November 1 through 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. Additionally, all recommendations of consulting certified engineering geologist or geotechnical engineer and/or City geotechnical staff related to grading will be incorporated into the final design. Please also refer to Comment Response 18.4 for further discussion of variances. The IS-MND does not state grading on a slope is an exempt activity, and as stated above would comply with all required approvals and design methods. Therefore, the Project would not exacerbate hillside stability during grading.

Response 18.24

The commenter asks if the 11,693 cy of understory grading is for the four feet of subterranean parking.

The IS-MND thoroughly describes Project grading and any resultant potential impacts. Due to the structure's location on a hillside, understructure grading includes the total slope area beneath that required for the structure, and so it does include the subterranean parking. The IS-MND notes that the 11,639 cy of total grading is considered understructure grading, which is a Local Implementation Plan-exempt category from the total allowable.

Response 18.25

The commenter inquires on the estimated total number of haul trucks that would be used to haul dirt off site, noting a normal dump truck carries 10 cy of dirt.

The IS-MND thoroughly describes project grading and associated truck traffic. Please refer to Comment Response B.10 for additional information on this topic.

Response 18.26

The commenter inquires on the number of days PCH traffic would be disrupted during excavation haul activities.

The IS-MND thoroughly describes Project grading and associated truck traffic. Haul truck activity associated with site grading would require approximately 108 days (Appendix A). Based upon the detailed analysis within the IS-MND, this number of trips would be far below that which may cause transportation impacts. While not every day would include haul truck activity, assuming the highest estimated number of truck trips required (875 haul trucks), over this period, this would result in an average of 8.1 haul truck trips per day, which would not result in substantial traffic impacts considering avoiding generating vehicle trips during rush hour traffic (see Section 4.17, *Impact C*) and adhering to California Vehicle Code and City Standard Conditions of Approval.

Response 18.27

The commenter inquires why a traffic management plan is not required.

Approval of Caltrans' Stage Construction, Traffic Handling, and Detour Construction plans are required, including encroachment permits for the work that requires hauling on Caltrans right-of-way, such as along PCH. These requirements are noted within Section 1.4, *Project Approvals*, and the discussion within Section 4.17, *Transportation*, Impact C of the IS-MND. Additional traffic management plans are not required under CEQA, however the comment will be included within decision-maker consideration.

Response 18.28

The commenter asks for the length of the retaining wall.

The IS-MND describes that the length of the retaining wall would be approximately 160 feet, as measured within Appendix B, Geotechnical Report. As noted within the plans, added stability would be provided via an approximate 25 feet of stabilization wing wall extending west of the primary retaining wall, and an

approximate 205 foot long, 4-foot-high debris wall included above the retaining wall to further protect the reach of development.

Response 18.29

The commenter asserts the retaining wall height deviation should not be granted, despite camouflage and apparent reduced visibility from PCH.

The City retains full discretion to approve or deny any requested variances. Approval of Variance No. 18-031 would allow for wall height to be granted in excess of six feet in height, as noted within Section 1.4, *Project Approvals*. Comments regarding aspects of the project that do not specifically relate to CEQA review will be included in decision maker deliberations.

Response 18.30

The commenter inquires on the visual impact of the retaining wall from various locations on the Malibu Pier.

The IS-MND assesses visual impacts from Malibu Pier and a variety of surrounding public viewing areas, including the beach, PCH, and the Pacific Ocean. The proposed new motel and associated retaining wall would be similar in size, bulk, and scale to existing structures to the east and west, in addition to noting that it would be designed to step back into the hillside. Additionally, it is noted that the project would not include alterations to Malibu Pier, as the existing surface parking lot is not identified as contributing to the historic setting of the pier. Please see Section 4.1, *Aesthetics*, Impact A-B discussion for further assessment information.

Response 18.31

The commenter inquires how far west bound traffic will be backed up because of construction during Saturdays and in the summer.

The IS-MND thoroughly describes potential impacts associated with haul truck traffic associated with the Project, including possible disruption of traffic flows along PCH. Specific distances of potential traffic backups cannot be determined, and would be speculative under the scope of a CEQA assessment. Traffic volumes, intersection operation, and approval requirements are all assessed within the IS-MND, specifically within Section 4.17, *Transportation*. Though not specifically necessary under CEQA, intersections in the area are all operating at LOS A or B, indicating acceptable traffic flow. It is noted within Section 4.17, *Transportation*, Impact C discussion that construction would not add a significant number of trips to the project site, review and approval of an Encroachment Permit from Caltrans would be required, and the absence of significant curves would provide a safe means of transportation access.

Response 18.32

The commenter asks what source of information the IS-MND used to establish that the site would not support substantial cultural resources and dismissing the potential for cultural resources due to possible past wave action.

The IS-MND thoroughly describes potential impacts to cultural resources and provides the information source at the end of the sentence noted by the commenter, cited as Appendix B, which is the document's

Geological Reports. Appendix B includes existing setting information, including the underlying coastal sediment, overall slope erosion, and other underlying geology. It should be noted that wave action was provided as an example of what "coastal processes" could include, based on the underlying sediment, and was not specifically stated as the reason for potential lack of cultural resources. In support of the potential for cultural resources, the IS-MND discloses that the project site is located within a region that has a history of habitation by the Chumash and Tongva tribal populations, and that there is the potential for unanticipated encounters with tribal cultural resources. Consultation with local tribes was held to solicit additional information, which is further considered within Section 4.5, *Cultural Resources*, and Section 4.18, *Tribal Cultural Resources*. Accordingly, the IS-MND includes three mitigation measures (MM TCR-1, -2, and -3) beyond the City's standard existing conditions of approval.

Response 18.33

The commenter states that a supporter of Slow Growth asserts a Chumash burial site was found and excavated at a nearby site, and that additional artifacts and burials have been found within the area east of Malibu Creek at various times. The commenter includes a question on the extent of research conducted in preparation of the IS-MND.

The IS-MND includes a review of the site's existing setting in compliance with CEQA, including cultural resources. Despite multiple meetings with local tribe representatives, the sites indicated by the commenter could not be corroborated and are not listed in either City or State resources. Following additional due-diligence review, no archaeological reports have been presented for properties immediately adjacent to the subject property, and those further away in the general vicinity did not require higher than a Phase 1 review, further indicating a lack of significant findings. See Response 18.32 for a summary of the research conducted to establish the CEQA baseline, and please note the City conditions of approval, which stem from the City's Local Coastal Plan/Land Use Plan, and three mitigation measures (MM TCR-1, -2, and -3) required of the project to avoid potentially significant impacts to cultural resources with implementation of the project.

Response 18.34

The commenter raises a concern that the proposed onsite water treatment system (OWTS) will be able to perform for the life of the project, considering that a hookup to the Civic Center Wastewater Treatment Facility may occur within the next 8 years.

The proposed OWTS is designed to last for the life of the Project and far beyond the potential window to connection to the Civic Center Wastewater Treatment Facility, due to meeting the requirements of the Malibu Plumbing Code, Los Angeles Regional Water Quality Control Board Resolution No. R4-2009-007, and the LCP. The IS-MND notes that the proposed OWTS may need to be abandoned shortly, considering the potential for future connection to the Civic Center Wastewater Treatment Facility within ten years. Please see IS-MND Section C, *Onsite Wastewater Treatment System*, Section 1.4, *Project Approvals*, Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*, for extensive discussion on the required approvals and analysis regarding the efficacy of the proposed OWTS.

Response 18.35

The commenter raises a concern about the proximity of the groundwater table and associated potential for brackish or fresh water to enter the system.

The area's groundwater table would not affect the proposed OWTS. The project site and associated septic infrastructure would be located at approximately 20 feet above sea level, above the underlying coastal groundwater table and any potential influence of brackish or fresh water. Please see IS-MND Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*, for further discussion on the required approvals and analysis regarding the efficacy of the proposed OWTS.

Response 18.36

The commenter raises concerns about what may happen from an inadequately designed septic system.

The IS-MND thoroughly address potential impacts of the proposed OWTS including those to groundwater. The Project proposes an adequate septic system (Appendix B), and will not result in potentially significant impacts to water quality or utilities, as noted within Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*. The IS-MND notes potential impacts of an inadequately designed leach field within Section 4.10, *Hydrology and Water Quality*, including potential groundwater or ocean water pollution impacts. However, the IS-MND also notes these impacts would be avoided due to the multi-phase treatment implemented by the system and associated permitting requirements, which includes detailed calculations and requirements that – among other considerations – the septic system be large enough to accommodate the proposed project.

Response 18.37

The commenter raises a concern with the City's Standard Conditions of Approval regarding private sewage disposal system covenant notification requirements to new owners, and states that this requirement should necessitate an EIR for this project's use of an OWTS.

The City's standards for the OWTS have been subject to extensive regulatory agency review and reflect measures needed to protect groundwater quality. The City's covenant notification requirement for private sewage disposal systems is not a project-specific requirement, and does not effect the proposed efficacy of the system. Please see Section 4.10, *Hydrology and Water Quality*, and Section 4.19, *Utilities and Service Systems*, for discussion of the extensive City requirements necessary of the proposed OWTS. Comments regarding topics outside the scope of CEQA review, such as those regarding the City's Standard Conditions of Approval, will be included in decision-maker deliberations.

Response 18.38

The commenter argues the loss of public parking for visitors to the Malibu Pier will be significant and unmitigable, and states this is not acknowledged in the IS-MND.

The IS-MND thorough discusses potential impacts associated with the loss of coastal access parking. As discussed in the IS-MND, the project's development of a paid private parking lot would provide adequate and required parking, and would not result in the loss of existing public parking. The project site is currently operated as a private parking lot where the public is allowed to park for a fee, and the project would include a total of 24 parking spaces for Malibu Inn under a JUPA, as required. Malibu Inn's parking is currently addressed at the site through a JUPA, as described in the IS-MND. Further, the Project complies with MMC requirements for parking as described in Section 1.3, *Project Description of* the IS-MND. The Project would provide 47 parking spaces, as detailed in Table 2, Proposed Parking Program. Per MMC requirements and the JUPA, one parking space is required for every 50 sf of the restaurant's service area

that currently exists at the adjacent Malibu Inn property, and one parking space as required for every 225 sf of retail or office floor area. This totals 24 spaces that are required from the adjacent Malibu Inn property. Additionally, per MMC Section 17.48.030 – Specific Parking Requirements – one parking space for each lodging unit (keyed room) is required, totaling 20 spaces, in addition to one space for the average, per-shift number of employees. As a result, the Project is required to provide a minimum of 47 parking spaces to be consistent with MMC requirements. Additionally, stacked parking within the subterranean garage – if implemented – would provide additional overflow parking spaces as necessary for the property.

Response 18.39

The commenter inquires what percentage of motel rooms would be low-income accommodations.

The IS-MND did not identify potential significant impacts to land use or zoning consistency. The proposed Project is not required to supply low-income accommodations. Please refer to Section 4.11, *Land Use and Planning*, and Section 4.14, *Population and Housing*, for further discussion on land use consistency and low-income population considerations.

Response 18.40

The commenter raises a concern of the existing JUPA and total required parking spaces, noting the restaurant use and outdoor tent use. Additionally, the commenter inquires which motel personnel will occupy the employee parking spaces and the number of employees between the Malibu Inn and Aviation Nation shop.

With approval of JUPA No. 18-001, the Project is in compliance with the proposed JUPA and associated parking requirements. Under the project's JUPA, the land use of the adjacent Malibu Inn is being updated to entirely retail with no restaurant, which reduces the total parking requirements, and reduces the potential for bands, outdoor tents, or other entertainment onsite. Additionally, the parking spaces allocated to motel employees will include those associated with cleaning, receptionist, and other hospitality-related roles. Please see Section 1.4, *Project Approvals*, and associated analysis within Section 4.17, *Transportation*, for further discussion.

Response 18.41

The commenter questions whether the motel and inn parking will be valet parking or self-serve.

Valet capabilities would be subject to the property operator and would be a service that could be provided by the motel operator, though the difference between valet parking versus self-serve would not affect CEQA conclusions as contained within the IS-MND. For further information on valet capabilities, please note descriptions and discussion contained within Section I*, Construction and Staging*, and within Section 4.17, *Transportation*.

Response 18.42

The commenter asserts stacked parking is required under the project, and raises concerns about installing stacked parking at a later date, which could affect future parking disruptions.

Stacked parking is not required to fulfill parking requirements. Descriptions of stacked parking and its potential inclusion in the project is noted within Table 1, *Proposed Development Plan*, which notes "Proposed stacked parking may be utilized to provide additional parking above MMC requirements", Section A, *Project Design*, and Section B, *Access and Parking*, which states, "Stacked parking space numbers have not been enumerated but would be additive to the minimum surface parking requirements of the MMC". Please see Comment Response 18.40 for additional information on the site's requirements in relation to the proposed JUPA. Additionally, the project description does not assume stacked parking would be added at a later date, and delayed construction is not assumed as part of this Project. As such, future parking disruptions are not anticipated.

Response 18.43

The commenter asserts stacked parking will result in evacuation delays, and that the subterranean parking as proposed is a safety hazard due to occupants retrieving their cars in the event of an emergency. The commenter requests an EIR to further assess the danger.

The proposed subterranean garage does not exacerbate existing hazards during an emergency nor disrupt emergency vehicle access. As further discussed within Section 4.15, *Public Services*, the project is required to comply with the Los Angeles County Fire Code (Title 32) regarding access requirements for the proposed project and design standards for fire prevention and access, including consideration for emergency plans and evacuation routes. As discussed within Section 4.20, *Wildfire*, the project is designed with throughput access from PCH to the Malibu Inn parking lot, allowing for adequate fire department access via the improved driveway access radius, and that the Project would not impair adopted emergency evacuation plans. As stated in Section 1.4, *Project Approvals*, the Los Angeles County Fire Department (LACFD) will need to approve the final project plans for safety and access. During LACFD review, fire-specific and evacuation-specific parameters will be assessed, which may eliminate the proposed parking, or increase underground parking ventilation, or other site-specific adjustments. No CEQA-specific hazards regarding underground parking were identified during review.

Response 18.44

The commenter implies inadequate parking would be available in the case that potential valet parking or stacked parking is implemented, particularly associated with employee parking.

Please refer to Comment Response 18.40, 18.41, and 18.42 for information on these topics.

Response 18.45

The commenter raises a concern that handicap parking stalls may affect the total number of needed or required parking spaces.

The Project provides the necessary number of handicap parking stalls. The number of handicap parking stall required is derived from the requirements of MMC Section 17.48.030, *Specific Parking Requirements.* Please refer to Section B, *Access and Parking*, for additional information on the project's required parking.

Response 18.46

The commenter requests clarification on the number of parking spaces required for employees.

The average number of employees per shift would be 3 employees onsite. The associated number has been updated throughout the document to reflect this value.

Response 18.47

The commenter raises concern with the loss of parking on weekend and summer days for pier and beach parking, and requests an EIR to further assess this topic.

Please refer to Comment Response 18.38 and 18.40 for information on this topic.

Response 18.48

The commenter states there is traffic on this strip of PCH, with traffic movement problems during rush hour and during the summer. The commenter raises a concern that additional visitors to the project site would exacerbate this problem, and that it may affect evacuation routes and emergency response times. The commenter requests an EIR to further assess this topic.

The project would not add a significant number of vehicle miles traveled to the project site and vicinity, as detailed within Section 4.17, *Transportation*. The site currently holds a parking lot, which supports a limited number of trips to the site under existing conditions. It is disclosed that the Project would increase VMT compared to this existing setting. Under CEQA, due to the project's location on the State Highway System, vehicle miles traveled (VMT) is used for impact analysis purposes, overseen by Caltrans. As a project with a motel land use, it is anticipated to generate approximately 68 average daily trips (ADT), which is well below the threshold of 110 trips per day set by Caltrans that would signify a significant impact. Traffic conditions were noted that may affect evacuation routes and response times, though the Project would not specifically conflict with an adopted evacuation plan or route. Additionally, as the increase in trips are not considered significant, the overall traffic conditions would not be significantly impacted from implementation of the Project or on a cumulatively considerable basis. Please refer to Section 4.17 for additional analysis associated with safety and traffic flow that acknowledges local traffic throughput and potential impacts, of which were found less than significant.

Response 18.49

The commenter asserts wildfire impacts are inadequately assessed by the MND, stating that the fuel modification plan is insufficient and that the wind-driven effect of embers from wildfires were not taken into account.

The IS-MND includes sufficient assessment of wildfire impacts, included within Section 4.20, *Wildfire*, Section 4.9, *Hazards and Hazardous Materials*, and Section 4.15, *Public Services*. The vegetation, or lack thereof, surrounding the project site is described, specifically in its relation to the potential for wildfire effects. The historic Woolsey Fire and the effects of wind are included within the document, including consideration for the Santa Ana winds, noting that these effects can contribute to the spread of wildfire. Prevailing wind directions are assessed, and the site's location within a Very High fire hazard safety zone are considered. Compared to the existing setting, the Project would not exacerbate the existing potential hazards from wildfire, particularly following LACFD approval. Finally, the site is within the service area of the nearest fire station and would not necessitate an expansion of fire-related public services to the site.

Response 18.50

The commenter asserts cumulative impacts are not adequately addressed by the MND, particularly regarding traffic congestion and regional development.

The IS-MND addresses cumulative impacts in numerous sections of the document, in compliance with CEQA and best planning practices. To summarize, cumulatively considerable air quality pollutants are addressed in Section 4.3, *Air Quality*, and Section 4.8, *Greenhouse Gas Emissions*, including those criteria included within SCAQMD's CEQA guidance. Water quality impacts from the project site and surrounding development is cumulatively considered within Section 4.10, *Hydrology and Water Quality*, notably for the potential for surface water quality pollution from other parking lot and building drainage. Surrounding development and cumulative conditions are considered within 4.17, *Transportation*, addressing street flow and congestion. Utilities and wastewater facility potential impacts are addressed within Section 4.19, *Utilities and Service Systems*, and fire service capability to accommodate regional development is considered within Section 4.20, *Wildfire*. Additional sections also consider the CEQA required existing setting, including consideration for surrounding development and projects, culminating in the review within Section 4.21, *Mandatory Findings of Significance*, which summarizes and concludes potential impacts of the project on a cumulatively considerable basis, including those to noise, traffic, cultural resources, wildlife species, and more. Please also see Comment Responses 18.31 and 18.48.

Response 18.51

The commenter asserts there is insufficient parking for the project site.

Please refer to Comment Responses 18.38 through 18.42 for responses to this topic.

Response 18.52

The commenter raises a concern of traffic, rush hour traffic, backed up intersections, and gridlocked traffic.

Please refer to Comment Responses 18.31, 18.48, and 18.50 for responses to this topic.

Response 18.53

The commenter asserts cumulative impacts are not adequately addressed by the MND, and are being piecemealed through.

Please refer to Comment Response 18.50 for cumulative impact response information. Regarding piecemealing, the scope of the IS-MND includes this Project and consideration for cumulative impacts in the region, following best available information in compliance with CEQA. The IS-MND contains input from successive rounds of technical review, consideration for the Project at a regional scale, includes consultation periods, and public input, and does not directly connect to another project that may suggest piecemeal adoption. Comments that do not directly pertain to the analysis will be included in decision maker deliberations.

Response 18.54

The commenter asserts an EIR is required due to substantial evidence that an effect may be significant, particularly those associated with traffic.

The IS-MND did not identify any potentially significant impacts that would not be reduced to a less than significant level through the use of proposed mitigation. Traffic impacts were found as less than significant following accepted VMT thresholds and consideration for local policy such as an analysis of LOS. If the Project had exceeded these thresholds, an EIR would be required, however none were triggered. Please see Comment Responses 18.31, 18.48, and 18.50 for responses to this topic in addition to the analysis contained within the MND, particularly Section 4.17, *Transportation*.

Response 18.55

The commenter asserts the number of variances indicate an EIR is required to ensure consistency.

There is no threshold for the number of variances associated with a Project required to trigger an EIR. As noted in Section 1.4, *Project Approvals*, and throughout the MND, approval of each variance would be required to ensure project consistency. With variance approvals, certain land use and resource-specific impacts would be avoided, particularly those related to aesthetic or geologic review. Variance approval requires extensive review and, in the case of this project, extensive geotechnical review for safety and geologic stability, which has been conducted over the past years. As no potentially significant impacts were identified, with approval of the MND, an EIR would not be required under CEQA.

Response 18.56

The commenter asserts parking impacts are glossed over in the ND.

The IS-MND adequately addresses parking. Please see Comment Responses 18.38 through 18.42 for associated responses on this topic.

Response 18.57

The commenter raises a concern that the amount of excavation would result in destabilization and the location of potential cuts are questionable.

The Project would not result in slope destabilization. Extensive review has been conducted from a geotechnical perspective. Please see Comment Responses 18.18, 18.19, 18.21, and 18.23 for additional discussion on these topics, in addition to Section 4.7, *Geology and Soils*, and Section 4.9, *Hazards and Hazardous Materials*, of the MND, and Appendix B for further information and review from the geotechnical reports.

From:	Suzannah Owens
To:	Adrian Fernandez
Subject:	Malibu Inn Project Comment
Date:	Wednesday, March 17, 2021 10:52:19 AM

To Whom it May Concern,

19.1 I am emailing regarding the current Malibu Inn project. The city is in dire need of more hotel rooms and I believe this will be a great improvement to the empty parking lot that is currently there.

I think this project will be a great asset to the city and I look forward to referring family members from out of town.

Best,
Suzannah

Letter 19

Commenter: Suzanne Owens

Date: March 17, 2021

Response 19.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment notes support for the Project's component of additional hotel rooms in the City and conversion of the parking lot to the Project's proposed use. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From: Judy Ettinger
To: Adrian Fernandez
Subject: Proposed Malibu Inn Motel, 22959 PCH., Malibu
Date: Thursday, March 18, 2021 3:22:35 PM

Dear Adrian:

20.1 After reading about the new proposed hotel for Malibu, called The Malibu Inn Motel, I would like to bring up the point that a 20 room motel would be a great fit for Malibu, since it would be considered more of a boutique hotel. I really liked the design, with the use of the exterior wood, it looks like it would blend nicely into the current landscaping.

I do agree that we need a new hotel and new growth in Malibu, it has been long over due. I have a lot of relatives that come from out of town that would really enjoy a pool with a restaurant, especially in that location with the view of Malibu and the Ocean. I look forward to having a new hotel for my friends and family to come visit Southern California.

Letter 20

Commenter: Judy Ettinger, Malibu resident

Date: March 17, 2021

Response 20.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment notes support for the Project's addition of 20 rooms to the City, and notes the design with exterior wood will blend well with the existing landscaping. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From:	Mark Dempster
To:	Adrian Fernandez
Cc:	Kim Dempster
Subject:	Opposition to Proposed Project at 22959 Pacific Coast Highway
Date:	Thursday, March 18, 2021 3:07:58 PM
Attachments:	Screen Shot 2021-03-16 at 11.26.39 AM.png MalibuInnMotel_PublicDraft_20210217154727145O.pdf

Hello Ms. Fernandez,

21.1 We are residential owners at 23006 Pacific Coast Highway (across the street, approximately in between Jack-in-the-Box and Aviator Nation and directly next door to the Malibu Pier).

Let me start by saying that a new hotel would be a net positive to Malibu generally and this neighborhood specifically. However, as proposed, we are diametrically opposed to any aspect of this project. In fact, we oppose a project that's even half this scale and impact. What we do support is a project that is not a square inch larger than the Surfrider Hotel and one that follows every single letter of the code without a single variance, just as the Surfrider abided by with their renovation.

21.2 Our view is that the owner and the architect of 22959 PCH actually don't want this project, as proposed. We believe they are doing nothing more than playing a game with the City of Malibu. That game is to submit a set of basic drawings that reflects a maximum footprint, per the square footage of the lot, and ask for every variance under the sun to make that proposal achievable from an engineering and construction standpoint. But, our suspicion is that the owner and the architect know full well that there's zero chance of approval of this proposal, are expecting to get pushed back to a more achievable and desirable project, but one that still got a number of variances granted by the city.

The owner and architect could have followed a more neighborly and measured process in drafting their first proposal. But, for their conscious game playing, we ask that the city put this project through the gauntlet of following proper protocol.

Specifically, we ask that the city not grant this project

21.2

the requested variances:

1. Non-Exempt grading in excess of 1,000 cubic yards per acre of commercial development (asking to export 12,255 cubic yards as reference)
2. Construction on slopes steeper than 2.5 to 1
3. Surface parking beyond the required front yard setback
4. Retaining walls in excess of six feet in height (asking for a 52.5ft all wall above the subterranean parking garage as reference)

21.3

Furthermore, we ask the city insist that this project not deviate from the following:

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously. Refer to Pg3 to get an understanding on the EIR requirement vs NMD requirement.

21.4

- **EIR Risks Not Listed** - On page 20 they only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking

21.5

- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and creating a new precedent for Malibu.

21.6

- **Retaining Wall, Construction on Slope, Non**

21.6 Cont.

Exempt Grading Variances - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues.This project is requesting major variances and should be considered within the more suitable flat land, versus carving into the mountainside.

21.7

- **Height of Elevator Bulkhead -** In Malibu, a maximum building height can be 24' or 28' with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and wee would've been at 29' due to the nature of the elevator shaft, but also lower than our existing roof line. Wee were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be scrutinized.

My contact information is below should you have the need for any follow-up.

Thank you for your consideration.

Mark & Kim Dempster

Mark Dempster
415.999.1353
mark@dempsterclan.com

Letter 21

Commenter: Mark and Kim Dempster, Malibu Property Owner

Date: March 17, 2021

Response 21.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment notes support for the Project's addition of a new hotel to Malibu generally and this neighborhood specifically. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 21.2

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The commenter includes opposition to all aspects of the Project that require approval of a City variance. The comment includes requests of the City to not grant the project the variances for non-exempt grading, construction on steeper slopes, surface parking within the required front yard setback, and retaining walls in excess of six feet in height.

The Project includes requests for approval of associated variances, and overall Project approval is contingent on stated variance approval. Please see Section 4.7, *Geology and Soils*, Section 4.13, *Noise*, Section 4.17, *Transportation*, and Section 4.1, *Aesthetics*, for assessments of the concerns raised. All analyses found less than significant impacts, and general comments regarding opposition to the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

Response 21.3

The commenter asserts that the IS-MND is insufficient and that an Environmental Impact Report is warranted due to natural environment disruption, risks, and construction hurdles.

The IS-MND addresses natural environment disruption, risks, and construction hurdles; please see Comment Response 17.2 for further discussion on this topic.

Response 21.4

The commenter asserts that, in addition to "Noise" and "Geology/Soils" marked as potentially affected in IS-MND Section 3, *Environmental Factors Potentially Affected*, the resource sections "Aesthetics", "Air Quality", "Biological Resources", "Land Use and Planning", and "Hydrology/Water Quality" should also be marked as potentially significant.

The IS-MND addresses potentially significant impacts; please see Comment Response 17.3 for further discussion on this topic.

Response 21.5

The commenter raises concern associated with the construction of the Project's proposed subterranean parking and retaining wall, including earth vibration, earth stability, and requests vibration monitors, and expresses concern for subterranean parking in close proximity to the beachfront.

The IS-MND addresses Project construction of the retaining wall, earth vibrations, and subterranean features; please refer to Comment Response 17.4 for further discussion on this topic.

Response 21.6

The commenter raises concerns regarding the Project's proposed retaining wall, construction on slopes, and associated variances.

The proposed Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods; please refer to Comment Response 17.5 for further discussion on this topic.

Response 21.7

The commenter states that the building height would exceed that of the City's requirements, specifically that the City allows buildings up to 28 feet with a pitched roof, and that the IS-MND cross section indicates an elevator height of 44 feet and 1 inch.

The Project would be in compliance with the City's requirements, with approval of SPR No. 18-025; please refer to Comment Response 17.6 for further discussion on this topic.

From: nicholas eliopoulos
To: Adrian Fernandez
Subject: proposed motel for 22959 PCH
Date: Thursday, March 18, 2021 4:44:59 PM

Dear Mr. Fernandez,

22.1 I would like to express my support for the proposed motel across form the Malibu pier at 22959 PCH.
The motel would be a welcome addition to Malibu. I am a native Angeleno and have lived in Malibu.
When friends and family visit they always comment on the lack of nice lodging in Malibu.
It is such a beautiful place and Malibu very much needs more quality lodging.
The rendering shows a design that is beautiful and fits in so nicely with Malibu.
The motel is perfectly located across from the pier and beach.
There is a traffic light across from the motel which makes crossing to the pier and beach easily accessible.
The project seems to be extremely well planned and includes subterranean and grade level parking.
Having more lodging in Malibu will help alleviate the often-unwelcomed airbnb use.
I would enjoy patronizing a motel like this for myself and my visiting friends and family and to enjoy another dining
choice in Malibu. I was very excited to see this proposed motel and very much support the project.

Sincerely,

Nick Eliopoulos

Letter 22

Commenter: Nick Eliopoulos, Los Angeles resident

Date: March 17, 2021

Response 22.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The comment states support for the Project particularly the expansion of additional overnight accommodation. Comments regarding support for the Project that do not directly pertain to the analysis within the IS-MND will be included within the public record and made available to decision-makers for planning and policy consideration.

From:	Paul Astin
To:	Adrian Fernandez
Cc:	Mark Dempster; Alexander Astin; [redacted]
Subject:	Initial Study No. 20-003, Mitigated [redacted] pment Permit No. 09-067, Variance Nos. 18-029, 18-030 and 18-031, Site Plan Review No. 18-025, Conditional Use Permit No. 18-002, and Joint Use Parking Agreement No. 18-001
Date:	Thursday, March 18, 2021 10:53:54 PM

Dear Mr. Fernandez,

I, Paul Astin, Trustee of the Astin Family Trust, the owner of 23034 PCH hereby join in and adopt in full the objections made by Mark Dempster at [redacted] regarding the proposed developments across the street from our home.

23.1

We are extremely concerned on the impact this development as proposed will have on our home and community.

Please do not hesitate to contact me with any questions.

Please also confirm you have received my email at your earliest convenience.

Sincerely,

Paul Astin

[redacted]

Letter 23

Commenter: Paul Astin, Trustee of Astin Family Trust

Date: March 17, 2021

Response 23.1

The commenter expresses concern of impacts that could occur from the implementation of the Project, and specifically refers to the objections made by Mark Dempster regarding the development proposed across the street from their home. Please refer to the responses within Letter #21, which contains those of Mark and Kim Dempster. Additionally, comments that include general opposition to the project will be included within the public record and available to decision-makers for planning and policy consideration.

From:	uclagrad96
To:	Adrian Fernandez
Cc:	Mark Dempster; Kim Dempster ICE
Subject:	Initial Study No. 20-003, Mitigated Negative Declaration No. 20-003, Coastal Development Permit No. 09-067, Variance Nos. 18-029, 18-030 and 18-031, Site Plan Review No. 18-025, Conditional Use Permit No. 18-002, and Joint Use Parking Agreement No. 18...
Date:	Thursday, March 18, 2021 10:21:00 PM

Dear Mr. Fernandez,

I Robert J. Allan, Trustee of the Malibu Property Trust U/D/T 12/14/00, the owner of 23018 PCH hereby hereby join in and adopt in full the objections made by Mark Dempster at 23006 PCH, Malibu, CA.

24.1

We are extremely concerned on the impact this development as proposed will have on our home and community.

Please do not hesitate to contact me with any questions.

Please also confirm you have received my email at your earliest convenience.

Regards,

Robert J. Allan

Letter 24

Commenter: Robert Allan, Malibu Property Owner

Date: March 17, 2021

Response 24.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The commenter expresses concern of impacts that could occur from the implementation of the proposed Project, and specifically refers to the objections made by Mark Dempster regarding the proposed Project. Please refer to the responses within Letter #21, which contains those of Mark and Kim Dempster. Additionally, comments that include general opposition to the project will be included within the public record and available to decision-makers for planning and policy consideration.

From: Roni Serrato
To: Adrian Fernandez
Subject: Opposition to Proposed Project at 22959 Pacific Coast Hwy
Date: Thursday, March 18, 2021 5:05:29 PM

Hello Ms. Fernandez,

I am the residential owner at 23038 Pacific Coast Highway (across the street and one of the six houses next door to the Malibu Pier).

I am opposed to any aspect of this project. In fact, I oppose a project that's even half this scale and impact. What I do support is a project that is not a square inch larger than the Surfrider Hotel and one that follows every single letter of the code without a single variance, just as the Surfrider abided by with their renovation.

MY view is that the owner and the architect of 22959 PCH actually don't want this project, as proposed. We believe they are doing nothing more than playing a game with the City of Malibu. That game is to submit a set of basic drawings that reflects a maximum footprint, per the square footage of the lot, and ask for every variance under the sun to make that proposal achievable from an engineering and construction standpoint. But, our suspicion is that the owner and the architect know full well that there's zero chance of approval of this proposal, are expecting to get pushed back to a more achievable and desirable project, but one that still got a number of variances granted by the city. 25.1

The owner and architect could have followed a more neighborly and measured process in drafting their first proposal. But, for their conscious game playing, we ask that the city put this project through the gauntlet of following proper protocol.

Specifically, we ask that the city not grant this project the requested variances:

1. Non-Exempt grading in excess of 1,000 cubic yards per acre of commercial development (asking to export 12,255 cubic yards as reference)

25.1 Cont

2. Construction on slopes steeper than 2.5 to 1
3. Surface parking beyond the required front yard setback
4. Retaining walls in excess of six feet in height (asking for a 52.5ft all wall above the subterranean parking garage as reference)

Furthermore, we ask the city insist that this project not deviate from the following:

25.2

- **EIR** - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to natural environment disruption and risks and construction hurdles, this should obviously. Refer to Pg3 to get an understanding on the EIR requirement vs NMD requirement.

25.3

- **EIR Risks Not Listed** - On page 20 they only list "Noise" and "Geology/Soils" as items of Risk. However they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking

25.4

- **Construction & Subterranean Parking** - The creation of subterranean parking and a 55ft tall retaining wall should create a massive amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction. Approving an enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential well being and creating a new precedent for Malibu.

25.5

- **Retaining Wall, Construction on Slope, Non Exempt Grading Variances** - If you refer to the graphic below, you will see how much land is being proposed to be removed from the mountain which is quite enormous and will trigger environmental and stability issues.This project is requesting major variances and should be considered within the more suitable

25.5 cont

flat land, versus carving into the mountainside.

- **Height of Elevator Bulkhead -** In Malibu, a maximum building height can be 24' or 28' with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. As a note, we were building a similar elevator to take guests to our roof deck and wee would've been at 29' due to the nature of the elevator shaft, but also lower than our existing roof line. Wee were denied and ended up having to build one elevator that goes from the ground to second floor and another ADA lift from the 2nd floor to the roof deck. Thereby this is another "variance / ask" that seems to be out of place and should be scrutinized.

25.6

If you need to contact me 310-990-5746

Sincerely,
Roni Serrato

Letter 25

Commenter: Roni Serrato, Malibu Property Owner

Date: March 17, 2021

Response 25.1

Response 25.1

Thank you for the comments regarding the proposed Malibu Inn Motel Project Draft Initial Study Mitigated Negative Declaration. The commenter includes opposition to all aspects of the Project that require approval of a City variance. The comment includes requests of the City to not grant the Project the variances for non-exempt grading, construction on steeper slopes, surface parking beyond the required front yard setback, and retaining walls in excess of six feet in height.

The Project includes requests for approval of associated variances, and overall Project approval is contingent on stated variance approval. Please see Comment Response 21.2 for further discussion on this topic.

Response 25.2

The commenter asserts that the IS-MND is insufficient and that an Environmental Impact Report is warranted due to natural environment disruption, risks, and construction hurdles.

The IS-MND addresses natural environment disruption, risks, and construction hurdles; please see Comment Response 17.2 for further discussion on this topic.

Response 25.3

The commenter asserts that, in addition to "Noise" and "Geology/Soils" marked as potentially affected in IS-MND Section 3, *Environmental Factors Potentially Affected*, the resource sections "Aesthetics", "Air Quality", "Biological Resources", "Land Use and Planning", and "Hydrology/Water Quality" should also be marked as potentially significant.

The IS-MND addresses potentially significant impacts; please see Comment Response 17.3 for further discussion on this topic.

Response 25.4

The commenter raises concern associated with the construction of the Project's proposed subterranean parking and retaining wall, including earth vibration, earth stability, and requests vibration monitors, and expresses concern for subterranean parking in close proximity to the beachfront.

The IS-MND addresses Project construction of the retaining wall, earth vibrations, and subterranean features; please refer to Comment Response 17.4 for further discussion on this topic.

Response 25.5

The commenter raises concerns regarding the Project's proposed retaining wall, construction on slopes, and associated variances.

The proposed Project would be subject to both City and State regulations regarding public safety, slope stability and construction methods; please refer to Comment Response 17.5 for further discussion on this topic.

Response 25.6

The commenter states that the building height would exceed that of the City's requirements, specifically that the City allows buildings up to 28 feet with a pitched roof, and that the IS-MND cross section indicates an elevator height of 44 feet and 1 inch.

The Project would be in compliance with the City's requirements, with approval of SPR No. 18-025; please refer to Comment Response 17.6 for further discussion on this topic.

Aaron Gribben

Subject: FW: SUPPORT of Malibu Inn Motel

Received
8/24/21
Planning Dept.

From: Judy Ettinger
Sent: Tuesday, August 24, 2021 12:42 PM
To: Planning Commission <planningcommission@malibucity.org>
Subject: SUPPORT of Malibu Inn Motel

Attn: Planning Commission

After reading about the new proposed hotel for Malibu, called The Malibu Inn Motel, I would like to bring up the point that a 20 room motel would be a great fit for Malibu, since it would be considered more of a boutique hotel. I really liked the design, with the use of the exterior wood, it looks like it would blend nicely into the current landscaping.

I do agree that we need a new hotel and new growth in Malibu, it has been long over due. I have a lot of relatives that come from out of town that would really enjoy a pool with a restaurant, especially in that location with the view of Malibu and the Ocean. I look forward to having a new hotel for my friends and family to come visit Southern California.

Date Received 8/24/21 Time 12:42pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, File

ATTACHMENT 7

Aaron Gribben

Received
8/25/21
Planning Dept.

Subject: FW: Malibu Inn Motel

From: B. Wadkins
Sent: Wednesday, August 25, 2021 5:47 PM
To: Paul Grisanti <pgrisanti@malibucity.org>; Karen Farrer <kfarrer@malibucity.org>; Mikke Pierson <mpierson@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Cc: malibu planning <mplanning@malibucity.org>
Subject: Malibu Inn Motel

To All Concerned,

Thank you in advance for your time and consideration in the upcoming hearing for the Malibu Inn Motel project slated for the lot across the street from the Malibu Pier on PCH.
Although I am on the list for development projects in the vicinity, I have not received notices regarding this, nor have any of my Malibu neighbors. This project has somehow remained under the radar in local news as well.

This is of tremendous concern given that this area is already a traffic nightmare for anyone who travels this stretch of PCH that's considered one of the most dangerous in California.
Among many concerns are the underground parking, safety issues relating to traffic, and the negative impact it will have one the character of our town.

How can a project of this scope have gotten so far without public comment?

Regards,
B. Wadkins
Robert Rose
Steve Zirnite

Date Received 8/25/21 Time 5:47pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

ATTACHMENT 9

Aaron Gribben

Subject: Malibu Inn Motel

From: Brianna Ickes
Sent: Wednesday, August 25, 2021 10:26 AM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Malibu Inn Motel

Received
8/25/21
Planning Dept.

To Whom it May Concern,

I am emailing regarding the current Malibu Inn Motel project. The city is in dire need of more hotel rooms and I believe this will be a great improvement to the empty parking lot that is currently there.

I think this project will be a great asset to the city and I look forward to referring family members from out of town.

Furthermore, we could desperately use the tax revenue!

Bests,
Brianna

Date Received 8/25/21 Time 10:26am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Received
8/25/21
Planning Dept.

August 25, 2021

Adrian Fernandez, Assistant Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Subject: Coastal Development Permit No. 09-067, Conditional Use Permit No. 18-002, Variance Nos. 18-029, 18-030, 18-31, and 20-035, Site Plan Review No. 18-025, Joint Parking Agreement No. 18-001, Initial Study No. 20-003, and Mitigated Negative Declaration No. 20-003

Dear Mr. Fernandez:

Commission staff has reviewed the staff report for the subject permit application that is scheduled to be considered by the City of Malibu Planning Commission on August 26, 2021, and we have several comments. The subject permit application includes the construction of a new 7,693 square foot, 20-room motel above a new subterranean parking garage, surface parking lot, rooftop deck with swimming pool, spa, and bar area, grading, retaining walls, landscaping, and a new onsite wastewater treatment system located at 22959 Pacific Coast Highway. The project also includes a Variance (VAR) No. 18-029 for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development, VAR No. 18-030 for construction on slopes steeper than 3 to 1, VAR No. 18-031 for a retaining wall that is an integral part of the building in excess of 12 feet in height, and VAR No. 20-035 for surface parking within the required front yard setback.

The staff report states that the applicant has indicated that the proposed accommodations will not meet the definition of luxury overnight accommodations. Further, the report states that should the accommodations be classified as luxury accommodations, the project has been conditioned to provide lower cost overnight accommodations either onsite, offsite, or through payment of an in-lieu fee to the City for deposit into a fund to subsidize the construction of lower cost overnight facilities.

Commission staff is in support of new visitor serving uses including overnight accommodations, particularly if they are lower cost. Among the most important goals and requirements of the Coastal Act and Malibu LCP is the mandate to protect, provide, enhance, and maximize public access, and specifically requires lower cost visitor serving facilities to be protected, encouraged, and where feasible, provided. The Malibu LCP states that the City may approve new luxury overnight visitor serving accommodations if the evidence shows, and the City finds, that the proposed project provides a component of lower cost overnight visitor accommodations. Applicants are required to provide lower cost overnight accommodations consisting of 15 percent of the number of luxury overnight accommodations that are approved.

Date Received 8/25/21 Time 5:44pm
Planning Commission meeting of 8/26/21
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CC: Planning Commission, PD,

Recording Secretary, File

The LCP defines luxury overnight accommodations as the point at which the cost of an overnight room exceeds 120 percent of the median cost of an overnight room for all overnight accommodations in the City of Malibu. The staff report fails to indicate if the proposed project meets the definition of luxury overnight accommodations. We recommend that the staff report include additional information (i.e., proposed nightly room rate, the median cost of an overnight room in the City of Malibu, etc.) and analysis in order to fully address the project's consistency with the policies and provisions of the Malibu Land Use Plan and Chapter 12 (Public Access Ordinance) of the Local Implementation Plan. Before the City's action on the proposed project, the City should determine if the project meets the definition of luxury overnight accommodations, and if so, that the project has been designed to provide for a component of lower cost overnight visitor accommodations consistent with the LCP. The findings should explain the basis for the conclusions and decisions of the City and should be supported by substantial evidence in the record. Lastly, if the proposed project constitutes luxury overnight visitor-serving accommodations, Commission staff recommends that lower-cost visitor accommodations be provided on-site rather than through the payment of an in-lieu fee given the absence of an identified City program or project to use such fees and the challenges with effectively pooling and using in-lieu fees to subsidize the construction of lower cost overnight facilities.

Thank you for your consideration of our comments. Please feel free to contact me if you have questions.

Sincerely,

DocuSigned by:
Denise Venegas
EC0C1D43CA0C426...

Denise Venegas
Coastal Program Analyst

cc: Richard Mollica, Planning Director, City of Malibu

Aaron Gribben

Received
8/25/21
Planning Dept.

Subject: FW: 1C 8-26-21 Malibu Inn Motel

From: Chris Jackson
Sent: Wednesday, August 25, 2021 9:54 PM
To: Jeffrey D Jennings <jdjenningslaw@gmail.com>; John Mazza <Res02igz@gte.net>; Kraig Hill <kraig.malibu@gmail.com>; drsconst@aol.com; David Weil <davidweil@gmx.com>; Patricia Salazar <psalazar@malibucity.org>
Subject: 1C 8-26-21 Malibu Inn Motel

Commissioners,

The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required. Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days. Then residents can better understand this project.

Thank you,
Chris Jackson

Date Received 8/25/21 Time 9:54pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: FW: item 1C malibu inn motel 8-26-21

Received
8/25/21
Planning Dept.

From: Diane Moss
Sent: Wednesday, August 25, 2021 12:48 PM
To: John Mazza <Res02igz@gte.net>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kraig Hill <kraig.malibu@gmail.com>; David Weil <davidweil@gmx.com>;
Cc: Patricia Salazar <psalazar@malibucity.org>
Subject: Re: item 1C malibu inn motel 8-26-21

I write to express concerns about the Malibu Inn Motel project, which fellow neighbors recently brought to my attention. I was born and raised in Malibu and preserving what is left of the character and quality of life in our community after Woolsey and years of growth and increased traffic is deeply important to me. I ha

The minimum I ask you to do is to require story poles to help the community better understand what is being proposed.

I also urge you to re-examine the traffic, evacuation, water, waste and parking impacts and requirements of this project.

Already traffic is tough in that part of Malibu, as you surely know. When the next fire evacuation comes, more every day traffic means more chances of people getting harmed our killed when trying to get out in a fire. I was on the Woolsey Task Force for LA County (and lost my hillside house in the fire), and one of the key takeaways was that Malibu got very lucky that there were not massive casualties from the gridlock getting out the south end of Malibu on PCH. We should not be tempting fate again.

Also all too often pedestrians who can't find parking close to their destination get hurt and trigger terrible accidents crossing on PCH, and I am concerned this project could increase that risk.

Lastly, it seems all too often these days that headlines read how California communities are running out of water. We need to be sure that the water requirements of this project long term match what our infrastructure and resources are capable of supplying.

Malibu deserves a slow, deliberate, transparent and cautious approach to reviewing this project. Story poles are a start. A deeper look at the multiple impacts is also warranted.

Thank you for your consideration.

Diane Moss

Date Received 8/25/21 Time 12:48pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: 1C 8-26-21 Malibu Inn Motel

Received
8/25/21
Planning Dept.

From: Georgia Goldfarb, MD
Sent: Wednesday, August 25, 2021 9:33 PM
To: jdjenningslaw@gmail.com; res02igz@gte.net; kraig.malibu@gmail.com; drsconst@aol.com; davidweil@gmx.com; psalazar@aol.com
Subject: 1C 8-26-21 Malibu Inn Motel

Dear Commissioners,

The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required.

Please ask the owner prior to your hearing this matter to put up the **required** story polls for 30 days so that residents can better understand this project.

Thank You.

Georgia Goldfarb

Date Received 8/25/21 Time 9:33pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: Item 1C Malibu Inn Motel comments

Received
8/25/21
Planning Dept.

From: Judy Villablanca
Sent: Wednesday, August 25, 2021 1:41 PM
To: John Mazza <Res02igz@gte.net>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kraig Hill <kraig.malibu@gmail.com>; David Weil <davidweil@gmx.com>; Dennis <drsconst@aol.com>; Patricia Salazar <psalazar@malibucity.org>
Subject: Item 1C Malibu Inn Motel comments

To: Planning Commission

Re: Malibu Inn Motel

Re: item: 1.C Malibu Inn Motel 8-26-21

OPPOSE – deny project.

Dear Commissioners,

Overall this project benefits the applicant and does not enhance the quality of life of Malibu residents. Many new developments proposed in Malibu state that the new revenue will benefit the city of Malibu. I would strongly question if this new revenue will really be used in a way to benefit Malibu residents such that it would offset the negative impacts outlined below. The staff recommendation to permit numerous variances further weakens Malibu's code by not enforcing it. Malibu should just enforce our code, which was established for good reasons and with much discussion to protect Malibu's sensitive habitat, small town ambiance and rural character. The traffic impact alone will be a major negative impact for Malibu residents.

The Planning Commission should postpone their hearing until the required story poles are placed for residents and Planning Commissioners to view and comment. Why is this requirement being skipped?

Date Received 8/25/21 Time 1:41pm
Planning Commission meeting of 8/26/21
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Other significant issues include:

Traffic

The ND traffic analysis doesn't reflect the reality of the traffic problem on this part of PCH. There is frequent and regular traffic gridlock and severe traffic backup at this site during the summer and other warm weekends that is not mitigable. This project will make the traffic situation significantly worse.

CC: Planning Commission, PD,

Recording Secretary, File

This project also adds numerous more cars and people to evacuate during fires which is already a major issue, as well demonstrated during the Woolsey fire. There is not a way to mitigate this impact. It also added evacuees that are completely unfamiliar with fire evacuations and will add to the difficulty of efficient evacuation, which is still not established for current residents.

Wastewater

On 11-4-09 the applicant applied for a Shopping Plaza at this location. The next day the RWQRB prohibited the use of OWTP's at this site. According to staff, because the shopping plaza applied the day before this ban was issued this project can have a OWTP since it is listed in the Board's Resolution under Table 4-zz.

New projects are not allowed to put in an OWTP in this area after the ban was put in place. This proposed motel is not a revision of the shopping mall project and would create much more wastewater than the shopping plaza. Since the motel is a new and entirely different project submitted after the ban. this project can't go forward until it can be hooked up to the Civic Center treatment plant. For this reason alone this motel project must be denied. To do otherwise in an intentional violation of the Ban.

Environmental Review

The Environmental Review Board (ERB) reviewed the former project but not the motel. Since this is a new project, ERB review should be required.

The environmental destruction of a bluff face will have a significant effect on the environment which is not acceptable. The project will require cutting into/ excavating a massive amount of the bluff more than 160 ft wide, 50 feet high and of an undisclosed depth.

The code allows for 1000 cubic yards of grading and the cut and fill should be balanced, remain on site and not be exported. The majority of excavated soil will have to be exported off site.

The significant departures from code requirements that are part of this proposal make an EIR necessary. In the EIR more environmentally protective alternatives have to be analyzed such as "no project "and a smaller one story commercial project that does not require multiple major variances.

Geology

The ND states: *"As the project site is located within the seismically active Southern California region, there is the potential for regional seismic events to cause strong ground shaking at the project site. There is also a possibility that there could be trace of previously unidentified faults somewhere onsite.* ***The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall"***

This statement regarding the site geology should be a valid reason for denial of the project.

Height

The issues here point again to the need for story poles prior to project approval. The project 's height is far in excess of 24 ft. Height is measured from natural or finished grade whichever is lower. If the project wis only 24 ft high as staff asserts, there would be no need to have a 50 ft. high retaining wall. In reality, this proposed inn is likely 44+ ft high minimum. This project grade is not being measured from its lowest point as required by code. The code does not allow cutting into a bluff and then measuring the height from the bluff cut.

The proposed parking isn't subterrain since much of it is at ground level. Building a berm around the above grade parking structure doesn't make it subterrain which is what the applicant is proposing. This above grade portion of parking structure has to be added to the height of the structure.

Two stories is the maximum allowable height of a commercial structure. This project is 3 ½ - 4 stories high including the above grade parking structure, the 2 story 24ft high motel and the roof deck with the elevator shaft and the guard rail around the roof deck both of which are not excluded when determining height under the code.

Retaining Wall

Retaining Walls can't be over 12 ft in height under the code. This project retaining wall is at least 50 ft. in height because the project cuts into the bluff face which is not allowed.

Parking

The proposed parking is clearly inadequate for staff and a reason to deny the project. More than 3 employee parking spaces are needed on site. The proposal states there will be 20 employees onsite at peak times. If this is incorrect, then the applicant must correct this statement to the Planning Commission and the maximum number of employess on site should be a condition of planning approval. Parking is already a major issue in that area due to other commercial businesses.

Public Beach Access

The denial/loss of parking provided for visitors to the Malibu Pier will be significant and is not mitigable. This loss of parking is not acknowledged or analyzed in the ND?

In summary, a project that has multiple negative impacts that were not fully justified and requires multiple code variances should not be approved. Thank you for consideration of my comments.

Judy Villablanca
Malibu Resident

Received
8/25/21
Planning Dept.

Aaron Gribben

Subject: FW: please read and consider commenting

From: **Lester Tobias**
Date: Wed, Aug 25, 2021 at 12:46 PM
Subject: please read and consider commenting
To: Steve Uhring <steve.uhring@gmail.com>

Date Received 8/25/21 Time 12:46pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 2

I don't know if you are aware or not but the planning department, planning commission and city council have begun to abandon all historical precedent on how projects have been reviewed and approved in our city.

Several reasonable residential projects are being raked over the coals in their reviews while the planning staff seemingly acts as consultants to hotel developers, restaurant developers and the notorious Crown Castle firm who shoves micro cell towers down our neighbors' throats on a regular basis.

A last minute email notice received today notifies us that tomorrow night the dirt lot next to Aviator Nation will be recommended for approval to the Planning Commission for a 20 room hotel with pool and public restaurant and bar. The project requires four variances, the most noticeable being for a 50 foot retaining wall across the rear of the property.

The planning staff, under the direction of Assistant Planning Director Adrian Fernandez, has crafted the staff report to suggest that this wall is worthy of the variance because a). the parcel can not be *fully developed* without it, and b) the building will mostly block the view of the wall. Never mind that that code maximum is 12 feet, and that the actual "findings" for a variance as written in the code can not be met. So now our planning department thinks that variances are okay if difficulties inherent to a site restrict an applicant from building what they want, as opposed to what the code will allow. When have we EVER assumed that?

Included in the staff report are many, many letters of opposition to the project that came in during the Negative Mitigation Declaration public comment period. To read the staff's responses to the opposition is surreal: it may as well have been written by the applicant's legal team (which it may very well have been).

This project follows on the heels of another project where the planning staff, planning commission and city council all agreed with Scott Gillen and Don Schmitz that 28 foot tall walls can be built up to the setback lines (front, side and rear) when the code has always limited them to 24 feet. This ruling will affect every parcel, street and neighborhood in Malibu for years to come.

As someone who has his pulse on the planning issues in the city, I am sending you this email because I know you to be an engaged citizen and now a person who knows the power of the planning department over our lives and our fortunes. I am telling you that at this moment in time, I cannot make rhyme nor reason out of an increasing number of staff reports, commission decisions, and council directives that seem to be rooted in personal preferences/opinions, or outside influences, and not in the laws that govern the built environment (and upon which the citizenry should be able to rely).

From my perspective, tomorrow night's hearing is not about whether the Hakim's should or should not be able to build their hotel. Rather, it is about the cascading effect of these types of approvals. For example, if Norm gets his hotel, pool and restaurant (which he will) and the Hakims get their hotel, pool, and restaurant, all of a sudden the Mani Brothers will come back and correctly state that they are being denied their pool unfairly. And then the Surfrider will come back for a retaining wall and a pool behind their building. And on, and on.

CC: Planning Commission, PD,

Recording Secretary, File

So I am not asking for you to voice your opposition to the Hakim's Hotel (unless you want to). I am asking that you demand consistency and application of the rule of law, the words in the zoning code and where necessary, the interpretation of its obvious intent to ALL projects being proposed. Or, if our elected and appointed officials and their hired guns decide to start handing out variances like candy, then please demand that we mere homeowners get the same preferential treatment.

You can email the planning commission via Kathleen Stecko at the city. kstecko@malibucity.org.

Here is the link to the project via the city website.
https://www.malibucity.org/list.aspx?MID=1904

--
Lester Tobias, Principal
Tobias Architecture, Incorporated

Aaron Gribben

Subject: 1C 8-26-21 Malibu Inn Motel

Received
8/26/21
Planning Dept.

From: Maggie Lückerath
To: jdjenningslaw@gmail.com <jdjenningslaw@gmail.com>; res02igz@gte.net <res02igz@gte.net>; kraig.malibu@gmail.com <kraig.malibu@gmail.com>; drsconst@aol.com <drsconst@aol.com>; davidweil@gmx.com <davidweil@gmx.com>; psalazar@aol.com <psalazar@aol.com>
Sent: Wed, Aug 25, 2021 4:56 pm
Subject: 1C 8-26-21 Malibu Inn Motel

Commissioners,
The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required.
Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days then residents can better understand this project .
Thank You.

Maggie Lückerath

Date Received 8/25/21 Time 4:56pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

MALIBU OPEN SPACE ALLIANCE

Received
8/25/21
Planning Dept.

Commissioners,

STORY POLES!!!

Construction of The Malibu Inn Motel has the potential to change the character of Malibu forever.

Located across from the Pier, this is a key location that could make the center of Malibu into a city-like canyon instead of a pedestrian-friendly, beach oriented town center. It cuts into the slope of a natural bluff and requires a 50ft high retaining wall. The removal of dirt to construct this hotel and the necessary construction vehicles will disrupt traffic on PCH for years. The increased density will further clog the already challenged PCH that is Malibu's only major artery and evacuation route. The horrific traffic jam as residents of Western Malibu attempted evacuation during the Woolsey Fire in 2018 still haunts many residents today. Accidents on PCH are a weekly occurrence.

It is a puzzle why this is being pushed through as it will change the character of central Malibu forever and set an irreversible precedent.

We insist that STORY POLES be installed prior to the Planning Commission's Special Meeting now scheduled for August 26th.

It is customary for residents to install story poles so neighbors have an opportunity to comment on neighboring projects. Why should this project that requires innumerable variances not be required to install story poles?

Date Received 8/25/21 Time 4:40pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 5

CC: Planning Commission, PD,

Recording Secretary, File

It is important that residents and decision makers alike understand fully the enormous impact this supersized project will have on Malibu's character.

Construction of the Malibu Inn Motel would harm current and future residents, their quality of life and safety.

By recommending numerous variances and CUP's the City is undoing the codes that were put in place to protect to Malibu's environmentally sensitive habitat, small town ambiance and rural character.

The responsibility of every Commissioner, Council person and most importantly City Hall Staff is to make decisions based on the **Malibu Vision Statement:**

Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations.

And the **Mission Statement**:

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

MALIBU OPEN SPACE ALLIANCE asks you to deny the construction of the Malibu Inn Motel. It is not beneficial to the residents of Malibu for many reasons including but not limited to the following:

1. The project harms residents.

It would degrade residents' quality of life not enhance it.

2. Wastewater

New projects are not allowed to put in an OWTP in this area after the ban was put in place. This proposed motel is not a revised project. It is an entirely new and different project and bears no resemblance to originally proposed shopping plaza. A motel would produce much more wastewater.

3. Environmental Review Board.
This project requires review by the Environmental Review Board. The ERB reviewed the former shopping plaza project but not the motel even though the project is entirely different and requires ERB review.

4. Mitigated Negative Declaration (ND)
Staff is recommending you make these 2 findings that the Planning Commission in good faith can't make.

1. *The Planning Commission finds that the Project does not have the potential to significantly degrade the quality of the environment, nor does it have impacts which are individually limited but cumulatively considerable*.

The cumulative impacts of this project are significant for many reasons, including, the traffic impact at this location, parking, and unallowable wastewater disposal.

2. *The Planning Commission further finds that less than significant impacts on the environment are expected from the Project, with implementation of mitigation measures. Based on the record as a whole, there is no substantial evidence that the Project, as conditioned, will have a significant effect on the environment*.

The environmental destruction of a bluff face will indeed have a significant effect on the environment.

This environmental devastation is unheard of in the City of Malibu and is not allowed or acceptable.

Driving along PCH one will pass a wall of concrete and glass that would replace the face of a natural bluff. Walking back along the pier the view would be of a concrete structure not a bluff.

Stating that ‘’*the Project would only alter the lower approximately 50 feet of the slope, while the upper 130 feet remain unaltered*” **is an astonishing and unrealistic statement.**

Imagine what would happen if the bluff gave way dumping literally tons of dirt onto PCH and possibly the house that sits on top of the bluff. Human lives are at risk.

INSTALL STORY POLES!!!

Provide residents the opportunity to comprehend the proposed height of the Malibu Inn Motel that is far in excess of 24 ft. above natural or finished grade whichever is lower. Why would they need a 50 ft. retaining wall if it were only 24 ft. high?

Consider the difficulty of integrating a property that is so much higher than its neighboring structures into the existing streetscape. The installation of story poles from the lowest point of existing or finished grade will define the project and demonstrate the awkward relationship to the adjacent properties.

Please insist on story poles. Why should a developer be exempt from installing story poles when residents trying to rebuild their homes after the Woolsey Fire have had to install them prior to receiving their building permits?

Malibu residents deserve a thorough, transparent and respectful review of this project.

Story poles are a beginning. But also a closer investigation of the actual impact on the environment and the community is required.

PLEASE INSTALL STORY POLES PRIOR TO THE PLANNING COMMISSION MEETING. DELAY THE MEETING UNTIL IT CAN BE DONE.

GIVE MALABU A CHANCE.

Thank you for your consideration.

Charlotte Frieze
Founding Member
Malibu Open Space Alliance

Aaron Gribben

Subject: 1C 8-26-21 Malibu Inn Motel

Received
8/25/21
Planning Dept.

From: Peggy Hall Kaplan
Sent: Wednesday, August 25, 2021 9:31 PM
To: Jeffrey D Jennings <jdjenningslaw@gmail.com>; John Mazza <Res02igz@gte.net>; Kraig Hill <kraig.malibu@gmail.com>; drsconst@aol.com; David Weil <davidweil@gmx.com>; Patricia Salazar <psalazar@malibucity.org>
Subject: 1C 8-26-21 Malibu Inn Motel

Commissioners, The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required. Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days so residents can then better understand this project . Thank You.

Peggy Hall Kaplan

Date Received 8/25/21 Time 9:31pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: FW: Subject: Item 1C malibu inn motel 8-26-21

From: Rosie Strickland
Sent: Wednesday, August 25, 2021 8:04 PM
To: Patricia Salazar <psalazar@malibucity.org>; john mazza <res02igz@verizon.net>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kraig Hill <kraig.malibu@gmail.com>; David Weil <davidweil@gmx.com>; drsconst@aol.com
Subject: Subject: Item 1C malibu inn motel 8-26-21

Received
8/25/21
Planning Dept.

Commissioners

Construction of The Malibu Inn Motel has the potential to change the character of Malibu forever.

Located across from the Pier, this is a key location that could make the center of Malibu into a city-like canyon instead of a pedestrian-friendly, beach oriented town center. It cuts into the slope of a natural bluff and requires a 50ft high retaining wall. The removal of dirt to construct this hotel and the necessary construction vehicles will disrupt traffic on PCH for years. The increased density will further clog the already challenged PCH that is Malibu's only major artery and evacuation route. The horrific traffic jam as residents of Western Malibu attempted evacuation during the Woolsey Fire in 2018 still haunts many residents today. Accidents on PCH are a weekly occurrence.
We live in Big Rock and experienced the huge slide on PCH at Big Rock that was caused by Cal Trans cutting into the slope. PCH was impacted for months, homes lost, lives endangered, property values plummeted, and law suits brought. Please use good common sense and do not allow the construction of the Malibu Inn Motel.

Thank you,
Rosie and Bob Strickland

Date Received 8/25/21 Time 8:04pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: FW: Malibu Inn Motel

Received
8/25/21
Planning Dept.

From: Suzannah Owens
Sent: Wednesday, August 25, 2021 10:19 AM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Malibu Inn Motel

To Whom it May Concern,

I am emailing regarding the current Malibu Inn Motel project. The city is in dire need of more hotel rooms and I believe this will be a great improvement to the empty parking lot that is currently there.

I think this project will be a great asset to the city and I look forward to referring family members from out of town.

Furthermore, we could desperately use the tax revenue!

Best,
Suzannah

Date Received 8/25/21 Time 10:19am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
8/25/2021
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Proposed Malibu beach inn motel
Date: Friday, August 27, 2021 8:30:28 AM

-----Original Message-----
From: Tom Molloy [redacted]
Sent: Wednesday, August 25, 2021 12:56 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Proposed Malibu beach inn motel

Please require the proposed Malibu beach in. Motel to be story poled before the planning department will consider it. Best. Tom molloy [redacted]

Sent from my iPhone

Date Received 8/25/2021 Time 1:00pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

Aaron Gribben

Subject: The Malibu Inn Motel project

Received
8/26/21
Planning Dept.

From: Cami Winikoff
Sent: Thursday, August 26, 2021 10:53 AM
Subject: The Malibu Inn Motel project

Hi Patricia and Commissioners,

The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required. Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days then residents can better understand this project.

Thank You,

Cami Winikoff and Scott Greco

Date Received 8/26/21 Time 10:53am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: FW: Story polls 1c. August 6, 2021 Malibu hotel inn

Received
8/26/21
Planning Dept.

From: Elizabeth Lynch
Sent: Thursday, August 26, 2021 10:38 AM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Story polls 1c. August 6, 2021 Malibu hotel inn

Please request that the mandated story polls be put up 30 days before your meeting.
Thank you,
Elizabeth Lynch

Sent from my iPad

Date Received 8/26/21 Time 10:38am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
8/26/21
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Comment Item # 1B - 1C
Date: Thursday, August 26, 2021 12:15:35 PM
Attachments: Screen Shot 2021-03-17 at 11.33.23 AM.png

From: [redacted]
Sent: Thursday, August 26, 2021 11:36 AM
To: Adrian Fernandez <afernandez@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>
Subject: Comment Item # 1B - 1C

Please add this to Malibu Inn Hotel EIR Comments.

COMMENT ON MALIBU INN HOTEL.

Unfortunately, once again, our city has been presented with a staff report dismissing and understating the impacts of new development on Malibu. This project needs an EIR to study noise, traffic, and the impact of a combination of two venues next to each other. A nightclub next to a potential new hotel.

The Malibu Inn Hotel project is proposed at one of the busiest and most dangerous sections of PCH in Malibu. Across from the heavily populated pier, filled Surfrider Beach, the only fast-food spots in Malibu, close proximity to crowded Nobu, Soho House, Malibu Beach Inn, and busy public parking lots. The staff report states that this hotel will hold large events every weekend at the new rooftop bar. These will undoubtedly include weddings, parties, conventions which will bring in hundreds of new cars and yet - staff states only 14 AM and 16 PM new additional daily car trips. This claim flies in the face of the most basic logic and accuracy.

The proposed Project also includes a rooftop bar and pool area, with potential for noise generation, particularly during evening hours. During summer months, events held on the rooftop would be anticipated to occur more frequently, potentially with events or larger gatherings occurring almost every weekend. During winter months, it is anticipated that outdoor events would be less frequent. Any increased permanent noise during the operation of the Project would be controlled by the noise regulations contained in the MMC (Chapter 8.24). Ambient noise associated from the site would continue to be subordinate to noise levels in the existing environment, where ambient noise is dominated by traffic along PCH and nearby commercial areas, and the existing 40-space parking lot that generates ongoing user noise. The project site

Heavy haul trucks will need to run at least 600 - 875 loads to evacuate mounds of dirt on an already overrun PCH.

Approximately 394 cy of the excavated soil would be used as fill material onsite, while the remaining material (approximately 12,255 cy) would be exported from the project site via roughly 600 to 875 heavy haul trucks, depending on the size of trucks utilized (see Section J, below). The total area of ground disturbance would be 0.77 acre, or approximately 33,541 sf. As detailed in

While scaled-down hotels can have advantages, this project at this intersection could not possibly be proposed at a more disruptive location. There is no possible way that this new hotel, in this area, will not greatly impact and cause more disturbance on PCH for visitors and residents. And yet this staff claims this project "***would not result in any cumulative impacts"***. This is a clear example of truth being understated and buried to serve developers, rather than data that protects the city and visitors on PCH.

Please unbury the truth and conduct a proper EIR. Protect this fragile city and Malibu's already overloaded infrastructure. Malibu must demand that a full and accurate traffic study is conducted that includes ingress and egress **of all uses** within a mile of this location including traffic from the pier, Nobu, Malibu Beach Inn,

public parking lot, Surfrider Beach, Jack In The Box, Serra entrance, etc.

Thank you for listening, please do the job of planning correctly.

Thank you,

Jae Flora-Katz

Date Received 8/26/2021 Time 11:36am
Planning Commission meeting of 8/26/21
Agenda Item No. 1B/1C
Total No. of Pages 2

Received
8/26/2021
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Malibu Inn Motel
Date: Thursday, August 26, 2021 12:21:16 PM

From: [redacted]
To: jdjenningslaw@gmail.com, res02igz@gte.net, kraig.malibu@gmail.com, drsconst@aol.com, davidweil@gmx.com, psalazar@aol.com
Sent: 8/25/2021 6:10:25 PM Pacific Standard Time
Subject: Malibu Inn Motel

Commissioners,

The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required. Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days so residents can better understand this project and its violations of current height restrictions.

Why do some of you continue to support projects that serve local developers at the expense of the quality of life of Malibu's residents? This one will cause even more congestion in an already stressed section of PCH, mostly to the benefit of Malibu's most insatiable parasite. It seems like Malibu operates as a business instead of a service. Maybe these projects benefit the personal interests of some of you? These projects certainly don't benefit the residents of Malibu!!!

Sincerely yours,

Jamie Dixon

Date Received 8/26/21 Time 11:40am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

Received
8/26/21
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Item 1C malibu inn motel 8-26-21
Date: Thursday, August 26, 2021 2:20:05 PM

From: Jo Drummond <[redacted]
Sent: Thursday, August 26, 2021 12:23 PM
To: Planning Commission <planningcommission@malibucity.org>; Kraig Hill <kraig.malibu@gmail.com>; John Mazza <Res02igz@gte.net>
Cc: Colin Drummond [redacted]; Georgia Goldfarb <[redacted]>; Rosemarie Ihde <[redacted]
Subject: Item 1C malibu inn motel 8-26-21

Honorable Planning Commissioners,

The proposed Malibu Inn Motel project across the street from the Malibu Pier has a multitude of reasons why it needs to be continued and not approved as applied for.

Firsty, the applicant failed to put up the required storypoles in order for the residents and decision makers to see the visual impact of this project. Most residents are not aware of this project and it will give residents and other interested parties the right to make their opinion of the height and scale known to the Commission. This is especially important since the actual height is being questioned. Many projects on pch are not properly story poled and it is totally surprising to see giant multi lot builds going up right now as they have been so recently and we wonder how such gigantic projects get approved that obviously add more water, mass & sea walls to the delicate eroding oceanfront thus not preserving our natural environment.

We ask that you deny this project: - by recommending numerous variances and CUP's the city is undoing the codes that were put in place to protect Malibu's environmental sensitive habitat, small town ambiance and rural character. Variances and CUPs which are to be rarely given are doled out to developers much too often. Putting up an occasional resident's visitor in a local hotel is hardly an amenity that can be enjoyed by the majority of Malibu's residents. The city's funds are not going towards funding open green or beachfront spaces and creating community centers as it should be.

New project's are not allowed to put in an OWTP in this area after the ban was put in place. The motel will be creating much more wastewater with its daily guests and staff. Since the motel is a new and entirely different project with new zoning submitted after the ban, this project can't go forward until it can be hooked up to the Civic Center treatment plant. For this reason alone this motel project must be denied. To do otherwise in an intentional violation of the Ban.

Date Received 8/26/2021 Time 12:50pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 4

In the original Shopping Plaza project the applicant would not be cutting into the coastal bluff thus altering the natural environment. This is just one example as to why this project has to be reviewed and commented on by the ERB prior to consideration. Nowhere in the code is there a provision allowing cutting into a bluff or steep slope. Therefore, it is not allowed. The environmental destruction of a bluff face will have a significant effect on the environment.

CEQA exemptions should not apply as the cumulative impacts of this project on the environment are significant for many reasons, including, the traffic impact at this location, parking, and unallowable increased wastewater
disposal, aesthetics, urbanization of Malibu, safe evacuation and the failure to construct projects that meet the development criteria/standards set forth in the Municipal Code and MLCP.

The geology is unstable. The ND states: "**The residential structure located north of and above the slopes on and adjacent to the project site has been identified on top of a potentially unstable slope, and excavation of the toe to this slope for the new hotel, subterranean parking and retaining wall have the potential to cause slope failure if exacerbated by rainfall".** Serious geological slope stability & seismic stability studies of the entire area need to be completed before any building can commence.

The code allows for 1000 cu yds of grading and the cut and fill should be balanced, remain on site and not be exported. No more than this should be allowed and not on a slope.

The Municipal Code and MLCP were enacted to prevent the continuation of oversized urban county allowed type of construction. So please do not allow any height variance. This project's grade is not being measured from its lowest point as required by code. Nowhere in the code does it allow one to cut into a bluff and then measure the height from the bluff cut.

Moreover, the so called subterranean parking isn't subterrain since much of it is at ground level. Building a berm around the above grade parking structure doesn't make it subterrain which is what the applicant is proposing. This above grade portion of parking structure has to be added to the height of the structure and has to be included when measuring the height.
See **https://www.malibucity.org/DocumentCenter/View/27710/Malibu-Inn-Motel_Renderings**

Two stories is the maximum allowable height of a commercial structure. This project is 3 ½ - 4 stories high including the above grade parking structure, the 2 story 24ft high motel and the roof deck with the elevator shaft and the guard rail around the roof deck both of which are not excluded when determining height under the code. It much exceeds the height restrictions.

Retaining Walls can't be over 12 ft in height under the code. This project's retaining wall is at least 50 ft. in height because the project cuts into the bluff face which is not allowed.

The number of parking spaces are less than what are needed. More than 3 employee parking spaces are needed on site. The ND states there will be 20 employees onsite at peak times. Since there is no room for the employees to park on site this project should be denied.

Stacked parking is dangerous in an emergency. If you want to approve this project, prior to such approval the applicant should be required to submit a credible evacuation plan in case of an emergency such as a wildfire or earthquake. An EIR or further study is needed to analyze this situation because in an emergency a very dangerous situation is being created.

The joint use parking agreement with the Aviation Nation doesn't provide for sufficient onsite parking when the restaurant dining area is at capacity, the outdoor tent is in use and/or they have bands and other entertainment on site.

The project needs be studied in conjunction with the traffic circulation and offsite parking impacts created by the Sea View Hotel, the Malibu Beach Inn, Avis lot parking, Nobu, Soho House, Malibu Pier, The Farm Restaurants on the Pier, Malibu Ryokan, Surfrider Motel, Aviation Nation as well as Surfrider beach parking east of the Adamson house. The cumulative traffic and the PCH parking impacts of all of these projects should be factored in when considering the impact of this project. This is a major reason why an EIR is needed**.** It is not right to add another project that will further impede traffic flow and street parking**.**

The denial/loss of parking provided for visitors for public access to the Malibu Pier will be significant and is not mitigable.

It is well known to that there is not enough parking in the vicinity for the users of these facilities and their employees. This area of PCH is highly congested.

The ND traffic analysis doesn't reflect the reality of the traffic problem on this busiest part of PCH. In actuality, there is traffic gridlock and severe traffic backup on a regular and continuous basis during rush hour and in the summer and it is significant and not mitigable. This project will create additional car trips and more parking on pch which should not be allowed since it will make the traffic situation incrementally worse. The worst case situation has to be analyzed. The city's traffic studies do not reflect reality.

A traffic management plan should be required prior to consideration so the impact of this project is known to the decision makers and the public

For obvious reasons condition 50 should not allow any parking on site for filming. As far

as the TUP, if the event is not being held by and attended by registered guests all parking is required off site. The TUP should require a parking location that is not on street parking.

It is also highly likely that significant cultural resources or a Chumash burial could be found on this site. All along this area east of the Malibu Creek at various times Chumash artifacts and burials have been found. Therefore, a phase one study needs to be done and Chumash monitor must be on site during any demolition, soil disturbance, grading /excavation. Please add this as a condition.

A condition of approval should be added that if room rates rise to meet this luxury threshold then there must be a required number of rooms to be set aside for low cost accommodations.

If the Commission is considering approving this project please add the following: a condition that all trash receptacles will comply with the Lid Lock ordinance, and that all laundry will be done off site to reduce precious water consumption.

Please deny this project for the reasons stated above. No project should be approved that require so many discretionary approvals. If you are not going to deny this project and the Commission is considering approving this project, prior to approval an EIR and various other studies have to be done in order for you to make the right decision. The very fact that this project is a significant departure from the code requirements makes an EIR necessary.

Thank you for for thoughtful deliberation and consideration for the safety and future of Malibu.

Jo & Colin Drummond

Received
8/26/21
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Letter re 8/26 Malibu Planning Commission Meeting - Agenda Item 1.C. (Malibu Motel)
Date: Thursday, August 26, 2021 2:07:54 PM
Attachments: 8-26-21 Letter to Planning Commission re Agenda Item 1.C..pdf
Importance: High

From: Marshall A. Camp <mcamp@hueston.com>
Sent: Thursday, August 26, 2021 1:10 PM
To: Planning Commission <planningcommission@malibucity.org>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; John Cotti <john.cotti@bbklaw.com>; cityclerk <cityclerk@malibucity.org>
Subject: Letter re 8/26 Malibu Planning Commission Meeting - Agenda Item 1.C. (Malibu Motel)
Importance: High

Chair Jennings and City staff,

Please find attached a letter submitted in connection with tonight's meeting of the Malibu Planning Commission, **Agenda Item 1.C. (Malibu Motel)**. We respectfully request that this letter be distributed to the Members of the Commission and be made part of the record for tonight's meeting.

Thank you,

Marshall Camp

Marshall A. Camp

HUESTON HENNIGAN LLP

D: 213.788.4541
T: [redacted]
[redacted]
Biography

[redacted]
Los Angeles CA 90014

Date Received 8/26/21 Time 1:10pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 9

MARSHALL A. CAMP
Partner
[redacted]
[redacted]
Los Angeles, CA 90014

HUESTON HENNIGAN LLP

August 26, 2021

VIA E-MAIL

Jeffrey Jennings, Chair
Members of the Planning Commission
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265-4861
planningcommission@malibucity.org

Re: August 26, 2021 Planning Commission Meeting - Agenda Item 1.C. – Malibu Motel

Dear Chair Jennings and Members of the Planning Commission:

This firm represents Mani Brothers Real Estate and affiliated companies that own properties in the vicinity of the proposed Malibu Motel, including the Malibu Beach Inn, located at 22878 PCH; the former Hertz lot at 22853 PCH; and the multifamily properties at 22640 and 22648 PCH (collectively, the "Mani Brothers").

The Mani Brothers oppose the Malibu Motel, including the entitlements and approvals sought in connection with Agenda Item 1.C. at tonight's Planning Commission meeting. Grounds for the opposition include, without limitation, the following:

1. The Proposed Use is a Hotel Prohibited in the CV-1 Zone. The proposed use is not a "motel" or "bed and breakfast inn" and is properly classified as a "hotel" under the Malibu Local Coastal Program (LCP) and Zoning Code. Hotels are prohibited under the site's current CV-1 zoning.

   As defined in the LCP Local Implementation Plan (LIP) and Zoning Code, a "motel" is "*a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, [and] does not provide accessory uses such as restaurants or meeting rooms".* (LIP 2.1; *see also* MMC 12.02.060.) The proposed project fails to meet this definition in two significant respects.

   First, there is no direct access from the guest rooms to the parking. None of the guest rooms are on the same level as the parking. To get from their rooms to the parking garage below, guests will need to travel through common walkways and corridors and use the common elevator or common stairs.

   Second, the project includes a dedicated bar serving the large rooftop deck area, as well as a full commercial kitchen for food service. The rooftop deck and amenities would be used by motel guests on a daily basis, but events that would bring in visitors can be held onsite in the motel subject to City approval of a Temporary Use Permit (TUP), including "weddings, B'nai Mitzvahs, parties, corporate events, and other festivities." (Agenda Report, p. 13.) These amenities, such as the rooftop bar and

lounge, commercial kitchen and special event space, clearly distinguish this project from a "motel" and bring it within the definition of "hotel," i.e., "*a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants and meeting rooms.*" (LIP 2.1; *see also* MMC 12.02.060.)[1] Accordingly, this project cannot be approved without a zone change and LCP amendment to redesignate the site from CV-1 to CV-2 to allow a hotel.

2. Loss of Beach Parking. As stated in the Commission's agenda report, the site is currently improved with a parking lot containing 40 spaces, of which at least 24 are required for the adjacent Aviator Nation restaurant/retail property. The remainder of the parking spaces have been used as beach parking (*see* February 2021 photo attached hereto as Exhibit A showing parking attendant shack and banner advertising "Beach Parking").

   The proposed motel includes 47 parking spaces, of which 24 will continue to be used for the adjacent Aviator Nation property. This leaves only 23 spaces for the Malibu Motel (far short of what code requires, as discussed below) and leaves zero spaces for beach parking. This represents an unmitigated loss of at least 16 spaces (from 40 to 24) currently available for beach parking. This loss of beach parking violates important policies of the Coastal Act and Malibu Local Coastal Program (LCP)[2] and creates a significant impact that must be analyzed in an EIR.

3. Insufficient Parking for the Motel. As explained above, the project should be classified as a "hotel" and not as a "motel." Under the LIP and Zoning Code, a hotel requires two parking spaces per room, plus additional spaces for food and beverage serving area and employees. (LIP 3.14.3; MMC 17.48.030.) This would result in a parking requirement more than twice the 23 spaces provided for the Malibu Motel (47 total onsite, less 24 dedicated for the use of Aviator Nation).

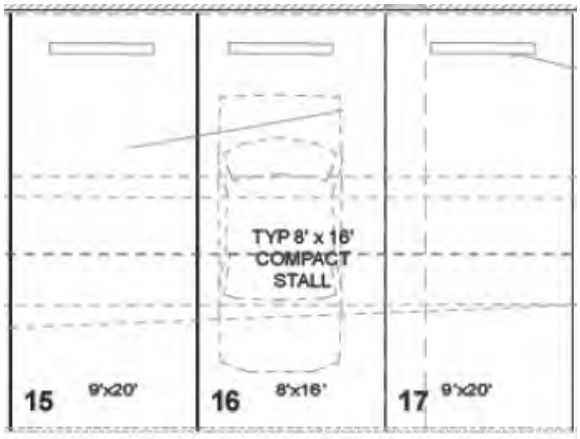
   Even if the property were required to provide only the number of spaces required for a "motel," there would still be more than 23 spaces required. Staff calculated that 23 spaces were required based on the "motel" standard of one space per room, plus one space for each employee assuming three employees per shift. (LIP 3.14.3.) But the assumption of only three employees per shift is clearly too low. For example, at 5:00 pm on a typical day, the property would require *at minimum* seven (7) employees: a parking valet, a front desk clerk, a manager, a food prep chef, a dishwasher/bar back, a bartender, and a pool attendant/server. If any housekeeping personnel were still on site, the number would be even higher.

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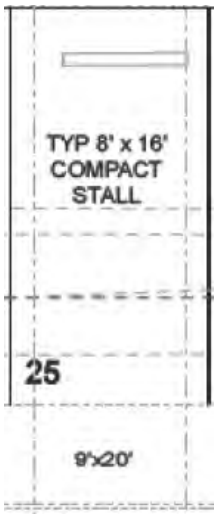
[1] The proposed use also does not constitute a "bed and breakfast inn," which is defined as "*a facility offering transient lodging accommodations to the public and providing kitchen facilities adequate to provide meals to the guests of the facility only and not otherwise open to the public*." (LIP 2.1; *see also* MMC 12.02.060.) While the project contemplates transient lodging and a commercial kitchen, so does any hotel. Read in context with the definitions of motel and hotel, the term "bed and breakfast inn" was intended to reflect the traditional notion of a quaint, rural lodging house that offers breakfast to a handful of guests. A bustling, 20-room property at the pier with rooftop bar and dining service late into the night for its 30-40 guests along with public weddings and events is a hotel, not a B&B. Notably, the agenda report and proposed resolution uniformly refer to the project as a "motel" and never as a "bed & breakfast inn."

[2] Policies of the Malibu LCP include coastal access and the provision of adequate off-street parking. (*See, e.g.*, LIP 1.2, paragraphs C and H.)

The project plans also reveal that the parking spaces provided do not conform to the stall sizes required by code. Except for the 20% allowed to be compact spaces, all standard stalls must be at least 9' by 20'. The dimensions called out on the applicant's Proposed Subterranean Garage Plan appear inaccurate, inconsistent and potentially misleading. (*See* Agenda Report at p. 87.) Simply by way of example, the plan appears to depict dimensions for spot #16, which is labeled as an "8' x 16' Compact Stall," that are roughly identical to adjacent stalls labeled "9'x20'":

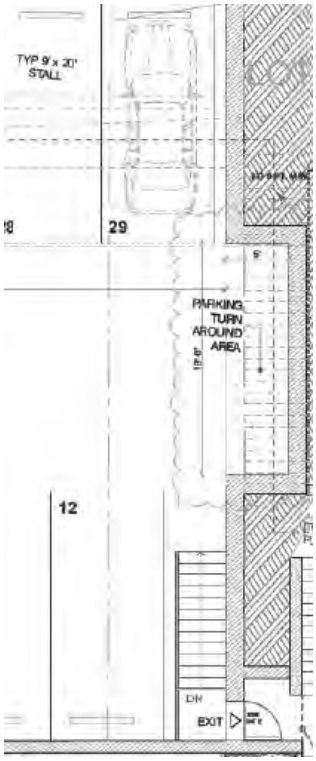


(Agenda Report at p. 87.) And bizarrely, spot #25 appears to be labeled both "9'x20'" *and* "8'x16'":



(*Id*.)

The same plan also shows a dead-end parking aisle with no adequate turnaround as prohibited by Zoning Code § 17.48.050(D) & LIP 3.14.5(D):



(*Id*.)

4. Project Exceeds the Maximum Allowable Height and Stories. The maximum height allowed for a new commercial building under the LCP is 24 feet (or 28 feet for a pitched roof) and two stories. (LIP 3.8(A)(1)(b).) As shown by the project's south elevation (*see* Exhibit "B" to this letter), however, the project is actually four stories and over 40 feet tall. At the base is the entry lobby and reception area, together with an enclosed parking garage. The second and third levels contain the guest rooms and commercial kitchen. The top floor contains the pool deck, elevator box, and a roofed bar area.

   Each of these four levels is a "story" under the LCP, which defines a "story" as: "*that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above*." (LIP 2.1; *see also* MMC 12.02.060.) Contrary to the Agenda Report's erroneous references to the project as a "two-story motel" (*see e.g.*, p.11, referring only to the second and third levels which contain guest rooms) the first floor lobby/parking levels and the top floor pool and bar are also stories.

   Indeed, the top floor is not only used as habitable floor area, but portions are roofed (to wit, the elevator box and bar), and these roofed portions squarely meet all aspects of the code definition for a fourth "story." (*See* Ex. B.) Similarly, although the code states that a "basement" is not a story, the lobby/parking level does not meet the definition of a "basement," i.e. "*that portion of a building or an area*

enclosed by walls located below finished grade and beneath or partially beneath the first floor footprint above, where the vertical distance from finished grade to the bottom of the finished floor above is no more than 3 vertical feet ***at all points around the perimeter of all exterior walls***." (Emphasis added.) Although the proposed motel will be built into the hillside and the lower level is partially below ground, the front (southerly) edge of the ground floor will be fully exposed and "daylighted" to at least a 10 foot height, as shown on Ex. B to this letter, and on pages 92 and 135 of the agenda report. The architect's failed attempt to simulate a basement condition by flanking the exposed lobby frontage with dirt planters does not change the fact that the lower level includes at least a 10 foot height of exposed frontage and cannot be considered a "basement" as defined by code.

5. General Plan Inconsistencies. The proposed project clearly violates the following policies of the City of Malibu General Plan Land Use Element:

   a. Section 1.1 in the Introduction to the Land Use Element states: "Commercial areas are limited to small neighborhood serving and visitor serving uses interspersed throughout the City …." By contrast, the proposed project at four stories would be the tallest hotel approved to date in Malibu, and it would create the third hotel/motel in this immediate area (within approximately 500 feet of the Malibu Pier), which is already congested with restaurants and tourist facilities.

   b. LU Implementation Measure 67 requires a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes. The applicant here has not sought a planned development permit and the project does not comply with current codes (stories, setbacks, parking, grading, etc.) as documented in this letter.

   c. Section 1.5.4 of the Land Use Element states that the CV designation for this site provides for uses that serve visitors and residents, such as hotels and restaurants "which respect the rural character and natural environmental setting." The imposing, four-story structure proposed here to be cut into the hillside would be entirely urban in character and—literally and figuratively—undercut the natural setting and terrain.

6. Inconsistencies with the LCP and Zoning Code. As noted above, the project violates so many provisions of the LCP and Zoning Code (excessive grading, height, setbacks, open space, landscaping, parking standards, retaining wall height, etc.) that it requires multiple variances and discretionary approvals to be approved. Many of these inconsistencies are openly identified and admitted by planning staff in the 47-page staff memorandum included in the agenda report. Others are identified above in this letter. The required variances are not supported by the required findings.

   For example, the agenda report claims that the hillside must be carved out because of "special circumstances," citing the steep slopes at the rear of the lot. (Agenda Report at 23.) Those steep slopes, however, are far from unique in Malibu—to the contrary, they are the typical condition for most of the inland lots along PCH. Another variance allows for a 46-foot high retaining wall—more than *three times* the 12 foot maximum. This wall again is needed not for any unique condition of the property, but only because of the applicant's desire to build into the hillside for the purpose of claiming that this four-story structure only has a height of 24 feet by the trick of terracing back the building against the hillside and measuring vertically parallel to the slope. A third variance is required for parking in the front yard setback, which still does not provide sufficient parking for both the use and the 24 spaces already dedicated to the Aviator Nation property next door. The self-imposed voluntary arrangement made by

the property owner to sell perpetual parking rights to a neighbor should not be later used as a hardship justification for a variance to allow extra parking spaces located in the front yard setback.

7. CEQA Defects. The City has improperly used a mitigated negative declaration for this project, when an EIR should have been prepared in light of the project's stark inconsistencies with the General Plan, LCP and Zoning Code as noted above. The MND failed to address additional traffic impacts and safety risks associated with this highly congested section of PCH. These include increased nighttime trips, increased nighttime pedestrian crossings of PCH by hotel guests, and increased nighttime left turns into and out of the unsignalized/uncontrolled driveways. Although my clients deal with these issues at the Malibu Beach Inn and believe they can be adequately mitigated, the City disagreed and cited these kinds of alleged PCH safety concerns in denying the Malibu Beach Inn's pool and offsite parking application. The proposed Malibu Motel project should be held to the same standard, particularly because of the congestion and greater PCH crossings at this location directly across from the beach, and the shops and restaurants at the Malibu Pier.

The Planning Commission is respectfully urged to deny the proposed approvals for the reasons set forth above, as well as the many other grounds for denial raised in the voluminous public correspondence submitted in opposition to this project. If the project is to be brought forward again for further consideration, it should first be revised to be consistent with existing City plans and policies, and then evaluated in an EIR before returning to the Planning Commission for additional hearings.

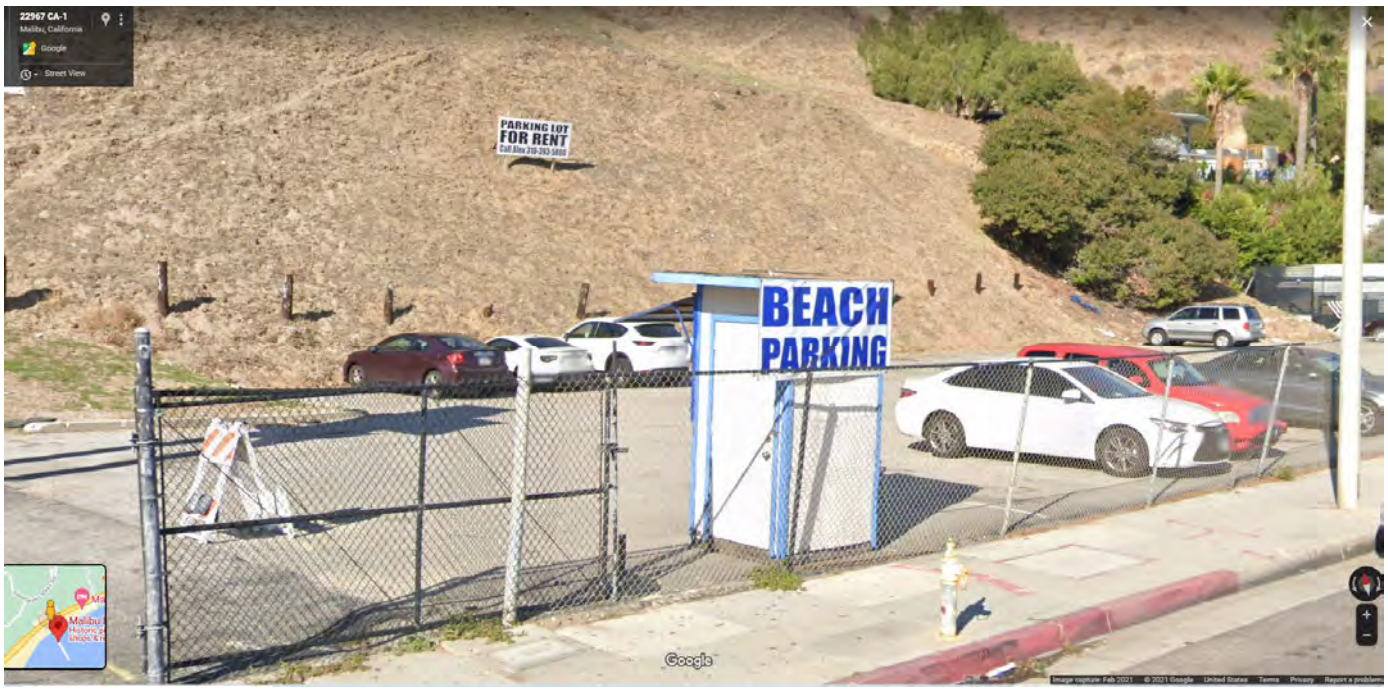
Sincerely,

Marshall A. Camp

cc: John Cotti, City Attorney (via e-mail)
Kathleen Stecko (via e-mail)

HUESTON HENNIGAN LLP

Exhibit “A”
Existing Beach Parking at the Site



HUESTON HENNIGAN LLP

Exhibit “B”
Proposed South Elevation



Received
8/26/21
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Motel Project
Date: Thursday, August 26, 2021 12:27:22 PM

-----Original Message-----
From: Richard Lawrence <[redacted]
To: jdjenningslaw@gmail.com <jdjenningslaw@gmail.com>; res02igz@gte.net <res02igz@gte.net>; kraig.malibu@gmail.com <kraig.malibu@gmail.com>; drsconst@aol.com <drsconst@aol.com>
Sent: Thu, Aug 26, 2021 11:50 am
Subject: Motel Project

Commissioners, The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required. Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days then residents can better understand this project. Thank You.

Richard Lawrence, President
Rebel Entertainment Partners, Inc.
[redacted]

Date Received 8/26/2021 Time 12:06pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

Received
8/26/21
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Proposed Malibu Inn Motel across the pier!
Date: Thursday, August 26, 2021 12:09:35 PM

From: Rosemarie Ihde <[redacted]
Sent: Thursday, August 26, 2021 11:32 AM
To: Kraig Hill <kraig.malibu@gmail.com>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; John Mazza <Res02igz@gte.net>; drsconst@aol.com; David Weil <davidweil@gmx.com>; Patricia Salazar <psalazar@malibucity.org>
Subject: Proposed Malibu Inn Motel across the pier!

Commmissioners, the proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required. Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days then residents can better understand this project . Thank You.
Rosemarie Ihde
Gerhard Ihde

Date Received 8/26/21 Time 11:36am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

Received
8/26/2021
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Conditional Use Permit Amendment No 13-006 and Joint Meeting tonight re: Conditional Use Parking Agreement No. 14-001 – An application to amend Conditional Use Permit No 09-009 and Joint Use Parking Agreement No. 10-001
Date: Thursday, August 26, 2021 3:36:46 PM

From: [redacted]
Sent: Thursday, August 26, 2021 3:29 PM
To: Adrian Fernandez <afernandez@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>
Cc: Paul Astin <[redacted]>; Roni Neighbor <[redacted]; Mark Dempster <[redacted]; Kim Dempster <[redacted]; Robert Allan <[redacted]
Subject: Conditional Use Permit Amendment No 13-006 and Joint Meeting tonight re: Conditional Use Parking Agreement No. 14-001 – An application to amend Conditional Use Permit No 09-009 and Joint Use Parking Agreement No. 10-001

Dear Mr. Fernandez,

I am a neighbor across the street from the Malibu Inn and the proposed motel site.

I have recently returned from an out of town trip and just found out about the hearing tonight for the Malibu Inn proposed parking changes and motel project.

I am surprised that the City would schedule a hearing so soon after issuing the Staff report.

I do not think there has been sufficient notice given to the residents and community about the hearing for such a large project.

I formally request that the City continue the hearing in order for residents and the community to review and respond to the Staff Report.

Please advise.

Thank you,

Stella Yap

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Date Received 8/26/2021 Time 3:29pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

Received
8/26/2021
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Proposed Malibu Inn Motel Project
Date: Thursday, August 26, 2021 2:23:59 PM

From: Stephanie Kuluva <[redacted]
Sent: Thursday, August 26, 2021 1:46 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Proposed Malibu Inn Motel Project

Commissioners,

The proposed Malibu Inn Motel project across the street from the Malibu Pier has not been story polled as required. Please ask the owner prior to your hearing this matter to put up the required story polls for 30 days then residents can better understand this project .

Thank You.

Stephanie Kuluva

Date Received 8/26/2021 Time 1:46pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

Received
8/26/21
Planning Dept.

Aaron Gribben

Subject: Malibu Inn Motel Conditions Revisions Requested
Attachments: Conditions Requested to Revise.pdf; Memo To Planning Commission Aug 26 2021.pdf; 29320 - 22969 Pacific Coast Highway Noise Impact Study.pdf

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From: Steven Hakim
Sent: Thursday, August 26, 2021 9:58 AM
To: Planning Commission <planningcommission@malibucity.org>; Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>
Cc: Doug Burdge Malibu Architect, Alex Hakim
Subject: Malibu Inn Motel Conditions Revisions Requested

Dear Commissioners,

Please see attached memo and attachments. We appreciate your time and consideration.

Best,
Steven

Steven Hakim
HAKIM HOLDINGS

Date Received 8/26/21 Time 9:58am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 17

CC: Planning Commission, PD,

Recording Secretary, File

AUGUST 26, 2021

CC ATTACHMENTS
*CONDITIONS
*NOISE STUDY

MALIBU INN MOTEL REVISIONS TO CONDITIONS OF APPROVAL REQUESTED

Dear Commissioners,

I want to thank you all for your dedication to this great city and all the hard work you have put into preserving its integrity. Please take into consideration the changes to the following conditions, which are also attached here.

33. The approved **hours of operation for liquor service** here were put as a place holder I believe as this was never discussed with ownership. We propose 7 am – 2 am, as this is what is proposed and approved for other hotels in the area, such as the Sea View Hotel. We don't want to be at a competitive disadvantage.

34. We have provided a noise study, (also attached) which was done on the neighboring sites outdoor area, and is closer to the nearby residences. We would like the opportunity to have **live entertainment and amplified sound**, as long as it is within the decibal levels approved by the commission. Other proposed and approved hotels in the immediate area have this opportunity and it puts us at a competitive disadvantage.

43. **Umbrellas** should not count towards the height of the development if they are moveable or on wheels. It is as if we are measuring building heights based on the height of a person when standing on the roof. If the umbrella is not affixed, and is on wheels for example, it should not be counted as part of the height.

44. We intend to provide **lift parking** above and beyond what is needed for our project to better serve the community and its needs. If the lifts can not be provided for public parking, then we are doing a disservice to the area and the community. This project is unique from a traffic and parking standpoint, being that it is not open to the public. Every day, we can anticipate exactly how many spaces will be needed for parking, and what will be surplus parking, as we will have reservations prior for each room. Controlling the parking will be fairly easy from this standpoint.

121. **Amplified Sound** should not be prohibited. We are open to the same decibal level requirements set on other hotels and businesses in the immediate area.

Sincerely,

Surfrider Plaza, LLC



Client: SKA Group, LLC
Contact: Alex Hakim
Steven Hakim
Phone: [redacted]
Email: [redacted]
Address: [redacted]
Beverly Hills, CA 90212

Apr 2, 2019

Subject: 22969 Pacific Coast Highway – Noise Impact Study

A. Executive Summary

Omny Acoustics (OMNY) has prepared this noise impact report on behalf of **SKA Group, LLC** (CLIENT). Specifically, this noise impact study is regarding the proposed live music to be performed at the outdoor patio area of the restaurant located at 22969 Pacific Coast Highway until 10PM. In particular, the City of Malibu has requested a noise impact analysis from the live music be assessed at the nearby residential area just southwest of the pier across the highway (See Figure 1 below). The City has requested a study that demonstrates the proposed outdoor live entertainment will not be plainly audible within five feet of any residential dwelling.



Figure 1 Birds eye view of CLIENT patio (blue), nearby residential land uses (red), and approximate OMNY ambient noise level measurement position (green star).

Although audibility is dependent on a multitude of factors, it can be generally accepted that if the patio generated music levels are found to be at or below existing ambient noise levels, that this would result in levels that are not plainly audible under normal circumstances. Although existing ambient noise levels vary throughout the day, and between weekends and weekdays, OMNY has measured the existing ambient noise levels during the lowest expected ambient noise period (9PM-10PM on a weekday evening). In this way, OMNY is considering the worst case scenario. By showing levels not to be plainly audible at five feet from the residential land uses at this time period, all other noisier time periods (e.g. weekday afternoons, weekend evenings, etc.) can also be determined to be compliant.

Noise levels measured during this 9PM-10PM period were found to be 71 dBA[1] Leq[2]. Details regarding these measurements can be found in Section C of this report.

OMNY has provided an outdoor noise propagation model that calculates the **Maximum Allowable Patio Sound Pressure Level** in the restaurant patio, as measured at the perimeter of the patio, that would result in noise levels at the nearest residential land use, to be at or below the existing ambient noise level of 71 dBA Leq. This **Maximum Allowable Patio Sound Pressure Level** has been determined to be 89 dBA Leq. Details on this analysis can be found in Section D.1.

In order to maintain music levels that would still allow for conversations between customers, as is the desire of the CLIENT, OMNY has determined that music levels would normally not exceed 85 dBA within the patio area. Details on this analysis can be found in Section D.2. **Assuming the CLIENT maintains music levels at or below 89 dBA in the patio area, with longer term averages not exceeding 85 dBA, OMNY finds that the patio music will not be plainly audible as measured five feet from any nearby residential land use considered in this report.** As any louder levels would result in extreme difficulty for customers to converse, it would seem in the CLIENT's best interest to self govern such levels at or below these limits.

1 dBA – A-weighted sound pressure level.
2 L_{eq} – The equivalent continuous sound pressure level for the time period. Although technically different, can be generally thought of as acoustical average.

B. Code Review

As both the restaurant at 22969 Pacific Coast Highway, and the nearest residential land use identified at 23006 Pacific Coast Highway, are both within Malibu City limits, the Malibu Municipal Code will likely be the most enforceable regulations, but Los Angeles County Code has also been included for thoroughness. The California Building Code, has no regulations that would be applicable to this particular situation, and thus has been omitted from this report.

The following sections summarize and comment on how the given code sections are applicable to this project, and how compliance has been determined. For full code sections, please refer to the code itself, though OMNY has provided a copy of the code sections mentioned below, at the end of this report for reference.

1. Malibu Municipal Code

i) Title 5 Business Licenses and Regulations

Summary

In Chapter 5.04 Section 100.D.1, it states:

Whenever, upon due notice and hearing pursuant to Section 7.10.010, it shall be determined by the city manager or city council that noise from any business activity licensed under this Chapter interferes with the right of persons dwelling in the vicinity of such business activity to the peaceful and quiet use and enjoyment of their property, or that the business activity licensed under this chapter is in violation of the Noise Ordinance of the city, the city manager or city council may require that the premises of the business activity be soundproofed to eliminate the noise or reduce it to a reasonable level. In taking any action under this Section, the city manager or city council shall balance all of the interests of the respective parties, as well as the hardship which will result from any such noise mitigation measures. If the city manager or city council finds that the noise complained of is minimal or inconsequential, no action shall be taken under this section.

Omny Acoustics Comments

OMNY has shown the noise levels at the residential properties to be minimal or inconsequential by comparing them with existing ambient noise levels. The minimum existing ambient noise levels were measured to be 71 dBA 1-hr Leq (See Section C) and under normal operating circumstances the patio produced noise levels are not expected to exceed 61.1 dBA as measured in the same location (See Section D.2).

ii) Title 8 Health and Safety (Subjective)

Summary

Sections 8.24.040, and 8.24.050 provide various subjective restrictions on noises that are considered "unnecessary, annoying, or unnatural."

Omny Acoustics Comments

As these subjective requirements are not directly measurable, they are difficult to enforce directly. That being said, OMNY sees no reason why these subjective requirements would not be met in general if the project also meets the more objective requirements set by the other code requirements provided within this report.

iii) Title 8 Health and Safety (Objective)

Summary

In addition to the subjective requirements in Section 8.24.050, it also provides a few objective restrictions on prohibited acts of noise. In particular 8.24.050.B restricts "radios, phonographs, etc. the using, operating or permitting to be played, used or operated between the hours of ten p.m and seven a.m..."

Section 8.24.050.L states

Commercial establishments adjacent to residential property: sustained noise from the premises of any commercial establishment, including any outdoor area part of or under the control of the establishment, between the hours of ten p.m. and seven a.m. shall not be plainly audible at a distance of five feet of any residential dwelling unit;

Omny Acoustics Comments

The time restrictions for live music are only in effect from 10 p.m. to 7 a.m. As the CLIENT planned live music of the restaurant is only planned up to 10 p.m., compliance is implied.

It appears any restriction to the live music between the hours of 7 a.m. and 10 p.m. has been specifically given by the planner reviewing this project, and does not have any specific code basis with which to draw a compliance violation from. It is possible the planner has recognized the lack of an objective metric of compliance between the hours of 7 a.m. to 10 p.m. and is attempting to provide a requirement based on other similar parts of the code.

2. Los Angeles County Code of Ordinances

i) Title 12 Environmental Protection

Summary

Chapter 12.08 provides several objective measures of noise level compliance. Most pertinent to this project are the exterior noise standards listed in Section 12.08.390, where maximum allowable noise levels are provided for various receptor property zones.

The neighboring residential land uses are restricted to not exceed, for a cumulative period of more than 30 minutes in any hour, 45 dBA between 10 pm – 7 am, and 50 dBA between 7 am and 10 pm.

In the event that ambient noise levels are measured and found to exceed the noise standards, the measured ambient levels are to become the new exterior noise standard.

Adjustments to the noise standards are based on the time length of the intrusive sounds. For the purposes of this project, Omny Acoustics assumes a relatively constant noise level originating from the project, and therefore will not consider any of the higher, more lenient, noise standards.

Omny Acoustics Comments

Since existing ambient measured levels have been shown to far exceed the noise standard of 50 dBA between 10 pm – 7 am, the exterior noise standards are to be adjusted accordingly. Therefore, the measured existing ambient levels will serve as the new exterior noise standard. Specifically for the time period analyzed within this report, 9 pm – 10 pm, 1 AM Sunday, the new exterior noise standard should be 71 dBA (See Table 1). OMNY has determined the **Normally Expected Patio Sound Pressure Levels** due to patio generated noise sources not to exceed 61.1 dBA. Since noise levels from the patio have been shown to be less than existing ambient levels, Omny Acoustics concludes that the project will meet the code requirements set by the Los Angeles County Code of Ordinances Title 12 Chapter 12.08.

C. Ambient Noise Measurements

OMNY has provided short-term noise level measurements outside the nearest residence across the highway and compared these levels with the various code requirements summarized in Section B.

Live music levels are to be strictly stopped at 10PM, and as such, short-term measurements around the time of 10 PM are considered sufficient to analyze the lowest ambient noise levels applicable during the live music performances.

One noise monitoring station was used to measure noise levels outside the residential land use at 23006 Pacific Coast Highway, from 21:00 – 22:00 on 3/25/2019. Details of the measurement circumstances below:

OMNY Personnel: Eric Johnson

Sound Level Meters: (1) Casella-633

Sound Level Calibrator: Casella CEL-120

Measurements at the monitoring station were taken continuously for one hour. The A-weighted L_{eq} levels, and octave-band levels were recorded. Before the measurement period, the sound level meter was calibrated using its respective sound level calibrator.

32 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	dBA
68	73	71	70	67	68	61	51	43	34	71

Table 1: 1-hour Leq levels measured from 21:00 – 22:00 on 3/25/2019. 32 Hz to 16 kHz are the octave band center frequencies, and dBA is the A-weighted Sound Pressure Level.

D. Noise Impact Model

1. Maximum Allowable Patio Sound Pressure Levels

Although the patio music levels are not expected to reach such levels, OMNY has started this analysis with calculations which establish the maximum allowable patio sound pressure levels that would result in levels, as measured five feet from the nearest residential land use, at or below the lowest expected existing ambient noise levels as measured from 21:00 – 22:00 on a weekday evening (See Section C for details on these measurements). As the qualifications for this number are quite long, this level will hereby be referred to simply as the **Maximum Allowable Patio Sound Pressure Level** and will be defined as the maximum level expected anywhere along the perimeter of the patio.

Assuming the CLIENT keeps patio music levels at or below the **Maximum Allowable Patio Sound Pressure Level**, OMNY can conclude that music levels played at the patio will not result in levels at the nearest residential area that are "plainly audible within five feet from the residence."

In order to determine the **Maximum Allowable Patio Sound Pressure Level**, OMNY has constructed a basic outdoor noise propagation model that is based on ISO 9613, an international standard for such calculations. In this model, OMNY only assumes a single sound source in the patio, and basic building reflections and barrier effects. Particular loudspeaker characteristics, or types of music are not required at this point, as this model will represent the absolute **Maximum Allowable Patio Sound Pressure Level**; any directivity due to loudspeaker orientation or additional barrier effects from stage setup and layout would only further reduce levels compared to what is modeled here.

Figure 2 shows the birds eye view of the patio and nearest residential area with levels only from the patio noise source itself (i.e. all traffic, or otherwise existing ambient noise sources off). The purpose of this model is to find the maximum levels in the patio that would result in levels, as measured five feet from the nearest residential land use, that match the measured existing ambient noise levels at the quietest expected time period (21:00 – 22:00 on a weekday evening). As can be seen in Figure 2, the noise level five feet from the nearest residential land use (Receiver) is 71 dBA, which matches the 1-hr dBA Leq measurement obtained by OMNY on 3/25/2019 (See Section C for details, and the final column of Table 1 for the actual measured value).

Figure 3 is simply a larger view of the patio in order to show typical levels in the patio area under such circumstances. According to Figure 3, the **Maximum Allowable Patio Sound Pressure Level** is around 89 dBA.

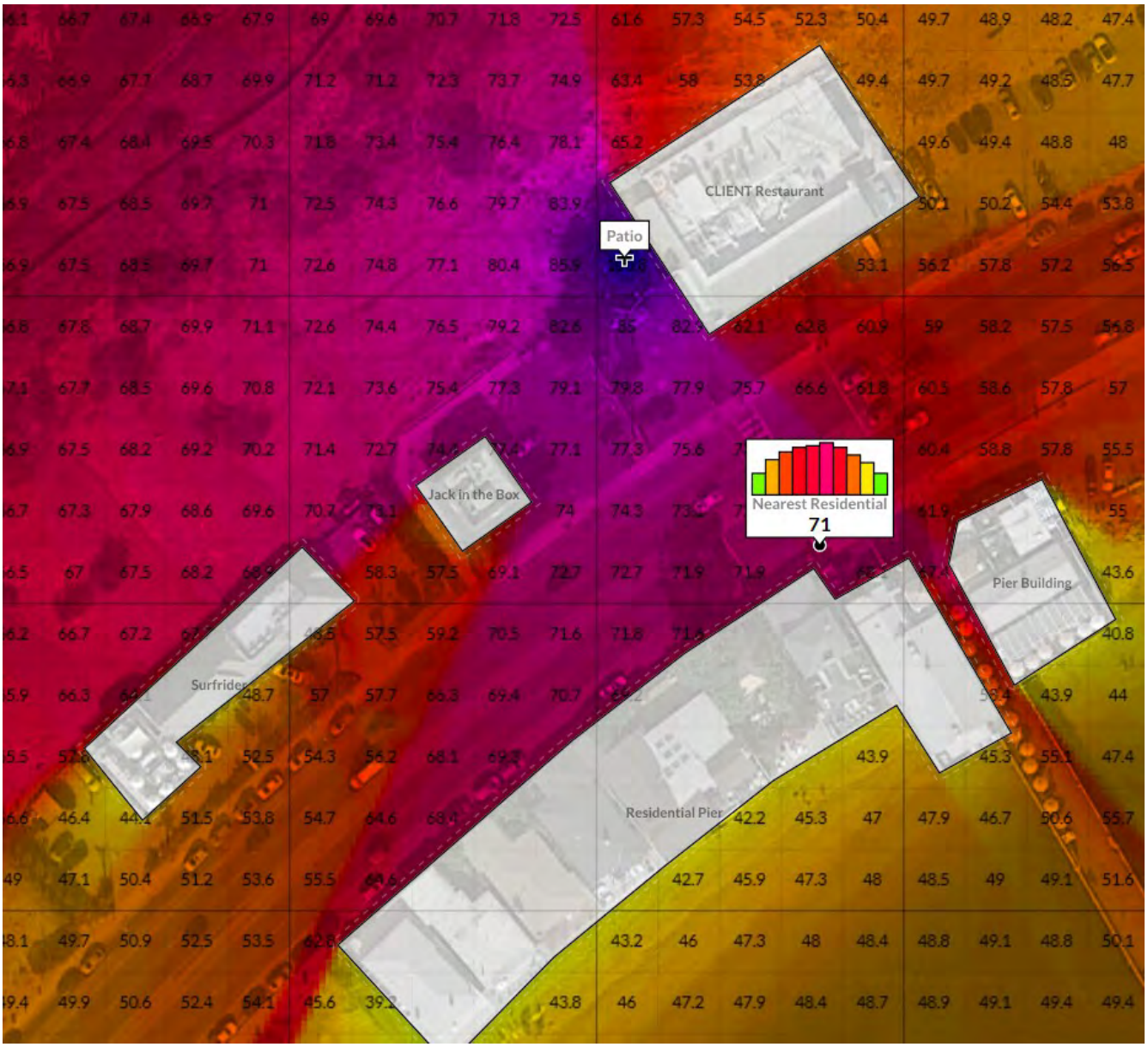


Figure 2: Birds eye view of the Maximum Allowable Patio Sound Pressure Levels. Five feet from the nearest residential location indicated by the "Nearest Residential" location. Patio centered at "Patio".

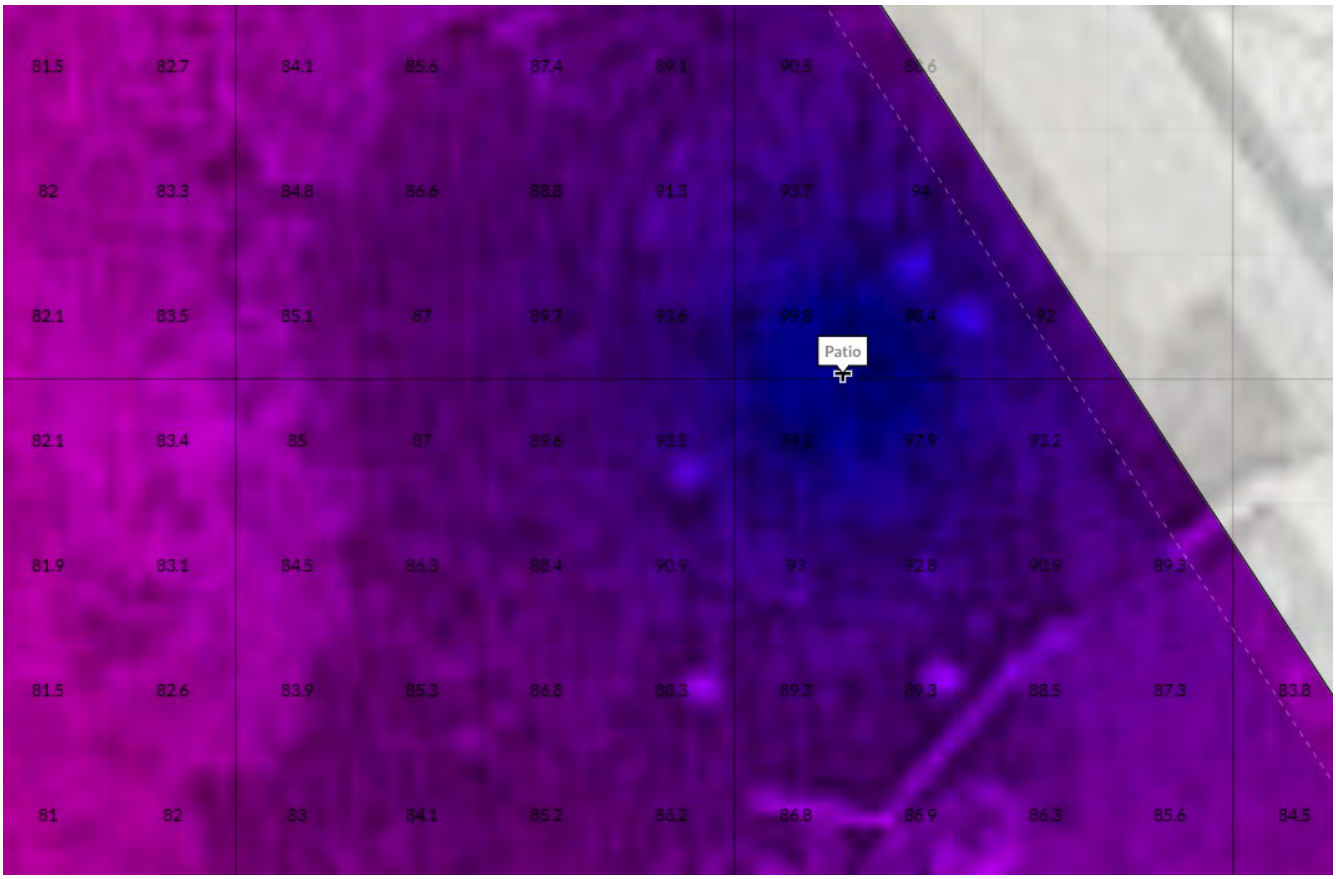


Figure 3: Closer view of patio, to show general levels within the patio for Maximum Allowable Patio Sound Pressure Levels. Patio centered at "Patio" (center) with perimeter walls somewhat visible in white.

2. Normally Expected Patio Sound Pressure Levels

The previously mentioned **Maximum Allowable Patio Sound Pressure Level** of 89 dBA does not consider any directional qualities of the sound system or barriers from patio walls, so it provides a worst case scenario (i.e. music facing directly towards the residential area without any walls or barriers in between). Realistically, the levels in the patio will be much lower for various reasons explained within this section. This section will define what will hereby be referred to as the **Normally Expected Patio Sound Pressure Levels**.

The CLIENT has informed OMNY that the patio music will make use of a fixed sound system, in which all loudspeakers will be facing northward away from the residential area next to the pier. The CLIENT has also informed OMNY that all performers are to use the patio's fixed sound system to reduce any variability with regards to noise levels at the residential areas near the pier. The CLIENT has also expressed the desire to keep music levels at a level higher than typical background music, but not to exceed levels that would inhibit customers from being able to converse.

The directivity of the loudspeakers and barrier effects from the patio walls would allow for even higher **Maximum Allowable Patio Sound Pressure Level**, but this will not be necessary to show as levels any higher than 85 dBA or so would severely inhibit customers from being able to converse. According to an Environmental Protection Agency study[3], average human voices do not exceed 85 dBA even when shouting. The same study analyzed and classified average sound pressure levels for "shout", "loud", "raised"", "normal", and "casual" vocal efforts. As necessitating shouting between customers would not normally classify as a desirable dining experience, OMNY assumes a maximum vocal effort of "loud", in which levels would be limited to 73 dBA, to be the maximum levels while maintaining a comfortable dining experience.

In general, speech intelligibility decreases as the background noise levels increase, but people can generally understand enough to have a conversation even when background levels are up to 5 dB above speech levels. As such, patio music levels should not be expected to be above 78 dBA without greatly reducing the ability to converse. OMNY does note that past experience shows that levels in such spaces often range from 80 – 85 dBA, though this does generally inhibit conversations between customers. As a conservative estimate, OMNY will assume levels do not exceed 85 dBA within the general seating area of the patio though notes that this will more commonly be below 80 dBA. Therefore OMNY will define the **Normally Expected Patio Sound Pressure Level** not to exceed 85 dBA.

As the **Normally Expected Patio Sound Pressure Level** of 85 dBA is less than **Maximum Allowable Patio Sound Pressure Level** of 89 dBA, OMNY can conservatively conclude that under the normal circumstances discussed within this report, music levels from the CLIENT patio will not be plainly audible as measured five feet from the nearest residential land use.

3 U.S Environmental Protection Agency, "Speech Levels in Various Noise Envornments", EPA 600/1-77-025, Environmental Health Effects Research Series, May 1977

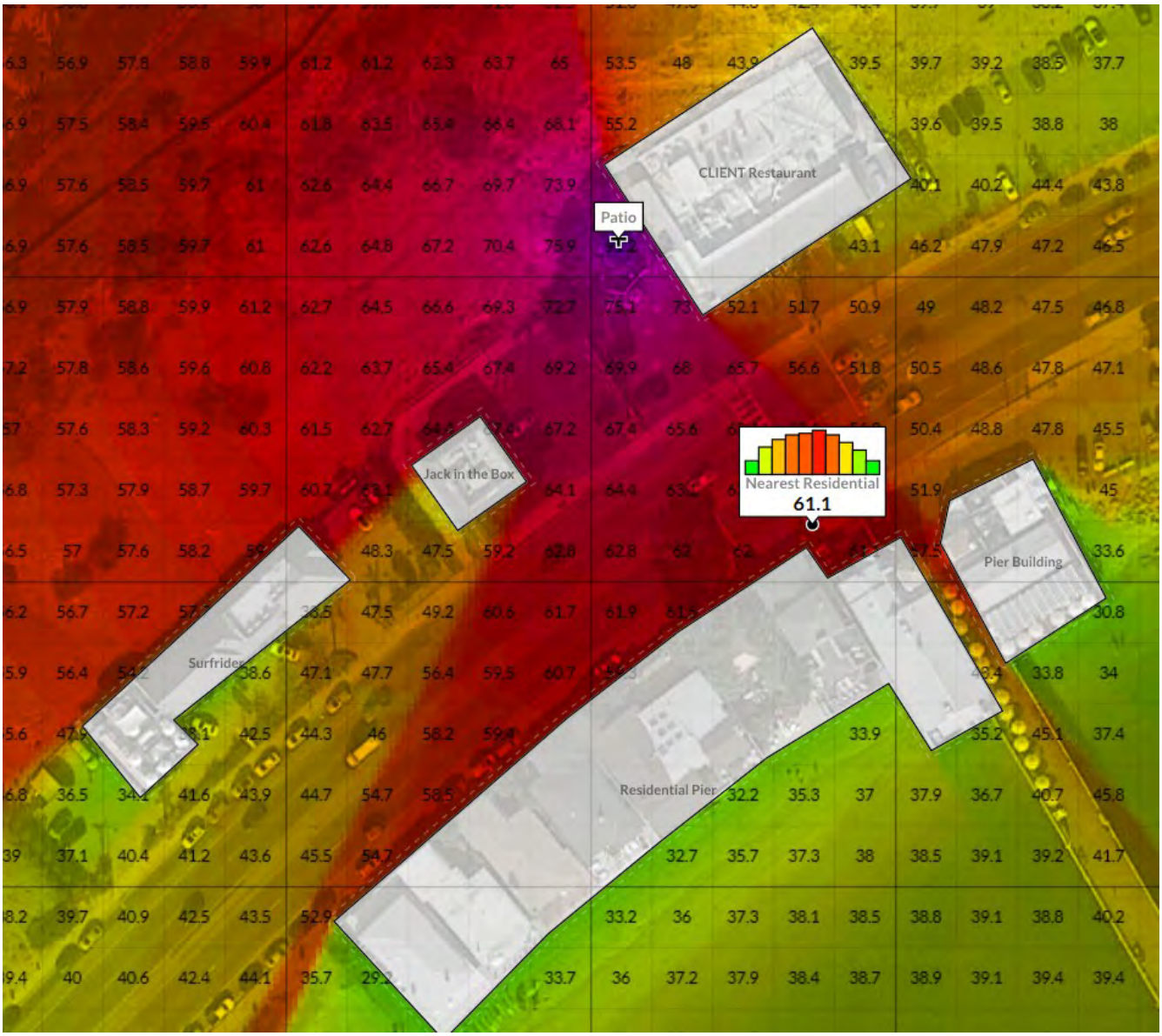


Figure 4: Birds eye view of the Normally Expected Patio Sound Pressure Levels. Five feet from the nearest residential location indicated by the "Nearest Residential" location. Patio centered at "Patio".

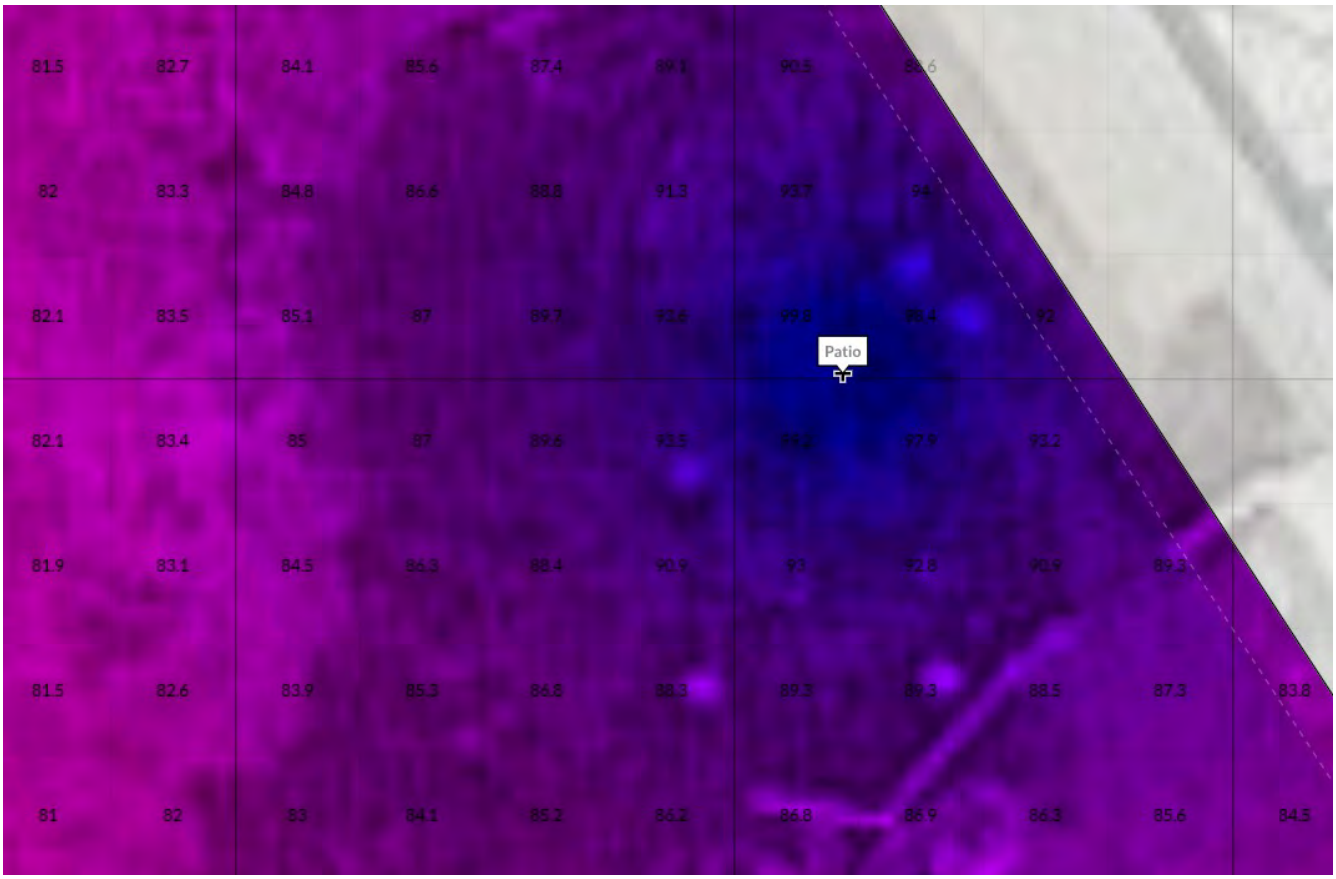


Figure 5: Closer view of patio, to show general levels within the patio for Normally Expected Patio Sound Pressure Levels. Patio centered at "Patio" (center) with perimeter walls somewhat visible in white.

This concludes the noise impact report. Should there be any questions or concerns regarding the content within, please fee free to contact us.

April 2, 2019

Christopher S. Buckley
Acoustical Consultant at Omny Acoustics, LLC
(424) 371-6669

The information contained in this document is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination, modification, copy or other use of, or the taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. This document is 12 pages long and should not be distributed in any lesser or modified form.

required to obtain a transportation permit from the California Department of Transportation.

Cultural Resources

26. 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 Planning 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.

27. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These require 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.

Site-Specific Conditions

28. No off-site sale of alcohol shall be permitted. Alcohol shall only be served for room service and within the rooftop deck for motel guests.

29. This CUP permits the sale and consumption of alcoholic beverages. The property owner / motel operator shall obtain all necessary approvals from ABC. Once obtained, the applicant is required to provide the Planning Department a copy of the issued ABC license.

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

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

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

33. The approved hours of operation for the sale or serving of alcoholic beverages are limited to 12:00 p.m. to 10:00 p.m., Sunday through Thursday, and 12:00 p.m. to 11:00 p.m., Friday and Saturday.

34. No live entertainment or amplified sound is permitted on the property except in compliance with an approved temporary use permit provided it can be demonstrated that the noise

generated from the event would be incompliance with Condition No. 38 and off-street parking spaces can be secured to accommodate the number of people expected in the event.

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

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

37. The onsite kitchen may only serve food and beverages to motel guests.

38. The motel operator must adhere to all laws related to the sale of alcohol. Violations of such laws may be cause for modification or revocation of this conditional use permit pursuant to MMC Section 17.66.100(C).

39. No other new signage is permitted under this application; a sign permit shall be submitted and approved by the Planning Department prior to installation of any new sign.

40. The landscaping plan must be revised to include a detail depicting a barrier encircling root ball to be used for all the California Sycamore trees in order to minimize potential root damage to the sidewalk and parking lot. The planting of the California Sycamore trees must be in compliance with this detail.

41. The third driveway curb cut on the Aviation Nation Site from west to east must be removed.

42. Prior to the issuance of a development permit, the property owner must pay the in-lieu fee for the lower cost overnight accommodations in compliance with LIP Section 12.10.

43. Prior to the issuance of a development permit, the property owner / applicant must provide a rooftop floor plan showing the location of the umbrellas in compliance with the height limit, unless on wheels

44. Stack parking spaces may not be used as public parking. NO

Mitigation Monitoring and Reporting Program

45. The Project shall comply with all the mitigation measures included in the MMRP of IS/MND No. 20-003.

Colors and Materials

46. The Project is visible from scenic roads or public viewing areas and shall incorporate colors and materials that are compatible with the surrounding landscape.
    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or

paleontological resources, and procedures to implement in the event paleontological resources are discovered.

In the event paleontological resources are uncovered at any point during construction activities, the Construction Contractor shall halt ground-disturbing activities and notify the Paleontologist and City, at which time the Paleontologist shall conduct an on-site inspection of the discovery, make a preliminary taxonomic identification, determine whether further action is required, , and recommend measures for further evaluation, and/or collection of the resource as appropriate.

a. Ground-disturbance shall not resume in the vicinity of the of the discovery until the Paleontologist has assessed the resource.
b. The Paleontologist hall have the authority to halt and/or redirect construction activities to allow a reasonable amount of space and time to evaluate potential resources.
c. Significant resources shall be collected, prepared, and curated with an accredited institution as determined necessary by the Paleontologist.

120. Construction Noise Control. All construction machinery and delivery trucks shall be maintained to the highest level of performance, and shall be outfitted with all noise reduction accessories, e.g., mufflers, enclosures, etc. that are offered by the equipment manufacturers. The construction site shall be laid out such that materials are stored and staged near the southwestern edge of the site to maximize the distance from the residence and daycare. A temporary barrier capable of reducing the intensity of sound shall be erected between the project site and the school during the construction period. Prior to construction, all residences within 500 feet of the property line shall be individually notified of the project's construction schedule. Prior to construction, a sign shall be posted on the site that is legible from at least 50 feet off-site. The sign shall include a telephone number that residents can call to inquire about the construction process and to register complaints. The project applicant shall designate a "noise control coordinator" who will reply to all construction noise-related questions and complaints. Pile driving shall not be conducted on-site unless approved by the City.

121. Prohibition of Amplified Sound. Amplified sound outdoors is prohibited from occurring at the property. In the case that amplified sound is proposed outdoors at the property, the applicant shall prepare a noise study and/or otherwise demonstrate that the use of amplified sound would adhere to City noise regulation. The noise study and/or demonstration shall include review by the City and approval would be subject to conditions of approval as necessary (e.g., maximum volume limits, complaint system implementation, etc.) to avoid impacts on nearby land uses. Study provided

122. In the event that Tribal Cultural Resources are discovered during Project activities, all work in the immediate vicinity of the find (within a 75-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall assess the find. The Lead Agency or Project manager shall contact the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians to consult if any such find occurs within areas culturally and traditionally affiliated with the Fernandeño Tataviam Band of Mission Indians and Kizh Nation Gabrieleno Band of Mission Indians.

Received
8/26/21
Planning Dept.

Aaron Gribben

Subject: Item 1.c public comment

From: Teri Sturges
Sent: Thursday, August 26, 2021 10:43 AM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Item 1.c public comment

As a long time Malibu resident, I oppose this project. The location is dangerous and will encourage too much traffic in that area. Please consider all the ramifications on such a project in Malibu.

Thank you.

Date Received 8/26/21 Time 10:43am
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
8/26/2021
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Malibu Inn Motel 22959 Pacific Coast Highway
Date: Thursday, August 26, 2021 2:27:19 PM

From: Tony Dorn <[redacted]
Sent: Thursday, August 26, 2021 1:12 PM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Malibu Inn Motel 22959 Pacific Coast Highway

Dear Planning Commission,

I would like to voice my support for the project herein known as the Malibu Inn Motel. The owners have contemplated various uses for the large site and a 20 room motel is certainly the highest and best use for this property. Its proximity to the pedestrian oriented Malibu Pier and Surfrider Beach make a small motel an ideal use and certainly adds a potential bed tax to the City of Malibu coffers. We do not have a need for any additional retail or office use at this time so this seems like a sensible alternative.

I recognize the retaining wall requires a variance because of its height but this is similar to the retaining walls behind the existing Pacific Coast Highway buildings located at the following addresses:

22601 Pacific Coast Highway a 20,000' retail/office building

22761 Pacific Coast Highway a 30,000' office building

22809 Pacific Coast Highway a 19,000' office building

Additionally this wall will be significantly shielded from line of sight by the building structure.

Our City of Malibu can use additional hotel and motel rooms in order to help meet the demand for Pepperdine parents, visitors to our coastal city, and also for the residents so guests do not always have to stay with them but can take advantage of the many amenities surrounding the subject property.

Tony Dorn
Beitler Commercial Realty Services
[redacted]
Los Angeles,California 90049

[redacted] direct office
cell

Date Received 8/26/2021 Time 1:12pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 1

Aaron Gribben

Subject: FW: Malibu Inn Motel

Received
9/2/21
Planning Dept.

From: Charlotte Frieze [redacted]
To: John Mazza <res02igz@gte.net>; Kraig Hill <kraig.malibu@gmail.com>
Sent: Thu, Sep 2, 2021 3:51 pm
Subject: Malibu Inn Motel

As the story poles will not have been up for even a week shouldn't it be postponed until the October meeting?

--
Charlotte M. Frieze
Malibu, CA

[redacted]

Date Received 9/2/21 Time 3:51PM
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: Ambient Sound Study 2
Attachments: 29354 - 22959 Pacific Coast Highway_report_v2.pdf

Received
9/3/21
Planning Dept.

From: Steven Hakim [redacted]
Sent: Friday, September 3, 2021 8:04 AM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Adrian Fernandez <afernandez@malibucity.org>; Richard Mollica <rmollica@malibucity.org>
Subject: Ambient Sound Study 2

Hope you are doing well.

For any avoidance of doubt, we have conducted another study for the implementation of ambient sound at the proposed motel.

Please let me know if you have any questions or concerns. Thank you for your time and consideration. Wishing everyone a wonderful holiday weekend ahead as well.

Date Received 9/3/21 Time 8:04am
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 18

Best,
Steven

Steven Hakim
[redacted]
HAKIM HOLDINGS

CC: Planning Commission, PD,

Recording Secretary, File

Client: **Surfrider Plaza, LLC**
Contact: **Steven Hakim**
Phone: [redacted]
Email: [redacted]
Address: [redacted]

Sep 3, 2021

Subject: **22959 Pacific Coast Highway – Noise Impact Study**

A. Executive Summary

Omny Acoustics (OMNY) has prepared this noise impact report on behalf of **Surfrider Plaza, LLC** (CLIENT). Specifically, this noise impact study is regarding the proposed music to be played at the rooftop terrace area of the motel to be located at 22959 Pacific Coast Highway. In particular, OMNY has evaluated the possible noise impacts on three surrounding residential locations. The proposed project location in addition to the three residential locations evaluated are shown in Figure 1.

The Malibu Noise Code depends on the definition of the term "audibility". Although audibility is dependent on a multitude of factors, it can be generally accepted that if the rooftop generated music levels are found to be at or below existing ambient noise levels, that this would result in levels that are not plainly audible under normal circumstances. Although existing ambient noise levels vary throughout the day, and between weekends and weekdays, OMNY has measured the existing ambient noise levels for 24-hours from Sunday 21:00 to Monday at 21:00 which is expected to include the lowest expected ambient noise period for the location (21:00-02:00 on a Sunday evening). In this way, OMNY is considering the worst case scenario to compare audibility against. By showing levels not to be plainly audible at the residential land uses during this time period, all other noisier time periods (e.g. weekday afternoons, weekend evenings, etc.) can also be determined to be compliant.

Three separate 20-minute measurements were taken at three locations representative of the nearest three residential locations. These measurement locations, and their proximity to the residential locations can also be seen in Figure 1. Due to the cliff between the proposed project location and Residential Location 2, the measurement location remains somewhat far from the actual property line, but so long as noise levels generated by the project at the measurement location do not exceed existing ambient levels it is safe to assume levels at the actual property lines would also remain below existing ambient levels. This is a reasonable assumption due to the unobstructed sound path between the project, existing noise sources like traffic, and the residential property lines. Details regarding the measurements can be found in Section C of this report.

OMNY has provided an outdoor noise propagation model that calculates the **Maximum Allowable Rooftop Sound Pressure Level** that would result in noise levels at the nearest residential land use, to be at or below the existing ambient noise levels. This was done for two distinct time periods (10PM and 2AM) as these represent the latest times within per-defined code compliance defined time periods. The **Maximum Allowable Rooftop Sound Pressure Levels** for each period, along with the associated existing ambient noise level is given in Table 1

Details on this analysis can be found in Section D.1. Comparisons to code requirements can be found in Section B

Measurement Location	Existing Ambient Noise Levels @ 22:00	Levels Due to Project @ Maximum Allowable Rooftop Sound Pressure Levels Until 22:00	Existing Ambient Noise Levels @ 02:00	Levels Due to Project @ Maximum Allowable Rooftop Sound Pressure Levels Until 02:00
1	60.4 (dBA SPL L90-20 Minutes)	53.5 (dBA SPL)	47.0 (dBA SPL L90-20 Minutes)	40.2 (dBA SPL)
2	56.3 (dBA SPL L90-20 Minutes)	56.3 (dBA SPL)	43.0 (dBA SPL L90-20 Minutes)	43.0 (dBA SPL)
Project Rooftop	N/A	80-85 (dBA SPL)	N/A	65-70 (dBA SPL)

Table 1: Existing ambient noise levels compared to modeled music levels generated from the project for two timer periods. Details on the assumed loudspeaker configurations and limitations are provided in Section E. Measured existing ambient noise levels based on the L90 20-minute dBA SPL levels measured around these time periods. Details on the measured data given in Section C. dBA SPL is the A-weighted Sound Pressure Level.

In order to maintain music levels that would still allow for conversations between customers, as is the desire of the CLIENT, OMNY has determined that music levels would normally not exceed 73 dBA within the rooftop area. Details on this analysis can be found in Section D.3. **Assuming the CLIENT implements the sound mitigation strategy outlined in Section E, including maintaining maximum rooftop levels due to music as defined in Table 1, OMNY finds that the rooftop music will not be plainly audible as measured five feet from any nearby residential land use considered in this report.** As any louder levels would result in difficulty for customers to converse, it would seem in the CLIENT's best interest to self govern such levels at or below these limits.

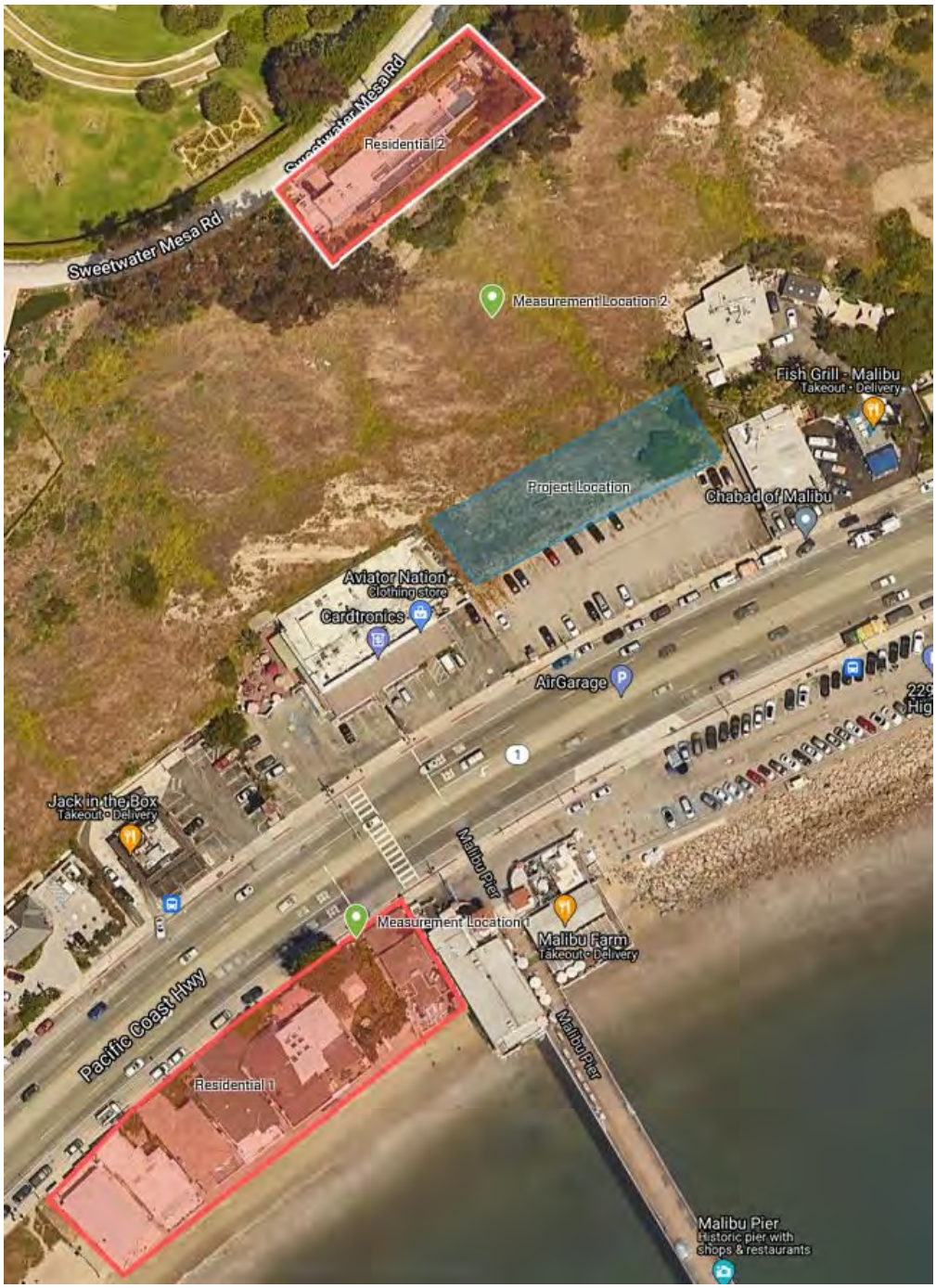


Figure 1 Birds eye view of proposed project location (blue), nearby residential land uses (red), and approximate OMNY ambient noise level measurement positions (green).

B. Code Review

As both the motel at 22959 Pacific Coast Highway, and the nearby residential land uses identified in Figure 1, are all within Malibu City limits, the Malibu Municipal Code and General Plan will likely be the most enforceable regulations, but Los Angeles County Code has also been included for thoroughness. The California Building Code, has no regulations that would be applicable to this particular situation, and thus has been omitted from this report.

The following sections summarize and comment on how the given code sections are applicable to this project, and how compliance has been determined. For full code sections, please refer to the code itself.

1. Malibu Municipal Code

i) Title 5 Business Licenses and Regulations

Summary

In Chapter 5.04 Section 100.D.1, it states:

Whenever, upon due notice and hearing pursuant to Section 7.10.010, it shall be determined by the city manager or city council that noise from any business activity licensed under this Chapter interferes with the right of persons dwelling in the vicinity of such business activity to the peaceful and quiet use and enjoyment of their property, or that the business activity licensed under this chapter is in violation of the Noise Ordinance of the city, the city manager or city council may require that the premises of the business activity be soundproofed to eliminate the noise or reduce it to a reasonable level. In taking any action under this Section, the city manager or city council shall balance all of the interests of the respective parties, as well as the hardship which will result from any such noise mitigation measures. If the city manager or city council finds that the noise complained of is minimal or inconsequential, no action shall be taken under this section.

Omny Acoustics Comments

OMNY has shown the noise levels at the residential properties to be minimal or inconsequential by comparing the project produced noise levels with existing ambient noise levels. The minimum existing ambient noise levels at each nearby residential location are listed in Table 1. Assuming the CLIENT implements the sound mitigation strategy outlined in Section E, the rooftop produced noise levels are not expected to exceed the minimum existing ambient noise levels at the same locations.

ii) Title 8 Health and Safety (Subjective)

Summary

Sections 8.24.040, and 8.24.050 provide various subjective restrictions on noises that are considered "unnecessary, annoying, or unnatural."

Omny Acoustics Comments

As these subjective requirements are not directly measurable, they are difficult to enforce directly. That being said, OMNY sees no reason why these subjective requirements would not be met in general if the project also meets the more objective requirements set by the other code requirements provided within this report.

iii) Title 8 Health and Safety (Objective)

Summary

In addition to the subjective requirements in Section 8.24.050, it also provides a few objective restrictions on prohibited acts of noise. In particular 8.24.050.B restricts "radios, phonographs, etc. the using, operating or permitting to be played, used or operated between the hours of ten p.m and seven a.m…"

Section 8.24.050.L states

Commercial establishments adjacent to residential property: sustained noise from the premises of any commercial establishment, including any outdoor area part of or under the control of the establishment, between the hours of ten p.m. and seven a.m. shall not be plainly audible at a distance of five feet of any residential dwelling unit;

Omny Acoustics Comments

OMNY has shown the noise levels at the residential properties to be not plainly audible by comparing the project produced noise levels with existing ambient noise levels. The minimum existing ambient noise levels at each nearby residential location are listed in Table 1. Assuming the CLIENT implements the sound mitigation strategy outlined in Section E, the rooftop produced noise levels are not expected to exceed the minimum existing ambient noise levels at the same locations.

2. Malibu General Plan

Various restrictions on longer-term 24-hour metrics like LDN, and CNEL are given which are irrelevant to the scope of this project which only includes intermittent music levels. More applicable to this project would be the following table, where maximum exterior noise limits are given based on the receiving land use category.

Table 6-4
MAXIMUM EXTERIOR NOISE LIMITS NON-TRANSPORTATION SOURCES

Receiving Land Use Category	General Plan Land Use Districts	Time Period	Noise Level dBA	
			L_{eq}	L_{max}
Rural	All RR Zones and PRF, CR, AH, OS	7:00 a.m. to 7:00 p.m.	55	75
		7:00 p.m. to 10:00 p.m.	50	65
		10:00 p.m. to 7:00 a.m.	40	55
Other Residential	All SFR, MFR and MFBF Zones	7:00 a.m. to 7:00 p.m.	55	75
		7:00 p.m. to 10:00 p.m.	50	65
		10:00 p.m. to 7:00 a.m.	45	60
Commercial, Institutional	CN, CC, CV, CG, and I Zones	7:00 a.m. to 7:00 p.m.	65	85
		7:00 p.m. to 7:00 a.m.	60	70

According to the Malibu zoning maps, Residential Locations 2 and 3 lie within the “Rural” category, and thus the project generated noise levels should not exceed 50 dB Leq from 7pm to 10pm and 40 dB Leq from 10pm to 7am. Under conditions such as this project location where existing ambient noise levels exceed the maximum allowable noise limits (measured Leq levels of 50 to 85 dBA being common around 2AM, see Figure 2), it is standard practice to increase the maximum allowable noise limits to the lower bound of the existing ambient noise levels (See Table 1). If such an increase were not permitted, there would be no way to measure or verify compliance as anything below existing ambient noise levels would be unmeasureable. Therefore the argument for compliance given by Section B.1.iii should also apply here, in that the project generated noise levels have been shown not to exceed the lower bound of the existing ambient noise levels and thus meeting the intent of the General Plan’s Maximum Exterior Noise Limits.

3. Los Angeles County Code of Ordinances

i) Title 12 Environmental Protection

Summary

Chapter 12.08 provides several objective measures of noise level compliance. Most pertinent to this project are the exterior noise standards listed in Section 12.08.390, where maximum allowable noise levels are provided for various receptor property zones.

The neighboring residential land uses are restricted to not exceed, for a cumulative period of more than 30 minutes in any hour, 45 dBA between 10 pm – 7 am, and 50 dBA between 7 am and 10 pm.

In the event that ambient noise levels are measured and found to exceed the noise standards, the measured ambient levels are to become the new exterior noise standard.

Adjustments to the noise standards are based on the time length of the intrusive sounds. For the purposes of this project, Omny Acoustics assumes a relatively constant noise level originating from the project, and therefore will not consider any of the higher, more lenient, noise standards.

Omny Acoustics Comments

Assuming the CLIENT implements the sound mitigation strategy outlined in Section E, the rooftop produced noise levels are not expected to exceed 43.0 dBA between the hours of 10pm – 2am (See Table 1). Since noise levels from the rooftop have been shown to be less the maximum 45 dBA requirement, Omny Acoustics concludes that the project will meet the code requirements set by the Los Angeles County Code of Ordinances Title 12 Chapter 12.08.

Under conditions such as this project location where existing ambient noise levels exceed the maximum allowable noise limits (measured Leq levels of 50 to 95 dBA being common around 10pm, see Figure 2), it is standard practice to increase the maximum allowable noise limits to the lower bound of the existing ambient noise levels (See Table 1). If such an increase were not permitted, there would be no way to measure or verify compliance as anything below existing ambient noise levels would be unmeasureable. Therefore the argument for compliance given by Section B.1.iii should also apply here, in that the project generated noise levels have been shown not to exceed the lower bound of the existing ambient noise levels and thus meeting the intent of the Los Angeles County Code of Ordinances Title 12 Chapter 12.08.

C. Ambient Noise Measurements

OMNY has provided short-term noise level measurements outside the nearby residential locations identified in Figure 1 in addition to 24-hour measurements at Measurement Location 1 and compared these levels with the various code requirements summarized in Section B. The short-term manned measurements were performed from 2021-08-29 20:59:45 – 2021-08-29 22:05:43 and can be seen in Table 1, and the longer-term 24-hour measurements were taken from 2021-08-29 20:41:43 – 2021-08-30 20:58:00 and can be seen in Figure 2. Details of the measurement circumstances are provided below:

OMNY Personnel: Eric Johnson
Sound Level Meters: (1) Casella-633, (1) REED R8070SD
Sound Level Calibrator: Casella CEL-120

All sound level meters were calibrated using their respective sound level calibrator prior to commencing measurements.

As can be seen in Figure 2, the noise levels reduce dramatically from 22:00 to 02:00 as evening traffic reduces and remain low until around 04:00 when morning traffic starts to pick up again. The focus of these measurements was on the lowest ambient noise levels during normal operation of the motel rooftop music. According to the CLIENT, music would not normally be played past 02:00, and thus OMNY assumes the lowest ambient noise levels needed to be considered would be around 02:00.

Levels around 02:00 were measured to range from 47-100 dBA SPL. Such a range is not uncommon as short-term loud noises like ambulences, car horns, and engine noise from quick accelerations away from the nearby traffic light are quite loud, though short-lived. When considering “audibility” with regard to code compliance, these short-term loud noises are of little importance as they will not be covering up lower-level, but more stable noise sources like music on the project rooftop. Therefore, OMNY has also plotted the L90, 20-minute Leq level on Figure 2. L90, which is the level that has been exceeded 90% of the measured time-period (20-minutes in this case), is often used as a means of establishing what the normal background ambient noise level is in the absence of all louder, short-term noise sources. For the sake of a conservative argument with regard to code compliance, OMNY only considers the minimum L90 value around 02:00, which happens to be 47.0 dBA SPL.

Although OMNY was able to perform 24-hour measurements near the Residential Location 1, due to the absence of a secure long-term measurement locations between the project and Residential Location 2, OMNY has employed interpolation between the long and short-term measurement locations to predict the ambient noise levels near Residential Locations 2. These interpolated levels at 02:00 can be found in Table 1.

Measurement Location	Time Period	LAEQ	L90_20Min
1	21:46:43 - 22:05:43	72.8	60.4
2	20:59:45 - 21:18:45	61.7	56.3

Table 2: Measured 20-min Leq levels taken on 2021-08-29. LAEQ is the Equivalent dBA (A-weighted) Sound Pressure Level. L90 metric over 20-minute sampling periods. L90 represents the level exceeded 90% of the time period (20-minutes).

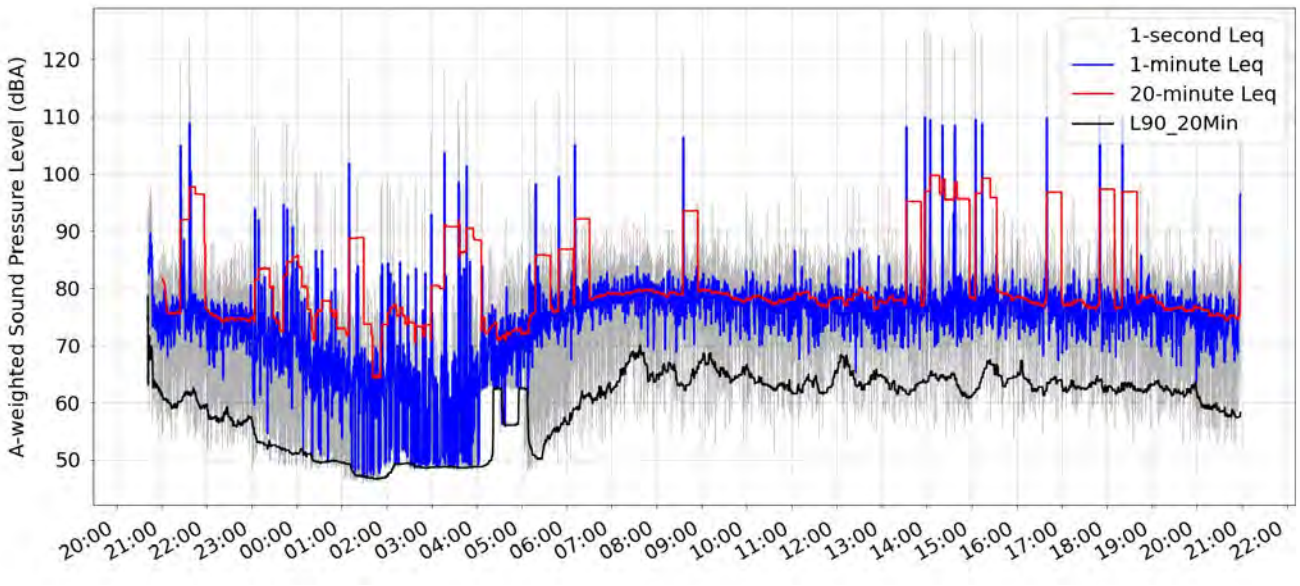


Figure 2: 24-hour unmanned measurement results taken at measurement Location 1. Equivalent sound pressure levels (Leq) provided with three different time periods in addition to the L90 metric over 20-minute sampling periods. L90 represents the level exceeded 90% of the time period (20-minutes).

D. Noise Impact Model

1. Maximum Allowable Rooftop Sound Pressure Levels Until 22:00

OMNY has started this analysis with calculations which establish the maximum allowable rooftop sound pressure levels that would result in levels at or below the lowest expected existing ambient noise levels as measured at 22:00 PM on a Sunday evening (See Section C for details on these measurements). As the qualifications for this metric are quite long, this level will hereby be referred to simply as the **Maximum Allowable Rooftop Sound Pressure Level Until 22:00** and will be defined as the range of levels expected around the rooftop terrace.

Assuming the CLIENT keeps rooftop music levels at or below the **Maximum Allowable Rooftop Sound Pressure Level Until 22:00**, OMNY can conclude that music levels played at the rooftop will not result in levels at the nearest residential area that are "plainly audible within five feet from the residence."

In order to determine the **Maximum Allowable Rooftop Sound Pressure Level Until 22:00**, OMNY has constructed a basic outdoor noise propagation model that is based on ISO 9613, an international standard for such calculations. As the project drawings provided to OMNY do not include final placements for any sound system, OMNY has made a few reasonable assumptions that must be met by the CLIENT design in order for this model to maintain a reasonable accuracy.

In this model, OMNY assumes an array of small speakers evenly placed along the northwest edge of the rooftop terrace. Particular loudspeaker characteristics, or types of music are not required at this point, as this model will represent the absolute **Maximum Allowable Rooftop Sound Pressure Level**; any directivity due to loudspeaker orientation and layout would only further reduce levels compared to what is modeled here. Further details on the assumed loudspeaker configuration and use of existing architectural features as sound barriers are given in Section E. Ground elevations were estimated based on the topographical maps provided by the CLIENT on drawing T-1.2 dated 8/14/19.

Figure 4 shows the birds eye view of the rooftop and nearest residential areas with levels only from the rooftop noise sources (i.e. all traffic, or otherwise existing ambient noise sources off). The purpose of this model is to find the maximum levels on the rooftop that would result in levels that match the measured existing ambient noise levels at the quietest expected time period (22:00 on a Sunday evening). As can be seen in Figure 4, the noise level at Measurement Location 2 does not exceed the lower-bound of the 20-minute L90 dBA measurements obtained by OMNY on 8/30/2021 of 56.3 dBA L90 – 20minutes. (See Section C for details, and Figure 2 or Table 1 for the actual measured values). In this way the model has been used to find the maximum allowable rooftop music levels that will not exceed the lowest expected ambient noise levels in the area.

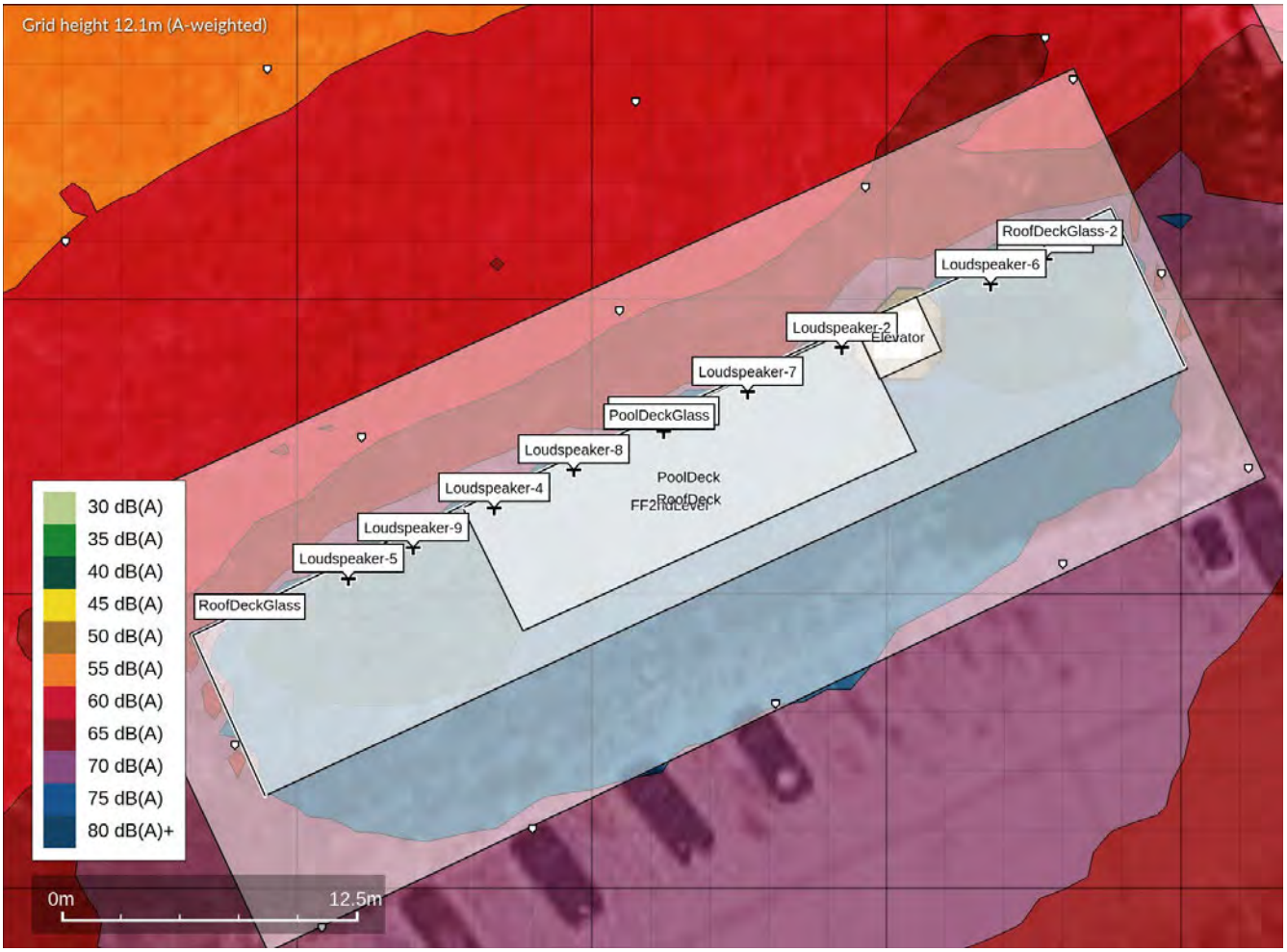


Figure 3: Birds eye view of the Maximum Allowable Rooftop Sound Pressure Levels at the rooftop level (approximately 12.1 meters above ground level) at 22:00. Loudspeaker levels are set to identical values as used for the model results in Figure 4.

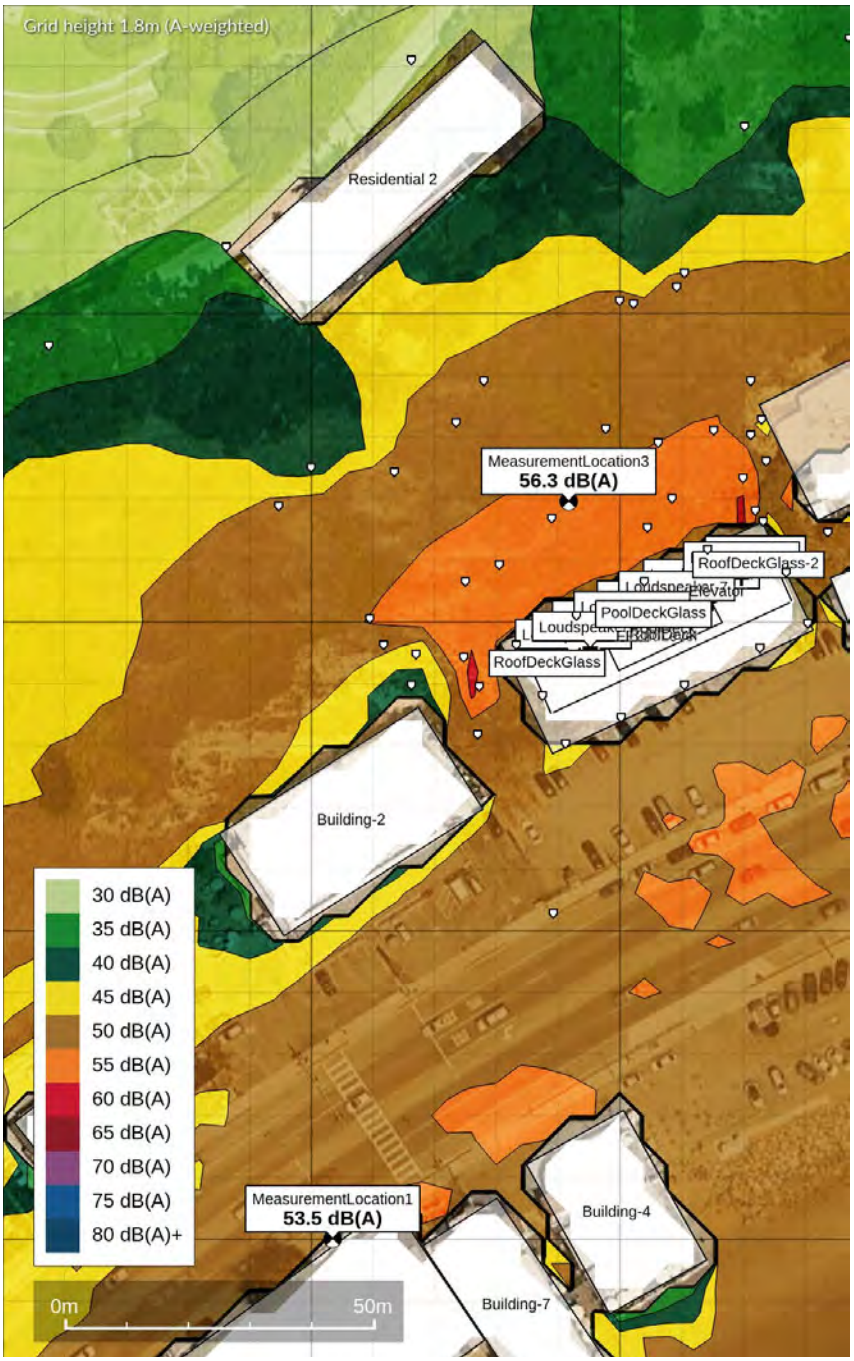


Figure 4: Birds eye view of the Maximum Allowable Rooftop Sound Pressure Levels at 1.8 meters from ground level until 22:00. This ground level incorporates an approximation of the local topology according to CLIENT drawing T-1.2. Rooftop levels increased until minimum ambient levels matched (56.3 dBA at Measurement Location 2). The ground level modeled receivers Measurement Location 1, and 2 are shown 1.8 meters above ground level and represent the same locations measured and reported in Section C.

2. Maximum Allowable Rooftop Sound Pressure Levels Between 22:00 - 02:00

Assuming the noise mitigation recommendations provided in Section E are followed, OMNY has recalculated the Maximum Allowable Rooftop Sound Pressure Levels using the ambient noise levels measured at 02:00. The results are shown in Figures 5 and 7. Note the Maximum Allowable Rooftop Sound Pressure Levels at this time decrease from 75-85 dBA to 65-70 dBA.

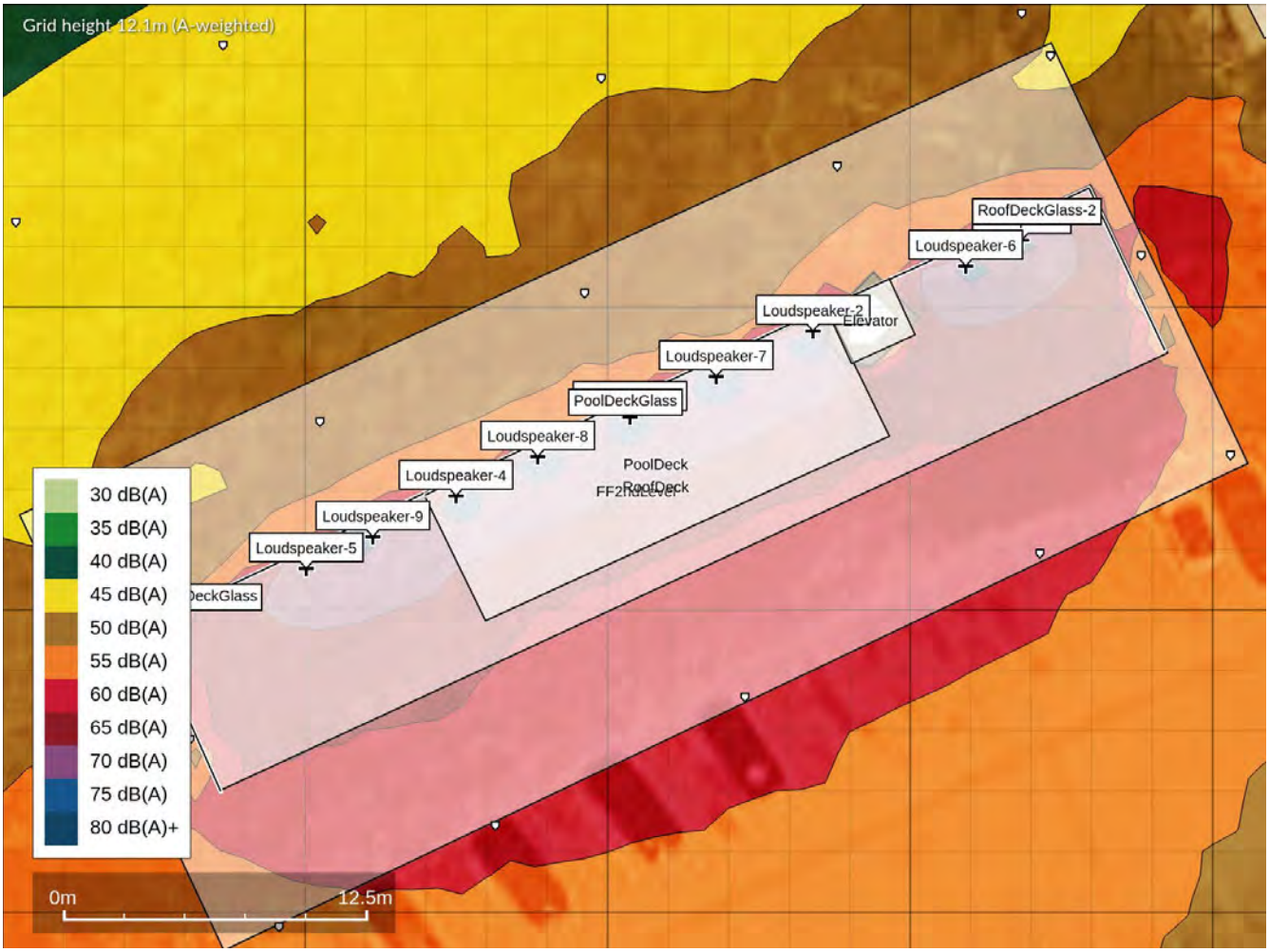


Figure 5: Birds eye view of the Maximum Allowable Rooftop Sound Pressure Levels at the rooftop level (approximately 12.1 meters above ground level) at 02:00. Loudspeaker levels are set to identical values as used for the model results in Figure 6.

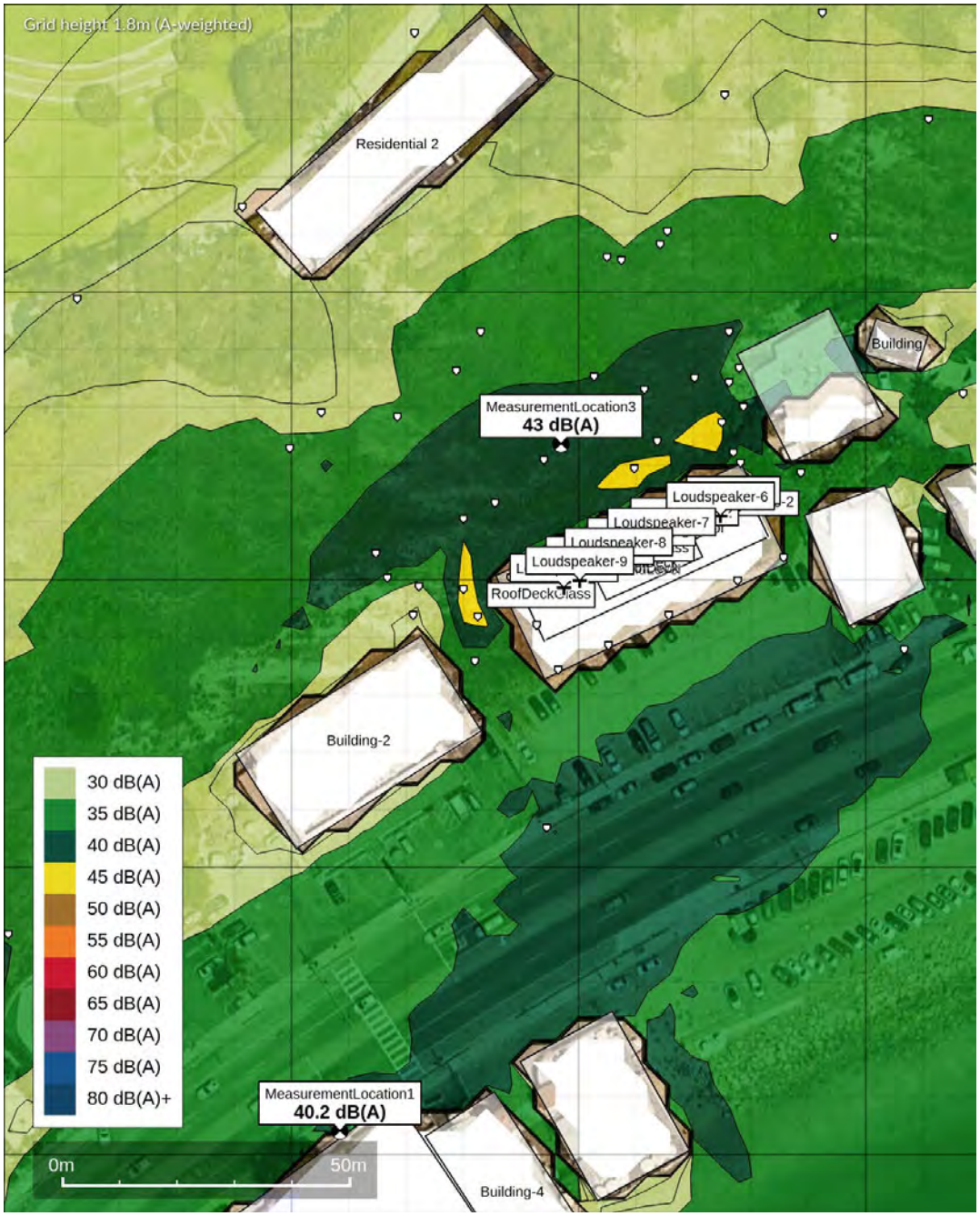


Figure 6: Birds eye view of the Maximum Allowable Rooftop Sound Pressure Levels at 1.8 meters from ground level from 22:00 to 02:00. This ground level incorporates an approximation of the local topology according to CLIENT drawing T-1.2. Rooftop levels increased until minimum ambient levels matched (43 dBA at Measurement Location 2). The ground level modeled receivers Measurement Location 1, and 2 are shown 1.8 meters above ground level and represent the same locations measured and reported in Section C.

3. Maximum Desirable Rooftop Sound Pressure Levels

OMNY assumes that the rooftop music will make use of a fixed sound system, in which all loudspeakers will be facing southward away from the closest residential area located to the northeast. The CLIENT has expressed the desire to keep music levels from exceeding levels that would inhibit customers from being able to converse.

According to an Environmental Protection Agency study[1], average human voices do not exceed 85 dBA even when shouting. The same study analyzed and classified average sound pressure levels for “shout”, “loud”, “raised””, “normal”, and “casual” vocal efforts. As necessitating shouting between customers is not assumed to classify as a desirable experience, OMNY assumes a maximum vocal effort of “loud”, in which levels would be limited to 73 dBA, to be the maximum levels while maintaining a comfortable experience.

In general, speech intelligibility decreases as the background noise levels increase. As such, rooftop music levels should not be expected to be above 73 dBA without greatly reducing the ability to converse. Therefore OMNY will define the **Maximum Desirable Rooftop Sound Pressure Levels** not to exceed 73 dBA.

1 U.S. Environmental Protection Agency, “Speech Levels in Various Noise Environments”, EPA 600/1-77-025, Environmental Health Effects Research Series, May 1977

E. Recommended Noise Mitigation Measures

Note this is purely for illustrative purposes at this point. Actual drawings should be provided to OMNY for review prior to A/V installation to ensure the configuration meets the assumptions made in this study. The main requirements for the loudspeakers configuration are as follows:

1. The glass guardrail along the northwest, southwest, and northeast perimeter of the rooftop should be a minimum height of 42'' above its respective rooftop level (roof deck or pool deck). This is the current height as stated in Section drawing A-3.1 dated 2/25/20 by Burge and Associates Architects.
2. This glass guardrail must be continuous along the northwest, southwest, and northeast perimeter of the rooftop as shown in Section drawing A-3.1. No gaps or perforations are allowed within the glass guardrail.
3. Loudspeakers must be placed directly on the roof deck and/or pool deck, with the center of the loudspeaker no higher than 4'' off the roof or pool deck respectively. No elevated loudspeakers are allowed. The CLIENT expressed one viable option such that the loudspeakers may be located in planters along the roof deck. The approximate locations assumed by OMNY are shown in Figure 7 below along with the location of the glass guardrails used as a sound barrier.
4. An electronic sound limiter must be installed on the fixed sound system to limit levels within the rooftop terrace to below the Maximum Allowable Rooftop Sound Pressure Levels provided in Table 1 (85 dBA until 22:00, and 70 dBA thereafter). 75 dBA SPL. This should be calibrated with the help of OMNY or another qualified acoustical engineer. After calibration this limiter should not be adjusted without the assistance of OMNY or another qualified acoustical engineer.

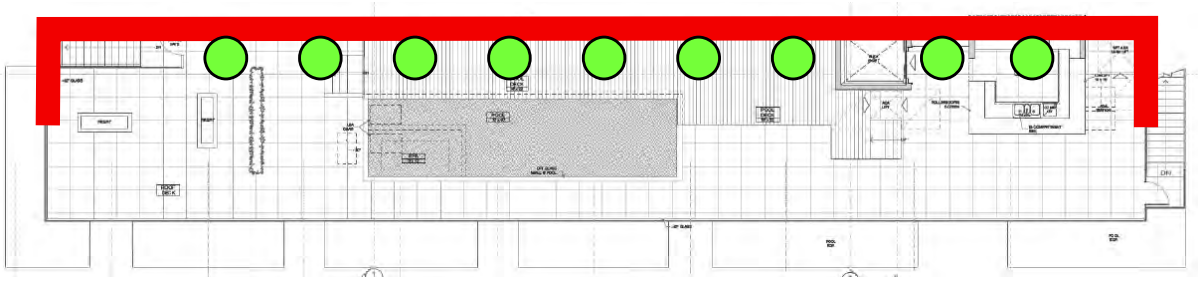
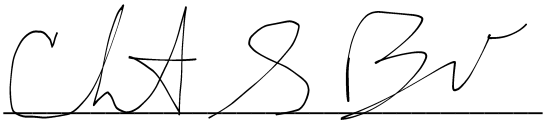


Figure 7: Birds eye view of proposed rooftop loudspeakers (green) and the glass guard rail (red).

This concludes the noise impact report. Should there be any questions or concerns regarding the content within, please fee free to contact us.



September 3, 2021
Christopher S. Buckley
Acoustical Consultant at Omny Acoustics, LLC
[redacted]

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Received

9/7/21

Planning Dept.

Aaron Gribben

Subject: FW: Sept 8 Hearing Items 4C and 4D. (Malibu Inn Parking/Motel Project) correction

From: [redacted]
Sent: Tuesday, September 7, 2021 5:36 PM
To: Patricia Salazar <psalazar@malibucity.org>; Adrian Fernandez <afernandez@malibucity.org>
Cc: Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kraig Hill <kraig.malibu@gmail.com>; drsconst@aol.com; David Weil <davidweil@gmx.com>; John Mazza <Res02igz@gte.net>
Subject: Re: Sept 8 Hearing Items 4C and 4D. (Malibu Inn Parking/Motel Project) correction

Dear Patricia,

Thank you - I just noticed i made an error in that the sentence regarding resolution 10-59 should say Thurs -Sat from 7 am to 2 am... not 1 am

My apologies.

Regards,
Stella

Date Received 9/7/21 Time 5:36pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 9

On Tuesday, September 7, 2021, 05:02:41 PM PDT, Patricia Salazar <psalazar@malibucity.org> wrote:

Received.

Thank you.

Patricia Salazar | Senior Administrative Analyst | Planning Department

23825 Stuart Ranch Road, Malibu CA, 90265
(310) 456-2489 extension 245

Connect with the City of Malibu!

From: [redacted]
Sent: Tuesday, September 7, 2021 4:51 PM
To: Adrian Fernandez <afernandez@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>
Cc: Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kraig Hill <kraig.malibu@gmail.com>; drsconst@aol.com; David Weil <davidweil@gmx.com>; John Mazza <Res02igz@gte.net>
Subject: Sept 8 Hearing Items 4C and 4D. (Malibu Inn Parking/Motel Project)

CC: Planning Commission, PD, Recording Secretary, File

Dear Planning Commissioners,

Thank you for your time and effort on this matter and all the other matters that come before you.

I write this in hope of bringing your attention to some of my concerns regarding the Malibu Inn changes and the Motel project.

In my review of the latest documents contained in the agenda items link I was surprised to see the Hakim's request for revisions to the conditions of approval. I do not believe it was fair or reasonable for the applicant to request changes the morning of a hearing (before it was known to have been adjourned). Fortunately we were allowed some time to review and respond.

First I would like to point out that the noise study the applicant submitted in support of live entertainment and amplified sound for their motel project was prepared for a CUP hearing to add outdoor music and amplified sound at the the Malibu Inn/Casa Escobar in 2019, which the applicants withdrew in 2019.

Another neighbor and myself had the noise study reviewed by 2 different noise/sound consultants at that time.

Please find attached our noise study review by Steve Rogers Acoustics, who opines that many of the assumptions used by their consultants do not support their study's results. This report and video clips of CUP violations were previously provided to the City for the 2019 hearing.

More importantly I believe it is unreasonable to use the Noise Study for the Malibu Inn for the motel project next door, will be much larger and higher in scale, with an outdoor top deck, and as such a proper noise study cannot be evaluated until after it is built. In any event the attached study does point out that noise, amplified music, live bands etc from across the street will greatly affect the residents in the immediate area.

In particular, the CUP for the Malibu Inn/Casa Escobar now Aviator Nation was debated at length when the CUP was originally issued, and those restrictions were provided in response to years of excessive noise and other problems with prior owners of the Malibu Inn.

In addition, the Hakims and their subsequent tenant Casa Escobar both often violated the CUP conditions regarding hours, noise, live entertainment and amplified music since that establishment opened for business. There was and is no justification to expand their CUP or approve live entertainment and amplified music for a motel while it is in its planning stages. As history has shown, the owners and operators of the Malibu Inn have continuously violated the conditions of their CUP and have acted as "bad neighbours" to the residential property owners in the immediate vicinity for years and unfortunately we believe will do so again.

Also, resolution 21-64 misstates the approved operating hours for the Malibu Inn now Aviator Nation. Section 4 A and C states that the existing restaurant will continue to operate from 7 am to 2 am daily. Pursuant to Resolution 10-59 section 16, the approved hours of operation. are 7 am to 12 am Sundays, Mondays, Tuesdays, Wednesdays and Thurs-Sat from 7 am to 1 am, except Sundays when the following Monday is a holiday.

I request that the Staff correct paragraphs 4 A and C of the resolution in advance of the hearing to reflect the approved restaurant hours in the actual CUP.

Also the current hearing to amend CUP 09-009 is only to reduce the number of parking spaces and decrease the restaurant size. I would think that any other requests to change any of the conditions in the CUP should be formally done as required by the City.

Applicants state that since the restaurant space will be decreased they will need less parking for patrons, but Aviator Nation wants to host large events, concerts etc - where will all their employees and guests park? I think Aviator Nation will require more parking for all their guests, not less.

In addition I would like some clarity on what will happen if both Aviator Nation and the motel want to have large events on the same day or night.

I understand that applicants want to make use of their property but I am not convinced they are going about it in a way that is practical, reasonable or safe for the residents, community and visitors driving on PCH which is already extremely congested on the weekends and virtually every day in the summer months.

I ask the Commission to please take a little more time to evaluate the pros and cons of this project, to make sure the parking changes are realistic and to condition the development permit and CUP for the motel project to make sure it meets the needs of the entire Malibu community and the visitors to Malibu.

Thank you,

Stella Yap

Resident

Steve Rogers Acoustics

Casa Escobar Malibu, 22969 Pacific Coast Highway
Proposed Live Music on the Outdoor Patio

Review of Omny Acoustics Noise Impact Study

October 21, 2018

Prepared for:

Stella Yap & Robert Allan
[redacted] Pacific Coast Highway
Malibu, CA 90265

By:

Steve Rogers Acoustics, LLC

Steve Rogers
Principal

1. Executive Summary

On behalf of their client - SKA Group, LLC - Omny Acoustics has prepared a Noise Impact Report (dated April 2, 2019) to address proposed live music performances on the outdoor patio at Casa Escobar Malibu (22969 Pacific Coast Highway). The Omny report intends to confirm that live music on the patio would not be plainly audible within five feet of the nearby homes and that this proposed use would therefore comply with restrictions imposed by City of Malibu Planning staff.

Steve Rogers Acoustics, LLC (SRA) has been retained to review Omny's report. We conclude that the Omny study does not prove that live music performances on the outdoor patio at Casa Escobar will be inaudible at the closest residential uses.

In fact, we believe that Omny's findings only serve to underscore just how clearly audible these outdoor performances would be at the neighboring homes. Specifically, we find that:

- The acoustical metric Omny has selected as the basis for their study is too simplistic and lacks the detail necessary to demonstrate inaudibility.
- Omny's assumption that "average" traffic noise level at the neighboring homes would be sufficient to effectively mask music sounds from the patio is faulty because it does not reflect the very intermittent flow of traffic on this section of PCH.
- The Omny methodology overlooks important contrasts between the character of amplified music and that of traffic noise, which would promote audibility of music sound emissions from the patio, even at times when the dBA level of traffic noise exceeds that of the music.
- Omny's analysis relies on the assumption that music levels on the patio would be limited to a suitably low level, but provides no details on how this limit would be enforced in practice.
- The Omny report includes seemingly unrealistic assumptions about the directivity and orientation of the various music sound sources and unexplained inconsistency between the "maximum allowable" and "normally expected" music level scenarios.

2. Equivalent Sound Level - Inappropriate Metric to Evaluate Music Audibility

Omny's report correctly states that "audibility is dependent on a multitude of factors" [(1)]. However, in evaluating the audibility of music on the patio, Omny has based its entire analysis on a single acoustical metric called "Equivalent Sound Level", or Leq, which is a way of averaging noise levels over a period of time [(2)].

To establish environmental context, Omny measured ambient noise levels adjacent at a distance of 5-feet from the home at 23006 Pacific Coast Highway, and report a noise level of 71 dBA (Leq, 1-hour) for the period 9PM to 10PM on a typical weekday. While SRA has not

1 - Omny Noise Impact Study, April 2, 2019, Page 2

2 - Leq is an energy-average of noise levels over a stated period of time and is used in environmental noise studies as a convenient way to quantify time-varying noise.

made ambient noise levels in this exact location, we note that the 71 dBA, (Leq, 1-hour) noise level Omny reports is consistent with our experience of this section of PCH.

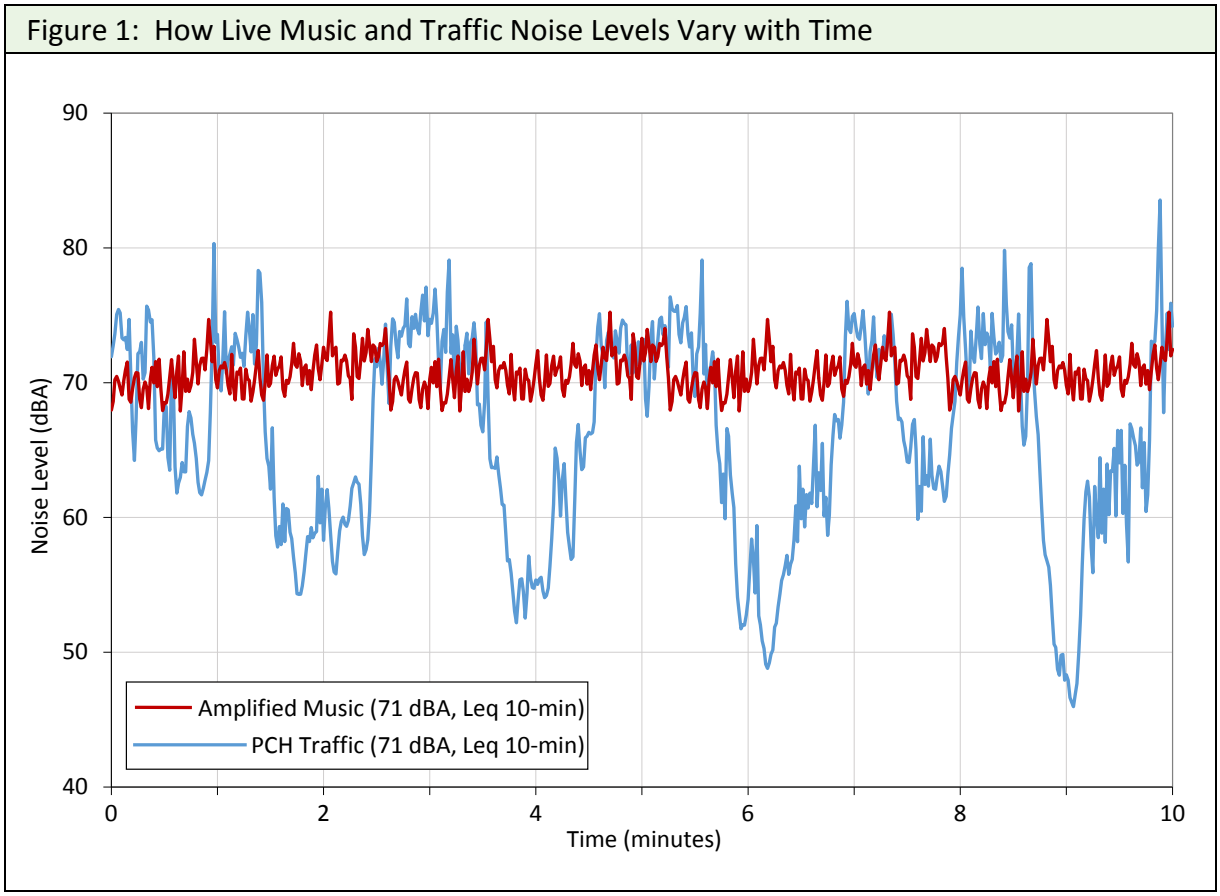
The Omny study argues that if the Leq of music performances on the Casa Escobar patio is "at or below" the of the ambient noise Leq of 71 dBA [3] at the neighboring homes then the music performances on the patio will be inaudible at the neighboring properties.

This assertion is not true because, while Leq is a useful metric for many environmental noise impact studies, it is too simplistic a tool to properly evaluate audibility, especially in a situation where the ambient noise level varies significantly with time - which is certainly the case with traffic on this portion of PCH.

So, when Omny's model predicts a worst-case music level of 71 dBA, Leq received at the closest residence, this in no way confirms that the music will be inaudible at that location.

Figure 1 illustrates this point by showing how sound levels produced by a typical live music performance compare to the ebb and flow PCH traffic noise [4] over a period of ten minutes.

Figure 1: How Live Music and Traffic Noise Levels Vary with Time



The overall Leqs of the music (red line) and the PCH traffic noise (blue line) in Figure 1 are the same - 71 dBA, per the "maximum allowable" music level predictions and ambient noise levels in the Omny report - but the relationship between the two lines varies enormously from one minute to the next.

3 - Omny Noise Impact Study, April 2, 2019, Page 2
4 - from previous measurements made by SRA on this section of PCH

The peaks in the blue line represent those periods (generally around 1-minute duration) when traffic on PCH is flowing freely. At these times, the overall dBA noise level produced by the traffic is generally the same, or higher, than the music level so that traffic noise would help mask the music from the patio, perhaps even "drown it out" completely during particularly noise vehicle passbys.

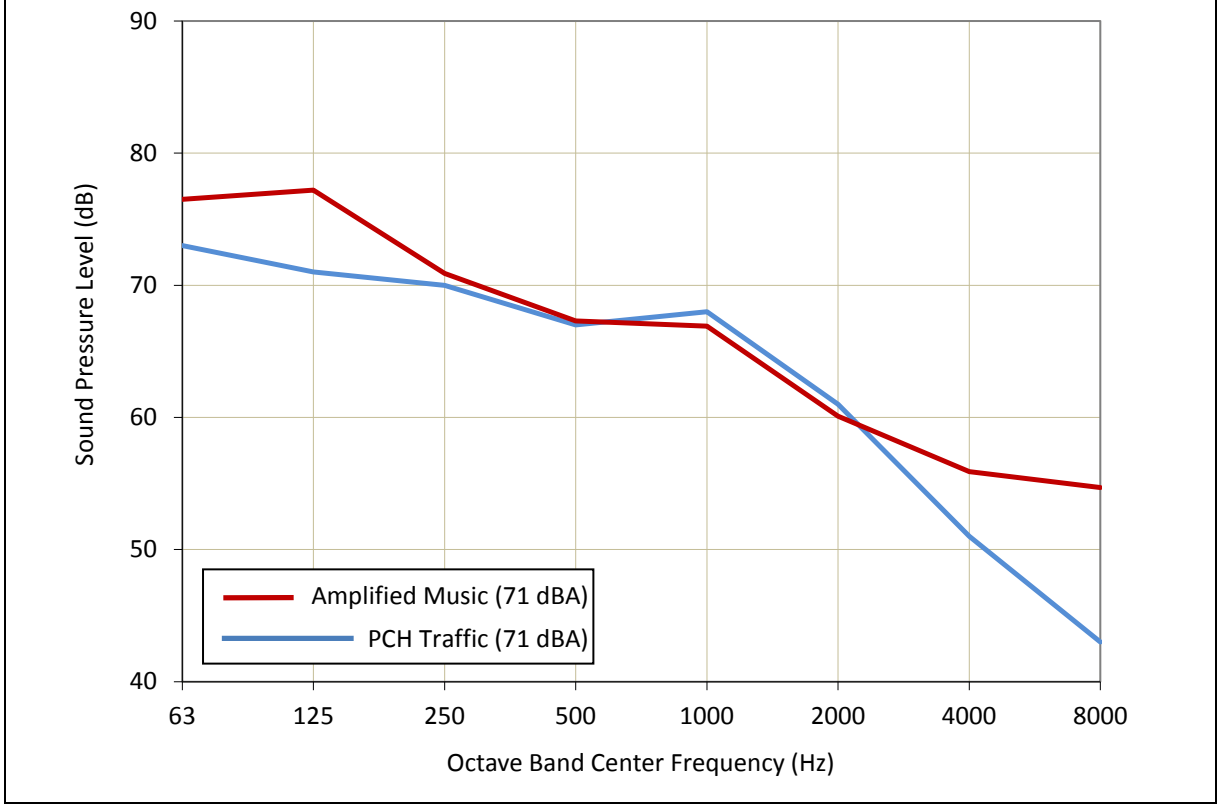
However, between the peaks there are lulls in the traffic noise - for example due to activation of the pedestrian crossing at Malibu Pier, or other traffic signals elsewhere on PCH. During these periods (again, approximately 1-minute each), traffic noise levels are much lower (45 - 55 dBA) and would provide no masking of the music from the patio.

3. Character of Music is Distinct from Traffic Noise

The character of amplified music is very different than that of traffic noise. The contrasts between the two types of sound combine to greatly increase the audibility of music, even at times when the dBA level of traffic noise exceeds that of the music. And yet none of these important audibility factors is addressed in Omny's report.

One basic contrast is that amplified music contains a different mix of frequencies than traffic noise. There is a strong low-frequency (bass) component in live music that is not present in the noise produced by traffic flows on this section of PCH. Live music also often has high-frequency content (produced by keyboards, cymbals, hi-hat, percussion, etc.) that is not present in traffic noise. Figure 2 illustrates this:

Figure 2: Live Music versus Traffic Noise Frequency Spectra



The dBA levels of the live music [5] and traffic noise [6] shown in Figure 2 are the same, but the frequency content is quite clearly different. This contrast allows the listener to more easily distinguish between the two types of sound, thereby making the music more audible.

Frequency content is not the only way that the unique character of music enhances audibility. The following features also help music catch the listener's attention, making musical sounds still more distinct from ambient noise - and therefore more audible:

NOTES	Musical notes - often categorized as "Pure Tones" - are perceived as being louder than broadband noise of the same dB level. This is why so many local noise ordinances place more stringent limits on noise containing pure tones.
RHYTHMN / BEAT	Impulsive sounds - such as drum hits, percussive bass notes - at regular intervals help music stand out from the ambient noise, making it more audible.
LYRICS	Listeners' ears are drawn to the "information" contained in song lyrics, thereby increasing the audibility and intelligibility of the music.

4. Other Anomalies in the Omny Report

a) <u>No Guarantee that Music Sound Levels on the Patio will be Limited</u>

Omny's analysis is based on the assumption that their client will control the operations in such a way as to maintain: *"…music levels at or below 89 dBA in the patio area…"* [7]

This assumption is very problematic because it is common for live music venues to operate their sound systems at levels significantly higher than 89 dBA. In addition, the Omny report offers no plan for how the music levels would be limited. In reality, the sound level on the patio will be determined by the performers and/or the sound engineer operating the mixing desk on a particular night. This protocol offers absolutely no assurance that music levels on the patio will not exceed 89 dBA.

b) <u>Loudspeaker Orientation/Directivity</u>

The Omny study has modeled live music performance on the patio of Casa Escobar as a simple point-source located at the center of the patio. The report implies that this approach is conservative, because it does not take loudspeaker orientation/directivity into account. The report states:

"… the patio will make use of a fixed sound system, in which all loudspeakers will be facing northward away from the residential area next to the pier. The CLIENT has also informed OMNY that all performers are to use the patio's fixed sound system to reduce any variability with regards to noise levels at the residential area near the pier." [8]

5 - from previous measurements made by SRA during live music performances
6 - from the table on page 6 of the Omny Noise Impact Study, April 2, 2019
7 - Omny Noise Impact Study, April 2, 2019, Page 9
8 - Omny Noise Impact Study, April 2, 2019, Page 2

This statement appears to be at odds with the layout of the Casa Escobar property, in which the stage is located at the north end of the patio, facing south - towards the homes adjacent to the pier. It also does not address the customary stage set-up at small venues, which will usually include an acoustic drum kit as well as "backline" amplifiers for the guitar and bass (usually furnished by the performers themselves), facing towards the audience - i.e. facing south in this case, towards the homes adjacent to the pier.

The applicant's proposals for the configuration of the patio sound system, and control of noise emissions from drums and backline amplifiers, require much more detailed and thorough explanation. In particular, it would be helpful to know if the Applicant is aware of any existing outdoor music venue where a "reverse-orientation" sound system of the type mentioned in the Omny report is already in use.

c) <u>"Maximum Allowable" versus "Normally Expected" Music Levels</u>

The Omny report presents two scenarios for live music on the patio.

In the first scenario, music levels on the patio would be 89 dBA, resulting in a level of music at the nearest residential use of 71 dBA. Omny refers to a music level of 89 dBA as the "maximum allowable" [9] music level on the patio - a characterization that we strongly disagree with for all of the reasons detailed in the preceding paragraphs of this report.

In the second scenario, Omny states that music levels "would not normally exceed 85 dBA within the patio area" [10]. In other words, Omny expects music levels would normally be 4 dBA lower than the "maximum allowable" level of 89 dBA. However, according to the output of the Omny model, "normal" music levels received at the nearest residential use would be almost 10 dBA lower than those under "maximum allowable" conditions (61.1 dBA versus 71 dBA) [11].

The Omny report does not explain how a 4 dBA reduction in patio music levels would result in an almost 10 dBA reduction in music levels received at the nearest home.

9 - Omny Noise Impact Study, April 2, 2019, Page 7
10 - Omny Noise Impact Study, April 2, 2019, Page 2
11 - Omny Noise Impact Study, April 2, 2019, Page 11

Aaron Gribben

Received
9/6/21
Planning Dept.

Subject: Item 4D hotel and parking lot

From: Mark Wallace [redacted]
Sent: Monday, September 6, 2021 2:14 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Item 4D hotel and parking lot

I am disgusted that this project is being considered after the developers ignored the prerequisite of representative story poles to allow residents and interested parties to observe the impact of this proposed development. For the planning commission to allow this project to be considered without effective public observation is unconscionable and absolutely unacceptable. It's also unfair to residential builders and rebuilders that are required to place truly representative story poles and public notices…. Especially in such a critical location!!! The planning commission should be ashamed to allow this project to proceed after this suspicious and dubious beginning. It smacks of corruption and conspiracy. Please delay this projects progress until such time as the developers show proper respect and good faith to our community as is required by normal families that seek permits. To do otherwise is proof that the planning commission is merely a corrupt tool of wealthy commercial developers. Mark Wallace and family.

Realtor, Developer,
LA City Fire Captain
And Lifelong Malibu Resident

Date Received 9/6/21 Time 2:14pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: Item 4D "motel" and 4C change in Malibu Inn Parking

Received
9/7/21
Planning Dept.

From: Ali Mills [redacted]
Sent: Monday, September 6, 2021 10:26 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Item 4D "motel" and 4C change in Malibu Inn Parking

This message is in response to the proposed hotel on PCH and the changes it will inflict on an already overcrowded, hazardous stretch of Malibu. I am opposed to this project and all related projects involving the construction of a motel on PCH.

The story poles that have gone up don't even represent a 1/4 of the developers own rendering of the property. Stop allowing developers to lie and cheat their way into extorting big money from our city.

Malibu's infrastructure cannot handle another influx of tourists in what is an already crammed, central Malibu bottleneck. The vehicle traffic and pedestrian traffic alone makes one wonder how much longer this city will even last in its current shape.

We have so many other problems on our plate as a city, please redirect resources that focus on our own citizens first, before worrying about where to house vacationers!

Sincerely,
Allison Mills

Date Received 9/7/21 Time 10:26 pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
9/7/21
Planning Dept.

Aaron Gribben

Subject: 22959 PCH / Malibu Inn Motel

From: Emma Crowther [redacted]
Sent: Tuesday, September 7, 2021 4:26 PM
To: Richard Mollica <rmollica@malibucity.org>; Adrian Fernandez <afernandez@malibucity.org>
Subject: 22959 PCH / Malibu Inn Motel

Hi Adrian and Richard,

Hope you are well and had a lovely Summer.

Please excuse my ignorance in maybe not emailing the correct people for this. If you could redirect me if so, that would be great.

I am writing, regarding 22959 PCH proposed development (Malibu Inn Motel), as I was told this morning that strings which show the proposed structure were only put up on the site on Saturday, 4 days ahead of the subject Planning meeting and after it was originally scheduled for. Given most Malibu residents either travel on Labor Day Weekend or stay inside to avoid holiday traffic, this leaves one day for the public to digest and make comments *IF* they *happen* to drive that way today. It is my very very limited understanding that these are meant to be up for the duration of the planning application process.

That said, it would be great if people were given more time now that they *are* up, to be able to have an opportunity to look into and weigh in on such, and understand the scale / impact etc. I would also assume this will help to avoid lawsuits after the fact too, if the correct process and procedures to allow public to weigh in are / were not followed?

I also wanted to check in regarding a recent Malibu Times article that implies this project has no changes or variances and in doing so, along with the story poles missing above, says it's basically already been approved / no big deal / don't bother looking into this. I'm not a planner or anything along the lines but to me it seems like there are in actuality many significant variances (cutting into a mountain side? huge retaining walls? Underground parking? Etc) in the proposed.

"Since no major zoning changes or variances are being requested, any yes vote by the Planning Commission's cannot be appealed to the city council. A no vote, however, can be appealed by the applicants."

These two things combined are incredibly misleading and, to be honest, starting to feel like something a little shady is going on...

I am sure I speak for many residents, who, because of the above, have no idea what's going on here and would very much like the opportunity and time to at least look into such for themselves.

If not possible to allow more time, can you please put this on record (that the correct process was not followed) for when issues come up down the track (or advise me how to?)

Thank you very much,

Emma Crowther

Date Received 9/7/21 Time 4:26pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
9/7/21
Planning Dept.

Aaron Gribben

Subject: Sept 8 Hearing Items 4C and 4D. (Malibu Inn Parking/Motel Project)
Attachments: SRA Report (22969 PCH) 10-21-19 FINAL.pdf

From: Mark Dempster [redacted]
Sent: Tuesday, September 7, 2021 7:13 PM
To: Adrian Fernandez <afernandez@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>
Cc: Kim Dempster ICE <kim@dempsterclan.com>; David Weil <davidweil@gmx.com>; drsconst@aol.com; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kraig Hill <kraig.malibu@gmail.com>; John Mazza <Res02igz@gte.net>
Subject: Fwd: Fw: Sept 8 Hearing Items 4C and 4D. (Malibu Inn Parking/Motel Project)

Dear Planning Commission,

We are the residential owners at [redacted] located across the street from Aviator Nation and next to the Malibu Pier.

We support 1) a hotel project, but 2) one which follows a thorough and proper process to address the noise, crowd and traffic ordinance issues as outlined by Stella Yap.

Please also note that the story polls first appeared just prior to this Labor Day weekend.

Thank you for your time and efforts on this matter.

Date Received 9/7/21 Time 7:13pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 2

Mark+Kim.

----- Forwarded Message -----
From: [redacted]
To: Adrian Fernandez <afernandez@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>
Cc: Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kraig Hill <kraig.malibu@gmail.com>; drsconst@aol.com <drsconst@aol.com>; David Weil <davidweil@gmx.com>; John Mazza <res02igz@gte.net>
Sent: Tuesday, September 7, 2021, 04:51:03 PM PDT
Subject: Sept 8 Hearing Items 4C and 4D. (Malibu Inn Parking/Motel Project)

Dear Planning Commissioners,

Thank you for your time and effort on this matter and all the other matters that come before you.

I write this in hope of bringing your attention to some of my concerns regarding the Malibu Inn changes and the Motel project.

In my review of the latest documents contained in the agenda items link I was surprised to see the Hakim's request for revisions to the conditions of approval. I do not believe it was fair or reasonable for the applicant to request changes the morning of a hearing (before it was known to have been adjourned). Fortunately we were allowed some time to review and respond.

First I would like to point out that the noise study the applicant submitted in support of live entertainment and amplified sound for their motel project was prepared for a CUP hearing to add outdoor music and amplified sound at the the Malibu Inn/Casa Escobar in 2019, which the applicants withdrew in 2019.

Another neighbor and myself had the noise study reviewed by 2 different noise/sound consultants at that time.

CC: Planning Commission, PD,

Recording Secretary, File

Please find attached our noise study review by Steve Rogers Acoustics, who opines that many of the assumptions used by their consultants do not support their study's results. This report and video clips of CUP violations were previously provided to the City for the 2019 hearing.

More importantly I believe it is unreasonable to use the Noise Study for the Malibu Inn for the motel project next door, will be much larger and higher in scale, with an outdoor top deck, and as such a proper noise study cannot be evaluated until after it is built. In any event the attached study does point out that noise, amplified music, live bands etc from across the street will greatly affect the residents in the immediate area.

In particular, the CUP for the Malibu Inn/Casa Escobar now Aviator Nation was debated at length when the CUP was originally issued, and those restrictions were provided in response to years of excessive noise and other problems with prior owners of the Malibu Inn.

In addition, the Hakims and their subsequent tenant Casa Escobar both often violated the CUP conditions regarding hours, noise, live entertainment and amplified music since that establishment opened for business. There was and is no justification to expand their CUP or approve live entertainment and amplified music for a motel while it is in its planning stages. As history has shown, the owners and operators of the Malibu Inn have continuously violated the conditions of their CUP and have acted as "bad neighbours" to the residential property owners in the immediate vicinity for years and unfortunately we believe will do so again.

Also, resolution 21-64 misstates the approved operating hours for the Malibu Inn now Aviator Nation. Section 4 A and C states that the existing restaurant will continue to operate from 7 am to 2 am daily. Pursuant to Resolution 10-59 section 16, the approved hours of operation. are 7 am to 12 am Sundays, Mondays, Tuesdays, Wednesdays and Thurs-Sat from 7 am to 1 am, except Sundays when the following Monday is a holiday.

I request that the Staff correct paragraphs 4 A and C of the resolution in advance of the hearing to reflect the approved restaurant hours in the actual CUP.

Also the current hearing to amend CUP 09-009 is only to reduce the number of parking spaces and decrease the restaurant size. I would think that any other requests to change any of the conditions in the CUP should be formally done as required by the City.

Applicants state that since the restaurant space will be decreased they will need less parking for patrons, but Aviator Nation wants to host large events, concerts etc - where will all their employees and guests park? I think Aviator Nation will require more parking for all their guests, not less.

In addition I would like some clarity on what will happen if both Aviator Nation and the motel want to have large events on the same day or night.

I understand that applicants want to make use of their property but I am not convinced they are going about it in a way that is practical, reasonable or safe for the residents, community and visitors driving on PCH which is already extremely congested on the weekends and virtually every day in the summer months.

I ask the Commission to please take a little more time to evaluate the pros and cons of this project, to make sure the parking changes are realistic and to condition the development permit and CUP for the motel project to make sure it meets the needs of the entire Malibu community and the visitors to Malibu.

Thank you,

Stella Yap
Resident

--

Mark Dempster
[redacted]

Received
9/8/21
Planning Dept.

Aaron Gribben

Subject: FW: Item 4D "Motel"

From: Christin Ayotte [redacted]
Sent: Wednesday, September 8, 2021 12:45 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Item 4D "Motel"

Hello,

I am a 30 year resident and home owner in Malibu. It has come to my attention there are possible plans to approve yet another motel in Malibu. This time across from the Malibu pier. I am shocked and against the build of this motel. Firstly, the plans are to build it on a slope side that has historically been unstable, particularly during and after rains. It also will be contributing negatively to the environment as well as increasing already crowded traffic conditions and safety. issues.
I am vehemently against the building of this project and do not believe the story poles that only recently been put up several days ago, accurately reflect the size and scope of this build.

Thank you,
Christin Ayotte - Ogle

Sent from my iPhone

Date Received 9/8/21 Time 12:45pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
9/8/21
Planning Dept.

Aaron Gribben

Subject: FW: Item 4 D Malibu Inn Motel

From: Georgia Goldfarb, MD [redacted]
Sent: Wednesday, September 8, 2021 5:42 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Steve McClary <SMcClary@malibucity.org>
Subject: Item 4 D Malibu Inn Motel

Dear Commissioners,
I urge you to require that the story poles be placed in an accurate representation of the heights and boundaries for the course of the review including a MINIMUM of two to three weeks before this project comes before the planning commission.

It is unreasonable to think that placing the poles essentially on a holiday weekend followed by a Jewish holiday, the public will have an opportunity to visit the site and assess the project.

I am not clear what the rationale was for the circuitous logic allowing this project to skirt the requirements, but it is precisely that type of action that causes people to lose faith in/disbelieve government. Staff should not be making this kind of decision. It makes one wonder for whom the staff is working.

Please postpone hearing this project until the poles have been up for at least two to three weeks to allow adequate assessment of this project.

Thank you,

Georgia Goldfarb

Date Received 9/8/21 Time 5:42pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, File

Received
9/8/21
Planning Dept.

Aaron Gribben

Subject: Item 4D - Malibú Inn Motel

From: Jo Drummond [redacted]
Sent: Wednesday, September 8, 2021 5:08 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Colin Drummond [redacted]; Patricia Salazar <psalazar@malibucity.org>
Subject: Item 4D - Malibú Inn Motel

Honorable Planning Commission,

We requested that this item be continued until proper time for story poles to be placed. I traveled to the chili cookoff for locals night on Friday and still did not see them before heading off this week for a Labor Day holiday. Apparently the story poles were put up finally the last two days but I have yet to see them being away and it should be at least 10 days before a hearing that the poles should be up. As I understand it they are also not at the correct heights. It is a visually impactful area of Malibú and story poles are indeed necessary.

The project should not be allowed as OWTS are banned in the area and the former project (applied for one day before the ban!) was for commercial retail space not a motel that requires much more water usage and the application changed almost 9 years after the ban was put in place. The slope would be impacted negatively by this excess water usage and the variance should not be approved. The parking needs in the busiest area of Malibú far outweigh the risks of such a project. The staff report states that a variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands. It IS currently used for beach and pier parking in the most highly needed part of Malibú with the highest traffic. The non-exempt grading and massive subterranean grading would also be structurally a big risk with the wastewater ban. Worse case the project should be continued until 2028 if and when it can connect to a sewer system.

The structure also is WAY too tall. The elevator shaft alone from just the first floor perimeter wall is over 30ft high and from the ground floor elevation is over 44ft high. We have noticed the planning dept has tried to misnomer perimeter walls when height should be taken from the lowest height of the lowest perimeter wall that daylights. The retaining wall over 46ft high must be trying to compensate for all of these violations but cannot be it's own violation through building and altering the hillside massively and put the entire project at risk. The stacked parking is also not viable during evacuation procedures.

Given the impact of the potential huge amount of wastewater (that is currently banned) an Environmental review for the significant impacts to the geology with the landform alteration of the site and surrounding property should be addressed. Just because almost 12000 cu ft of grading into the toe of the slope is exempt does not mean it is not altering the slope and landscape which it drastically is. The Project as it is currently has NOT been evaluated for impacts on environmental factors pursuant to CEQA which the staff report falsely states it has been and therefore can result in significant adverse impacts, will be detrimental to the public interest, health, safety, convenience or welfare. This project also needs an EIR to study noise, traffic, and the impact of a combination of two venues next to each other. A nightclub next to a potential new hotel.

The approximate water usage of 4056 gpd for 229 fixture units is grossly under represented. One home across the street from our house in big rock that is attempting to increase fixtures from 34 to 55 units currently uses an average of almost half of this at 1800 gpd so this figure would likely be at least 9-10 times that number given the number of guests & staff using the facilities. Even if uses at minimum a 1/3 of that usage it would still be over 10000 gpd but a motel would use much more water than the average of 8-10+ households. This WOULD result in a seepage of groundwater pollutants into the ocean. Laundry should be done offsite for certain.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 9/8/21 Time 5:08pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 2

The granting of the variance WILL constitute a special privilege to the applicant or the property owner as no other project nearby has dug into the slope as this one proposes with its 229 fixture units on top of this. The slope stability & seismic stability report results should be given in the staff report addressing the geology concerns with this added water to the adjacent slope.

The slope analysis also seems to be incorrect as a majority of the slope is likely 1:1 and should be recalculated or reevaluated. The company that completed the analysis is under investigation with the Board of Geotechnical Engineers for another slope stability analysis for a bluff top construction in big rock that found enough evidence to require an investigation into the analysis that is alleged to be incorrect for similar reasons.

It is not clear how this project benefits the residents of Malibu. Nor how it is designed to be consistent with the rural character and natural environment. A project that requires this number of variances is not one that is respectful of Malibu's residents, its rural character and natural environmental setting and its Malibu Building Codes.
Malibu has building codes and guidelines for the purpose of steering the development within the City. The City Planning Department should be working to benefit Malibu residents and insist that developers design to meet these codes.

Malibu's Mission and Vision Statements have been ignored by the Planning Department in their review of this project. This project is far from residential in scale. It accelerates urbanization in the center of Malibu.

Based on all of these LCP code violations the project should not go forward.

Thank you for your serious consideration of this matter for the sake of all of the Malibú residents in your hands.

Jo & Colin Drummond

SUBMITTED BY JOSEPH LEZAMA

Received
9/8/21
Planning Dept.

MOTEL - A facility offering transient lodging accommodations to the public in a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, does not provide accessory uses such as restaurants or meeting rooms, and not otherwise open to the public. (City of Malibu LCP Local Implementation Plan)

Date Received 9/8/21 Time 6:30pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 4

EXHIBIT #1

BURDGE ARCHITECTS

MALIBU INN MOTEL
22959 PACIFIC COAST HWY.
MALIBU, CALIFORNIA 90265

• EXISTING PARKING FOR 22969 PCH MALIBU INN RESTAURANT

EXISTING RESTAURANT 1.935 SQ FT SERVICE AREA , 1 SPACE PER 50 SQ FT SERVICE AREA, PARKING REQUIREMENTS = 39 SPACES.
EXISTING RETAIL 1,636 SQ. FT. GROSS FLOOR AREA, 1 SPACE FOR 225 SQ FT GFA, PARKING REQUIREMENTS = 8 SPACES.
TOTAL REQUIREMENTS PARKING SPACES FOR 22969 PCH = (39 + 8 SPACES) = 47 SPACES.

EXISTING NON CONFORMING PARKING SPACES PROVIDED AT 22969 PCH = 23 SPACES

TOTAL PARKING SPACE REQUIRED ON ADJACENT PROPERTY = (47 - 24) = 24 SPACES

PARKING REQUIREMENT FOR THE MOTEL @ 22959 PCH : 23 SPACES
(20 ROOMS 1 PARKING SPACE /ROOM, 20 PARKING SPACES REQ.
+ 3 MOTEL EMPLOYEES, 3 PARKING SPACES REQ.)

CARRY-OVER PARKING SPACE REQUIRED FROM 22969 PCH = (47 - 23) = 24 SPACES
TOTAL REQUIRED -> 47 SPACES

PROPOSED PARKING:
EXTERIOR PARKING: 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES
INTERIOR PARKING: 24 STANDARD + 5 COMPACT = 29 PARKING SPACES

TOTAL PROPOSED PARKING = 47 PARKING SPACES

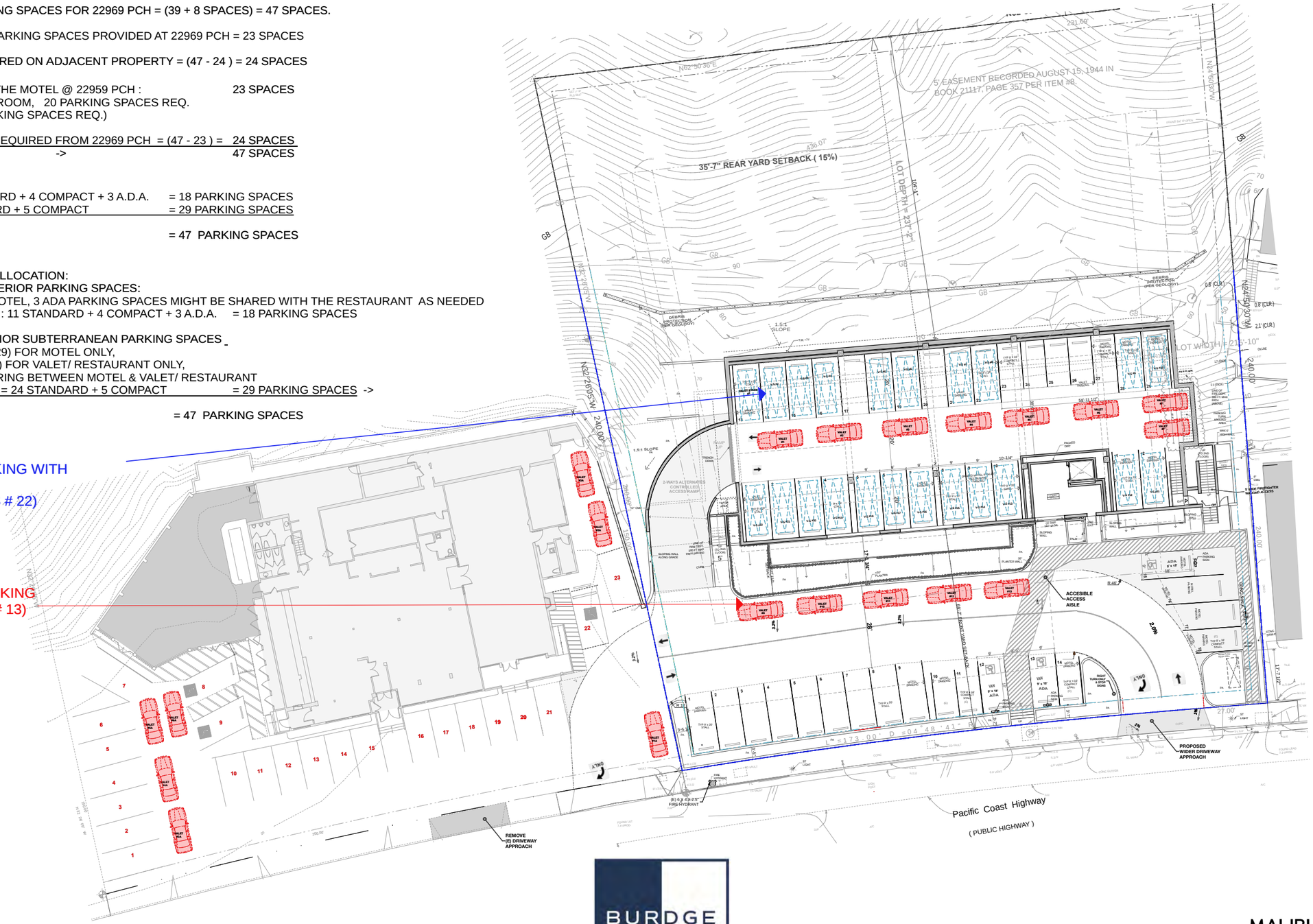
PROPOSED PARKING SPACES ALLOCATION:
EXTERIOR PARKING - > 18 EXTERIOR PARKING SPACES:
ALL 18 PARKING SPACES FOR MOTEL, 3 ADA PARKING SPACES MIGHT BE SHARED WITH THE RESTAURANT AS NEEDED
NUMBERS OF PARKING SPACES : 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES

INTERIOR PARKING - > 29 INTERIOR SUBTERRANEAN PARKING SPACES
5 SPACES : (#11, #12, #27, #28, #29) FOR MOTEL ONLY,
21 SPACES: (#1 TO #7, #13 to #26) FOR VALET/ RESTAURANT ONLY,
3 SPACES: (#8 TO #10) FOR SHARING BETWEEN MOTEL & VALET/ RESTAURANT
NUMBERS OF PARKING SPACES = 24 STANDARD + 5 COMPACT = 29 PARKING SPACES ->

TOTAL PROPOSED PARKING = 47 PARKING SPACES

ADDITIONAL VALET PARKING WITH STACK SYSTEM
22 SPACES (VS #1 TO VS # 22)

ADDITIONAL VALET PARKING
20 SPACES (V #1 TO V # 13)
AND (V#1A TO V# 7A)



BURDGE ARCHITECTS

EXHIBIT #2
PROPOSED PARKING W/ VALET & STACK SYSTEM

MALIBU INN MOTEL

22959 PACIFIC COAST HWY.
MALIBU, CALIFORNIA 90265



EXHIBIT #3
STORY POLES

BURDGE
ARCHITECTS

MALIBU INN MOTEL

22959 PACIFIC COAST HWY.
MALIBU, CALIFORNIA 90265



BURDGE
ARCHITECTS

EXHIBIT #4
RENDERING

MALIBU INN MOTEL

22959 PACIFIC COAST HWY.
MALIBU, CALIFORNIA 90265

Aaron Gribben

Received
9/8/21
Planning Dept.

Subject: SUPPORT of Malibu Inn Motel

From: Judy Ettinger [redacted]
Sent: Wednesday, September 8, 2021 6:04 PM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Re: SUPPORT of Malibu Inn Motel

For tonight's meeting.

> On Aug 24, 2021, at 12:41 PM, Judy Ettinger <executivenotary2016@yahoo.com> wrote:
>
> Attn: Planning Commission
>
> After reading about the new proposed hotel for Malibu, called The Malibu Inn Motel, I would like to bring up the point that a 20 room motel would be a great fit for Malibu, since it would be considered more of a boutique hotel. I really liked the design, with the use of the exterior wood, it looks like it would blend nicely into the current landscaping.
>
> I do agree that we need a new hotel and new growth in Malibu, it has been long over due. I have a lot of relatives that come from out of town that would really enjoy a pool with a restaurant, especially in that location with the view of Malibu and the Ocean. I look forward to having a new hotel for my friends and family to come visit Southern California.

Date Received 9/8/21 Time 6:04pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,
Recording Secretary, File

Received
9/8/21
Planning Dept.

Aaron Gribben

Subject: Item 4D - "motel"

From: Linda [redacted]
Sent: Wednesday, September 8, 2021 12:18 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: Item 4D - "motel"

To our planning commission,

I seriously don't understand how this project would be considered for approval.
We already have 3 hotel/motels right in that vicinity.
The gridlock the construction will cause is outrageous to even contemplate.
As it is we don't drive on PCH on the weekends, now the weekdays will be just as hellish.

Please use your common sense and reject this project.

Thank you,

Linda Rivera

Date Received 9/8/21 Time 12:18pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Date: September 8, 2021

Re: Malibu Inn Motel Proposal Concerns From Local Neighbors
22959 Pacific Coast Highway
Malibu, CA 90265

To: City of Malibu Planning Commission

From: Local Residents and Business Owners

Dear City of Malibu,

On behalf of local residents and business owners who are within the immediate vicinity of 22959 PCH, we are submitting this letter expressing our concern over the proposed development known as the Malibu Inn Motel, located at 22959 Pacific Coast Highway, Malibu, CA. Below is a summary of our concerns we feel need to be immediately addressed as part of the Planning Application. It is our understanding that this project requires significant variances to the Malibu Municipal Planning Code of which everyone else is held to, which will have many roll on effects and direct impacts for both immediate neighbors and, long term, the Malibu wide community for future development precedent, as well as the environment and natural Malibu landscape.

Variance Requests

There are a number of variance requests which pose major environmental impacts and we are concerned what these impacts will to do our properties during construction and beyond, as well as for the future visual impacts of existing natural environment upon completion.

1. Non-Exempt grading in excess of 1,000 cubic yards per acre of commercial development, asking to export 12,255 cubic yards as reference. The impact to the existing hillside will pose major noise issues during construction and more importantly, potential local ground instability that may result in earth movement and vibrations to our own properties in the immediate area.
2. Construction on slopes steeper than 2.5 to 1.
3. Retaining walls in excess of six feet in height (asking for a 52.5ft all wall above the subterranean parking garage as reference)

Issues

- EIR - The City has indicated in this Staff Report and Proposed Adoption that the project satisfies a Negative Mitigated Declaration ("NMD") as opposed to requiring a full Environmental Investigation Report ("EIR"). Based on the scale of this project, request for numerous variances and obvious disruption to the natural environment, the risks and construction hurdles, this should obviously require an EIR. We firmly believe and request that this be carried out.
- EIR Risks Not Listed - On page 20 they only list "Noise" and "Geology/Soils" as Items of Risk. However, we believe, they should also be checking Aesthetics due to the natural hillside landscape, Air Quality through Construction with that much earth movement and dust, Biological, Land/Use Planning, Hydrology/Water Quality due to Subterranean Parking. We request these items be assessed and reported on.
- Construction & Subterranean Parking - The creation of subterranean parking and a 52.5ft tall retaining wall will create a significant amount of heavy duty construction through the use of foundation piles that will create major earth vibration and sound during the course of construction, as well as other negative impacts such as large scale construction equipment (not otherwise required if building on flat land) required for such variance, blockages to traffic flow, noise, debris, dust etc. Approving a variance for an

enormously large wall and subterranean parking would create a significant impact to the existing landscape and residential wellbeing, along with creating a new precedent for Malibu.

To note: The Retaining Wall, Construction on Steep Slope, Non-Exempt Grading Variances - If you refer to the graphic illustration of the site section diagram, you will see how much land is being proposed to be removed from the mountain which is significant and will trigger environmental and stability issues. This project is requesting major variances and should be considered within the more suitable flat land, versus carving into the mountainside.

- Height of Elevator Bulkhead - In Malibu, a maximum building height can be 24' or 28' with a pitched roof. As you can see in this plan the height to the roof bulkhead of the elevator is 44'-1" which is significantly taller than the allotted requirement. We ask that this be changed to be per code.

- The plan indicates the subterranean garage is at grade with two-stories above effectively making this a three-story building, against Malibu requirement of two-story buildings. So, in addition to significantly cutting into the mountain side with a large retaining wall variance, they are also effectively requesting a three-story building.

We request that an EIR be formerly carried out, alongside the other Items of Risk mentioned, as well as re-proposing a structure that is per code and does not cut into the mountainside. We feel that the project, as proposed, will impose significant impacts to neighbors, the environment and the larger Malibu community, as well as future development precedent.

Thank you for your consideration.

Sincerely,

Local Residents and Business Owners:

Matthew Goodwin

Mark and Kim Dempster

Roni Serrato

Bob Allen and Stella Yap

Aaron Gribben

Received
9/8/21
Planning Dept.

Subject: Malibu Inn Motel Proposal Comments - Local Residents & Neighbors

From: Mark Dempster [redacted]
Sent: Wednesday, September 8, 2021 2:29 PM
To: Adrian Fernandez <afernandez@malibucity.org>
Cc: Kim Dempster [redacted] Matthew Goodwin [redacted]
Subject: Re: Malibu Inn Motel Proposal Comments - Local Residents & Neighbors

CC: Planning Commission, PD,

Recording Secretary, File

Hello Adrian,

We are the residential owners at [redacted], located across the street from Aviator Nation and next to the Malibu Pier.

We support 1) a hotel project, but 2) one which follows a thorough and proper process to address the building code issues as outlined by Matt Goodwin.

Thank you for your time and efforts on this matter.

Date Received 9/8/21 Time 2:29pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

Mark+Kim.

On Wed, Sep 8, 2021 at 3:54 PM Matthew Goodwin <matt@thesurfridermalibu.com> wrote:

> Hi Adrian,
>
> Please find attached a letter from local residents and business owners expressing our concerns over the proposed Malibu Inn Motel project as it relates to the significant variance requests and ultimate constructability of the project.
>
> I wanted to personally add that we have also noted that the required story poles were only installed over the weekend, despite the request as noted in the Malibu Times article from the Director (and override to not have them) from weeks ago. Given it's Labor Day Week and so close to the hearing, this is an issue.
>
> Regards,
> Matthew Goodwin
> [redacted]

--
Mark Dempster
[redacted]

Aaron Gribben

Received
9/8/21
Planning Dept.

Subject: FW: item 4 D Motel

From: [redacted]
Sent: Wednesday, September 8, 2021 1:58 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: item 4 D Motel

I want to inform the Planning Commission that I am strongly against the "Motel" that will be placed in this lot. As a 45 year Malibu resident this will cause even more gridlock and accidents on the PCH and this will significantly ruin the town of Malibu. I urge you to vote against it.
Thank you,

Marni Kamins

Date Received 9/8/21 Time 1:58pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Marni Kamins, LMFT
Psychotherapy

Office locations in West LA & Malibu
[redacted]

Business Hours: Mon-Thurs 9a - 6p, all calls received after business hours will be returned the following business day.

NOTICE OF CONFIDENTIALITY: This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient or the person responsible for delivering this email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please notify the sender by replying to this email and then delete the email and attachments from your computer. Thank you.

Received
9/8/21
Planning Dept.

Aaron Gribben

Subject: Malibu Inn Motel Proposal Comments - Local Residents & Neighbors
Attachments: Malibu Inn Motel Proposal Comments.pdf

From: Matthew Goodwin [redacted]
Sent: Wednesday, September 8, 2021 1:54 PM
To: Adrian Fernandez <afernandez@malibucity.org>
Cc: Mark Dempster [redacted]; Kim Dempster <[redacted] Roni Serrato [redacted]
Subject: Malibu Inn Motel Proposal Comments - Local Residents & Neighbors

Hi Adrian,

Please find attached a letter from local residents and business owners expressing our concerns over the proposed Malibu Inn Motel project as it relates to the significant variance requests and ultimate constructability of the project.

I wanted to personally add that we have also noted that the required story poles were only installed over the weekend, despite the request as noted in the Malibu Times article from the Director (and override to not have them) from weeks ago. Given it's Labor Day Week and so close to the hearing, this is an issue.

Regards,
Matthew Goodwin
[redacted]

Date Received 9/8/21 Time 1:54pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 3

CC: Planning Commission, PD,

Recording Secretary, File

Received
9/8/21
Planning Dept.

Aaron Gribben

Subject: Planning Commission agenda item 4D 9/8/21

From: Richard Lawrence [redacted]
To: res02igz@gte.net <res02igz@gte.net>; jdjenningslaw@gmai.coml <jdjenningslaw@gmai.coml>; kraig.malibu@gmail.com <kraig.malibu@gmail.com>; drsconst@aol.com <drsconst@aol.com>; davidweil@gmx.com <davidweil@gmx.com>
Sent: Wed, Sep 8, 2021 10:05 am
Subject: Planning Commission agenda item 4D 9/8/21

Honorable Planning Commissioners,
The Malibu Township Council opposes this project for many reasons.
Story poles are supposed to be up for the duration of the project. We just learned the story poles went up over the Labor Day weekend when it was impossible, due to traffic gridlock, for residents to look at them. Residents have not had a fair opportunity to view the poles visual impact. As a result, we request that this item be postponed for at least a month.
This project doesn't meet the definition of a motel. But it meets the definition of a hotel. Hotels require 2 parking spaces per guest room awhile motels require only one space per room. This project is under parked and is located in an area where street parking is not available. As with the Malibu Country Inn the number of employees is obviously understated and there will not be enough parking spaces to accommodate them.
The project 's height is far in excess of the allowable 24 ft. reported in the staff report. The maximum allowable height for a building with a flat roof is 24 feet measured from natural or finished grade whichever is lower. This project is nearly double the allowable height.
The subterranean parking isn't subterrain. It is mostly located at grade level. The above ground portion of the parking lot must be included when measuring the height as does the elevator shaft on the roof deck.
The traffic situation at this location is gridlocked most of the time and certainly during rush hour and summer weekends. A hotel at this location will only make the traffic situation worse. A hotel doesn't belong at this location.
We request the Commission deny this project.
Sincerely,

Richard Lawrence, President
Malibu Township Council
[redacted]

Date Received 9/8/21 Time 10:05am
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, File

Aaron Gribben

Subject: NO on proposed Hotel

Received
9/8/21
Planning Dept.

From: Robert/Lonnie Janis/Gordon [redacted]
Sent: Wednesday, September 8, 2021 4:13 PM
To: Patricia Salazar <psalazar@malibucity.org>
Subject: NO on proposed Hotel

Sent from my iPhone

Date Received 9/8/21 Time 4:13pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Received
9/8/21
Planning Dept.

Subject: Malibu Inn motel

From: Scott Dittrich [redacted]
Sent: Wednesday, September 8, 2021 8:27 AM
To: Kraig Hill <kraig.malibu@gmail.com>; Adrian Fernandez <afernandez@malibucity.org>; Planning Commission <planningcommission@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>
Cc: Richard Mollica <rmollica@malibucity.org>; Steve McClary <SMcClary@malibucity.org>
Subject: Re: Malibu Inn motel

Dear Planning Commission Members:

I believe there are significant issues with moving this project forward.

1. Inadequate public notice. I still have not seen story poles. Even if they were there having them up on a Labor Day weekend does not provide enough time for Citizens of Malibu to take notice and to offer input.
2. A net loss of 7 parking spots. Unacceptable. Ut really this is more like double that since beach parking is seldom used all day, but turns over every few hours.
3. Fire: Staff report relies on "mutual aid," yet Chief Osby said in the January 2019 meeting at City Hall where he explained LACoFD's "success" in fighting Woosley, that when he called for mutual aid, many or most localities refused.
4. Traffic. This project will only add to one of the most impacted areas along PCH. Where are the mitigation plans?
5. There are way too many variances provided by staff with comments that they won't have an impact. Anything outside the LCP by definition has an impact. We should either get rid of any restrictions or heed the requirements.
6. Where is any benefit to the citizens of Malibu?
7. Equal treatment: If the Seaview Hotel must provide $400,000 or $800,000 to the City for a project that lessens the overall impact on the City, the Malibu Inn motel should, at half the size, provide half of this amount. Additionally, they should share the cost of the pumps at Topanga in case of a major fire.

Thanks

scott

Date Received 9/8/21 Time 8:27am
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Aaron Gribben

Subject: FW: Please approve Malibu Inn Motel... #Coastal Development Permit No. 09-067, Conditional Use Permit No. 18-002,

Received
9/8/21
Planning Dept.

From: Yvonne DeLaRosa [redacted]
Sent: Wednesday, September 8, 2021 5:35 PM
To: Planning Commission <planningcommission@malibucity.org>
Cc: Yvonne DeLaRosa [redacted]
Subject: Please approve Malibu Inn Motel... #Coastal Development Permit No. 09-067, Conditional Use Permit No. 18-002,

Dear Planning Commissioners,

I hope this letter finds you all well. I am a local Malibu resident for over 25 years as well as a business owner in Malibu for over 7 years. I am in full support of this project. It is very obvious that Malibu needs more hotel rooms and the project is in a perfect commercial zone for this use. It is already surrounded by other hotels and the Malibu Pier, which makes it a great fit. Last but not least, it looks absolutely beautiful, and light years above the current unkempt parking lot. My whole life that parking lot has just been an eye sore and the thought of this area being respectfully developed can only help our community. The sufficient parking is a bonus as well as the proposed points of ingress and egress to help traffic flow on PCH. The tax revenue will be a much needed boon to our city and the rooms will also help with the airbnb situation in Malibu. Its just a great project overall and something we actually need in Malibu. I do hope this project can move forward. It is such a beautiful plan.

Much love and blessings to you all.

If you have any questions please do not hesitate to contact me.

Yvonne DeLaRosa Green
[redacted]

Date Received 9/8/21 Time 5:35pm
Planning Commission meeting of 9/8/21
Agenda Item No. 4D
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
12/3/21
Planning Dept.

Planning Commission

From: Brittani A. Jackson [redacted]
Sent: Friday, December 3, 2021 2:56 PM
To: Planning Commission; Patricia Salazar; John Cotti; Trevor Rusin; kstecko@malibucity.org; Kelsey Pettijohn; cityclerk
Cc: Marshall A. Camp
Subject: Letter re 12/6 Malibu Planning Commission Meeting - Agenda Item 4.E. (Malibu Motel)
Attachments: 2021-12-03 Marshall Camp letter to City of Malibu re Malibu Motel.pdf

Chair Hill and City staff,

Please find attached a letter submitted in connection with the December 6, 2021 meeting of the Malibu Planning Commission, **Agenda Item 4.E. (Malibu Motel).** We respectfully request that this letter be distributed to the Members of the Commission and be made part of the record for the December 6, 2021 meeting.

Thank you,
Brittani Jackson

Brittani A. Jackson

HUESTON HENNIGAN LLP

D: [redacted]
T: [redacted]
Biography

[redacted]
Los Angeles CA 90014

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/3/21 Time 2:56 PM
Planning Commission meeting of 12/6/21
Agenda Item No. 4E
Total No. of Pages 13

MARSHALL A. CAMP
Partner
[redacted]
[redacted]
Suite 400
Los Angeles, CA 90014

HUESTON HENNIGAN LLP

December 3, 2021

Kraig Hill, Chair
Members of the Planning Commission
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265-4861
planningcommision@malibucity.org

Re: December 6, 2021 Planning Commission Meeting - Agenda Item 4.E - Malibu Motel

Dear Chair Hill and Members of the Planning Commission:

This firm represents Mani Brothers Real Estate and affiliated companies that own properties near the proposed Malibu Motel, including the Malibu Beach Inn, located at 22878 PCH; the former Hertz lot at 22853 PCH; and the multifamily properties at 22640 and 22648 PCH (collectively, the "Mani Brothers").

The Mani Brothers **oppose** the Malibu Motel, including the entitlements and approvals sought in connection with Agenda Item 4.E at the December 6, 2021 Planning Commission meeting. Grounds for the opposition were extensively detailed in my letter of August 26, 2021, attached as **Exhibit A**. In brief, they include the following without limitation:

1. The Proposed Use is a Hotel Prohibited in the CV-1 Zone. The proposed use is not a "motel" or "bed and breakfast inn" and is properly classified as a "hotel" under the Malibu Local Coastal Program (LCP) and Zoning Code. Hotels are prohibited under the site's current CV-1 zoning.

2. Loss of Beach Parking. The site currently provides 16 spaces for beach parking. The proposed motel will provide zero. This loss of beach parking violates important policies of the Coastal Act and the Malibu LCP and creates a significant impact that must be analyzed in an environmental impact report (EIR). *See* LIP 1.2(C), (H).

3. Insufficient Parking. The project provides just 23 parking spaces for the proposed motel. Under either the parking standards for a "hotel" or a "motel," 23 spaces is insufficient for this 20-room property with bar and dining services that hosts public events including weddings. *See* LIP 3.14.3; MMC 17.48.030. Further, the project plans do not conform to the stall sizes or turnarounds required by code. *See* LIP 1.2(C), (H) & 3.14.5(D); Zoning Code § 17.48.050(D).

4. Project Exceeds the Maximum Allowable Height and Stories. The maximum height allowed for a new commercial building is 24 feet (or 28 feet for a pitched roof) and two stories. *See* LIP 3.8(A)(1)(b). The proposed motel is slated to be four stories and over 40 feet tall.

5. General Plan Inconsistencies. The project violates several General Plan policies enacted to preserve the character of Malibu. Approving the tallest hotel to date in Malibu in the vicinity of the congested

Malibu pier neither respects the "rural character and natural environmental setting" nor conforms to the requirement that commercial areas be limited to "small neighborhoods … interspersed throughout the City." *See* LU Element §§ 1.1, 1.5.4. The applicant also has not complied with the requirement to secure a planned development permit. *See* LU Implementation Measure 67.

6. LCP and Zoning Code Inconsistencies. The project violates so many provisions of the LCP and Zoning Code that it requires multiple variances and discretionary approvals. The required variances are not supported by the required findings.

7. CEQA Defects. The City has improperly used a mitigated negative declaration (MND) for this project. An EIR should have been prepared given the project's stark inconsistencies with the General Plan, LCP and Zoning Code, and the additional traffic impacts and safety risks associated with this highly congested section of the PCH.

None of these concerns have been addressed, as the staff report submitted before the December 6, 2021 Planning Commission meeting reveals.

The Mani Brothers also **oppose** the entitlements and approvals sought in connection with companion Agenda Item 4.D, which proposes reducing the restaurant serving area of the adjacent property to free up parking spaces for the proposed motel. This proposal was not accounted for in the City's MND for the proposed motel, and the "requirements of CEQA cannot be avoided by chopping up proposed projects into bite-size pieces which, when taken individually, may have no significant adverse effect on the environment." *Tuolumne Cty. Citizens for Responsible Growth, Inc. v. City of Sonora*, 155 Cal. App. 4th 1214, 1223 (2007).

The Planning Commission is thus respectfully urged to deny the proposed approvals for the reasons set forth above, as well as the many other grounds for denial raised by the public in opposition to this project. If the project is to be brought forward again for further consideration, it should first be revised for consistency with existing City plans and policies and then evaluated in an EIR.

Sincerely,

Marshall A. Camp

cc: John Cotti, City Attorney (via e-mail)
Trevor Rusin, Assistant City Attorney (via e-mail)

Exhibit A

Received
8/26/21
Planning Dept.

From: Jason Ernst
To: Jason Ernst
Subject: FW: Letter re 8/26 Malibu Planning Commission Meeting - Agenda Item 1.C. (Malibu Motel)
Date: Thursday, August 26, 2021 2:07:54 PM
Attachments: 8-26-21 Letter to Planning Commission re Agenda Item 1.C..pdf
Importance: High

From: Marshall A. Camp [redacted]
Sent: Thursday, August 26, 2021 1:10 PM
To: Planning Commission <planningcommission@malibucity.org>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kathleen Stecko <kstecko@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; John Cotti <john.cotti@bbklaw.com>; cityclerk <cityclerk@malibucity.org>
Subject: Letter re 8/26 Malibu Planning Commission Meeting - Agenda Item 1.C. (Malibu Motel)
Importance: High

Chair Jennings and City staff,

Please find attached a letter submitted in connection with tonight's meeting of the Malibu Planning Commission, **Agenda Item 1.C. (Malibu Motel)**. We respectfully request that this letter be distributed to the Members of the Commission and be made part of the record for tonight's meeting.

Thank you,

Marshall Camp

Marshall A. Camp

HUESTON HENNIGAN LLP

D: [redacted]
T: [redacted]
[redacted]
Biography

[redacted]
Los Angeles CA 90014

Date Received 8/26/21 Time 1:10pm
Planning Commission meeting of 8/26/21
Agenda Item No. 1C
Total No. of Pages 9

MARSHALL A. CAMP
Partner

mcamp@hueston.com
D: 213 788 4541
T: 213 788 4340
F: 888 775 0898

523 West 6th Street
Suite 400
Los Angeles, CA 90014

HUESTON HENNIGAN LLP

August 26, 2021

VIA E-MAIL

Jeffrey Jennings, Chair
Members of the Planning Commission
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265-4861
planningcommission@malibucity.org

Re: August 26, 2021 Planning Commission Meeting - Agenda Item 1.C. – Malibu Motel

Dear Chair Jennings and Members of the Planning Commission:

This firm represents Mani Brothers Real Estate and affiliated companies that own properties in the vicinity of the proposed Malibu Motel, including the Malibu Beach Inn, located at 22878 PCH; the former Hertz lot at 22853 PCH; and the multifamily properties at 22640 and 22648 PCH (collectively, the "Mani Brothers").

The Mani Brothers oppose the Malibu Motel, including the entitlements and approvals sought in connection with Agenda Item 1.C. at tonight's Planning Commission meeting. Grounds for the opposition include, without limitation, the following:

1. The Proposed Use is a Hotel Prohibited in the CV-1 Zone. The proposed use is not a "motel" or "bed and breakfast inn" and is properly classified as a "hotel" under the Malibu Local Coastal Program (LCP) and Zoning Code. Hotels are prohibited under the site's current CV-1 zoning.

   As defined in the LCP Local Implementation Plan (LIP) and Zoning Code, a "motel" is "*a group of attached or detached buildings containing guest rooms, some or all of which have a separate entrance leading directly from the outside of the building to automobile parking space conveniently located on the lot or parcel of land, [and] does not provide accessory uses such as restaurants or meeting rooms".* (LIP 2.1; *see also* MMC 12.02.060.) The proposed project fails to meet this definition in two significant respects.

   First, there is no direct access from the guest rooms to the parking. None of the guest rooms are on the same level as the parking. To get from their rooms to the parking garage below, guests will need to travel through common walkways and corridors and use the common elevator or common stairs.

   Second, the project includes a dedicated bar serving the large rooftop deck area, as well as a full commercial kitchen for food service. The rooftop deck and amenities would be used by motel guests on a daily basis, but events that would bring in visitors can be held onsite in the motel subject to City approval of a Temporary Use Permit (TUP), including "weddings, B'nai Mitzvahs, parties, corporate events, and other festivities." (Agenda Report, p. 13.) These amenities, such as the rooftop bar and

lounge, commercial kitchen and special event space, clearly distinguish this project from a "motel" and bring it within the definition of "hotel," i.e., "*a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants and meeting rooms.*" (LIP 2.1; *see also* MMC 12.02.060.)[1] Accordingly, this project cannot be approved without a zone change and LCP amendment to redesignate the site from CV-1 to CV-2 to allow a hotel.

2. Loss of Beach Parking. As stated in the Commission's agenda report, the site is currently improved with a parking lot containing 40 spaces, of which at least 24 are required for the adjacent Aviator Nation restaurant/retail property. The remainder of the parking spaces have been used as beach parking (*see* February 2021 photo attached hereto as Exhibit A showing parking attendant shack and banner advertising "Beach Parking").

   The proposed motel includes 47 parking spaces, of which 24 will continue to be used for the adjacent Aviator Nation property. This leaves only 23 spaces for the Malibu Motel (far short of what code requires, as discussed below) and leaves zero spaces for beach parking. This represents an unmitigated loss of at least 16 spaces (from 40 to 24) currently available for beach parking. This loss of beach parking violates important policies of the Coastal Act and Malibu Local Coastal Program (LCP)[2] and creates a significant impact that must be analyzed in an EIR.

3. Insufficient Parking for the Motel. As explained above, the project should be classified as a "hotel" and not as a "motel." Under the LIP and Zoning Code, a hotel requires two parking spaces per room, plus additional spaces for food and beverage serving area and employees. (LIP 3.14.3; MMC 17.48.030.) This would result in a parking requirement more than twice the 23 spaces provided for the Malibu Motel (47 total onsite, less 24 dedicated for the use of Aviator Nation).

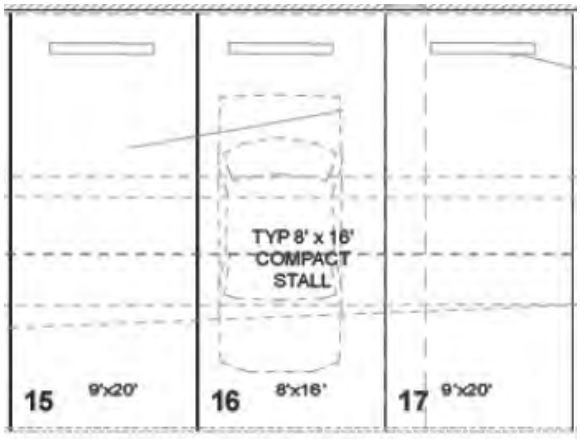
   Even if the property were required to provide only the number of spaces required for a "motel," there would still be more than 23 spaces required. Staff calculated that 23 spaces were required based on the "motel" standard of one space per room, plus one space for each employee assuming three employees per shift. (LIP 3.14.3.) But the assumption of only three employees per shift is clearly too low. For example, at 5:00 pm on a typical day, the property would require *at minimum* seven (7) employees: a parking valet, a front desk clerk, a manager, a food prep chef, a dishwasher/bar back, a bartender, and a pool attendant/server. If any housekeeping personnel were still on site, the number would be even higher.

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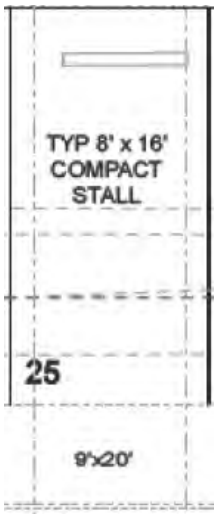
[1] The proposed use also does not constitute a "bed and breakfast inn," which is defined as "*a facility offering transient lodging accommodations to the public and providing kitchen facilities adequate to provide meals to the guests of the facility only and not otherwise open to the public*." (LIP 2.1; *see also* MMC 12.02.060.) While the project contemplates transient lodging and a commercial kitchen, so does any hotel. Read in context with the definitions of motel and hotel, the term "bed and breakfast inn" was intended to reflect the traditional notion of a quaint, rural lodging house that offers breakfast to a handful of guests. A bustling, 20-room property at the pier with rooftop bar and dining service late into the night for its 30-40 guests along with public weddings and events is a hotel, not a B&B. Notably, the agenda report and proposed resolution uniformly refer to the project as a "motel" and never as a "bed & breakfast inn."

[2] Policies of the Malibu LCP include coastal access and the provision of adequate off-street parking. (*See, e.g.*, LIP 1.2, paragraphs C and H.)

The project plans also reveal that the parking spaces provided do not conform to the stall sizes required by code. Except for the 20% allowed to be compact spaces, all standard stalls must be at least 9' by 20'. The dimensions called out on the applicant's Proposed Subterranean Garage Plan appear inaccurate, inconsistent and potentially misleading. (*See* Agenda Report at p. 87.) Simply by way of example, the plan appears to depict dimensions for spot #16, which is labeled as an "8' x 16' Compact Stall," that are roughly identical to adjacent stalls labeled "9'x20'":

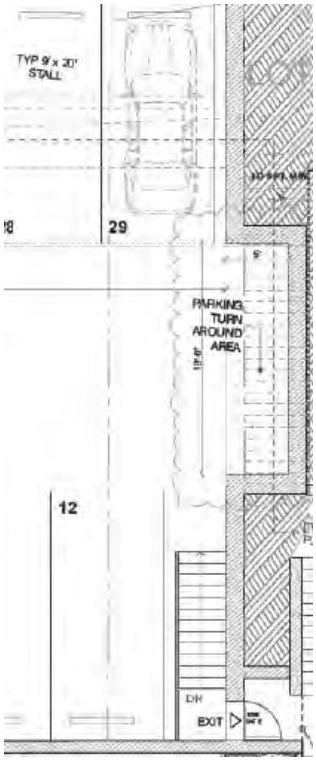


(Agenda Report at p. 87.) And bizarrely, spot #25 appears to be labeled both "9'x20'" *and* "8'x16'":



(*Id*.)

The same plan also shows a dead-end parking aisle with no adequate turnaround as prohibited by Zoning Code § 17.48.050(D) & LIP 3.14.5(D):



(*Id*.)

4. Project Exceeds the Maximum Allowable Height and Stories. The maximum height allowed for a new commercial building under the LCP is 24 feet (or 28 feet for a pitched roof) and two stories. (LIP 3.8(A)(1)(b).) As shown by the project's south elevation (*see* Exhibit "B" to this letter), however, the project is actually four stories and over 40 feet tall. At the base is the entry lobby and reception area, together with an enclosed parking garage. The second and third levels contain the guest rooms and commercial kitchen. The top floor contains the pool deck, elevator box, and a roofed bar area.

   Each of these four levels is a "story" under the LCP, which defines a "story" as: "*that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above*." (LIP 2.1; *see also* MMC 12.02.060.) Contrary to the Agenda Report's erroneous references to the project as a "two-story motel" (*see e.g.*, p.11, referring only to the second and third levels which contain guest rooms) the first floor lobby/parking levels and the top floor pool and bar are also stories.

   Indeed, the top floor is not only used as habitable floor area, but portions are roofed (to wit, the elevator box and bar), and these roofed portions squarely meet all aspects of the code definition for a fourth "story." (*See* Ex. B.) Similarly, although the code states that a "basement" is not a story, the lobby/parking level does not meet the definition of a "basement," i.e. "*that portion of a building or an area*

enclosed by walls located below finished grade and beneath or partially beneath the first floor footprint above, where the vertical distance from finished grade to the bottom of the finished floor above is no more than 3 vertical feet ***at all points around the perimeter of all exterior walls***." (Emphasis added.) Although the proposed motel will be built into the hillside and the lower level is partially below ground, the front (southerly) edge of the ground floor will be fully exposed and "daylighted" to at least a 10 foot height, as shown on Ex. B to this letter, and on pages 92 and 135 of the agenda report. The architect's failed attempt to simulate a basement condition by flanking the exposed lobby frontage with dirt planters does not change the fact that the lower level includes at least a 10 foot height of exposed frontage and cannot be considered a "basement" as defined by code.

5. General Plan Inconsistencies. The proposed project clearly violates the following policies of the City of Malibu General Plan Land Use Element:

   a. Section 1.1 in the Introduction to the Land Use Element states: "Commercial areas are limited to small neighborhood serving and visitor serving uses interspersed throughout the City …." By contrast, the proposed project at four stories would be the tallest hotel approved to date in Malibu, and it would create the third hotel/motel in this immediate area (within approximately 500 feet of the Malibu Pier), which is already congested with restaurants and tourist facilities.

   b. LU Implementation Measure 67 requires a commercial planned development permit for any commercial development or change of use of existing development to assure compliance with current codes. The applicant here has not sought a planned development permit and the project does not comply with current codes (stories, setbacks, parking, grading, etc.) as documented in this letter.

   c. Section 1.5.4 of the Land Use Element states that the CV designation for this site provides for uses that serve visitors and residents, such as hotels and restaurants "which respect the rural character and natural environmental setting." The imposing, four-story structure proposed here to be cut into the hillside would be entirely urban in character and—literally and figuratively—undercut the natural setting and terrain.

6. Inconsistencies with the LCP and Zoning Code. As noted above, the project violates so many provisions of the LCP and Zoning Code (excessive grading, height, setbacks, open space, landscaping, parking standards, retaining wall height, etc.) that it requires multiple variances and discretionary approvals to be approved. Many of these inconsistencies are openly identified and admitted by planning staff in the 47-page staff memorandum included in the agenda report. Others are identified above in this letter. The required variances are not supported by the required findings.

   For example, the agenda report claims that the hillside must be carved out because of "special circumstances," citing the steep slopes at the rear of the lot. (Agenda Report at 23.) Those steep slopes, however, are far from unique in Malibu—to the contrary, they are the typical condition for most of the inland lots along PCH. Another variance allows for a 46-foot high retaining wall—more than *three times* the 12 foot maximum. This wall again is needed not for any unique condition of the property, but only because of the applicant's desire to build into the hillside for the purpose of claiming that this four-story structure only has a height of 24 feet by the trick of terracing back the building against the hillside and measuring vertically parallel to the slope. A third variance is required for parking in the front yard setback, which still does not provide sufficient parking for both the use and the 24 spaces already dedicated to the Aviator Nation property next door. The self-imposed voluntary arrangement made by

the property owner to sell perpetual parking rights to a neighbor should not be later used as a hardship justification for a variance to allow extra parking spaces located in the front yard setback.

7. CEQA Defects. The City has improperly used a mitigated negative declaration for this project, when an EIR should have been prepared in light of the project's stark inconsistencies with the General Plan, LCP and Zoning Code as noted above. The MND failed to address additional traffic impacts and safety risks associated with this highly congested section of PCH. These include increased nighttime trips, increased nighttime pedestrian crossings of PCH by hotel guests, and increased nighttime left turns into and out of the unsignalized/uncontrolled driveways. Although my clients deal with these issues at the Malibu Beach Inn and believe they can be adequately mitigated, the City disagreed and cited these kinds of alleged PCH safety concerns in denying the Malibu Beach Inn's pool and offsite parking application. The proposed Malibu Motel project should be held to the same standard, particularly because of the congestion and greater PCH crossings at this location directly across from the beach, and the shops and restaurants at the Malibu Pier.

The Planning Commission is respectfully urged to deny the proposed approvals for the reasons set forth above, as well as the many other grounds for denial raised in the voluminous public correspondence submitted in opposition to this project. If the project is to be brought forward again for further consideration, it should first be revised to be consistent with existing City plans and policies, and then evaluated in an EIR before returning to the Planning Commission for additional hearings.

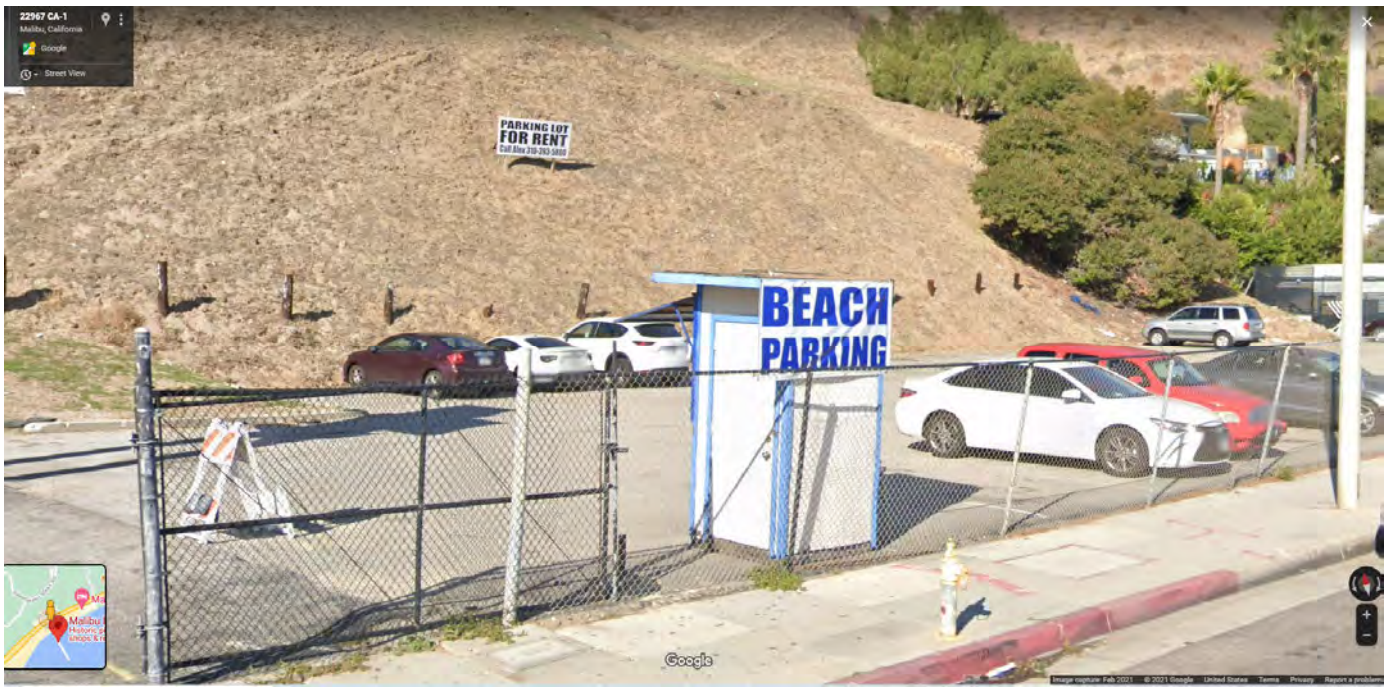
Sincerely,

Marshall A. Camp

cc: John Cotti, City Attorney (via e-mail)
Kathleen Stecko (via e-mail)

HUESTON HENNIGAN LLP

Exhibit “A”
Existing Beach Parking at the Site



HUESTON HENNIGAN LLP

Exhibit “B”
Proposed South Elevation



Received
12/6/21
Planning Dept.

Planning Commission

From: Jo Drummond [redacted]
Sent: Sunday, December 5, 2021 5:27 PM
To: Planning Commission
Cc: Patricia Salazar; Colin Drummond
Subject: Malibu Inn Motel

Honorable Planning Commission,

We are opposing this project for the following multiple reasons:

1. Everyone always says we don't have enough hotels yet Pacific Palisades has NO hotels or motels, we don't need any more hotels in Malibu.
2. The traffic implications at the already most busiest intersection of Malibu is dangerous - this alone should stop the project. There is also no safe way to exit left out of the motel/hotel.
3. No extensions on the original project were ever filed to justify the new application - the water ban made only one day after the initial commercial retail project would not allow any new project - the planning dept should have closed this project due to inactivity for almost 10 years but for some reason did not. CDP's expire after two years. So CDP 09-67 should be long expired. In the geoconcepts report dated June 20, 2018 it states that "the proposed commercial development project was approved from a geotechnical perspective in the CDP review stage on may 31, 2016. The revised plans for the motel project were submitted over two years later on June 11, 2018. The fixture count also going to 4 times the amount from 56 units to 229 units shows two extremely different projects and a new application should have been filed. Especially given the water issues at the site.
4. This is essentially a hotel not a motel as it has room service and an underground garage, etc so cannot be approved due to its zoning.
5. This area needs more parking not less - this will remove a huge chunk of public parking and pch will be marred by more tourists looking for parking by the pier slowing down traffic.
6. It does not meet the parking requirements even with the shared use of aviator nation.
7. The granting of the variances for the project does constitute a special privilege as no properties in the immediate vicinity are built into the slope with a giant retaining wall with inadequate parking.
8. The environmental impacts of this project are huge, the extremely large amount of non exempt grading (almost 370000 pounds extra non exempt grading) - from the lip 5.9 "commercial development shall be designed to avoid intrusive traffic circulation and light and glare." (At minimum 68 additional average daily trips) and the ERB CITED "potential traffic impact…is a concern", a 46 ft tall retaining wall with excavation of 58 ft, the estimated wastewater discharge rate is grossly underestimated at 4056 gallons per day - this is less than 5 times the average home in Big Rock's water usage (20 persons) and with a likelihood of the amount of 12-15 homes in big rock it should be at least doubled. For 65 people per day using the facilities at the motel it would be at minimum 12000 gpd used.
9. Due to the high water usage of this project it would have greater impacts than the former project at over 4 times the amount of fixtures and even more usage from motel guests rather than customers 10. The homes directly above the slope of this property 190 ft up will be disturbed by noise but also has geology testing been done showing it's safe to build on that slope? Groundwater was encountered during geotechnical exploration - what is the effect of all the septic water usage on this groundwater? Was that ever considered given the need for a water ban in the area? This was not studied in the private sewage report in 2012 or subsequent septic reports. The proposed piles will encounter water it states in the June 20, 2018 geotechnical report for the project. The last percolation test completed for the property was April 17, 2003. Water level has greatly risen since that study was completed and new tests should be completed. Groundwater levels data and beach deposits data in the latest geotechnical reports date back to 6/28/87, 4/25/03 & 8/27/07. This was all completed before the water ban. More updated measurements are needed and required to see if the septic system will fail or not and if the slope is stable. The studies were also based on 56 units as compared to the new 229 units. The peak flow in the 2014 ensitu report was almost 2000 gpd for 56 units so multiplied by over 4 times

CC: Planning Commission, PD,
Recording Secretary, File

Date Received 12/6/21 Time 7:30 AM
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the fixtures would be a minimum of 8000 gpd in their conservative estimates so should not only be 4056 gpd as in the 2018 ensitu report.

Thanks very much for your consideration in sending this back to planning for further study or outright denial due to the existing water ban.

Jo & Colin Drummond

Received
12/6/21
Planning Dept.

From: Lester Tobias [redacted]
Sent: Sunday, December 5, 2021 10:40 PM
To: Kraig Hill <kraig.malibu@gmail.com>; John Mazza <Res02igz@gte.net>; Dennis Smith <drsconst@aol.com>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Patricia Salazar <psalazar@malibucity.org>

Subject: Malibu Surfside Motel: a letter from me....

Hi All,

Again, sorry for the late response but the staff report came out pretty late, I'm pretty busy, it takes time to review this stuff and think about it and put a cogent argument together. And like I say in the letter, I was really on the fence about speaking out (again) on this subject.

I doubt I'll be on the zoom tomorrow night, so y'all have a good time with this project. Please consider my remarks.

Thank you.

LT

--
Lester Tobias, Principal
Tobias Architecture, Incorporated
[redacted]
Malibu, California 90265
[redacted]
NCARB #101162
California Architect's License C22552
Montana Architect's License ARC-20223

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/6/21 Time 7:30 AM
Planning Commission meeting of 12/6/21
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TOBIAS
ARCHITECTURE

Planning Commission

Item 4E

December 8th, 2021

You know, I almost walked away from this project.

I don't want to beat up on my friend Doug Burdge. Doug and I have worked together on several valiant, if failed attempts to improve the LIP. We teamed up and worked side by side immediately after the Woolsey Fire to successfully lobby the planning director for a quick and equitable planning verification process. And I was Doug's most valuable ally in the fight to stave off an ill conceived downsizing of TDSF brought on by several of his "clean sheets" maximum TDSF projects.

I also don't have any objections to a 20 room motel. I have advocated for the creation of a "hospitality zone" overlay in the area of the motel, and came out early, strongly, and often in support of Norm's hotel.

I have worked for the Hakim family in the past, including the vacant lot in question. I have no personal axe to grind with Mr. Hakim or his sons.

The staff report is what keeps me from walking away. It is a full frontal assault on the LIP, and, while I have come to expect this kind of approach from several architects and expediters on individual projects, I have always been able to lay my head on my pillow at night knowing that the LIP, planning staff, and planning commission will keep the most ridiculous requests from seeing the light of day. It is what allows me to sleep soundly.

However, this particular staff report keeps me up at night. It does so because it is so bogus that, if approved, it will be hard for me NOT to think that the deck was stacked, the fix was in, and the process was rigged from the start.

As explanation, allow me to walk through just a few brief elements contained in the staff report, and bring to your attention the most obvious troublesome areas.

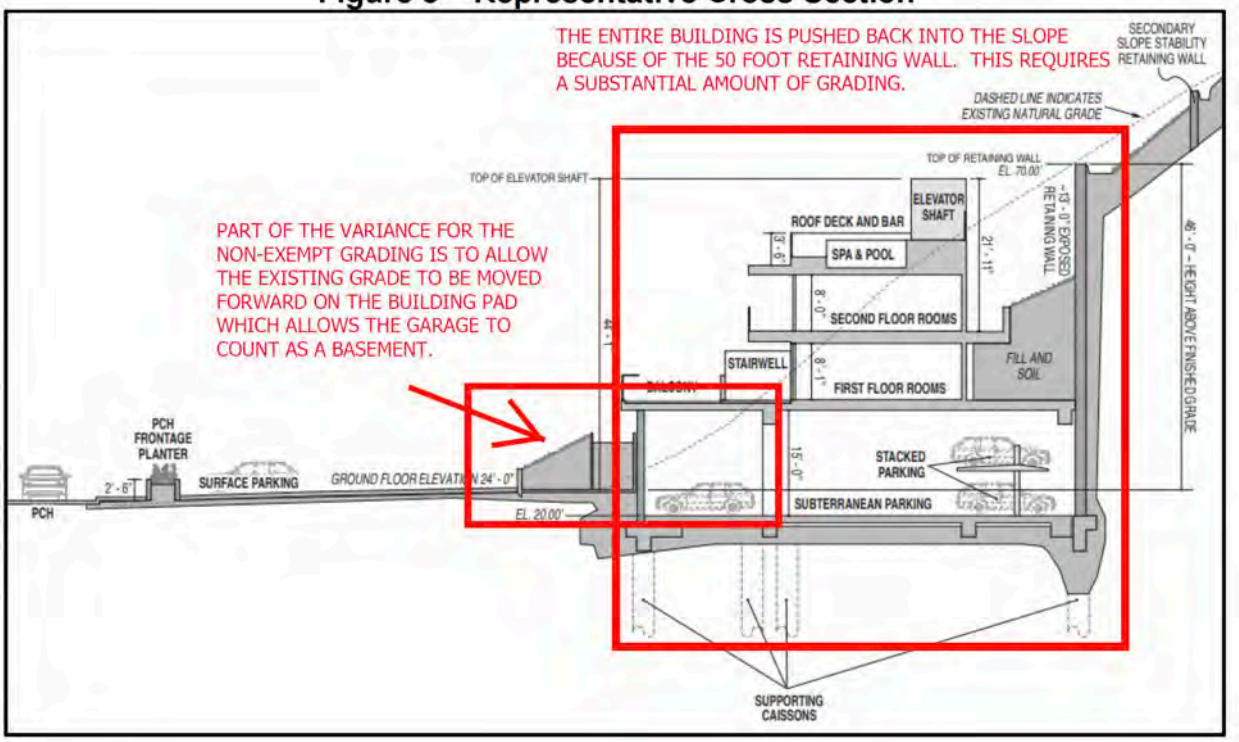
On page 11, the first sign of trouble appears. In a subheading under Height, the report uses a phrase that I have never before read in a staff report. "full site development would be enabled by construction of a retaining wall at the north side…". This is a subtle tee-up for the false findings that staff uses later in the report to recommend granting a 50 foot retaining wall. I have never seen the concept of "full site development" as a justification for a project element that exceeds allowable limits by four hundred percent. This retaining wall will surface later in this letter, so pay attention.

On Page 12, under Grading, the staff report states that a total amount of 13,043 cubic yards of grading is proposed, yet exempts 11,693 cubic yards of this grading as exempt due to its being classified as "under structure" grading. This section of the report suggests that the project is barely over the allowable amount of excavation, by a paltry 170 cubic yards.

What the staff report fails to mention is that almost the entire amount of this exempt, "under-structure" grading is due to the fifty foot retaining wall, requested later in the report. A more

honest staff report would have required the applicant to analyze the grading differential between a design that did not require the fifty foot retaining wall, and the yardage presented. (see image below).

Figure 3 – Representative Cross Section



Another part of the lack of an honest staff report with respect to the grading is that they do not explain the manipulation of the existing grade to create a basement condition which could not be achieved without essentially moving the toe of the slope forty feet toward the street in order to cover the face of the building that is actually sitting at grade. Now I think that this maneuver is legit if it falls under the 1,180 cubic yards of exempt grading, but shouldn't be a reason for a grading variance. The staff should have been able to discern this, as well. I am also curious as to whether the chunk of dirt, labeled "fill and soil" above the stacked parking was counted as non-exempt grading, or as "under-structure" (but now I am splitting hairs, so.)…

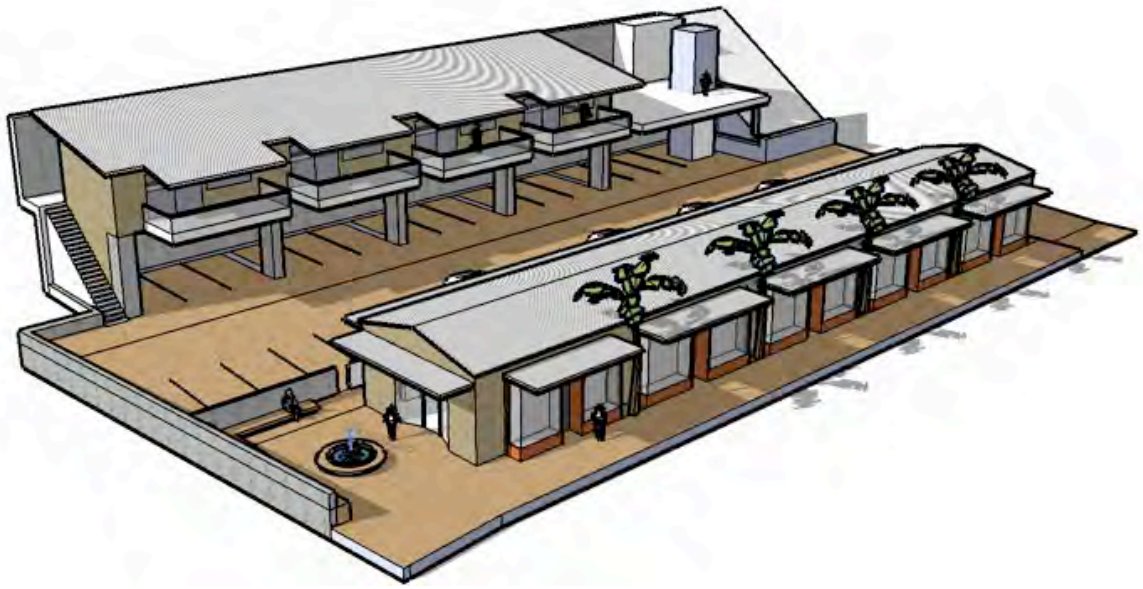
On page 14, under OWTS, the staff has ignored the commission's request, made at the September 8th hearing, to verify that the current project enjoys the previous project exemption from the wastewater moratorium. This was an important issue, as the previous exemption was based on the project being a mixed use office/retail building, not a hotel with bar and restaurant that is also requesting non-guest uses such a weddings, bar-mitzvahs, and the like.

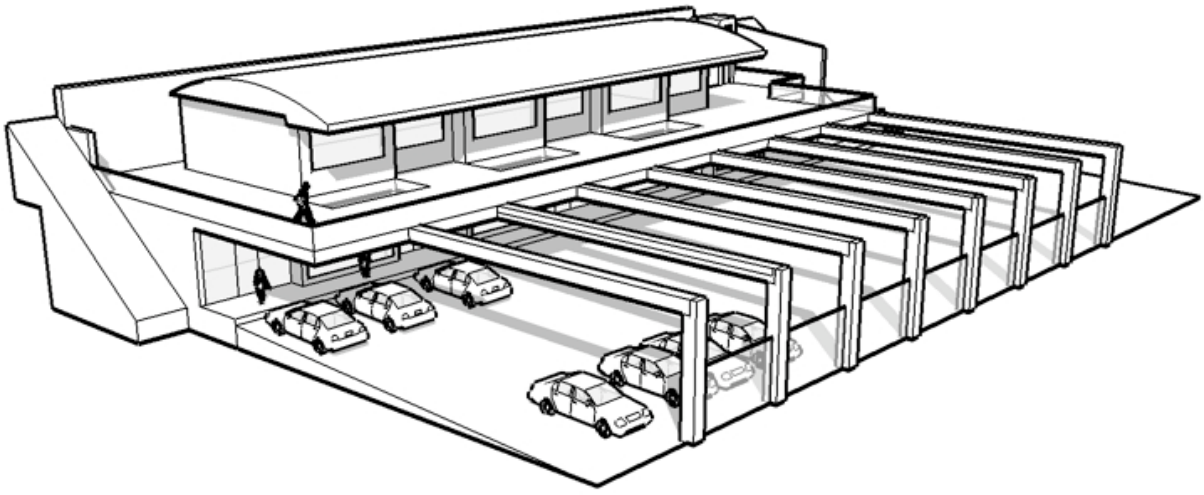
This is one of the more troubling aspects in the staff report, as it can be construed as complete insubordination against the planning commission. This was a valid question, an easy question on which to obtain an answer, and now the question needs to be "why wasn't it asked?"

On page 24 in the discussion of the grading variance, the staff report states, "Therefor, ***commercial development on the subject property would not be feasible*** without granting a variance for non-exempt grading in excess of 1,000 cubic yards per acre."

This is a totally false statement. How do I know this? I know this because I have personally designed four distinct commercial buildings for this site. Two for the previous owner, Mitchel Stewart and two for the Hakim family. I have included a few conceptual model images below.







[redacted] Malibu California 90265

Two of these projects did not require retaining walls that would have needed a variance. The other two required 24 foot tall retaining walls.

My professional experience with the site compels me to call bullshit on whoever said that you need a 50 foot retaining wall to build a commercial project here.

Page 27 starts the same argument of the "unbuildable site" as it pertains to the 50 foot retaining wall. There is a tortured paragraph in the justification section of the variance request. It reads thusly:

"The retaining wall is integral to the Project: it is integrated as part of the building to create the subterranean parking; it is required to create a level building area for the motel building, subterranean parking level, and the at-grade surface parking lot adjacent PCH; and it is essential for securing excavation of the steep slope to accommodate the structure. Therefor, a commercial development on the Project Site would not be feasible without granting a variance for retaining wall height in excess of 12 feet."

"Integral". "Integrated". "Required". "Essential". Those words are NOT coming from the applicant. ***They are coming from the planner. And they are lies.***

Now, I think the most interesting tact the planning commission could take at the hearing would be to flush out the person who wrote this paragraph. Find out what compelled them to make such a strong case for an applicant. It is not only a lie. It is worded to manipulate the commissioners' perception of the development potential of the site.

If I were on the commission I'd be pissed.

Speaking of being pissed, I just want to briefly touch on the staff responses to the many, many public comment letters received as part of the Negative Declaration study that were attachments in the original staff report.

Now a naive individual would think that his or her comment or complaint about a part of the project would be taken seriously by both the applicant and the planner. What I find interesting is that the staff responses to literally each and every letter could be summed up in a two word comment. "Yeah…no." The arrogance of the responses is breathtaking, but not surprising. And the lack of self reflection is astonishing. According to this planner, the staff has never made a mistake, or never gotten anything wrong.

I encourage you to very briefly review those letters. They are numerous and in one of those sort of magical crowd source moments, THEY GOT EVERYTHING RIGHT ABOUT EVERYTHING WRONG ABOUT THE PROJECT.

Yay Residents Go!

Yours Truly,

Lester Tobias

[redacted] **Malibu California 90265**

Received
12/6/21
Planning Dept.

Planning Commission

From: Mari Stanley [redacted]
Sent: Monday, December 6, 2021 3:23 PM
To: Planning Commission
Subject: Plng Comm mtg 12/6/21 - Item 4D & 4E RECUSAL OF JENNINGS FROM VOTING ON MATTERS

Hello,
I request that Chair Jennings make a disclosure this evening as to the firm he has hired to rebuild his Woolsey impacted home to ascertain if there could be a relationship issue that can be seen as improper or beholding to this project in the expected vote.

Burdge and Associates is a large firm that is handling many of the Woolsey fire rebuilds, I do believe this disclosure is necessary on all development proposals that come before the Planning Commission but in this case I flat out demand a transparent disclosure to insure that the community is assured of full transparency and adherence to the laws. We've already suffered the piss poor - sorry but that is exactly what went down and the applicant deserves no mincing about the disrespect shown by their lack of actions to present a true representation of the project - behavior of the applicant in past meetings and it has not been pretty nor has it advanced the reputation of the applicant's intentions for the community. I am leery and know that many others are as well.

Please exercise the utmost transparency in this project on all matters going forward, not simply this evening. Should never, ever have taken so much to get the story poles in compliance and for that alone I remain distrustful of both staff and applicant for so many other areas of concern - not the least being the separation of the excavations of the retaining wall and the underground area of the motel itself - combine those two to present the true excavation of the site that is involved in both agenda items this evening.

Thank you,
Mari Stanley
Zumirez Dr., Malibu, CA

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/6/21 Time 3:23 PM
Planning Commission meeting of 12/6/21
Agenda Item No. 4D/4E
Total No. of Pages 1

Received
12/6/21
Planning Dept.

Planning Commission

From: Mari Stanley [redacted]
Sent: Monday, December 6, 2021 4:23 PM
To: Planning Commission
Cc: John Cotti; john mazza; Kraig Hill
Subject: Item 4E is not signed, not APPROVED for Agenda by city dept head and not acknowledged for entry into agenda

Where is the standard, normal signatures/initials that are signs to me that the item has been reviewed, accepted and is approved by the dept head and the other normal signatures/initials from city staff?

Every other item and specifically with regards to plans and development proposals carries forward signatures and acknowledgements of review and approvals - save for this one.

In that aspect, the item lacks the transparency required to have full trust in the final product as it sits on tonight's agenda. The item must be pulled and forwarded to a future meeting once all the appropriate approval avenues are achieved.

This is looking very unprofessional and that's not an easy thing to lob at the City but it's right there, plain as day. Snuck this one in? That is how residents will view it both this evening and for historical purposes.

Thank you,
Mari Stanley
Zumirez Dr

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/6/21 Time 4:52 PM
Planning Commission meeting of 12/6/21
Agenda Item No. 4E
Total No. of Pages 1

Received
12/6/21
Planning Dept.

Rebecca Evans

From: Patricia Salazar
Sent: Monday, December 6, 2021 10:23 AM
To: Rebecca Evans
Subject: FW: item 4E Malibu Inn Motel 12-6-21
Attachments: pc Malibu Inn Motel 12-6-21.docx

From: healypatt@[redacted]
Sent: Sunday, December 5, 2021 11:02 AM
To: Kraig Hill <kraig.malibu@gmail.com>; John Mazza <Res02igz@gte.net>; drsconst@aol.com; Mark Wetton <mwmalibupc@gmail.com>; Jeffrey D Jennings <jdjenningslaw@gmail.com>
Cc: Patricia Salazar <psalazar@malibucity.org>
Subject: item 4E Malibu Inn Motel 12-6-21

Attached are MCSG's comments on the Malibu Inn Motel. Please let me know if you have questions. thanks, Patt

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/6/21 Time 10:23 AM
Planning Commission meeting of 12/6/21
Agenda Item No. 4E
Total No. of Pages 5

To: Members of the Planning Commission
From: Patt Healy for Malibu Coalition for Slow Growth
Re: Item 4 E Malibu Inn Motel
Date: December 6 2021

Honorable members of the Planning Commission,

This project should be denied for the following reasons.

Violates Development Standards

This overly ambitious project doesn't meet city 's development criteria and needs an excessive number of variances to build. If the city is willing to grant so many variances it is making a mockery of our development criteria. Why have development standards if they are not being followed allowing a developer the right to build any project it desires? Variances are not supposed to be granted as a way to circumvent development rules This project is just the type of large structures that Malibu wanted to avoid when it became a city.

Requires a 50+ foot high retaining wall, when 6 foot is allowed.

Project is being build on and into slopes greater than 3 ½ to 1.

An enormous amount of grading ,13,043 cu.yds.is what is required when 1000 cu yds is allowed. They developer is excavating into a bluff face and exporting 12,646 cu yds of dirt off site. Haul trucks carry 10 cu yds of grading so the amount of trips is closer to 1260 trips onto the most congested part of PCH in Malibu causing more traffic delays.

A 48 ft high structure when 28 ft is the maximum allowed. The height is not measured from grade and includes an above grade parking lot. In addition, the roof top deck should be counted as at least a half a story . Two stories is the standard and this project is 3 ½ stories.

The so called subterrain parking lot is not subterrain. Only about 3 ft are below ground. The remainder is above grade Putting a berm around the above grade parking garage doesn't make it subterrain.

To measure grade from several feet up the slope instead of from ground level is a misinterpretation of the code and then to call the obviously above ground

parking structure subterrain is creating a fiction which was never the intention of the code.

On page 8 /48 of the Staff report it states there are 18 at grade parking spaces. Then it states there are 29 subterrain spaces. Looking at an illustration of the project one will note that the so called subterrain parking spaces are clearly mostly entirely above grade of the 18 at grade spaces. Placing a berm around an above grade structure , like this project does doesn't make it subterrain.

If you grant these variances, it will set a dangerous precedent for the reconstruction of older buildings along the east end of PCH. It will also create a dangerous precedent for hillside residential development who following this interpretation of the code will allow 3 story high structures throughout Malibu with the above grade garage being called subterrain.

Furthermore , the project is located in the *CV-1 district is intended to provide for visitor serving uses, including motels and bed and breakfast inns, which serve visitors and residents that are designed to be consistent with the rural character and natural environmental setting.* This project is not consistent with the rural character and natural environmental setting. It is urban /suburban in nature.

RWQCB

Doubtful RWQCB would allow this project since it is in an area where new projects are banned until Phase 3 when projects in this area are hooked up to the civic center wastewater treatment plant.

Staff say it is a revised project but clearly this is not accurate. It is a new project . The former project was for a small shopping plaza and this project is for a 20 room motel with a rooftop pool and a bar. The wastewater generated by this motel will be much greater than the wastewater of a tiny shopping plaza.

In addition, we are in perhaps a permanent drought situation and we are all being asked to conserve water. This motel will have high water usage as well as generating high amount of wastewater.

The city should check with RWQCB to determine whether a 20 room motel is allowed to be constructed prior to the areas hookup to phase 3.

CEQA

The Mitigated Negative Declaration was done years ago for a different project which would have much less of an impact than the current project. The CEQA study needs to be updated.

If the Planning Commission is considering allowing this project, the developer has to update it CEQA studies before it can be approved

This proposed project is located in the most congested and overdeveloped area of Malibu and the project needs a Traffic , Circulation and Parking Study. Also the cumulative impact Study of the surrounding projects ,including the new traffic light in front o the Malibu Beach Inn . Also, a noise study needs to be done. To determine the impact on surrounding neighbors. Not only up slope but next door and those living across PCH

Not a Motel

It doesn't meet the LIP definition of a motel. Besides motels don't have bars with alcohol beverage service. We do not recommend that the motel be authorized to serve alcohol.

Serving alcohol on a roof deck with a pool could/would create even a greater nuisance to the surrounding neighbors, including the synagogue and school next door.

Parking

Employees have to park on site. Staff states there will only be 3 employees on site at one time but this defies reality. Slow Growth estimates 8-12 during the daytime shift will be needed. Where will the unaccounted-for employee's park.

The project is severely under parked especially since the Malibu Inn is allotted 24 spaces on the project site which can only be done with stacked parking which requires a full time operator and will cause evacuation chaos in an emergency.

The motel can be used for 6 events , such as weddings ,a year. Where will the guest and caterers park during these events? Motels do not allow these special events.

ERB

This is a different project than what went before the ERB earlier and the impacts are far greater than small shopping plaza .Thus ERB review should be required.

Existing Parking Lot

Today, this site provides much needed parking for visitors to the Malibu Pier, Adamson House and Surfrider beach. This amenity will be lost and not replaced if this project is allowed to go forward.

Variances

In good faith the necessary findings can't be made to justify this project. If the findings are made it will open the door for other projects of this nature further eroding the rural nature of Malibu.

Please deny this project. Thank you for considering these comments.

Received
12/6/21
Planning Dept.

Planning Commission

From: Rosemarie Ihde [redacted] >
Sent: Monday, December 6, 2021 2:22 PM
To: Planning Commission
Subject: 22959 Pacific Coast Highway, Malibu

Dear Commissioners,
Before you vote yes on this project please think about:
Traffic on PCH, Highway is not designed nor equipped to handle more traffic. PCH is already over capacity.
Please remember carrying capacity when voting for such a big and questionable project.
Where will all the cars park?
It is easy to pass such a project if you live on the west side of Malibu, but how about living on the east side of Malibu?
Sincerely
Rosemarie Ihde
[redacted] Piedra Chica Road
Malibu

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/6/21 Time 2:22 PM
Planning Commission meeting of 12/6/21
Agenda Item No. 4E
Total No. of Pages 1

Received
12/7/21
Planning Dept.

From: Georgia Goldfarb [redacted]
Sent: Monday, December 6, 2021 6:09 PM
To: Kraig Hill <kraig.malibu@gmail.com>; John Mazza <Res02igz@gte.net>; drsconst@aol.com; Mark Wetton <mwmalibupc@gmail.com>; Jeffrey D Jennings <jdjenningslaw@gmail.com>
Cc: Patricia Salazar <psalazar@malibucity.org>
Subject: Malibu Inn Motel

Dear Planning Commissioners,

Please deny this project. It makes a mockery of having building codes. If you permit this, it would seem that anyone could build any project they wished. For example: it allows a 50 ft retaining wall – code is 6 ft.; it is built on a slope greater than 3:1; it permits more than 3000 cu yd greater than the code allows and the dirt removed will require more than 1200 trips to haul it away, which in turn will increase traffic congestion and air pollution adjacent to a school. I'm sure you are familiar with the negative effects of diesel fumes on anyone with lung disease, including kids with asthma. Further while the garage has a slightly sunken portion, it is not subterranean as the applicant states. Webster's: subterranean: "being, lying, or operating under the surface of the earth".

This will clearly exacerbate traffic congestion and reduce already limited parking for guests and visitors. In addition the estimated employees during the day would be three or four times that estimated by the applicant: 8 to 12 vs 3. Where will they park?

The project is a new project, not a revised project: 20 room motel/hotel with rooftop pool and bar is categorically not a tiny shopping center. Further, the water usage attributable to the two projects are not comparable.

This project does not comport with the rural nature of Malibu as defined in its mission statement. It is a suburban/urban motel/hotel.

Please deny this project.

Thank you,

Georgia Goldfarb

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 12/7/21 Time 7:30 AM
Planning Commission meeting of 1/11/22
Agenda Item No. 4E
Total No. of Pages 1

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

PLANNING DEPARTMENT

Notice of Public Hearing

22969 PCH **22959 PCH**





Notice of Public Hearing

The Malibu Planning Commission will hold a public hearing on **THURSDAY, August 26, 2021, at 6:30 p.m**. on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor's Executive Orders N-25-20 & N-29-20 & the County of Los Angeles Public Health Officer's Safer at Home Order.

CONDITIONAL USE PERMIT AMENDMENT NO. 13-006 AND JOINT USE PARKING AGREEMENT NO. 14-001 - An application to amend Conditional Use Permit No. 09-009 and Joint Use Parking Agreement (JUPA) No. 10-001 to allow the reduction of the restaurant service area in order to accommodate the creation of a new retail tenant space, and decrease the number of required off-site parking spaces in the JUPA to reflect the new number of required offsite parking spaces at an existing restaurant (Aviation Nation Dreamland)

LOCATION / APN / ZONING: **22969 Pacific Coast Highway** /4452-019-004/Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER: Steven Hakim
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15301
APPLICATION FILED: December 11, 2013

For the project listed above with a categorical exemption for environmental review, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed this proposed project and found that it is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

COASTAL DEVELOPMENT PERMIT NO. 09-067, CONDITIONAL USE PERMIT NO. 18-002, JOINT USE PARKING AGREEMENT NO. 18-001, INITIAL STUDY NO. 20-003, MITIGATED NEGATIVE DECLARATION NO. 20-003, VARIANCE NOS. 18-029, 18-030, 18-031 AND 20-035, AND SITE PLAN REVIEW NO. 18-025 - An application for the construction of a new 7,693 square foot, 20-room motel above a new subterranean parking garage, surface parking lot, rooftop deck with swimming pool, spa and bar area, grading, retaining walls, landscaping, a new onsite wastewater treatment system and authorization for the Planning Director to submit a letter of public convenience or necessity for the sale of alcohol; including a conditional use permit for a motel in the Commercial Visitor-Serving-One zoning district and sale of alcohol, a variance for non-exempt grading in excess of 1,000 cubic yards per acre of commercial development, a variance for construction on slopes steeper than 3 to 1, a variance for a retaining wall that is an integral part of the building in excess of 12 feet in height, a variance for surface parking within the required front yard setback, a site plan review for a building height in excess of 18 feet, not to exceed 24 feet for a flat roof, and a joint use parking agreement to share the parking spaces with the adjacent lot to the east (22969 Pacific Coast Highway – Malibu Inn)

LOCATION / APN / ZONING: **22959 Pacific Coast Highway** / 4452-019-005 / Commercial Visitor-Serving-One (CV-1)
APPLICANT / OWNER: Burdge and Associates Architects, Inc. / Surfrider Plaza, LLC
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Initial Study/Mitigated Negative Declaration (SCH No. 2021020396) CEQA Guidelines 15164
APPLICATION FILED: June 11, 2018

For the project listed above with an initial study for environmental review, pursuant to CEQA, the City adopted an initial study and mitigated negative declaration finding that the project would have no significant adverse effects on the environment (CEQA Guidelines Section 15070).

STAFF CONTACT CASE PLANNER: Adrian Fernandez, Assistant Planning Director, afernandez@malibucity.org (310) 456-2489, ext. 482

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner during regular business hours. You will have an opportunity to testify at the public hearing; written comments which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City's action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit www.malibucity.org/virtualmeeting.

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms, in person, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL - For the project appealable to the Coastal Commission, an aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

RICHARD MOLLICA, Planning Director Date: August 5, 2021

ATTACHMENT 8

Economic Impact Memo
Malibu Inn Motel
August 26, 2021

The project will generate the following types of economic benefits in the regional economy:
• Direct Benefits. Direct benefits relate to: a) the short-term business activity of general contractors involved in the project construction, and b) the ongoing business activity of retailers and other firms located within the developed project.
• Indirect Benefits. Indirect benefits will result when local firms directly impacted by the project in turn purchase materials, supplies or services from other firms. An example would include increased sales of building materials as a result of construction activity.
• Induced Benefits. Induced benefits relate to the consumption spending of employees of firms that are directly or indirectly affected by the project. These would include all of the goods and services normally associated with household consumption (e.g., housing, retail purchases, local services, etc.).

The analysis quantifies the above benefits in terms of the following measures:
• Total industry output – the increase in gross industry receipts, representing the total economic activity generated by the project;
• Total value added – The difference between an industry's total output and the cost of its intermediate inputs. It is the portion of total output that most accurately reflects local economic activity (i.e., local payrolls and profits, as distinct from gross output which may include the value of raw materials purchased outside the region);
• Employment – Expressed as new full-time equivalent (FTE) jobs ; and
• Labor Income – Payroll and benefits associated with the created jobs, along with additional proprietor income (payments received by self-employed individuals and unincorporated business owners).

Summary of One-Time Construction Impacts
The one-time economic benefits associated with the construction phase are summarized below and the construction impacts would include the following:
Direct Benefits: During its construction phase, the proposed project would directly generate approximately between $5-$10 million in total economic activity, result in close to $20 million value added, create approximately 88 full-time equivalent (FTE) jobs3, and generate more than $5 million in labor income.
Given that the project would be developed in the City of Malibu, all direct impacts would be in the City.
Indirect/Inducted Benefits: Along with its direct impacts to the City, the indirect/induced ("multiplier") impacts during project construction would include millions of dollars in total economic activity, including local value added, a multitude of jobs, and millions in labor income. Beyond the City's boundaries, the construction phase would also generate additional multiplier impacts in other parts of Los Angeles County.
Total Construction Phase Benefits: During its construction phase the project is projected to generate millions of dollars in total industry output, local value added, jobs, and in labor income through direct, indirect and induced economic activity.

ATTACHMENT 9

From a social and viability standpoint, this project is well suited for the area. It is located in the commercial visitor zone and through a market analysis, the amount of hotel rooms in the City of Malibu is approximately 109 rooms. Based on this, as well as the occupancy levels of surrounding hotels in the immediate area, such as the Surfrider Motel, and others, the viability of the project is more than compelling and there seems to be a high demand for such a project to meet the demands of visitors. It is also apparent through the Airbnb complications which have plagued the City of Malibu, this proposed project would help appease those issues significantly.

As far as the impacts on city services, the 20 room motel would bring a significant amount of TOT (Transient Occupancy Tax) revenue to the City of Malibu. This would help significantly with the annual budget of the City as the motel is expected to generate between $500,000 and $1 million dollars in TOT annually once fully operational. The motel would help fill a much needed void for visitor serving accommodations, and help in any event where homes are displaced locally, such as the Woolsey Fires.

DECEMBER 16TH, 2021

CC ATTACHMENTS
-SEA VIEW HOTEL RETAINING WALL

-VALET PARKING (42 ADDITIONAL SPACES)

-RWQCB PROVISIONS

MALIBU INN MOTEL COMMISSIONER INQUIRIES

Dear Commissioners,

We hope some of the below helps clarify any questions or concerns you may have with respect to our Motel Project. We thank you for your time and consideration.

1. U Turns – There was an inquiry as to whether or not the traffic study accounted for U Turns at Cross Creek Road. U Turns are not permitted at this signal, and our traffic study analyzed this accordingly. U Turns are permitted at the Malibu Pier, as well as Webb Way. Our traffic study was reviewed and approved by public works. This is also analyzed in our initial study.

2. Illegal Left Turns – There is no reason why this concern would be perpetuated by this project. Though this is a general issue to all properties on the hillside of PCH in Malibu and it is not site specific, we are only improving the matter. The project will install a Right Turn Only sign and Right Turn Arrow pavement markings to restrict left turns, which currently there are none. In addition, the project will also be adding another point of ingress and egress through the curb cut provided near the Chabad to help traffic flow. Fortunately, we also have our own traffic light at the Malibu Pier which is a big advantage. We are in a far better position to mitigate this concern than most other sites on our side of PCH. This is also analyzed in our initial study. Furthermore, valet may also be added to mitigate any traffic concerns. Currently there is no valet.

3. Retaining Wall – This site is one of the only undeveloped sites remaining on the hillside of PCH. Many other buildings have been constructed with very high retaining walls, and were necessary due to the site constraints and topographical landscape. Without these retaining walls, much of Malibu would not have been built. Fortunately, most of our retaining wall is part of our building and not visible from the street. Some examples of projects given this opportunity which have been approved with large retaining walls on the hillside of PCH are as follows: 22619 PCH (Enclave), 22601 PCH (Old PC Greens), 22761 PCH (Bryant Stibel), 22333 PCH (LeFrak Shopping Center), 22809 PCH (Regus), 22435 PCH (Single Family Home), and 22741 PCH (Sea View Hotel). We have also attached a diagram of the Sea View Hotel, which shows the section of the large retaining wall behind the building.

4. Billiard Room – We spoke with the tenant and she mentioned she has not spoken to or met with anyone from the City regarding this room. It is possible

ATTACHMENT 10

the person spoken with was a recent hire and was misguided. The tenant is aware that the billiard room has been accounted for as a Non Service Area for the restaurant from when the CUP was granted over 10 years ago. An employee lounge or billiard room is not service area and therefore the parking calculations are accurately reflected. The tenant has also added a sign which states "Not For Service" in this location.

5. Retail Space – The retail space is not permitted for service area and there are no tables for service at this location. We have spoken with the tenant and they are aware the space is strictly permitted for retail.

6. Pool – The pool is open to the public for a fee. The public can rent a motel room and use the pool. It would make absolutely no sense to have the pool open to anyone and everyone. This would mean any homeless, beach goer, or vagrant could use the motel pool. For example, there are provisions in the code which ask for properties to maintain beach parking, however there is of course no distinction that such parking is for free. Similarly, the pool at the motel would also be accessible to the public, but for a fee.

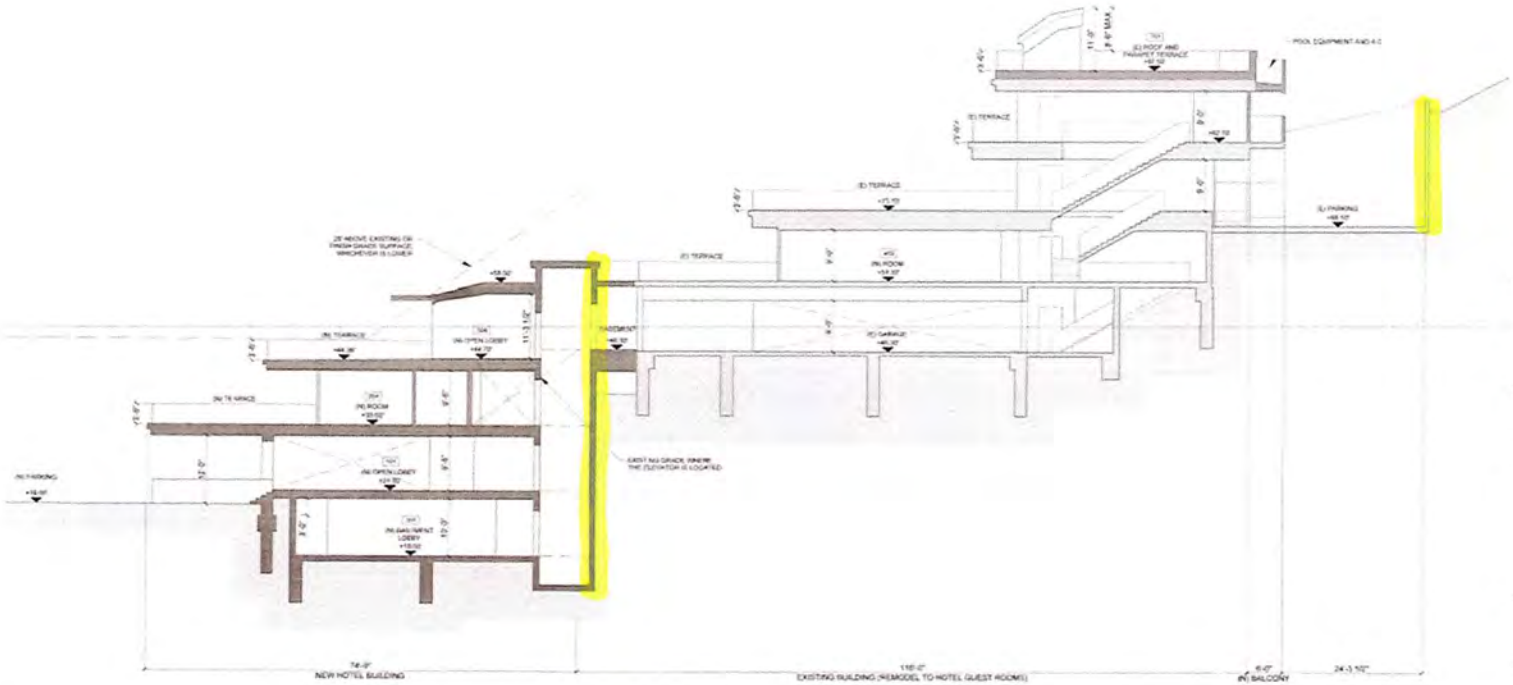
7. Surfrider Motel Parking – In an effort to be good neighbors our parking operator has provided an agreement that will allow the Surfrider Motel to park up to 5 cars if and only when it is available. This does not mean it is used every day and is likely only used seldomly. This agreement is terminable by either party providing a 15 day notice. It will not be in place for much longer and should not be counted towards any parking requirements. If the Planning Commission has an issue with parking needed for the Surfrider Motel, then they have the right to call for a review of their permit and operation through a formal hearing. We believe the statements made by the Surfrider Motel and Malibu Beach Inn about our future operation to be discredited as they have both opposed the project in an effort to maintain a monopoly on transient rooms in the City. We have accounted for one more parking space than the Surfrider Motel for the project and have the same exact room count. In addition, it is important to remember that the employee parking is based on the average number of employees, not the total number in a day. Furthermore, and most importantly, we have attached a conservative valet plan, which allows for an additional 42 parking spaces above and beyond what is required without asking for any parking variances. Surfrider does not have the ability to have valet or stackers to help with their parking due to their constrained site.

8. 4zz List - We have confirmed with Ensitu Engineering, a consultant who is extremely knowledgeable about dealing with the RWQCB that the Water Board does not have the ability to review the project until after it has received City approval. The reason for this is because the RWQCB needs to know

precisely what the project is approved for first. As indicated in the attached documentation, this project address is on the exempt list, and therefore the project is deemed exempt by definition of the RWQCB ("These projects have been entitled for a new Onsite Wastewater Treatment System (OWTS) by the Regional Board)".

Thank you again for your consideration.

Surfrider Plaza, LLC



HATCH LEGEND

- EXISTING WALLS
- NEW WALLS
- LANDSCAPE AREA

1 **SECTION B-B'**
1/8" = 1'-0"

Blue Onyx Design & Engineering, Inc.
22741 Pacific Coast Highway, Suite 400, Malibu CA 90265
310.456.5515

MALIBU SEA VIEW HOTEL
22741 / 22729 PCH
MALIBU, CA 90265

ISSUANCE

DATE	DESCRIPTION	NO
12/01/17	SCHEMATIC DESIGN	
12/07/17	SCHEMATIC DESIGN	
12/08/17	SCHEMATIC DESIGN	
12/14/17	SCHEMATIC DESIGN	
12/15/17	PLANNING DEPT SUB	

PLANNING DEPT. SUBMISSION
NOT FOR CONSTRUCTION

SECTIONS

A3.11

4/26/2021 5:03 PM

• EXISTING PARKING FOR 22969 PCH MALIBU INN RESTAURANT

EXISTING RESTAURANT 1,935 SQ FT SERVICE AREA , 1 SPACE PER 50 SQ FT SERVICE AREA, PARKING REQUIREMENTS = 39 SPACES.
EXISTING RETAIL 1,636 SQ. FT. GROSS FLOOR AREA, 1 SPACE FOR 225 SQ FT GFA, PARKING REQUIREMENTS = 8 SPACES.
TOTAL REQUIREMENTS PARKING SPACES FOR 22969 PCH = (39 + 8 SPACES) = 47 SPACES.

EXISTING NON CONFORMING PARKING SPACES PROVIDED AT 22969 PCH = 23 SPACES

TOTAL PARKING SPACE REQUIRED ON ADJACENT PROPERTY = (47 - 24) = 24 SPACES

PARKING REQUIREMENT FOR THE MOTEL @ 22959 PCH : **23 SPACES**
(20 ROOMS 1 PARKING SPACE /ROOM, 20 PARKING SPACES REQ.
+ 3 MOTEL EMPLOYEES, 3 PARKING SPACES REQ.)

CARRY-OVER PARKING SPACE REQUIRED FROM 22969 PCH = (47 - 23) = **24 SPACES**
TOTAL REQUIRED -> 47 SPACES

PROPOSED PARKING:
EXTERIOR PARKING: 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES
INTERIOR PARKING: 24 STANDARD + 5 COMPACT = 29 PARKING SPACES

TOTAL PROPOSED PARKING = 47 PARKING SPACES

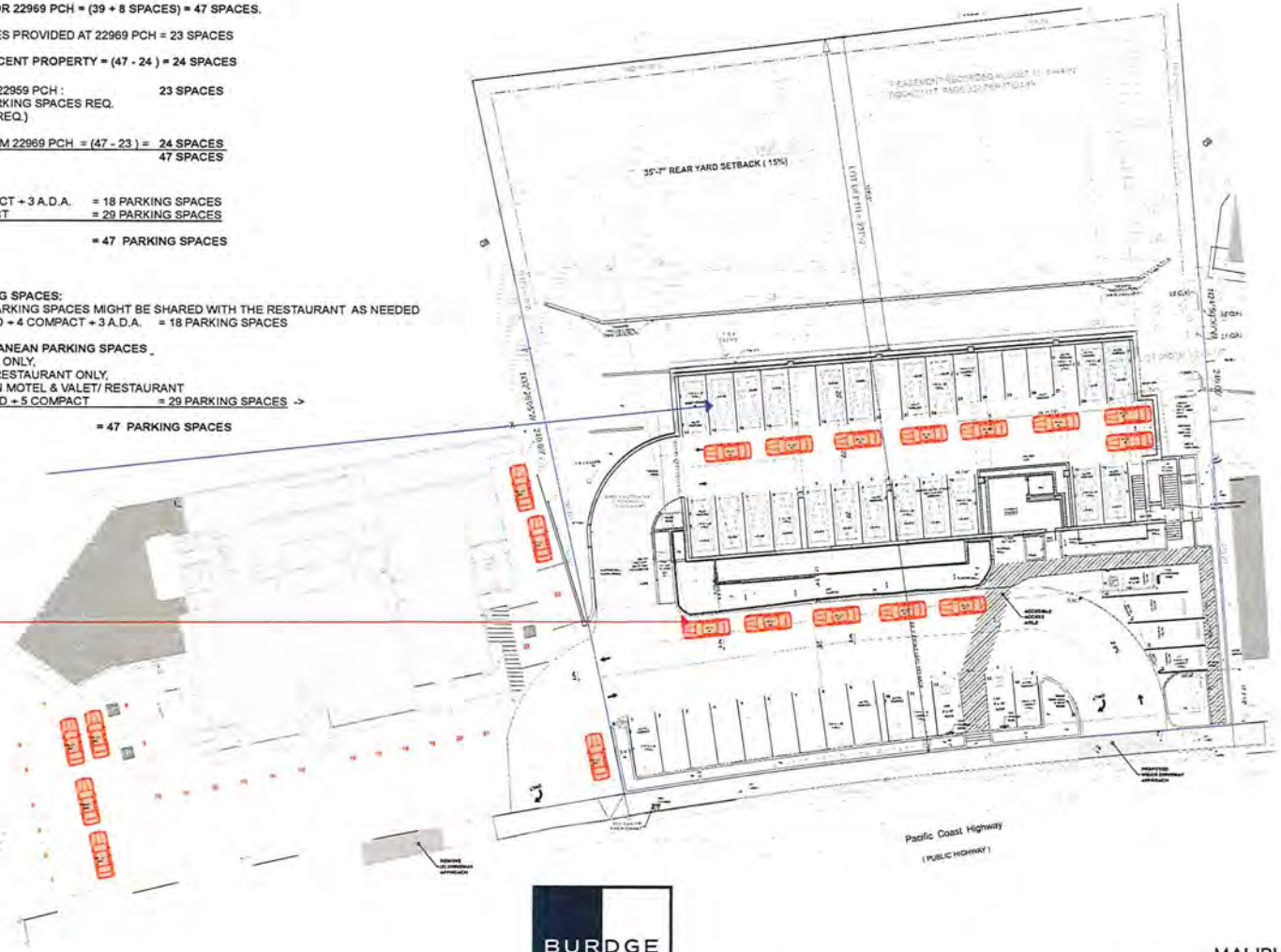
PROPOSED PARKING SPACES ALLOCATION:
EXTERIOR PARKING - > 18 EXTERIOR PARKING SPACES:
ALL 18 PARKING SPACES FOR MOTEL, 3 ADA PARKING SPACES MIGHT BE SHARED WITH THE RESTAURANT AS NEEDED
NUMBERS OF PARKING SPACES : 11 STANDARD + 4 COMPACT + 3 A.D.A. = 18 PARKING SPACES

INTERIOR PARKING - > 29 INTERIOR SUBTERRANEAN PARKING SPACES
5 SPACES : (#11, #12, #27, #28, #29) FOR MOTEL ONLY,
21 SPACES: (#1 TO #7, #13 to #26) FOR VALET/ RESTAURANT ONLY,
3 SPACES: (#8 TO #10) FOR SHARING BETWEEN MOTEL & VALET/ RESTAURANT
NUMBERS OF PARKING SPACES = 24 STANDARD + 5 COMPACT = 29 PARKING SPACES ->

TOTAL PROPOSED PARKING = 47 PARKING SPACES

ADDITIONAL VALET PARKING WITH STACK SYSTEM
22 SPACES (VS #1 TO VS # 22)

ADDITIONAL VALET PARKING
20 SPACES (V #1 TO V # 13)
AND (V#1A TO V# 7A)



BURDGE ARCHITECTS

EXHIBIT #2
PROPOSED PARKING W/ VALET & STACK SYSTEM

MALIBU INN MOTEL
22959 PACIFIC COAST HWY.
MALIBU, CALIFORNIA 90265

City of Malibu

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

POLICY FOR ENVIRONMENTAL HEALTH REVIEW OF DEVELOPMENT PROJECTS WITHIN THE CIVIC CENTER PROHIBITION AREA

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) adopted Resolution No. R-4-2009-007, a Basin Plan Amendment to the State Water Code to "Prohibit On-Site Wastewater Disposal Systems in the Malibu Civic Center Area." The resolution became effective on December 23, 2010. On August 23, 2011 the State Board approved a Memorandum of Understanding (MOU) with the City. An amendment to the MOU was approved on February 2, 2017.[1] The MOU establishes time frames and milestones for the City to achieve compliance with the Prohibition. The boundaries of the Malibu Civic Center Onsite Wastewater Disposal Prohibition Area are shown on Exhibit A attached.

The City policy for Environmental Health review of development projects proposed for properties located within the prohibition area is as follows.

Phase I and Phase II

Vacant Lots

All new onsite wastewater disposal system discharges are prohibited by the Regional Board through the Basin Plan Amendment with the exception of those projects identified in Table 4-zz of the adopted resolution. These projects have been deemed entitled for a new Onsite Wastewater Treatment System (OWTS) by the Regional Board. All other new development projects that include a new sanitary waste discharge through a new OWTS will be referred to the Regional Board for concurrent approval with the development review by the City. Regional Board approval for a project's wastewater discharge must be obtained prior to any development approvals or permits.

Developed Properties

The resolution prohibits effluent discharge from existing OWTS after September 30, 2018, for commercial properties and November 5, 2024 for residential properties. Resolution No. R-4-2009-007 states "This prohibition is not intended to prevent repairs and maintenance to existing septic/disposal systems, provided that repairs and maintenance do not expand the capacity of the system and increase flows of wastewater." The prohibition does not allow for any new discharges, except as mentioned above those for projects identified on Table 4-zz. An expansion of existing development may be authorized provided the proposal does not include a new discharge of sanitary waste. For residential occupancies, any increase in the number of existing bedrooms or plumbing drainage fixture units is considered a new discharge of sanitary waste. For

[1] Https://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/Malibu/2017/2017MalibuMOUandResolution.

nonresidential occupancies, any increase in the number of drainage fixture units, or intensity of use per the Malibu Plumbing Code, either voluntary or due to code compliance, is considered a new discharge of sanitary waste. The number of pre-existing bedrooms and/or drainage fixture units shall be demonstrated by the applicant using evidence of approved construction permits, or, in cases where the permit record is unclear, by record drawings certified (wet signed and stamped) by a licensed architect or civil engineer. As an alternative to bedroom and fixture unit analysis, an applicant may submit an engineering report to identify waste discharge quantities (flow and pollutant loading) for a specific proposed development project versus those existing prior to the Prohibition, to demonstrate that the project will produce no discharge of wastewater exceeding the quantity discharged from the OWTS existing prior to the Prohibition. Approval is subject to review and analysis by Staff. Existing wastewater flows shall not be increased or exceed the capacity of the existing OWTS. Projects that do not involve a new waste discharge will be reviewed utilizing the same criteria as applied to projects outside the prohibition area.

Phase III Areas

Vacant Land

Same policy as for Phase I & II vacant land.

Developed Properties

Compliance with the bulleted items below shall demonstrate consistency with the Basin Plan Amendment and the protection of Public Health per the MOU.

Residential

Modification to existing residential structures may be allowed. Increases in the number of bedrooms and plumbing fixture units may be considered provided the following criteria are strictly adhered to:

- The property owner shall sign an acknowledgement stating they have read and understand the provisions of the Basin Plan Amendment and the MOU.
- All increased wastewater flows shall be limited to a maximum of 420 gallons per day or less as an estimated average residential flow. Flows shall be calculated utilizing United States Environmental Protection Agency mean daily per capita indoor use of 70 gal/persons/day. For purposes of this calculation, the first bedroom shall have a two-person occupancy; each additional bedroom shall have single person occupancy. A room shall be considered a bedroom if it provides privacy and is in close proximity to a bathroom with a bathtub and/or shower fixtures.
- Existing OWTS with existing flows greater than 420 gallons per day may be considered provided the existing flow is not increased by the proposed modification.
- Any new fixtures shall be water efficient and meet current state low flow standards. Every effort to maximize water efficiency must be implemented.
- As an alternative to bedroom and fixture unit analysis, an applicant may submit an engineering report to identify waste discharge quantities (flow and pollutant loading) for a specific proposed development project versus those existing prior to the Prohibition, to

demonstrate that the project will produce no discharge of wastewater exceeding the quantity discharged from the OWTS existing prior to the Prohibition. Approval is subject to review and analysis by Staff.

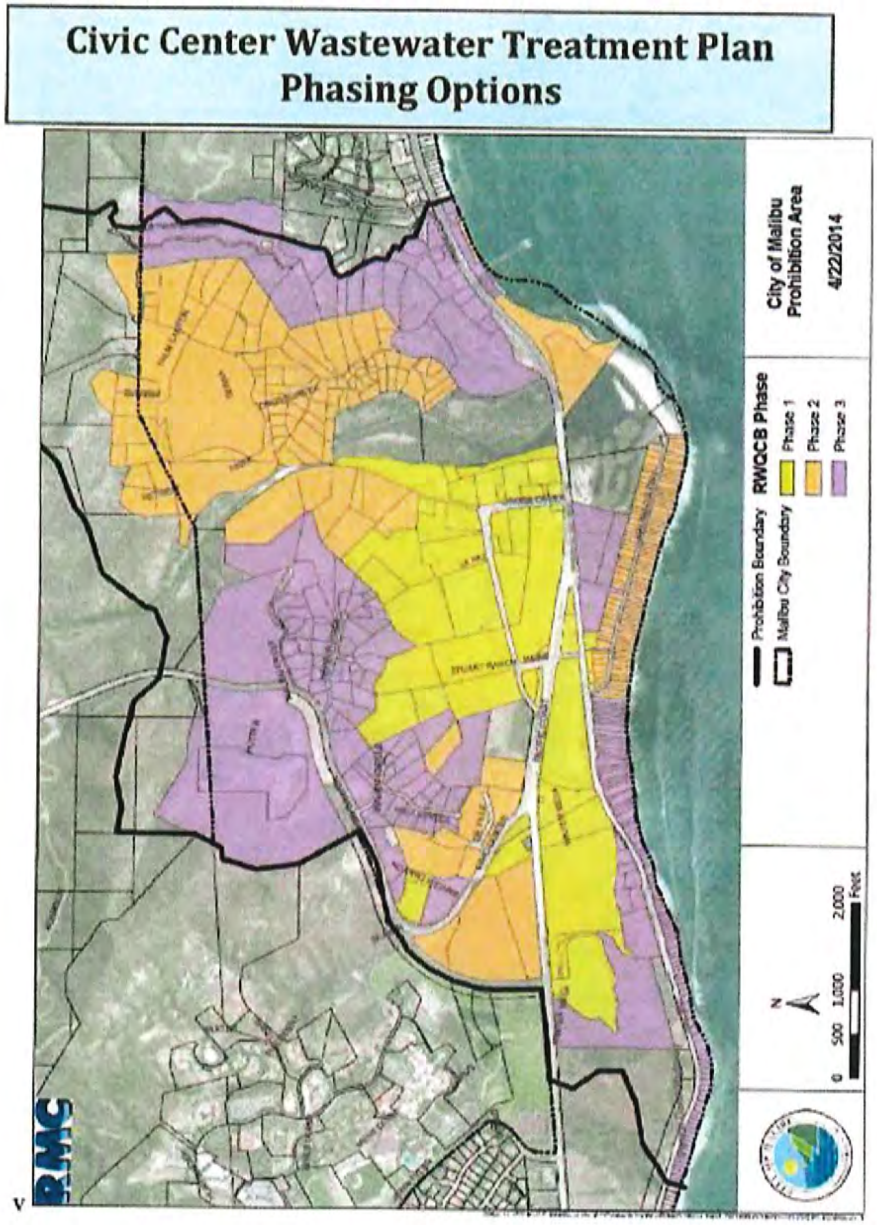
- All expanded or new OWTS shall be designed to include filtration and disinfection to their existing or new OWTS in accordance with City regulations.
- All applicable City reviews, approvals, and permits must be obtained for any required OWTS alteration, repair, or replacement.

The City will consider the construction of a new replacement residential structure on a property where an existing residential structure will be demolished as an "existing residential structure".

Nonresidential

- The property owner shall sign an acknowledgement stating they have read and understand the provisions of the Basin Plan Amendment and the MOU.
- Existing wastewater flows shall not be increased or exceed the capacity of the existing OWTS. Engineering analysis of wastewater flows pre and post modification must be provided.
- Any new fixtures must be water efficient and meet current state low flow standards. Every effort to maximize water efficiency must be implemented such as the replacement of existing fixtures with new water efficient fixtures.
- All expanded or new OWTS shall be designed to include filtration and disinfection to their existing or new OWTS in accordance with City regulations.
- All applicable City reviews, approvals, and permits must be obtained for any required OWTS alteration, repair, or replacement.

EXHIBIT A: Boundary Map



Malibu Civic Center Prohibition, Table 4-zz

Address	APN
24001 Malibu Road	4458018005
3469 Cross Creek Road	4458023003
3504 Coast View Drive	4458026014
23038 Pacific Coast Highway	4452005001
23060.5 Pacific Coast Highway	4452006902
3516 Sweetwater Mesa Road	4452017006
2930 Sweetwater Mesa Road	4452025021
2860 Sweetwater Mesa Road	4452025023
23460 Malibu Colony Drive	4458004031
23872 Malibu Road	4458007019
23812 Malibu Road	4458007028
24024 Malibu Road	4458009007
24380 Malibu Road	4458011021
22959 Pacific Coast Highway	4452019005
22941 Pacific Coast Highway	4452019009
24132 Malibu Road	4458010009
24266 Malibu Road	4458011010
23618 Malibu Colony Drive	4458005040
23401 Civic Center Way	4458022001
23800 Malibu Crest Drive	4458024038
3700 La Paz Lane	4458022025
23915 Malibu Road	4458018004
23410 Civic Center Way	4458020010
23816 Malibu Crest Drive	4458024023
3556 Sweetwater Mesa Road	4452017008
3314 Serra Road	4452026012
23917 Malibu Road	0000000067
23919 Malibu Road	0000000068
23921 Malibu Road	0000000069
23923 Malibu Road	0000000070
23652 Malibu Colony Drive	4458005030
23664 Malibu Road	4458001003
23720 Malibu Road	4458002900
3535 Coast View Drive	4458027030
23316 Malibu Colony Drive	4452008016
23684 Malibu Colony Drive	4458005022
23872 Malibu Road	4458007019
24052 Malibu Road	4458009002
23405 Malibu Colony Drive	4452010010
23681 Malibu Colony Drive	4458002008
23917 Malibu Road	4458018004
23919 Malibu Road	4458018004
23921 Malibu Road	4458018004
23923 Malibu Road	4458018004
(The Vesting Tract Map has not been recorded therefore APNs have not yet been assigned to the individual lots below.)	
24108 Pacific Coast Highway	4458018002
24120 Pacific Coast Highway	4458018018
24134 Pacific Coast Highway	4458018019
24150 Pacific Coast Highway	
24174 Pacific Coast Highway	
3215 Serra Road	4457003023
3217 Serra Road	4457003021, 4457003022
3219 Serra Road	4457003019
3221 Serra Road	4457003020
3240 Cross Creek Road	4457002038

February 11, 2022

Steven Hakim
9350 Wilshire Blvd. Ste 300
Beverly Hills, CA 90212
P 310-393-5800 C 310-908-7300
F 310-393-1292
E Steven@HakimHoldings.com

Project: 22959 Pacific Coast Highway
Malibu, California 90265

Kurt Fischer Structural Engineering Inc. KFSE Job No. 18061.00

Subject: Planning Commission Response

At your request, KFSE has created a structural response to the request from the planning commission request for clarification on min setback requirements for descending slopes. The proposed new structure will be subject to the requirements of the California building code. That current code is the 2019 California Building Code. Section 1808.7 Foundations on or adjacent to the slopes provides the requirements for hillside setbacks. All new structures are subject to this requirement unless alternate setback clearances are granted per section 1808.7.5. Figure 1808.7.1 of the California building code provides guidance on the setback requirements. In addition to the California building code figure. Los Angeles department of building and safety has provided a public bulletin P/BC 2020-001 which helps interpret the setbacks. Although the project is not within the jurisdiction of LADBS the document helps clarify section 1808.7 of the California Building Code. Many other adjacent jurisdictional authorities have created a similar information bulletin. We have included that P/BC 2020-001 as appendix A.

Sincerely,

Kurt Fischer Structural Engineering, Inc.

Kurt Fischer, Lic. # S5432

APPENDIX A – P/BC 2020-001

FOOTING/BUILDING SETBACKS FROM SLOPES

The placement of buildings and structures on or adjacent to slopes steeper than 3 horizontal to 1 vertical shall be in accordance with Section 1808.7 of the Building Code. When a geology and/or soils report is required by the Department, the setbacks prescribed by the code shall be considered sufficient only when the report has addressed the following:

1. The static, seismic (when required), and surficial stability of the slope. The factor of safety must meet a minimum of 1.5 for static and 1.0 for seismic.
2. The kinematic stability (when required) of rock slopes. The factor of safety must meet a minimum of 1.5 for potential planar, wedge, and/or topple failures where the kinematic analyses has demonstrated the geometric potential of such failure modes to occur.
3. The erosion potential of the soils. Appropriate mitigation measures must be provided as necessary.
4. The adequate performance of similar slopes in the general area.
5. Appropriate surface water drainage provisions.
6. Debris/mud flow potential.

Figures 1 through 8 show standard methods of providing the code required setback for buildings and footings for all structures except pools.

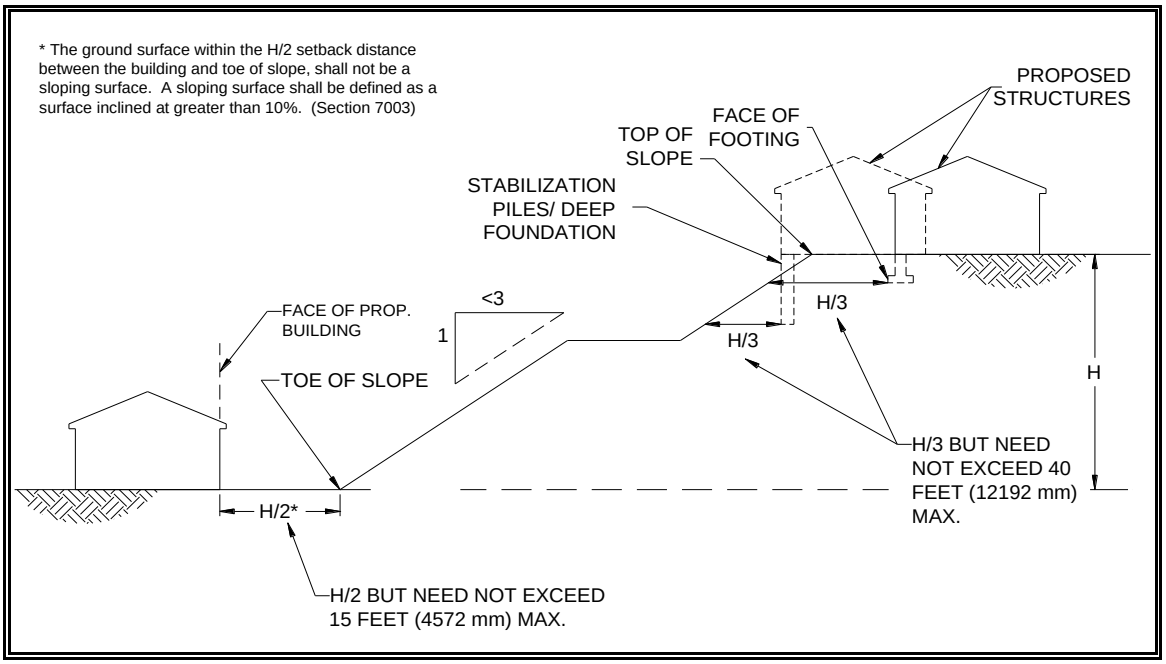


Figure 1 (Section 1808.7.1)

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

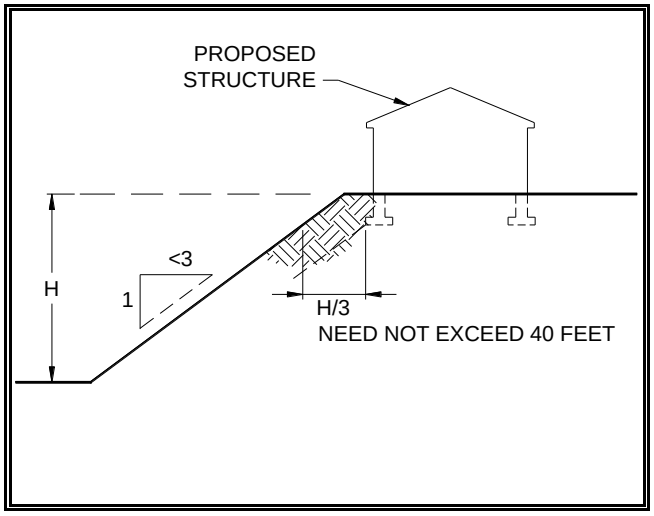


Figure 2 (Section 1808.7.2)

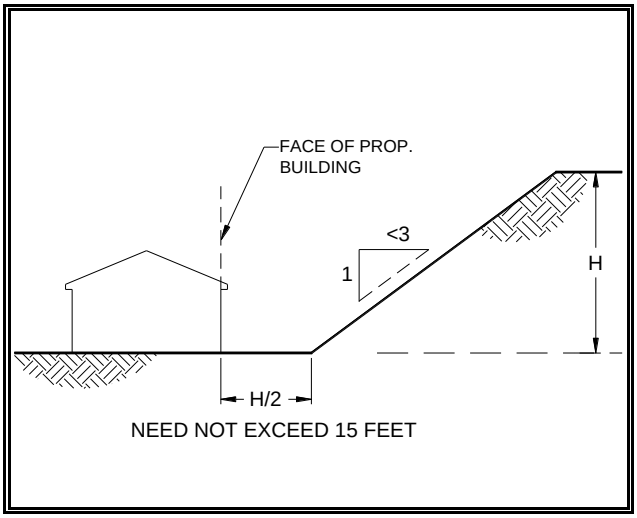


Figure 3 (Section 1808.7.1)

Where the slope is steeper than 1:1 (45 degrees), then the setback is measured from an imaginary line projected at an angle of 45 degrees and tangent to the slope (see Figures 4 & 5).

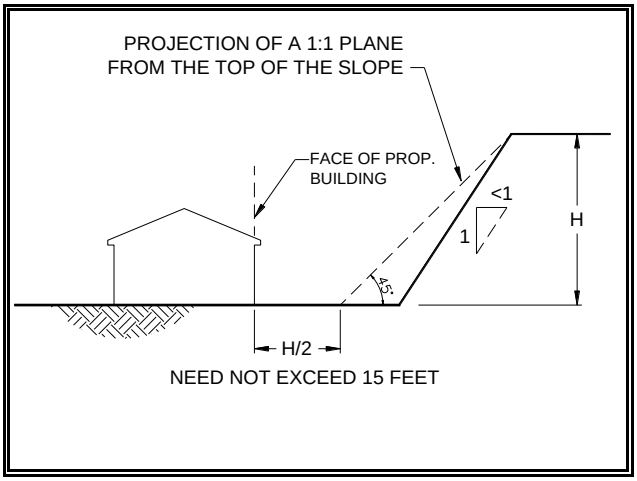


Figure 4 (Section 1808.7.1)

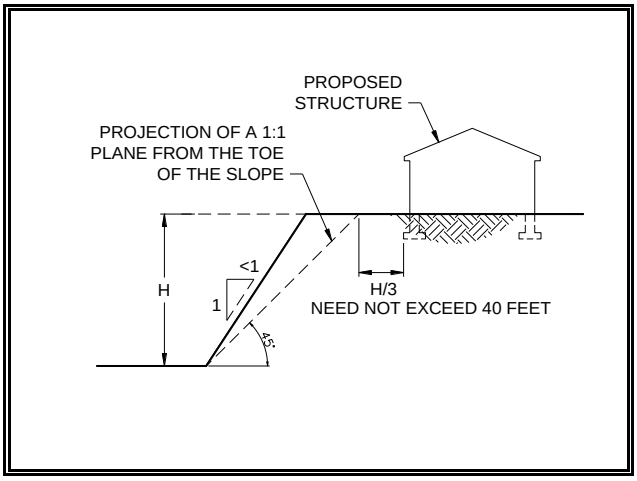


Figure 5 (Section 1808.7.2)

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

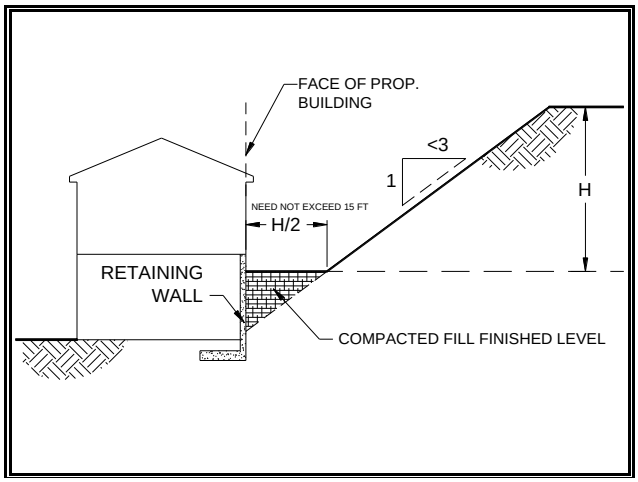


Figure 6 (Section 1808.7.1)

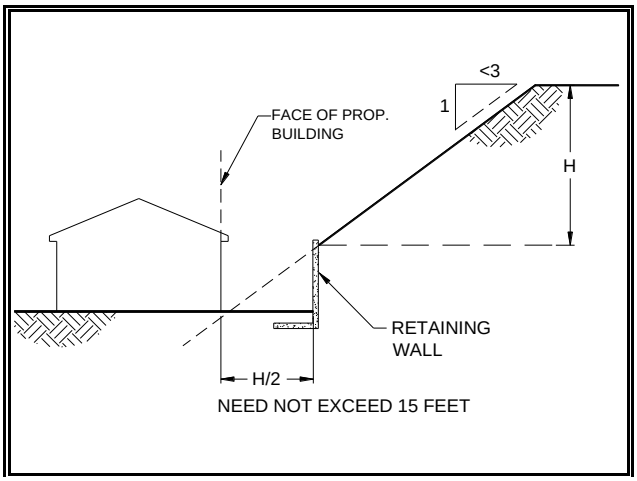


Figure 7 (Section 1808.7.1)

The H/2 level setback may be partitioned into a maximum of two adjoining levels by the use of retaining walls, such that when the two levels are added together they equal the distance H/2 (as shown in Figure 8). Where the H/2 distance is less than or equal to 5 feet, only one level is allowed.

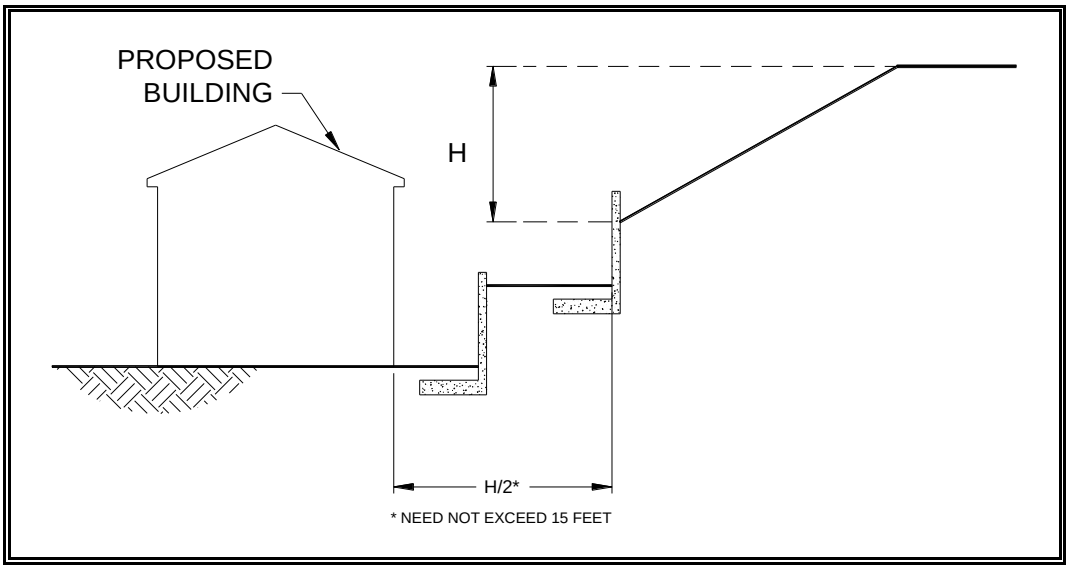


Figure 8 (Section 1808.7.1)

As shown in Figures 6, 7, and 8, the building shall be provided with a level setback area from the ascending slope. The toe of the slope shall not be located against the building wall.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

Figures 9, 10, 11, and 12 show how the standard setback can be provided for pools adjacent to a slope steeper than 3 horizontal to 1 vertical but less than 1 horizontal to 1 vertical. Where the slope is steeper than 1:1, the setback shall be measured from an imaginary plane projected at an angle of 45 degrees and tangent to the slope. In addition to the footing setback, any portion of the pool wall within 7 feet of the top of the slope shall be designed for a freestanding condition, without soil support (see Figure 10).

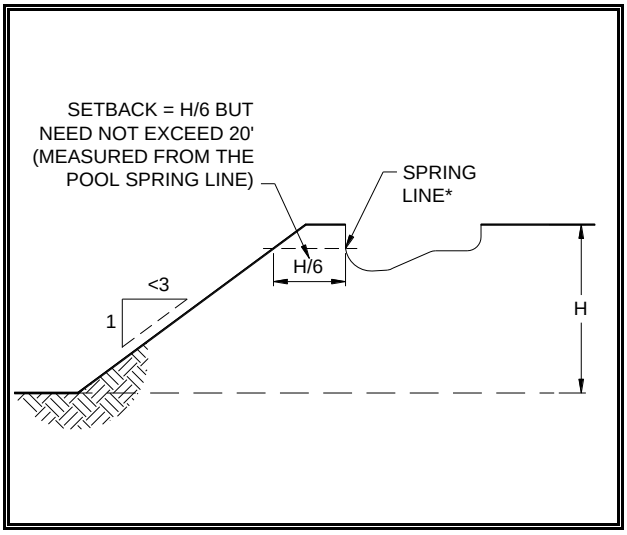


Figure 9 (Section 1808.7.3)

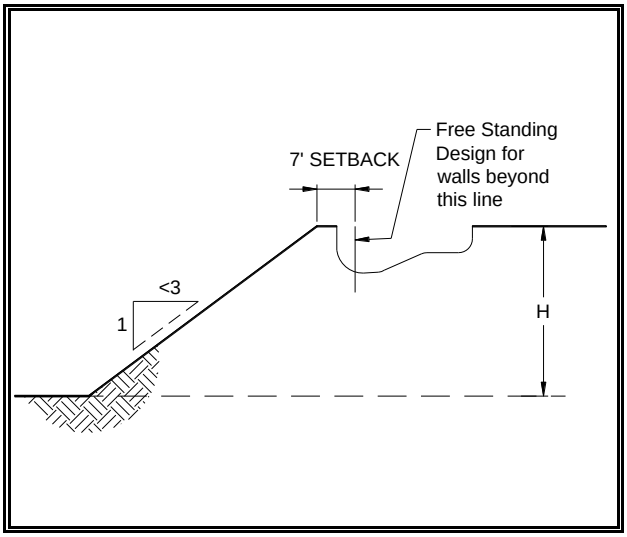


Figure 10 (Section 1808.7.3)

* The spring line is defined as the location on the pool shell where it changes curvature away from the adjacent slope. In addition, the pool clearance dimension is measured to the outside of the pool shell not the inside finished surface.

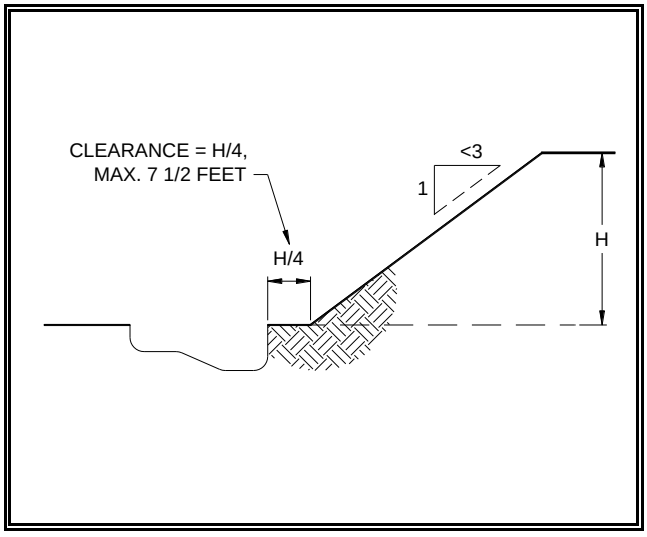


Figure 11 (Section 1808.7.3)

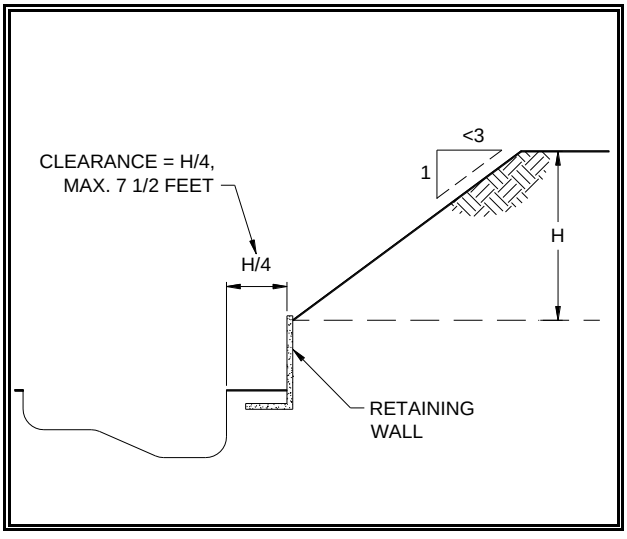


Figure 12 (Section 1808.7.3)

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

TALL RETAINING WALLS ALONG PCH

APPROVED 18 - 41 FT. RETAINING WALLS IN THE CITY OF MALIBU



PROPOSED
22959 PCH.



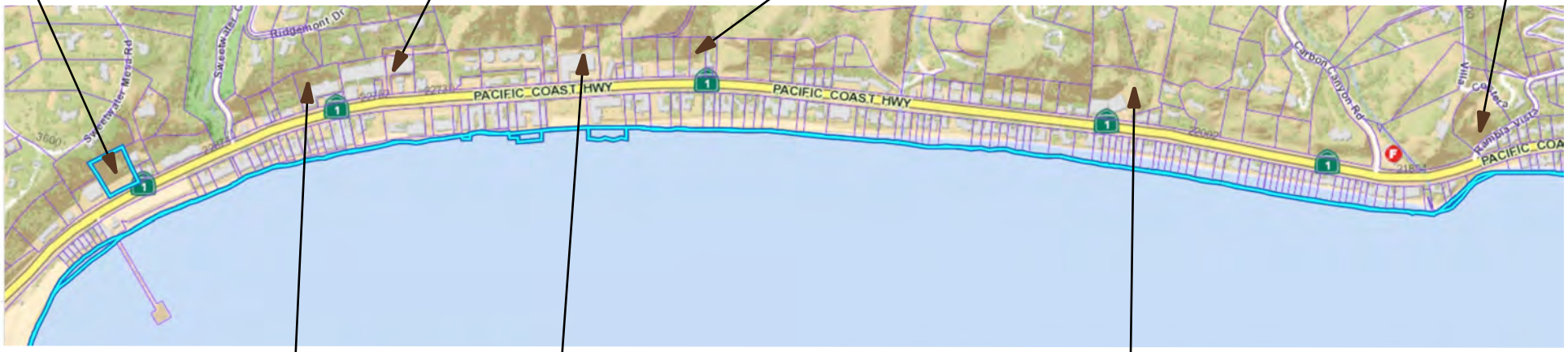
22741 PCH.



22435 PCH.



4451-011-905



22809 PCH.



22601 PCH.



22065 PCH.

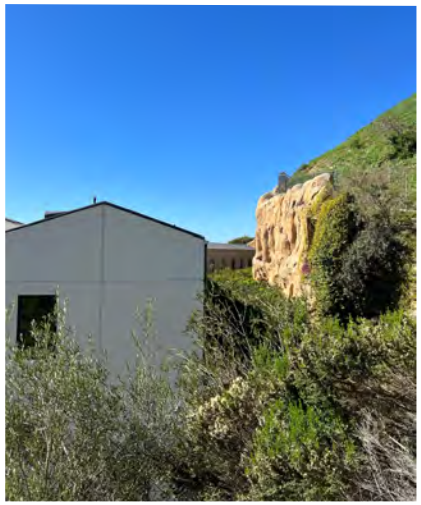


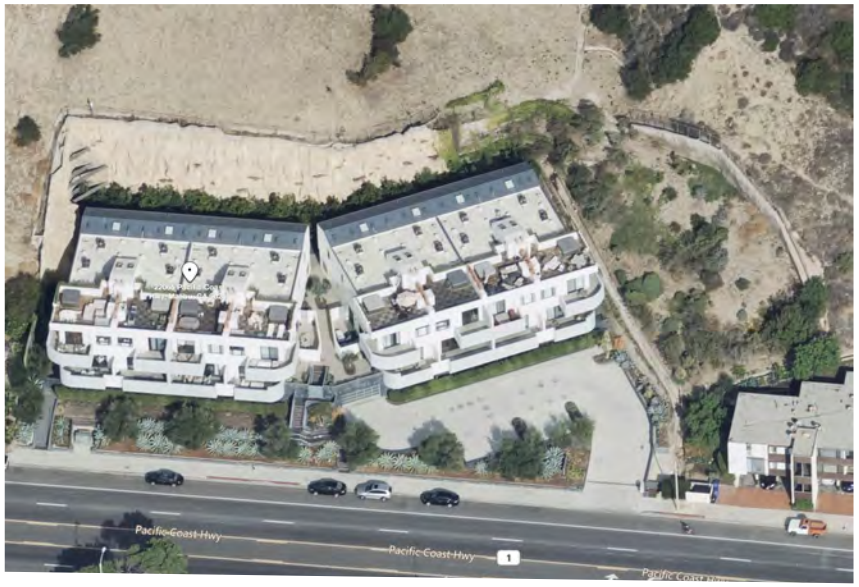
ATTACHMENT 12

22065 PCH











22065 PCH.

Built in 2006 (Coastal Commission Permit 5-90-265)

Approved by City Council in 2003, up to 41 ft. high retaining walls

13,000 cu. yds. grading (including 5,000 cu. yds. remedial grading for landslide).

22435 PCH.

CE 06-c

SCANNED NOV 06 2006

Notice of Exemption

City of Malibu
Planning Division

RECEIVED
JUN 13 2006
CITY CLERKS OFFICE
CITY OF MALIBU

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

☑ County Clerk
County of Los Angeles
P.O. Box 1024
Norwalk, CA 90651-1024

Project Title: Coastal Development Permit No. 05-075, Site Plan Review Nos. 06-006, 06-007, and 06-008, and Variance Nos. 03-013 and 03-014

Project Location – Specific: 22435 Pacific Coast Highway

Project Location – City: Malibu **Project Location** – County: Los Angeles

Description of Nature, Purpose, and Beneficiaries of Project: An application for the construction of a new, two-story, 7,330 square foot single-family residence with a 3,462 square foot basement, not to exceed 28-feet in height. Landscaping, hardscape (including a driveway and fire department turnaround), grading, fences, walls and an alternative onsite wastewater treatment system are also proposed. Site plan reviews are requested for height above 18-feet, construction on slopes greater than 2½ to 1, and remedial grading. Variances are requested for construction on slopes exceeding 2½ to 1 and for retaining wall height over six-feet.

Name of Public Agency Approving Project: City of Malibu

Name of Person or Agency Carrying Out Project: Norman Haynie on behalf of property owner Blue Onyx Design and Engineering, Inc.

Exempt Status: *(check one)*

☐ Ministerial (Sec. 21080(b)(1); 15268): _____
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)): _____
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)): _____
☑ Categorical Exemption; Type and section number: 15303
☐ Statutory Exemptions; Code number: _____

Reasons why project is exempt: The project consists of a new single-family residence and associated development. As such, the project is consistent with the classes of projects described in CEQA Guidelines Section 15303 (a) and (e) that are considered exempt from further CEQA review. None of the exceptions described in Section 15300.2 apply. No potentially significant impacts will result from the project, either singularly or cumulatively.

Lead Agency Contact Person: Joshua Hart Telephone Number: (310) 456-2489 ext. 250

Signature: Joshua Hart Title: Senior Planner Date: March 21, 2006
Joshua Hart

☑ Signed by Lead Agency
☐ Signed by Applicant

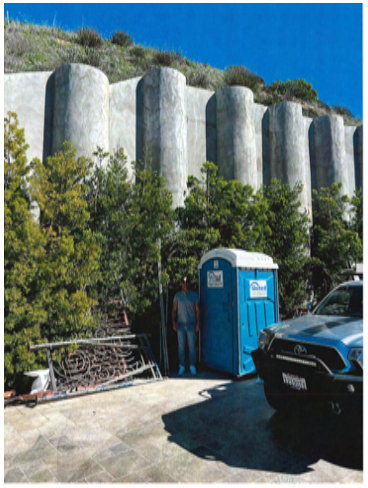
Date received for filing at OPR: _____

FILED
MAY 11 2006
CONNY B. McCORMACK, COUNTY CLERK
M. SMITH DEPUTY

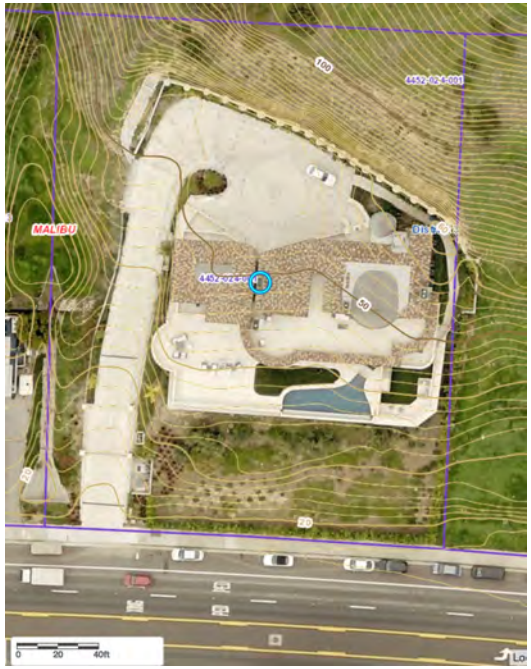
THIS NOTICE WAS POSTED
ON MAY 11 2006
UNTIL JUN 12 2006
REGISTRAR-RECORDER/COUNTY CLERK

06 0020293
C: PL









22435 PCH (CDP 05-075)

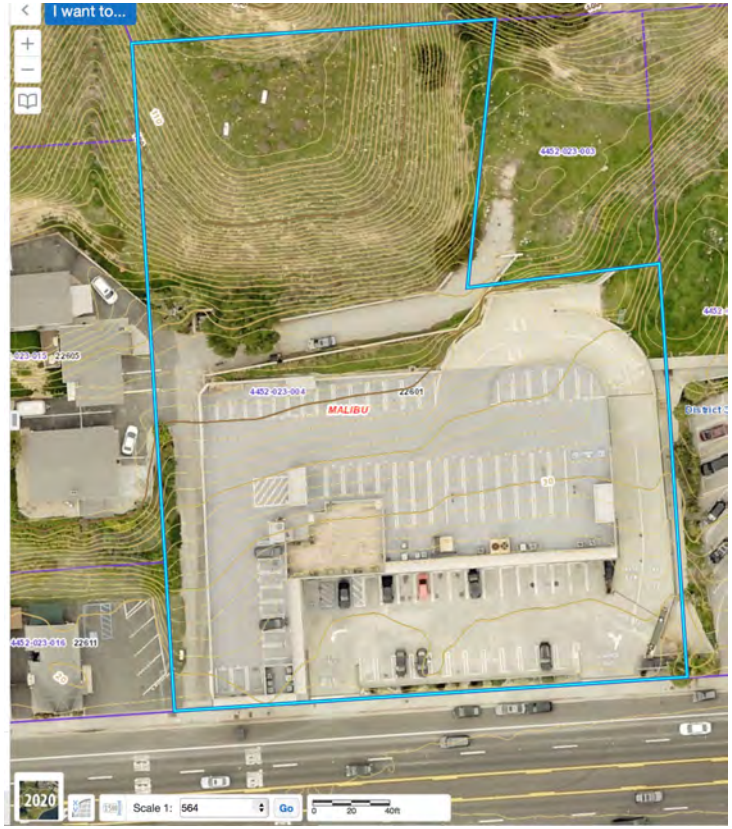
Approved in 2006, 18 ft retaining wall & 30,000 cu. yds. grading, construction on slope exceeding 2 1/2 to 1

22601 PCH.











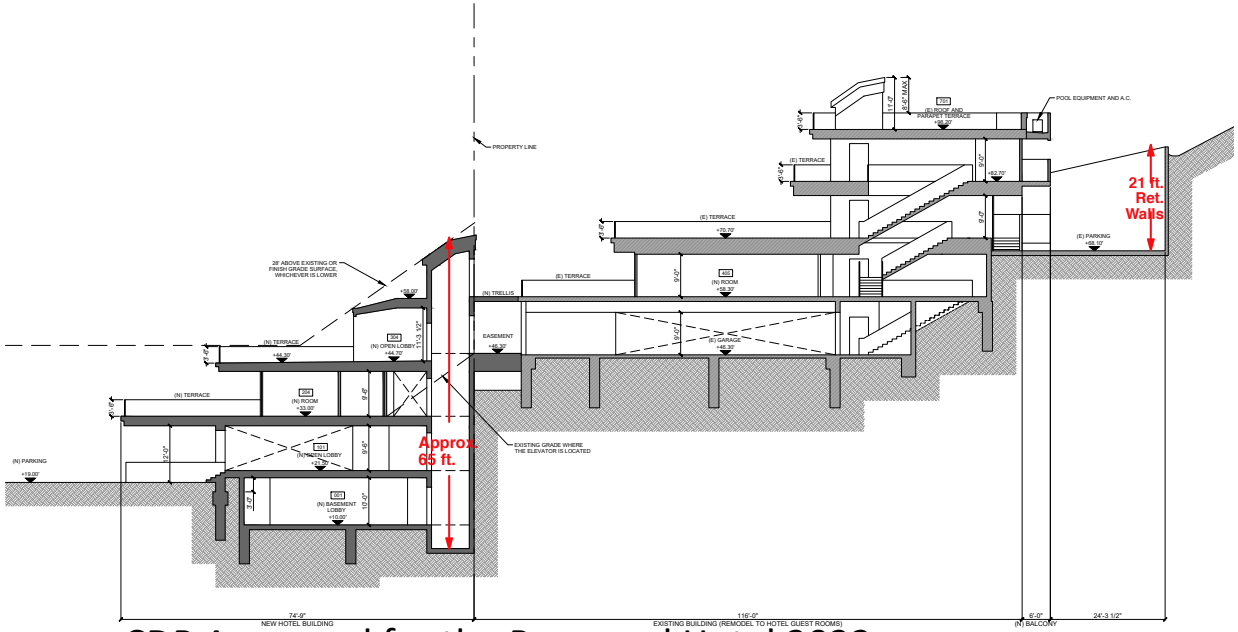
22601 PCH.

Built in 1991. Coastal Commission Permit 5-87-132

35,374 sq. ft. **16,204 cu. yds. grading, 15 ft height retaining walls**

22741 PCH.





Blue Onyx Design & Engineering, Inc.
22741 Pacific Coast Highway, Suite 400, Malibu CA 90265
310-456-5515

MALIBU SEA VIEW HOTEL
22741 / 22729 PCH
MALIBU, CA 90265

ISSUANCE:

DATE	DESCRIPTION	NO
03/04/17	SCHEMATIC DESIGN	
03/29/17	SCHEMATIC DESIGN	
04/04/17	SCHEMATIC DESIGN	
04/14/17	SCHEMATIC DESIGN	
08/17/17	PLANNING DEPT SUB	

PLANNING DEPT. SUBMISSION
NOT FOR CONSTRUCTION

SECTIONS

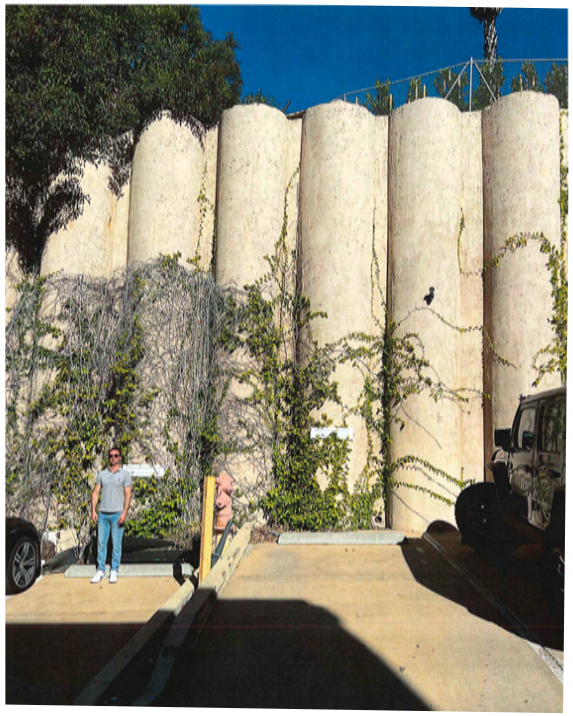
A3.11

8/25/2017 10:20 AM

CDP Approved for the Proposed Hotel 2022

1 SECTION B-B'
1/8" = 1'-0"



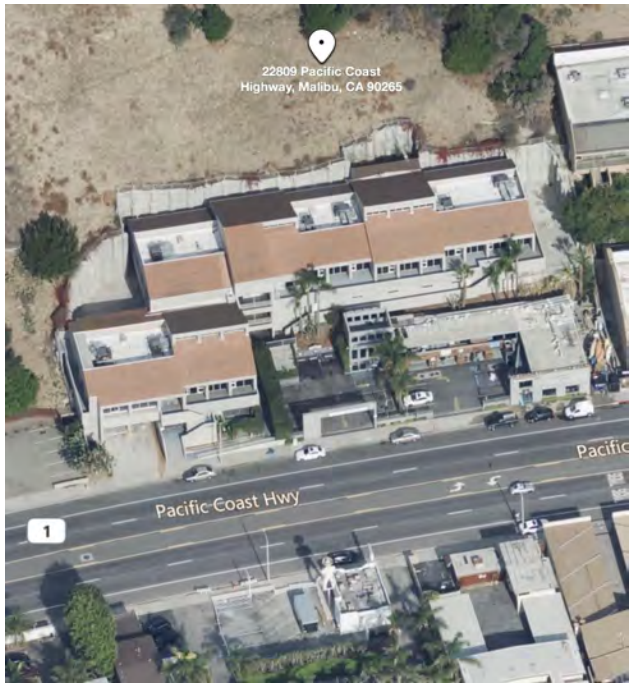


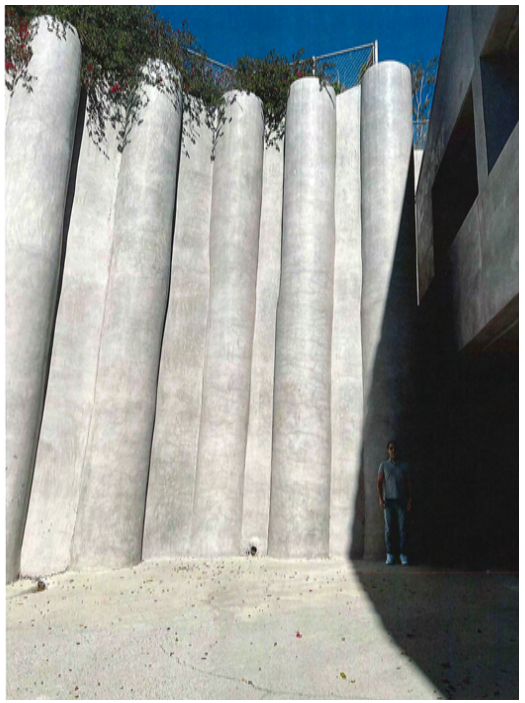


22741 PCH.

21 ft retaining walls

22809 PCH











22809 PCH

26 FT RETAINING WALL